



ANNUAL REPORT 2018-19

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

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Preface

The National Commission for Protection of Child Rights (NCPDR) covers another milestone for the year 2018-19 as it continues its march towards protecting the rights of the children against all forms of violations, abuse and calamity. The year also witnessed the joining of three new Members i.e, Dr. R.G. Anand (Child Psychology & Sociology), Smt. Pragna Parande (Juvenile Justice or Care of Neglected or Marginalized Children or Children with Disabilities) and Smt. Rosy Taba (Elimination of Child Labour or Children in Distress). Shri Yashwant Jain (Laws related to children) continues to be a Member in the Commission for the second term. I took over the charge of Chairperson on 17th October, 2018 after Smt. Stuti Kacker, Chairperson demitted office.

It was observed that though the Commission is addressing the issues of child rights violations, yet even after more than a decade of the Commission there is a need to extend the reach of the Commission to the most vulnerable part of the society. Keeping this in view, the work of the Commission was reviewed and new innovative ideas to overcome hurdles faced by the Commission were deliberated upon. The role and responsibilities of the staff has been restructured and again allocated in accordance with the mandate of the Commission. This new robust approach of the Commission proved to be a success through which Commission can now reach to the unreached children of the country to ensure their rights.

In response of NCPDR's mandate under the Juvenile Justice Act, 2015, the Commission continues to monitor the implementation of the provisions of the Act and collate data on institutional infrastructure and manpower under the Act across the country. Also, meetings and video conferencing with Heads of State Child Protection Societies, Member Secretaries SCPCRs, and State/Districts Administrations were held to expedite the implementation of the Act. The year also achieved provisioning of Aadhaar Cards to 2,16,429 children living in CCIs and opening of 83,281 Bank Accounts with the support of State Governments. NCPDR's panel of Experts made 10 visits to Delhi to identify children unlawfully lodged in jails and identified inmates as probable juveniles. In pursuance of the direction of Hon'ble Supreme Court of India the Commission continues to carry out Social Audit of all the Child Care Institutions across the Country through Academic and Management Studies - Lucknow. Each Audit report so received was analyzed in the Commission.

Members of the Commission visited various CCIs, to access the condition of the children and made recommendations wherever required to improve the living conditions of the children.

Further, to monitor the implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012, the Commission asked for the information on various provisions of said Act from the State/UTs. A significant number of workshops/consultations/ trainings were organized by the Commission with various Stakeholders like Police Personnel, Public

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Prosecutors, Cyber Cells etc in collaboration with State Commissions, UNESCO/ BPR& D and NGOs.

To combat the issue of Child Marriage, the Commission released a National Analysis of Child Marriage and Teenage Pregnancy based on the NFHS 2015-16. Also, a State Level Consultation on Prevention of Child Labour and Child Marriage was organized. Efforts of Behavioural Change of community people and key stakeholders were made through sensitization programme on Prevention of Early Marriage and Early Pregnancy at District and State levels.

Education is a powerful tool to defend, promote and protect rights of children from all forms of violation. Right to Education for all children has been motto of the Commission and, therefore as mandated by the Right to Education Act (RTE) of 2009, several activities were carried out by the Commission. To highlight this, the Commission conducted sensitization workshop on Implementation of Section 29 of RTE Act, 2009; awareness workshops on Eliminating Corporal Punishment in Schools; Workshops on effective Implementation of Motor Vehicle Act, 1988 with regard to Safe School Transport, sensitization workshops on Manual on Safety and Security of Children in Schools. 'Guidelines for fixing accountability of the school management in the matter of safety of the children studying in private and Government schools' and 'Model Framework for Effective Regulation of Fee Structure of Private Schools' has been formulated and submitted to the MHRD for further action. A detailed representation with specific recommendations highlighted the ways in which the Election Commission can contribute towards ensuring right to education of all children was also sent to Chief Election Commissioner.

Pertaining to health of children the Commission has organized Consultation cum review meetings on substance use among children at State/Regional level in North Eastern States; Introduced Drug De-addiction centre for children and adolescents in Delhi in collaboration with Health Department of Govt. of NCT of Delhi; Consultation cum review on Available Schemes and services for Malnourished and stunted Children in High Prevalent Districts of Assam; Capacity building of staff of CCIs and ICPS of Sikkim; etc. The Health division of the Commission also took initiatives to develop concept of pink Toilets and inquire into safety issues related to the Johnson & Johnson powder and shampoo.

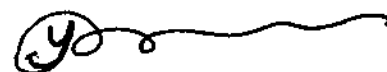
To ensure psychological well-being of children and promotion of their positive mental health, the Commission organized Workshops on 'Training of Trainers' Module for Training of Counsellors on Psychological Trauma Assessment and Intervention for CSA in Assam and Mizoram. Also, organized a State level programme on Mental Health conditions of children in Child Care Institutions of West Bengal at Cooch Behar, West Bengal.

The Commission also represented in various significant court cases pertaining to Child Rights and implementation of laws related to children. The Commission processed 5,012 complaints of violation of child rights resulting in disposal of 2,215 cases.

The Commission also conducted inquiries/inspection in some cases such as child rights violation during protest at Sabaramali Temple, Kerala; Child sexual abuse at Children Home, Ma Vindhya wasini Mahila Prashikshana evam Samaj Sansthan, Deoria, Uttar Pradesh; sexual exploitation of girls in Children Home of Muzzafarpur, Bihar, Inspection visits in Child Care Institutions of Odisha, etc.

By the end of the year four studies 'Devising Pathways for Appropriate Repatriation w.r.t. educational facilities and well-being of children of displaced Primitive Tribes viz. Bru-Reang Community', 'Study on Mainstreaming of Out-of-School Children (OoSC) and Effectiveness of Special Training'; 'Study on Education and Vocational Training of children staying at Observation Homes & Special Homes' and 'Case Study of District Dhulia, Maharashtra with 100 % digitalised Zilla Parishad Schools' were completed and uploaded on the website of NCPCR.

The Commission carried out policy interventions, programme activities, created regulatory framework and took up various inspections/inquires during the year under Report and is ready for new initiatives with the same encouraging spirit.



(Priyank Kanoongo)

List of Abbreviations

AHTU	Anti Human Trafficking Unit
AIIMS	All India Institute of Medical Sciences
ANM	Auxiliary Nurse Midwives
ATR	Action Taken Report
AFSPA	Armed Forces (Special Powers) Act
ASHA	Accredited Social Health Activist
CARA	Central Adoption Resource Agency
CBSE	Central Board of Secondary Education
CCI	Child Care Institute
CCL	Child in Conflict with Law
CID	Crime Investigation Department
CLPRA	Child Labour (Prohibition & Regulation) Act
CNCP	Child in Need of Care and Protection
CPCR	Commissions for Protection of Child Rights
CSA	Child Sexual Abuse
CSO	Central Statistics Office
CWC	Child Welfare Committee
CWPO	Child Welfare Police Officer
DBT	Direct Benefit Transfer
DCPO	District Child Protection Officer
DCPU	District Child Protection Unit
DSLISA	Delhi State Legal Services Authority
DWCD	Department of Women and Child Development
FIR	First Information Report
FSSAI	Food Safety and Standards Authority of India
HFSS	High Fate Sugar and Salt
IBHAS	Institute of Human Behaviour and Allied Sciences
ICPS	Integrated Child Protection Scheme
ICDS	Integrated Child Development Scheme
IEC	Information, Education and Communication
JJ Act	Juvenile Justice (Care and Protection of Children) Act
JJB	Juvenile Justice Board

JJF	Juvenile Justice Fund
KGBV	Kasturba Gandhi Balika Vidyalaya
LRC	Laws Relating to Children
LWE	Left Wing Extremism
MeitY	Ministry of Electronics and Information Technology
MHA	Ministry of Home Affairs
MHRD	Ministry of Human Resource Development
MoPR	Ministry of Panchayati Raj
MWCD	Ministry of Women and Child Development
NABL	National Accreditation Board for Testing and Calibration Laboratories
NACO	National AIDS Control Organisation
NCPCR	National Commission for Protection of Child Rights
NCW	National Commission for Women
NCERT	National Council of Educational Research and Training
NCT	National Capital Territory
NCRB	National Crime Records Bureau
NE	North East
NFHS	National Family Health Survey
NHM	National Health Mission
NHRC	National Human Rights Commission
NIEPA	National Institute of Educational Planning and Administration
NIVH	National Institute for the Visually Handicapped
NEHU	North-Eastern Hill University
NGO	Non-Governmental Organization
NRC	Nutrition Rehabilitation Centre
NDDTC	National Drug Dependence Treatment Centre
OSCC	One Stop Crisis Centre
OoSC	Out of School Children
PCM Act	Prohibition of Child Marriage Act
PO	Probation Officer
POCSO	Protection of Children from Sexual Offences, Act
PWD	Public Works Department
RSTC	Residential Special Training Centre
RTE Act	Right to Education Act

SARA	State Adoption Resource Agency
SCPCR	State Commission for Protection of Child Rights
SCPS	State Child Protection Society
SLSA	State Legal service Authority
SOP	Standard Operating Procedure
SJPU	Special Juvenile Police Unit
SIRD	State Institute of Rural Development
SSA	Sarva Shiksha Abhiyan
SW	Social Welfare
UNODC	United Nations Office on Drugs and Crime
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
UT	Union Territories
WCD	Women and Child Development
WHO	World Health Organisation

Chapter-1

NCPCR- An Overview

NCPCR: An Overview

- 1.** The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commissions for Protection of Child Rights Act, 2005. The Commission's mandate is to ensure that all Laws, Policies, Programmes and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the United Nations Convention on the Rights of the Child (UNCRC).

NCPCR believes that all rights of children within the age group of 0 to 18 years are of equal and concomitant importance and therefore strives to monitor the State's obligation to protect these rights. As a seed is nurtured with care and nourishment in order to become a fruit yielding tree, the children are environed in the diversity and plurality of the customs and cultures of India has to be provided with a protective and nutritious environment with all due entitlements from the day they are born.

1.1 Functions of NCPCR

The activities of the NCPCR are sourced from the functions laid out for NCPCR in the CPCRA Act, 2005 which are as follows:

- i. Examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation.
- ii. Present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards for the protection of Child Rights.
- iii. Inquire into violation of child rights and recommend initiation of proceedings in such cases.
- iv. Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disasters, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography, and prostitution and recommend appropriate remedial measures.
- v. Look into matters relating to children in need of special care and protection, including children in distress, marginalized and disadvantaged children, children in

conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures.

- vi. Study treaties and other international instruments and undertake periodic review of existing policies, programmes, and other activities on child rights and make recommendations for their effective implementation in the best interest of children.
- vii. Undertake and promote research in the field of child rights.
- viii. Spread child rights literacy among various sections of society and promote awareness of the safeguards available for protection of these rights through publications, media, seminars and other available means.
- ix. Inspect or cause to be inspected any juvenile custodial home or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority including any institution run by a social organization, where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary.
- x. Inquire into complaints and take suo-moto notice of matters related to:
Deprivation and violation of child rights; Non implementation of laws providing for protection and development of children; Non compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children or take up the issues arising out of such matters with appropriate authorities;
- xi. Such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above function.

Besides the above, NCPCR is also mandated to monitor the implementation of the JJ Act, 2015, POCSO Act, 2012 and RTE Act, 2009 as envisaged in these Acts. During the period under report, the Commission continued to function with Chairperson Smt. Stuti Kacker and 4 Members i.e. Shri Yashwant Jain (Laws Relating to Children); Shri Priyank Kanoongo (Education); Smt. Rupa Kapoor (Child Health, Care, Welfare or Child Development) and Dr. R.G. Anand (Child Psychology & Sociology). Shri Priyank Kanoongo the then Member (Education) holds the charge of Chairperson from 17th October, 2018 after demitting of office by Smt. Stuti Kacker, Chairperson. The tenure of Member (Child Health) was completed on 3rd November, 2018. Further, 2 new Members i.e. Ms. Pragna Parande (Juvenile Justice or Care of Neglected or Marginalized Children or Children with

Disabilities) and Ms. Rosy Taba (Elimination of Child Labour or Children in Distress) joined the Commission in March, 2019. The Commission is functioning with 4 Members against sanctioned strength of 6 Members. The additional areas of work were distributed among these four Members. The Commission dealt with the several thematic areas which included education, child health, care, welfare; juvenile justice or care of neglected or marginalized children or children with disabilities; elimination of child labour or children in distress; child psychology or sociology; and Laws relating to children.

1.2 Strategies adopted for major interventions

- i) **Visits:** Periodic State visits in the context of monitoring the implementation of laws and legislations pertaining to the rights of the children through adequate follow up with letters/reports to the Government on proposed action plans, Departmental meetings etc.
- ii) **Recommendations and Directives:** The Commission on the basis of outcome of research studies, visits, desk reviews, consultations/ workshops with different stakeholders, discussions at various platforms, suo-motu, etc. recommends appropriate measures to protect the rights of children.
- iii) **Policy dialogue with Ministries/Departments:** In order to ensure protection of Rights of children in the implementation of laws and legislations, periodic meetings and discussions are held with concerned central ministries, whereby information is also shared to forge ahead a rights based approach for the needy children.
- iv) **Consultations/Workshops:** NCPCR believes that collective efforts from various actors like academia, civil society, officials and members form an integral part of the system through which momentum can be generated on various child rights issues. In addition, working groups and committees are constituted for technical support and advice on specific issues of children.
- v) **Complaint management system & Summons hearings:** One of the primary activities of NCPCR is taking up specific complaints where there are gross violation of child rights and recommend appropriate action where there is lapse/delay on the part of the Government. The procedure of registration, sending letters to concerned authorities and proper follow up through reminders are part of the complaint management system. NCPCR has also been vested with the power of summoning officials if there is no response from them.

- vi) **Strengthening the role and function of SCPCRs:** State Commissions for Protection of Child Rights (SCPCRs) as mentioned under Section 17 of CPCRA Act, 2005 are constituted in 35 States/UTs. The SCPCRs are parallel to NCPCR at State level. NCPCR continued to provide guidance and support to SCPCRs.

Chapter-2

Education

Education

2. Introduction

The National Commission for Protection of Child Rights has been mandated under Section 31 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009:

- i) to examine and review the safeguards for rights provided under the Act and to recommend measures for their effective implementation;
- ii) to inquire into complaints relating to the child's right to free and compulsory education and;
- iii) to take necessary steps as provided under Section 15 of the Commission for Protection of Child Rights, Act 2005.

In furtherance of its mandate under the RTE Act, 2009 and the functions assigned to it under Section 13 and 14 of the CPCRC Act, 2005, the NCPCR has undertaken a series of initiatives. These include redressing complaints, conducting inquiries, undertaking policy interventions and program and research initiatives. The Commission organized consultations at the regional and state level with the aim of better implementation of RTE Act, 2009 and address issues concerning education policy in India.

2.1 Programme Activities

During the period under report, the Commission conducted **29** workshops/consultations/awareness programmes to ensure protection of right to education of children. The Commission organized following workshops/consultations with various stakeholders. The details of these programmes are as follows:

2.1.1 *One-day sensitization workshop on 'Implementation of Section 29 of RTE Act, 2009'*

NCPCR organized a one-day sensitization workshop on 'Implementation of Section 29 of RTE Act, 2009' on 5th June, 2018 at G.D. Goenka University, Gurugram, Haryana. The purpose of the workshop was to sensitize the relevant stakeholders in school education including officials of State Education Departments, District Education Officers, DIET Principals, SCERT, CBSE Officials, Principals of Private Schools on their role in ensuring Rights of Children to Free and Compulsory Quality Education. The meeting was inaugurated by Shri Ram Bilas Sharma, Education Minister, Haryana in the presence of officials of NCERT and NIEPA.

2.1.2 *Awareness workshops on ‘Section 17 of RTE Act, 2009 and Guidelines on Eliminating Corporal Punishment in Schools’.*

NCPCR organized five awareness workshops on ‘Section 17 of RTE Act, 2009 and Guidelines on Eliminating Corporal Punishment in Schools’ in Jharkhand (26.06.2018); Bihar (29.06.2018); Andhra Pradesh (05.07.2018); Chhattisgarh (13.07.2018); and Uttar Pradesh(10.08.2018) respectively. The objective of the workshops was to orient teachers, principals and other stakeholders regarding legislations prohibiting corporal punishment in schools and guidelines on eliminating corporal punishment in schools.

2.1.3 *National Consultation on ‘Eliminating Violence against Children in Schools through School Curriculum & Teacher Training Curriculum’.*

A two-day National Consultation on ‘Eliminating Violence against Children in Schools through School Curriculum & Teacher Training Curriculum’ was organised by NCPCR at RMP Thane, Maharashtra on 7th-8th September, 2018. The Consultation was attended by experts from leading institutions/ organisations working in the field of school education and curriculum, teacher education and curriculum, child psychology, and inclusive education.

2.1.4 *National Consultation on Effective Implementation of Motor Vehicle Act, 1988 w.r.t. Safe School Transport.*

NCPCR organized a National Consultation on Effective Implementation of Motor Vehicle Act, 1988 w.r.t. Safe School Transport on 24.08.2018 at Constitution Club of India, New Delhi. The meeting was attended by Secretaries of State School Education Departments; State Road Transport Departments ADGP, Traffic i.e. State Traffic In-charge from all States/UTs.



2.1.5 Sensitization workshops on 'Manual on Safety and Security of Children in Schools'.

In order to streamline the efforts for ensuring safety and security of children in schools, NCPCR developed a comprehensive 'Manual on Safety and Security of Children in Schools'. During the period under report, **seven** sensitization workshops were organised on the said Manual at Ranchi (30.08.2018); Bangalore (17.09.2018); Jaipur (25.09.2018); Bhopal (28.09.2018); Mumbai (03.10.2018); Vishakhapatnam (06.10.2018); and Karnal (19.03.2019).

2.1.6 State Level Sensitization Workshops for NGOs running Children Home and Hostels on Provisions of RTE Act, 2009, J. J. Act, 2015 etc.

NCPCR organized three State Level Sensitization Workshops for NGOs running Children Homes and Hostels under the Provisions of RTE Act, 2009, J. J. Act, 2015, 'NCPCR's Regulatory Guidelines for Hostels of Educational Institution for Children' and; Leveraging CSR initiatives for Child Education & Child Welfare and Child Wellbeing, at Meghalaya (19.09.2018); Manipur (23.09.2018) and Nagaland (27.09.2018).

2.1.7 Awareness/Orientation Workshop on Hon'ble Supreme Court's Guideline(s) on safe and secure transport facilities for school children.

To know the status and to create awareness on Hon'ble Supreme Court's guidelines on safe and secure transport facilities for school children, during the period under report, NCPCR organized **seven** one-day orientation cum review workshops at Andhra Pradesh (07.07.2018); Chhattisgarh (16.07.2018); Jharkhand (28.08.2018); Haryana (15.03.2019) & (18.03.2019); Himachal Pradesh (25.03.2019); and Telanagana (30.03.2019).



2.1.8 *Consultation to ensure elementary education of children of minority community w.r.t. RTE Act, 2009*

NCPCR organized four consultations to ensure elementary education of children of minority community in reference to RTE Act, 2009 at Maharashtra (27.02.2019); Rajasthan (01.03.2019); Uttar Pradesh (06.03.2019) and Bihar (23.03.2019) Representatives from Madarsa Boards, teachers from Madarsas, students, parents and SCPCR participated in the Consultations.

2.1.9 *Meetings of Task Force Committee constituted by MHRD*

NCPCR represented in two meetings of Task Force Committee constituted by MHRD to go into the reasons for suicides in Jawahar Navodaya Vidyalayas (JNVs) on 14th & 21st January, 2019. In this regard, an inspection visit was undertaken to JNV Mahindergarh, Haryana on 20.01.2019 with other Members of Task Force Committee. The team interacted with the JNV school management, Parents, Staff and Children.

2.2 **Research Studies**

NCPCR conducts studies on various issues concerning Education of Children. The following studies were completed during the period under report.

2.2.1 *A study through Quality Council of India (QCI) on 'Devising pathways for appropriate repatriation w.r.t. educational facilities and well-being of children of displaced Primitive Tribes viz. Bru-Reang Community'*

NCPCR conducted a study through Quality Council of India (QCI) on 'Devising Pathways for Appropriate Repatriation w.r.t. educational facilities and well-being of children of displaced Primitive Tribes viz. Bru-Reang Community'. The report along with recommendations has been shared with Joint Secretary (NE), M/o Home Affairs and Chief Secretaries of Mizoram and Tripura vide letter dated 19.07.2018 for further action. The study report was uploaded on website of NCPCR and is also available at <http://ncpcr.gov.in/showfile.php?lid=1654>.

2.2.2 *A study through Quality Council of India (QCI) on 'Mainstreaming of Out-of-School Children (OoSC) and Effectiveness of Special Training'*

NCPCR conducted a study through Quality Council of India (QCI) on 'Mainstreaming of Out-of-School Children (OoSC) and Effectiveness of Special

Training’ with the aim to understand the implementation of provision of free and compulsory education for out-of-school children provided u/s 4 of RTE Act, 2009. The study report was finalized and shared with MHRD and MWCD and was uploaded on website of NCPCR at <https://ncpcr.gov.in/showfile.php?lid=1808>.

2.2.3 *Study on Education and Vocational Training of children staying at Observation Homes & Special Homes.*

Study on Education and Vocational Training of children staying at Observation Homes & Special Homes was completed and uploaded on the website of NCPCR. The report is also available at: <http://ncpcr.gov.in/showfile.php?lid=1700>

2.2.4 *Case study of District Dhulia, Maharashtra with 100% digitized Zilla Parishad Schools.*

The Zilla Parishad Schools of District Dhulia, in Maharashtra has been declared completely 100% digitalized. Given the importance of IT in different fields, NCPCR conducted a study to examine the mechanism adopted, stakeholders involved and its effect on overall quality of elementary education. During the period under report, the final report was prepared and submitted to Secretary (SEL); Joint Secretary (SE) and Joint Secretary (P & ICC- HE) on 07.08.2018. The Case study was completed and uploaded on the website of NCPCR. The report is also available at: <http://ncpcr.gov.in/showfile.php?lid=1668>.

2.2.5 *Study on ‘Educational Status of Children of Traditional Sex Workers in India’*

NCPCR awarded a Study on ‘Educational Status of Children of Traditional Sex Workers in India’ to Bhartiya Kisan Sangh, Ranchi to enquire in details the situation of children especially their education status belonging to the communities practicing traditional commercial sex work as their primary source of income. The study covers five States i.e, Delhi, Gujarat, Madhya Pradesh, Rajasthan and Uttar Pradesh. During the period under report, the Study has been completed and the study report has been uploaded on the website of the Commission. The report is available at: <https://www.ncpcr.gov.in/showfile.php?lid=1812>.

2.2.6 Further, following three studies were in process during the reporting year and are at different levels of progress: ‘Child abuse and vulnerability of children (Safety and Security issue) studying in Kasturba Gandhi Balika Vidyalayas (KGBVs),

Ashram School and Jawahar Navodaya Vidyalayas (JNVs)'; ' Education and Vocational Training of children staying at Children Homes'; and 'Compliance of implementation of Section 12 (1)(c) of the RTE Act, 2009 pertaining to admission of children from EWS/DG category in private unaided schools', in three States i.e. Haryana, Madhya Pradesh and Tamil Nadu.

2.3 Guidelines/Framework/Standard Operating Procedure (SOP)/Rules of Procedures

2.3.1 *Guidelines for fixing accountability of the school management in the matter of safety of the children studying in private and government schools.*

Member (Education), NCPCR attended a meeting organized by MHRD on 11.06.2018 to discuss the way forward w.r.t Hon'ble Supreme Court's Order dated 17.04.2018 directing MHRD to frame the Guidelines for fixing accountability of the school management in the matter of safety of the children studying in private and Government schools. It was decided in the meeting that a draft model guidelines will be prepared by NCPCR.

NCPCR prepared the guidelines and submitted to MHRD on 13.07.2018 for necessary action. MHRD circulated the draft Guidelines to all States for comments/suggestions. Later, the Guidelines were revised on the basis of comments received from different States/Institutions such as Government of Bihar, N.V.S., N.D.M.A., C.B.S.E. and Odisha Primary Education Programme Authority. The revised guidelines were forwarded to MHRD on 10.10.2018.

2.3.2 *Model Framework for Effective Regulation of Fee structure of Private Schools*'.

NCPCR developed a 'Model Framework for Effective Regulation of Fee structure of Private Schools'. The framework is a model document that may be adopted by the States to streamline the fee regulation mechanism for private schools. The document was sent to MHRD for further necessary action on 13.07.2018.

2.3.3 This has been seen that some of the institutions that are running as CCIs earlier, after enactment of JJ Act, 2015 have declared themselves as hostel and are running without any regulation. The same was observed by the Commission while inspecting the Good News India (NGO) facility in the State of Odisha where the children were dumped in illegal premises in the garb of hostel accommodation provided to them. These kind of stand alone centres required urgent intervention to formulate some regulation or rule.

NCPCR felt the need to bring some solution for providing relief to such children and drafted the Rules of Procedures for Stand Alone Hostels for Children in January 2019. The document included definition of stand alone hostel, registration procedure, granting registration certificate, admission in stand alone hostels, fees, staff structure and their responsibilities, norms and standards, etc. The document so prepared is submitted to MWCD on 21.02.2019 for suitable action. The same is uploaded on the website of the Commission and is available at: <https://www.ncpcr.gov.in/showfile.php?lid=1823>.

2.4 Special Inquires

2.4.1 Implementation of section 29 (1) of the RTE Act, 2009 w.r.t. curriculum laid down by academic authority in private schools

Enquiring into the variation in evaluation procedure at elementary level in private schools and evaluation guidelines laid down by the academic authority, the Commission wrote to C.B.S.E. to revoke its Continuous and Comprehensive Evaluation (CCE) pattern suggested for classes VI-VIII and get the new system examined and verified by the NCERT. As a result, C.B.S.E. repealed its Uniform System of Assessment, Examination and Report Card for classes VI-IX from Academic Year 2017-18 vide circular dated 22 January, 2018.

Similarly, NCPCR sought clarification from Council for the Indian School Certificate Examination (CISCE) regarding curriculum and books followed by the schools affiliated to the Board. In response, during the personal hearing in the Commission, Chief Executive & Secretary, CISCE submitted that the curriculum is in consonance with National Curriculum Framework (NCF), which was prescribed by NCERT pursuant to Section 29 of RTE Act, 2009. Further, NCPCR sought comments of NCERT on CISCE statement on 18.01.2019.

2.4.2 World Bank Policy Research Working Paper 8448 titled “Using Courts to Realize Education Rights – Reflections from India and Indonesia”

NCPCR had taken notice of the matter published in the World Bank Policy Research Working Paper 8448 titled “Using Courts to Realize Education Rights – Reflections from India and Indonesia” which is the Background Paper to the 2018 World Development Report. NCPCR made certain observations and addressed a letter to

Country Director, World Bank to amend their ‘Background Paper to the 2018 World Development Report’. Consequently, a letter has been received from the Country Director, World Bank India dated 12th July, 2018 stating that “*I would like to assure you that we take all issues of data quality and factual representation associated with World Bank publications very seriously, and I have personally reached out to the WDR team to understand the background. It is also mentioned that the researchers that produced the paper will revisit all information presented and a revised paper will be prepared as appropriate.*”

2.5 Other initiatives

2.5.1 Identification & Empanelment of organisations for Preparing Modules & Materials for Sensitization and Providing Training to the Teaching and Non Teaching School staffs (Pro-bono)

NCPCR for dealing with protection of child rights and related matters, invited Expression of Interest (EoI) on ‘Empanelment of Agencies/ Organisations/ Institutions for Preparing Modules & Materials for Sensitization and Providing Training to the Teaching and Non Teaching School staff (Pro-bono) based on the Manual on ‘Safety and Security of Children in Schools’, prepared by NCPCR. During the period under report, Expression of Interest was received from 12 agencies. The proposals were evaluated by a Committee and 8 agencies were shortlisted. Out of which 7 agencies made presentations on 21st and 23rd August, 2018 at NCPCR.

Chapter -3
Juvenile Justice or Care of
Neglected or Marginalized
Children or Children with
Disabilities

Juvenile Justice or Care of Neglected or Marginalized Children or Children with Disabilities

3. Introduction

The Government of India being a State Party to the United Nations Convention on the Rights of the Child (UNCRC), which came into force on 2nd September 1990, is obliged to fulfill the duties set out in this international instruments as well as various other rules and guidelines on children's rights. The International Agreements on children's rights emphasize the importance of preventing juveniles from coming into conflict with the law in the first place, as well as an expectation of complete rehabilitation by the time they leave the juvenile justice system.

The Juvenile Justice (Care and Protection of Children) Act, 2015, which replaced the JJ Act, 2000, has strengthened the Juvenile Justice System in the country. The Act ensures proper care, protection, development, treatment, and social re-integration of children in difficult situations by adopting a child –friendly approach keeping in view the best interest of child.

NCPCR in addition to its functions mentioned under Section 13 (1) of CPCR Act, 2005, is also mandated to monitor the implementation of JJ Act, 2015 as per its Section 109. The activities undertaken by the Commission pertaining to Juvenile Justice System for the period under report are as follow:

3.1.1 Review and Examination of Safeguards

3.1.1 Monitoring of the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015

NCPCR continued to monitor the implementation of the provisions of the JJ Act, 2015 based on its monitoring tools developed and provided to States/UTs. During the period under report, the Commission carried out following activities to ensure the proper implementation of the Act. It includes:

NCPCR developed and sent monitoring tools to the States/Union Territories along with the request to designate nodal officer to send monthly report by 10th of every month. NCPCR organized a meeting of Heads of State Child Protection Societies, and Member

Secretaries of SCPCRs on 16th March 2018 and discussed issues relating to implementation of provisions of JJ Act, 2015 in the States/UTs.

- NCPCR addressed to States/UTs on 24th July 2018 and again on 1st November, 2018 to send regular monthly report under both the Acts and to make available basic data on available infrastructural facilities for implementation of the Act.
- On non-receipt of the requisite information, video conferencing on 14th November 2018 and 15th November 2018 were held with concerned States/UTs to expedite the matter.

Based on the above activities, the updated status as received in respect of 35 States/UTs upto 31st March, 2019, is summarized below:

S. No.	Details of Infrastructure/manpower resources	Total Districts 699
		States/UTs 35
1	State Child Protection Society @per State	34
2	District Child Protection Units @per District	679
3	Child Welfare Committees @ per District	670

3.1.2 Registration and Inspection of Child Care Institutions (CCIs) under the Juvenile Justice Act, 2015

In pursuance of Section 41 of JJ Act, 2015, NCPCR wrote to all States/UTs to provide district-wise list of registered CCIs along with their complete details. The said section provides that ‘*all institutions, whether run by a State Government or by voluntary or Non-Governmental Organizations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall be registered under this Act, regardless of whether they are receiving grants from the Central Government or any other source*’. Thus, in compliance to the directions of the Hon’ble Supreme Court in a Writ Petition (Criminal No. 102 of 2007): *Re: Exploitation of Children in Orphanages in the State of Tamil Nadu Vs Union of India*, NCPCR wrote to Tamil Nadu, Rajasthan, Odisha, Manipur, Maharashtra, Kerala, Goa, Delhi, Andaman& Nicobar Islands and Andhra Pradesh on 2nd April 2018 to intimate the reasons as to why all the non-registered CCIs in their respective States/UTs were not closed by them.

Further, as per the directions of Hon’ble Supreme Court, NCPCR continued to follow-up with the State Governments on setting up of Inspection Committees to inspect all the CCIs. The Commission requested all States/UTs to reconcile the figures of CCIs sent by them to MWCD and NCPCR, to inspect all the CCIs, and to send detail reports of inspection of CCIs conducted by them.

During the period under report, the Commission received inspection reports of 315 CCIs of 6 States and UTs i.e. Puducherry, Assam, Delhi, Telangana, Manipur and Andaman & Nicobar Islands. The reports were analyzed in the Commission. The reports along with the analysis was sent to MWCD to take up the matter with concerned State authorities to attend to the observations made.

The NCPCR again reminded all States/UTs on 1st November 2018 to intimate the number of inspections of CCIs carried out under Section 54 of the Juvenile Justice Act, 2015 and to provide reports. It was followed by video conferencing on 14th November 2018 and 15th November 2018 with concerned States/UTs to expedite the matter.

3.2 Activities undertaken for Children in Need of Care and Protection and Children in Conflict with Law:

3.2.1 NCPCR's initiative for preparing of Aadhaar Cards and opening of Bank Accounts for Children in Child Care Institutions (CCIs).

In order to provide identity to children of CCIs and make them self reliant, NCPCR continued to ensure provisioning of Aadhaar Cards to all the children in the CCIs in the States and subsequently based on the these Aadhaar Cards to ensure that Bank Accounts are opened as per RBI Guidelines. During the period under report, the Commission issued reminder letters to those States/UTs from where either the monthly report was not being received regularly or States/UTs who have not submitted their information. Total **2,16,429** children in the CCIs have been provided Aadhaar Cards and Bank Accounts of **83,281** children were opened as on 31.03.2019.

3.2.2 Implementation of directives of Hon'ble Supreme Court in Writ Petition (Criminal No. 102 of 2007): Re: Exploitation of Children in Orphanages in the State of Tamil Nadu Vs Union of India

In pursuance of the directions of the Hon'ble Supreme Court in Writ Petition (Criminal No.102 of 2007) (Re: Exploitation of children in Orphanages in the State), the Hon'ble Supreme Court of India on 9th February 2018, issued various directions for compliance by State/Central Governments for implementation of the Juvenile Justice Act, 2015. NCPCR addressed to 20 States/UTs on 20th March, 2018 to take suitable steps for setting up of Juvenile Justice Boards (JJBs)/Child Welfare Committees (CWCs)/Juvenile Justice Fund (JJF), appointment of Probation Officers

and to fill up the vacant positions in their States. NCPCR again wrote to States/UTs (i.e., Tamil Nadu, Rajasthan, Odisha, Manipur, Maharashtra, Kerala, Goa, Delhi, Andaman& Nicobar Islands and Andhra Pradesh) on 2nd April, 2018 to intimate the reasons as to why non-registered CCIs in their States have not been closed by them so far, and again requested all States/UTs on 30th August, 2018 to reconcile the number of CCIs sent by them to MWCD and NCPCR as well as to provide the reports of inspection of CCIs conducted by various authorities in the State.

During the period under report, Commission received inspection reports of 26 CCIs carried out by Government of Uttar Pradesh. Based on the analysis of reports, it was found that there was very sorry state of affairs in most of the CCIs. Four CCIs were found closed at the time of inspection. The reports were sent to MWCD on 5th September, 2018 with a request to take up the matter with the State Government for:

- (a) seeking further action taken reports on the 26 CCIs already inspected;
- (b) ensuring safety and security of children in all concerned CCIs;
- (c) directing State Government to carry out similar inspections in the remaining CCIs of the State.

3.2.3 Implementation of directives of Hon'ble Supreme Court in the case of R.D. Upadhyaya vs State of Andhra Pradesh & Ors (Civil Writ Petition No. 559 of 1994)

NCPCR addressed to Principal Secretaries (Home) of all States/UTs on 18th April 2018 enclosing guidelines issued by the Hon'ble Supreme Court in the case of R.D. Upadhyaya vs State of Andhra Pradesh & Ors (Civil Writ Petition No. 559 of 1994) for providing various facilities to the children of women prisoners. The State Governments have been directed to provide an Action Taken Report within a month to the Commission (**Annexure-I**). NCPCR again addressed Principal Secretaries (Home) of all States/UTs on 18th April 2018 enclosing the guidelines. An Action Taken Report was sought from the States Governments. Six States/UTs i.e., Haryana, Gujarat, Meghalaya, Odisha, Andaman& Nicobar Islands and West Bengal responded to the Commission till March, 2019.

3.3 Jail Visits

3.3.1 Constitution of a Panel of Experts in NCPCR to identify probable juveniles lodged in Jails.

- a) The Hon'ble High Court of Delhi directed the NCPCR on 11th May, 2012 to constitute a panel of at least ten persons to make visits to various jails in Delhi, in consultation with Jail authorities, to find out if there were any persons lodged in such jails who should have been the beneficiaries of the JJ Act.
- b) In pursuance of directions of the Hon'ble Court, NCPCR Panel Members made **10** visits to Rohini and Tihar Jails during the year 2018-19 and identified **246** inmates as probable juveniles. The Report of each visit was sent to Delhi State Legal Services Authority (DSLISA), Deputy Inspector General (Prisons), Delhi and the concerned JJBs to take further necessary action.
- c) Based on the visit report of NCPCR, 16 inmates were sent to Observation Home for boys and 50 inmates have been released/shifted from the jail.

3.4 Activities to spread Child Rights Literacy and Awareness Generation

3.4.1 Consultation on Restoration of Children to their Families' who belong to other States and residing in Child Care Institutions (CCIs) of Delhi

NCPCR organized a Consultation on 25th April, 2018 with Members of all Child Welfare Committees (CWCs) of Delhi on Restoration of Children to their Families' who belong to other States and residing in Child Care Institutions of Delhi. The Consultation also discussed the challenges being faced in implementation of Section 95 & 96 of JJ Act, 2015. The Consultation was chaired by Member (Law related to children), NCPCR. The Consultation was attended by 38 Members of CWCs, including participants from Delhi CPCR and NGOs.

3.4.2 Training Workshop for Police Officers and Public Prosecutors from States/UTs on POCSO Act, JJ Act and Cyber Crime targeting Children

NCPCR organized a Training Workshop for Police Officers and Public Prosecutors from States/UTs on POCSO Act, JJ Act and Cyber Crime targeting Children on 18th-19th May, 2018 at LNJP National Institute of Criminology and Forensic Science, New Delhi. The workshop was inaugurated by Chairperson, NCPCR. In all, 54 Police personnel were trained in the workshop.

3.4.3 *Consultation to review strategy for prevention of crime/violence against children*

NCPCR organized a consultation on 30th July, 2018 to review strategy for prevention of Crime/Violence against Children at NCPCR. The Consultation was attended by officials from Ministries of Home Affairs, Panchayati Raj, Urban Development, UNICEF, NGOs and experts on the subject.

3.4.4 *State Level Training Workshop on JJ & POCSO Acts*

NCPCR in collaboration with Arunachal Pradesh SCPCR organized one-day State level Training Workshop on JJ & POCSO Acts and Child Rights issues on 27th September, 2018 at Itanagar. Hon'ble Minister, Rural Development, Government of Arunachal Pradesh was the Chief Guest on the occasion. The workshop was attended by more than 200 persons including senior Police Officers of the State, Members of CWCs and JJBs, and Member, SCPCR. Member (Law related to children), NCPCR participated in the workshop and addressed the participants.

3.4.5 Government of India, in pursuance of Section 44 of the JJ Act, 2015 read with Rule 23 of the Model JJ Rules 2016, notified Model Guidelines for Foster Care, 2016. NCPCR realises that clarity, comprehensive knowledge on formal Foster Care is imperative for its effective implementation. In order to make an easy understanding of Model Guidelines for the stakeholders, NCPCR in consultation with Centre of Excellence in Alternative Care, an NGO, developed 'User Handbook on Foster Care'. The then Chairperson, NCPCR released the Handbook on 29th August 2018 at IIC, New Delhi. The purpose of this User Guide is to develop a good quality foster care services that is useful for individuals, organisations, as well as foster families.

3.4.6 NCPCR has been conducting Awareness cum Training Workshops on the JJ Act, 2015, POCSO Act, 2012 and other issues related to child rights in States/UTs in collaboration with SCPCRs. However, such training programe/workshops have not been organized in the States/UTs of Arunachal Pradesh, Nagaland, Bihar, Kerala, Lakshdweep, Nagaland, Odisha, Puducherry, Telangana, Tripura, Daman & Diu and Dadra & Nagar Haveli. These States/UTs has been accordingly requested on 4th April 2018 to organize Awareness cum Training Workshops in collaboration with NCPCR.

- 3.4.7 NCPCR wrote to all State Commissions on 27th July 2018 to request to all District Magistrates in their States to arrange to enquire into superstitious practices in their districts amounting to violation of provisions of the JJ Act, 2015.
- 3.4.8 NCPCR followed up and sent reminders to the States for regular sending of reports on following issues:
- ✓ issuance of Aadhar Cards and opening of Bank Accounts of the children living in Child Care Institutions;
 - ✓ district-wise number of registered/un-registered Child Care Institutions and number of children residing therein who belong to other States;
 - ✓ status of runaway/escaped children from Observation Homes, Special Homes and Children Home etc;
 - ✓ status of filling up of gaps in infrastructural facilities under the Juvenile Justice Act, 2015; and
 - ✓ report on implementation of JJ and POCSO Acts.

Child Begging

3.5 Developed a pamphlet on combating child begging with the title ‘Come together’

NCPCR with the objective to generate awareness among public and stakeholders developed a pamphlet on combating child begging with the title ‘Come together, we can stop Child Begging’.

3.6 Information, Education and Communication(IEC) materials developed:

- 3.6.1 NCPCR developed a booklet on ‘Role and Functions of Inspection Committee’ under Section 54 of the JJ Act, 2015 for use of stakeholders. The booklet highlights the specific role and responsibilities of the Inspection Committees formed by the State Government under JJ Act. It also includes the Inspection Formats to be used by the Committee for ready reference. The booklet was circulated to Chief Secretaries, Principal Secretaries of Department of WCD, Chairpersons of SCPCRs and Heads of CID of all States.
- 3.6.2 NCPCR with the help of National Institute for the Visually Handicapped, Dehradun, converted the following publications into Braille and circulated to Chief Secretaries & SCPCRs of all States and concerned organizations on 12th April 2018:

- a) An Easy Guide for implementation of the POCSO Act, 2012; and
 - b) Navigational Tool Kit for implementation of the Juvenile Justice Act, 2015 and Juvenile Justice Model Rules, 2016.
- 3.6.3 In order to generate awareness and for official use, NCPCR circulated the following publications to Chief Secretaries, Principal Secretaries of WCD, Chairpersons of SCPCRs and Heads of CID of all States:
- a) Being Safe Online - Standard Content for Raising Awareness Among Children, Parents, Educators & General Public; and
 - b) Global Report 2017-Ending Violence in Childhood: An Overview.
- 3.6.4 NCPCR with the support of NHRC developed Standard Operating Procedure (SOP) on 'Escape/Runaway/Sexual Abuse/Death of Children in Child Care Institutions' for the benefits of stakeholders. During the period under report, the SOP was printed and forwarded to Chief Secretaries, Director General of Police, Principal Secretaries (Department of Women & Child Development), and SCPCRs of all States/UTs on 6th September 2018. The SOP was uploaded on NCPCR's website at <https://www.ncpcr.gov.in/showfile.php?lid=1586>.
- 3.6.5 NCPCR drafted 'Training modules for JJ Functionaries under JJ Act, 2015' which include JJBs, CWCs, Superintendents/Persons in charge of CCIs, Legal cum Probation Officers and Probation Officers, District Child Protection Unit (DCPU) and State Child Protection Society (SCPS), Central Adoption Resource Agency (CARA) and State Adoption Resource Agency (SARA). The Training Modules were uploaded on NCPCR's website seeking comments/views/suggestions from stakeholders.

Chapter-4

Laws Relating to Children

- A. Protection of Children from Sexual Offences (POCSO)**
- B. Child Marriage**
- C. Child Trafficking**

Laws Relating to Children

4. Introduction

To protect our children from malefic influences, various path breaking legislations have been made for protection of the rights of the children and to strengthen the legal provisions of violence and crime against children. These include Protection of Children from Sexual Offences (POCSO) Act, 2012 to protect children from sexual abuse, Prohibition of Child Marriage (PCM) Act, 2006, and issues pertaining to child trafficking, etc.

During the year under report, the activities undertaken by the Commission pertaining to Laws relating to children are as follow:

A. Protection of Children from Sexual Offences (POCSO)

The National Commission for Protection of Child Rights (NCPCR) along with SCPCRs, have been mandated under Section 44 of POCSO Act and Rule 6 of POCSO Rules to monitor the implementation of the Act.

4.1 Review and Examination of Safeguards

4.1.1 *Monitoring the implementation of POCSO Act, 2012*

NCPCR continued to monitor the implementation of the provisions of the POCSO Act, 2012 by seeking information from the States/UTs on designating special courts, public prosecutors, preparation of guidelines, training module for police personnel, orders of special courts on granting interim/final compensation to the child victims and convicting the offenders.

Based on the regular follow-ups and video conferences with State authorities the status as on 31.03.2019 of setting up of the infrastructure facilities as received from the States/UTs has been summarized below:

Number of total districts in 35 States / UTs	706	Percentage
No. of Children/Special Courts @ per district.	664	94.05
No. of District Child Protection Units @ per district	680	96.31
No. of Child Welfare Committees @ per district	663	93.90
No. of Special Juvenile Police Units @ per district	890	NA
No. of Special Public Prosecutors appointed for every Special Court	974	NA
Victim Compensation Scheme	29/35	82.85
Preparation of procedure/guidelines for Media (u/s 23) to handle POCSO cases	19/35	54.28
Preparation of guidelines for use of NGOs/professionals/ experts etc. (u/s 39)	19/35	54.28

4.2 Activities carried out to spread awareness on Child Rights and POCSO Act, 2012

4.2.1 Awareness workshop on salient features of POCSO Act, 2012 and POCSO e-box at Kendriya Vidyalaya, Anand Vihar, Delhi on 7th April, 2018

NCPCR organized an awareness workshop on salient features of POCSO Act, 2012 and POCSO e-box at Kendriya Vidyalaya, Anand Vihar, Delhi on 7th April, 2018. More than 100 students and teachers participated in the workshop. The participants were informed about various forms of sexual abuse against children, recent trends of sexual crime, child friendly procedure and provisions under POCSO Act, 2012.

4.2.2 Consultation on 'Development of Preventive Strategy on Child Sexual Abuse' on 26th April, 2018 at NCPCR

NCPCR organized a Consultation under the chairpersonship of Chairperson, NCPCR on 'Development of Preventive Strategy on Child Sexual Abuse' with various NGOs of Delhi on 26th April, 2018 at NCPCR. The issue was discussed in detail and discussion was held on various suggestions on prevention of Child Sexual Abuse (CSA). Fifty eight participants representing various NGOs took part in the workshop.

4.2.3 Training Workshop for Police Officers and Public Prosecutors from States/UTs on POCSO Act, 2012; JJ Act, 2015 and Cyber Crime targeting Children on 18th-19th May, 2018 at New Delhi

NCPCR organized a training workshop for Police Officers and Public Prosecutors of States/UTs on POCSO Act, JJ Act and Cyber Crime on 18th-19th May, 2018 at LNJP National Institute of Criminology and Forensic Science, New Delhi. The workshop was inaugurated by Chairperson, NCPCR. The participants were sensitized about their roles/ responsibilities and special features of the POCSO Act. 2012.

4.2.4 Session on 'Debate on recent Amendments in Indian Penal Code/POCSO Act, 2012'

Representative from NCPCR chaired a Session on 'Debate on recent Amendment in Indian Penal Code/POCSO Act, 2012' in National Conference on 'Gender Justice in Criminal Law' organized by Bureau of Police Research and Development, New Delhi on 21st May 2018. The Conference was presided over by Hon'ble Minister of State, Ministry of Home Affairs and attended by senior police officers, journalists and students of Jawharlal Nehru University.

4.2.5 360° Media Campaign regarding awareness generation on CSA

In order to discuss the proposal received for a 360° Media Campaign regarding awareness generation and to finalize the messages to be conveyed to the public, as a preventive strategy on CSA, NCPCR organized a meeting on 11th June, 2018 at NCPCR. The meeting was attended by 25 officials/representatives from M/o WCD, AIIMS, NGOs and Media agencies.

4.2.6 Training Workshop on Cyber Crime targeting Children

NCPCR organized a 'Training Workshop on Cyber Crime targeting Children' for Investigating Officers of the States/UTs on 26th -27th June, 2018 at BPR&D HQrs, New Delhi in collaboration with BPR&D, UNESCO and Cyber Peace Foundation. Secretary, MWCD; DG, BPR&D; UNESCO, New Delhi; Director, Knowledge Societies Division; and Chairperson, NCPCR graced the inaugural session and shared their views. Officials from Ministry of Home Affairs, Ministry of Electronics and Information Technology, LNIN National Institute of Criminology & Forensic Science and experts from various organizations participated and shared their experiences with the participants. In all, 39 Police officers of the rank of Sub-Inspector to Inspector General of Police participated in the Training Workshop.



4.2.7 Conference on 'Promoting Child Safety Online, Empowering Future Digital Citizens'

NCPCR in collaboration with UNESCO organized a Conference on 'Promoting Child Safety Online, Empowering Future Digital Citizens' on 28th June 2018 at New Delhi. More than hundred participants including officers from Government Departments, UNESCO, UNICEF, UNODC, and various NGOs participated in the Conference. Chief Information Security Officer to Prime Minister of India graced the occasion as Chief Guest of the conference.



4.2.8 'Multi Stakeholders Dialogue on Child Sexual Abuse based on case studies'

On the initiative of Hon'ble Lok Sabha Speaker, NCPCR made presentations on 'Multi Stakeholders Dialogue on Child Sexual before Hon'ble Members of Parliament on 2nd August, 2018 at Parliament House, New Delhi under Speaker's Research Initiative (SRI) . Chairperson, Members, Member Secretary and senior Officials of NCPCR participated in this presentation.



4.2.9 State level Training Workshop on JJ & POCSO Acts

NCPCR in collaboration with Arunachal Pradesh SCPCR organized one day State level Training Workshop on JJ & POCSO Acts and Child Rights issues on 27th

September, 2018 at Itanagar. Hon'ble Minister, Rural Development, Govt. of Arunachal Pradesh was the Chief Guest of the occasion. The workshop was attended by more than 200 persons including senior Police Officers of the State, Members of CWCs and JJBs, and Member, SCPCR.

4.2.10 NCPCR wrote to Chief Secretaries of all States/UTs on 3rd May 2018 to take necessary steps for including male child victims of sexual abuse in their Victim Compensation Scheme and intimate to the Commission the total number of victims (male and female separately) who received benefits of the scheme along with the amount disbursed during the year 2017-18.

4.2.11 NCPCR with Cyber Peace Foundation developed an android game 'Cyber Trivia' to address the issue of Cyber Crime among children and enhancing their knowledge on Cyber Crime. It was launched by Chairperson, NCPCR on 14th September, 2018.

4.3 Development of Information, Education and Communication (IEC) materials

4.3.1 NCPCR with the help of Department of Psychiatry, AIIMS, New Delhi, developed an 'SOP for use of Child Art as an analytical tool for interpretation of Child Sexual Abuse'. The SOP has been uploaded on NCPCR's website www.ncpcr.gov.in for seeking suggestions from stakeholders.

4.3.2 NCPCR with the support of Partners for Law in Development (PLD), developed 2nd Edition of the book on बालशोषण और कानून: Child Sexual Abuse and Law (in Hindi) for easy understanding of various provisions of POCSO Act, 2012. During the period under report, the book was forwarded to Chief Secretaries, Director General of Police, Principal Secretaries (Department of Women & Child Development), and SCPCRs of all States/UTs. The book is available on NCPCR's website www.ncpcr.gov.in.

4.3.3 In pursuance with a W.P (C) No. 565/2012: Nipun Saxena & Anr. Vs Union of India, under Hon'ble Supreme Court of India, NALSA developed 'Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes-2018' to award compensation to victim of child sexual abuse under Section 33 (8) of the POCSO Act, 2012 and Rule 7 of POCSO Rules, 2012. NCPCR requested to all States on 04.10.2018 to comply with the directions of Hon'ble Supreme Court for

implementation of the said compensation scheme under POCSO Act, 2012 in their States.

B. Child Marriage

4.4 Releasing of National Analysis of Child Marriage and Teenage Pregnancy’ based on NFHS 4 (2015-16)

NCPCR and Young Lives India released National Analysis of Child Marriage and Teenage Pregnancy’ based on NFHS 4 (2015-16) on 11th September 2018 at India International Centre, New Delhi. The Secretary General, NHRC was the Chief Guest. Chairperson, NCPCR presided over the function. A panel discussion on Situation of Child Marriage and Teenage Pregnancy in India and sharing of best practices by the States was held during the occasion.

4.5 Prevent child marriages on the occasion of Akshaya Tritiya under PCM Act, 2006

NCPCR vide its letter dated 11.04.2018 addressed to Chief Secretaries of all States to make effective efforts to prevent child marriages on the occasion of Akshaya Tritiya under PCM Act, 2006 along with a request to share their Action Plan for preventing such marriages.

4.6 NCPCR represented in Meeting on ‘Marital and Fertility Decision making: The Lived Experiences of Adolescents and Young Married Couples in Andhra Pradesh and Telangana’ organized by Young Lives at New Delhi on 17th July 2018.

Chapter-5

Elimination of Child Labour or Children in Distress

Elimination of Child Labour or Children in Distress

5. Introduction

Child labour in any form is detrimental to the physical, mental and cognitive growth and development of the child. As per The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (Amendment Act, 2016) provisioned that no child (up to 14 years) shall be employed or permitted to work in any occupation or process and no adolescent (14-18 years) shall be employed or permitted to work in any of the hazardous occupations or processes. Thus, employment of children and employment of adolescents in hazardous occupations is an offence as per the Act. As mandated under the Commissions for Protection of Child Rights (CPCR) Act, 2005; the NCPCR has been dealing with the cases of complaints pertaining to child labour or children in distress and taking initiatives to address the issues of child labour. Major activities undertaken during the year under report are:

5.1 Cognizance of the Article ‘The Dark Sites of Granite-A Fact Finding Report by NCPCR and UNICEF’

The contents of the Article ‘The Dark Sites of Granite’ – modern slavery, child labor and unsafe work in Indian granite quarries published by India Committee of the Netherlands in August, 2017 were taken cognizance by Commission and decided to carry out a fact finding exercise. A fact finding team was constituted under the leadership of the then Member (Education), NCPCR; the representatives of State Commission for Protection of Child Rights (SCPCR); District Administration and UNICEF India to see for itself the ground realities. The survey exercise for the same was undertaken in two phases. Phase I in September, 2017 and Phase II in February 2018.



Phase- I of the survey covered the districts of Prakasam and Karimnagar in the States of Andhra Pradesh and Telangana, respectively. Phase II covered Salem and Krishnagiri Districts in Tamil Nadu and Ramanagara District in Karnataka. It carried out extensive personal interviews with processing units, villages and schools. Information and data was

also collected through well targeted questionnaires comprising of a broad section of the community in the district and village levels where the mines were situated. The working conditions in the mines and processing units were checked minutely for whether child labour existed in any form.



The reports of both the phases were prepared by the Commission based on the inspection, interactions and local data gathered in December, 2017 and May, 2018 respectively.

Some key findings and observations are as follows:

- i) The mines are far from the villages and there is no evidence of children being employed in the mines.
- ii) The workers of the quarries are mostly the migrant labourers from States like Bihar, Odisha and Tamil Nadu. Most of them are single migrants and live in accommodation arranged by the quarry owners or by group of workers themselves in rented rooms in local towns/villages.
- iii) There are significantly no other visible economic activities in the regions where quarries are situated. The industry is therefore playing a vital role in local economy.
- iv) The villagers state that there has been significant economic progress in the last decade due to the establishment of this industry.
- v) The cutting and polishing units visited also employed skilled labourers. The visits and interactions did not give any evidence for the use of children as labourers as there is no scope for child labour.
- vi) However some children (13+ age) are not regularly attending the schools.
- vii) There is a need to provide and upgrade vocational skilling to the village communities.



- viii) The Commission is of the view that it is required to have a monitoring system (independent) to control the basic social and environmental standards in the mines and factories.

5.2 Survey on Education & Wellbeing of Children in MICA Mining Areas of Jharkhand & Bihar

Commission has observed that a section of children in mica mining areas are deprived of opportunities and reportedly work as child labor to supplement their family income. These children may be facing several developmental issues and their rights may have been violated. There are several media reports including national and international, portraying the abysmal picture of the children engaged in mica mining areas.

Commission took the initiative in conducting a survey on “Education & Wellbeing of Children in Mica Mining Areas of Jharkhand & Bihar with the support of IGEP. The objectives of the survey were to find out the educational status of children in the mica mining areas, number of children who are not attending school, whether children are involved in collecting mica scraps, if vocational trainings are provided to the adolescents, presence of NGOs in the area.



To take the initiative in conducting a survey in the mica mining areas of Jharkhand & Bihar, a convergence meeting was organized on 02.05.2018 at Koderma for the districts of Koderma & Giridih and on 03.05.2018 at Nawada for Nawada district to ensure the rights of these children and to facilitate the survey. In these meetings all the Stakeholder Departments of the District Administrations, Local Authorities, NGOs and Development Partners had participated. The meetings discussed the modalities and seeking collective effort to conduct a

stock taking survey in the villages/habitations in mica mining areas and to organize a convergence meeting with State & District Departments, Local Authorities, NGOs and Development Partners to ensure the rights of children in mica mining affected areas.

As per decision, a survey was conducted in mica mining Panchayats of both Koderma & Giridih districts of Jharkhand and Rajauli Block of Nawada, Bihar. As per the report, there are cases of children not attending schools who may be involved in picking of Dibra, adolescent girls are out of school, there is not enough programme for vocational training of adolescents, there are cases of under nutrition amongst children, there are instances of children going for collection of mica scraps in some of the habitations. The findings of the survey were shared with the State Government (with Chief Minister, Jharkhand in a public function held in Koderma in October, 2018). The detailed report has also been shared with the District Authorities for their information and necessary action.

5.3 Complaints from Carpet Export Promotion Council (CEPC), Ministry of Textiles

The Commission took cognizance of a complaint received from Carpet Export Promotion Council (CEPC) on a documentary on 'Carpets from India' aired by ARD-Public German TV Channel, in the show PLUSMINUS on 25th October 2018 regarding child labour in the carpet industry of the Agra, Uttar Pradesh. To deal with the issue, a meeting was organized by NCPCR with Carpet Export Promotion Council, Ministry of Textiles, Government of India. In the meeting, it was decided to conduct a fact finding exercise by a team headed by Member (Child Psychology), NCPCR in Agra area to find out the ground reality. For conducting the fact finding exercise, a meeting was held with the District Administration, Agra on 4.12.2018 under the chairmanship of Member (Child Psychology), NCPCR. Subsequently, the team comprised of officials from NCPCR and the District Administration who conducted a fact finding exercise and a survey in the carpet making area of Agra from 4th -8th December, 2018. The team covered 14 Industries (factories), 63 households, 12 schools (habitations) and 6 Anganwadis spread in 5 Community Development Blocks and 14 habitations in the district of Agra. The major areas covered in the district include Fatehabad, Shamsabad, Etmadpur and Fatehpur Sikri.

5.4 State Level Consultation on ‘Prevention of Child Labour and Child Marriage and Role of the Beneficiaries’

NCPCR organised State Level Consultation on ‘Prevention of Child Labour and Child Marriage and Role of the Beneficiaries’ on 27.6.2018, in the collaboration with Rajasthan SCPCR. Hon’ble Minister of Skills Development and Labour & Employment, Government of Rajasthan was the chief guest. Around 200 stakeholders including District Magistrate/Collector, Senior Police Officers, CWCs, SJPU, Anti-Human Trafficking Units (AHTUs), Child Welfare Police Officers (CWPOs), State Legal Service Authority (SLSA), Senior Labour Officers, District Child Protection Units, Civil Societies etc. participated in the consultation.

5.5 NCPCR represented in State Level Consultation to make ‘Child Labour free Rajasthan’ organised by Rajasthan SCPCR on the occasion of World Day against Child Labour on 12.06.2018 at Jaipur.

Chapter-6

Child Psychology or Sociology

Child Psychology or Sociology

6. Introduction

The NCPCR under CPC Act, 2005 has been mandated to ensure *inter- alia* that children get the necessary psychological and social support.

The positive dimension of mental health is stressed in WHO's definition of health as contained in its constitution: '*Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity*'.

The importance of psychological well-being in children and adolescent, for their healthy, emotional, social, physical, cognitive and educational development, is well-recognized. There is now increasing evidence on the effectiveness of interventions to improve children's and adolescent's resilience, promote mental health and treat mental health problems and disorders.

To ensure psychological well being of children and promotion of their positive mental health, NCPCR undertook the following activities:

6.1 State level programme on Mental Health conditions of children in Child Care Institutions

NCPCR organized a one day State level programme on Mental Health conditions of children in CCIs of West Bengal at Cooch Behar on 27th June 2018 in collaboration with West Bengal SCPCR. The Programme was inaugurated by District Magistrate, Coochbehar along with Member (Child Health), NCPCR; Chairperson, Maharashtra SCPCR; and Chairperson and Members, West Bengal SCPCR. The programme discussed the issues related to Child Trafficking and POCSO Act, 2012. A dance therapy session was also held during the programme.

6.2 Commemoration of World Mental Health Day

On the occasion of World Mental Health Day being organised on 10.10.2018, NCPCR conducted an intervention to engage staff and esteemed authorities in making a pledge and committing themselves to engage in starting a dialogue about mental health and concerning issues. Eight different placards imbibing the messages on mental health were distributed among the staff.

6.3 Workshops on ‘Training of Trainers’ Module for Training of Counsellors on Psychological Trauma Assessment and Intervention for Child Sexual Abuse (CSA)

NCPCR organized two workshops at Assam and Mizoram on ‘Training of Trainers’ Module for Training of Counsellors on Psychological Trauma Assessment and Intervention for CSA developed by Department of Psychiatric, AIIMS. The objective of the programme was to enhance the early identification of the signs of psychological trauma and associated psychopathology, appropriate referral, comprehensive assessment and rigorous mental health intervention and to improvise counsellor’s competency in handling similar other traumatic children.

- a) *Assam:* The workshop at Assam was conducted on 25th August, 2018 at Guwahati. Representatives from CCIs of Assam, ANMs, Anganwadi Workers, Counselors and social workers participated. The programme was inaugurated by Chairperson, Assam SCPCR. Experts from AIIMS, New Delhi facilitated the training programme. Group work and role plays were also conducted during the training programme.
- b) *Mizoram:* A workshop at Mizoram was held at Aizwal on 28th August, 2018. Member (Child Health), NCPCR gave key note address during the inaugural session. The training was attended by participants from CCIs of Mizoram. A brief presentation on mental health needs of children, impact of trauma and risk factors was given by experts from Department of Psychiatry, AIIMS, New Delhi.

6.4 Stakeholder Meeting on Project ‘You Are Not Alone’ (Y.A.N.A), Centre for Counselling

NCPCR organised a Stakeholder Meeting on 15.11.2018 on Project ‘You Are Not Alone’ (Y.A.N.A), Centre for Counselling, an initiative taken to offer a platform that provides an amalgamation of essential mediums to access counselling and psychological aid for children with specialized needs and care. The meeting was attended by various stakeholders from the field of technology and social work to create a model of counselling by developing a strategy which corresponds to the policies and priorities of the NCPCR.

6.5 Research Studies

NCPCR initiated a research study in collaboration with AIIMS with the title 'Understanding Psychosocial & Treatment Needs of Children in Conflict with Law Residing in Child Care Institutes/Observation Homes.

Chapter-7

**Child Health, Care, Welfare or
Child Development**

Child Health, Care, Welfare or Child Development

7. Introduction

The National Commission for Protection of Child Rights has been engaged in formulation of policies and processes involving child health from the point of view of protecting the rights of children to adequate access and standards of health and nutrition, as well as grievance redressal where violations or negligence have taken place towards the health of children. This effort was continued through visits, public hearings, interventions etc.

Brief descriptions of the activities undertaken by the Commission under Child Health, Care, Welfare or Child Development during 2018-19 are as follows:

7.1 Programmes

7.1.1 Poshan (Nutrition) Mela-Varanasi

On Commission's recommendation, National Rehabilitation Centre (NRC) was established in Cholapur block of Varanasi to deal with the issue of malnutrition in two blocks (Cholapur and Arajilane) of Varanasi in September, 2017. To support this initiative, District Programme Officer, Integrated Child Development Scheme (ICDS), Varanasi in collaboration with NCPCR organized Poshan (Nutrition) Mela on 14th May, 2018 at Arajilane block. The objective of the Mela was to create awareness & sensitize beneficiaries on malnutrition and showcase various schemes of State Department of WCD, UP on Nutrition. Stalls were put up on different informative issues like health, hygiene, nutrition etc by concerned stakeholders. The then Member (Child Health), NCPCR inaugurated 'Palana' during the Mela set-up by stakeholders. More than 200 people including children, women and men participated in Mela who were made aware through songs, drama and nukkad natak on important aspects of health and nutrition.



7.1.2 Consultation cum review meeting on substance use among children at Manipur

NCPCR in collaboration with Manipur SCPCR organised a one day Consultation cum review meeting on 20th April, 2018 at Imphal to understand the status of drugs/substance use by children in the State. The Consultation discussed status of substance use among children in the State and was attended by the then Member (Child Health), NCPCR; Chairperson and Members of Manipur SCPCR; experts from National Drug Dependence Treatment Centre (NDDTC), AIIMS and SPYM, Delhi.



Some of the recommendations emerged from the review meeting are as following-

- ✓ Formation of Drugs Policy for the children. The policy should be Child Friendly and specific.
- ✓ Information on new era of drugs and substances abuse which are not found or experienced earlier are emerging like WY (World is Yours) and other substances not known earlier.
- ✓ Formulation of core committee for situation analysis, gaps, good practices and way forward.
- ✓ Formulation of Anti-Drug Club.
- ✓ To conduct training in collaboration with National Mental Health Program.
- ✓ To conduct studies in order to document the evidence for child drug policy.
- ✓ To initiate children specific response and treatment in order to bring them to the mainstream.
- ✓ Establishment of Child Rehabilitation Centres for children drug users and focus on prevention programs.
- ✓ To organize door to door counselling program with expert and trained person.
- ✓ To organize campaign against drugs and substances use.
- ✓ Early intervention and activities to bring the child in mainstreaming.
- ✓ To study practice and behaviour of the children who used drugs in order to bring them to mainstreaming and to find out the preventive ways.

7.1.3 Introduced Drug de-addiction for children and adolescents, especially for children in street situations

NCPCR with Delhi Commission for Protection of Child Rights (DCPCR) and Health Department, Government of NCT of Delhi introduced Drug de-addiction for children and adolescents, especially for children in street situations at Mohalla Clinic, Seemapuri on 15th September, 2018. Chairperson, NCPCR inaugurated the clinic and

motivated the children. Member (Child Health), NCPCR and Member, DCPCR also addressed the children.

7.1.4 The Commission conducted four District level consultations cum review meeting on Available Schemes and Services for Malnourished and Stunted Children in High Prevalent Districts of Assam. The details of the consultations are mentioned under Chapter on Rights of Children in North East Region.

7.1.5 The Commission conducted four State level Consultations on Drug/Substance Use among children in North Eastern States. The detail of the consultations are available in the Chapter on Rights of Children in North East Region.

7.1.6 **7th International Day for Street Children**

On the occasion of 7th International Day for Street Children, NCPCR in collaboration with 'Save the Children' organised an event at IHC, New Delhi on 12th April, 2018. During the event, in order to expand the reach and better understanding of procedures and processes involved in rescue and rehabilitation of children in street situations, a digital tutorial on the SOP for children in street situations was launched. The event was attended by Chairperson, Member (Child Health) and other officials of NCPCR.

7.1.7 **Training programme for Staff of CCIs at Gangtok, Sikkim**

NCPCR in collaboration with Sikkim SCPCR organized a training programme for Staff of CCIs at Gangtok, Sikkim on 18th & 19th May, 2018. The training was attended by 100 participants including Counselors, Superintendants and other staff of CCIs & ICPS of Sikkim. Participants were oriented by the experts from IHBAS, Delhi on Child Rights issues, identification of mental health needs of children living in CCIs, dealing with children with problematic behaviour, Laws relating to children, especially POCSO Act, 2012, essentials of Counselling and mental health. Handbook on Counselling developed by NCPCR was distributed to all the participants. The training programme was attended by Member (Child Health), NCPCR.

7.1.8 **Orientation Programme on Child Rights and Safe Childhood Programme (Child Friendly Panchayats) for Women Sarpanchs of Sikkim**

NCPCR in collaboration with Sikkim SCPCR organised an Orientation Programme on Child Rights and Safe Childhood Programme (Child Friendly Panchayats) for

Women Sarpanchs of Sikkim on 21st May, 2018 at Gangtok. The main objective of this program was to provide child friendly environment where a child is recognized as an individual and is respected with dignity, freedom, protection, and well being with holistic development. A brief session on Prevention of children from sexual offences was taken by DCPO, South Sikkim. NCPCR gave an orientation on Safe Childhood Programme.

7.1.9 Two day programme on Rights of Children in Tea Garden estates in Ooty, Tamil Nadu

NCPCR in collaboration with Tamil Nadu SCPCR organised a two day programme on Rights of Children in Tea Garden estates in Ooty, Tamil Nadu on 29 -31 May, 2018. Member (Child Health), NCPCR attended the training programme.



7.1.10 Sensitization programme on prevention of early marriage and early pregnancy at District Chamba, Himachal Pradesh

NCPCR in collaboration with Himachal Pradesh SCPCR organized a one day sensitization programme on prevention of early marriage and early pregnancy at District Chamba, Himachal Pradesh on 14th June, 2018 with the objective to sensitize all the concerned stakeholders on the subject. The programme was attended by 250 participants including District Project Officers, District Welfare officers, Labour officers, CWCs, representatives of Education and Police Department, Child Helpline and representatives of Panchayat. The programme was also attended by Member (Child Health), NCPCR and Chairperson & Members of Himachal Pradesh SCPCR.

7.2 Inquire into safety issues related to use of Johnson & Johnson powder and shampoo

NCPCR took suo motu cognizance of newspaper reports regarding safety issues in using baby care products manufactured by Johnson & Johnson, an American multinational medical devices, pharmaceutical and consumer packaged goods Company. These cases highlighted the safety issues related to the presence of asbestos and carcinogen formaldehyde-carcinogenic substance in the talcum powder and shampoo, respectively.

The Commission inquired into the matter, and letters were sent to the Chief Secretaries of five selected states from each zone-South (Andhra Pradesh), East (Jharkhand), West (Rajasthan), Central (Madhya Pradesh) and North East (Assam)-of the country to collect samples from the states following the due procedure and in presence of a representative from SCPCR and forward the samples to a NABL accredited government laboratory to give the composition of the sample including the presence of asbestos /formaldehyde. A letter dated 17.5.2016 was sent to Chief Secretary of the following states: South (Andhra Pradesh), East (Jharkhand), West (Rajasthan), Central (Madhya Pradesh) and North East (Assam).

Further, a reminder letter on 30.11.2018 to Chief Secretaries of all States to inquire into safety issues related to use of Johnson & Johnson powder and shampoo and get the sample tested by NABL accredited government laboratory only for the presence of asbestos (in talc) and formaldehyde (in shampoo) or any other hazardous chemical.

7.3 Other Initiatives

7.3.1 Concept for development of Pink Toilets

NCPCR continued to sensitize concerned Government Organisations including South Delhi Municipal Corporation (SDMC), DCPCR and Department of Women and Child Development, Government of NCT of Delhi to invest their time and resources in building pink toilets for girls and women. As its consequence South MCD developed 2nd Pink Toilet with sanitary napkin facility which was formally inaugurated by Mayor, South MCD; Chairperson and Member, NCPCR; Chairperson, DCPCR and District Collector, South Delhi on 24th April, 2018 in PVR, Anupam, New Delhi. An awareness session on Menstrual Hygiene was conducted. Further, the movie PADMAN which is on the subject of Menstrual Hygiene was screened during the program.

7.3.2 *14th Annual Day celebration of the National Drug Dependence Treatment Centre (NDDTC), AIIMS*

NCPCR represented in 14th Annual Day celebration of the National Drug Dependence Treatment Centre (NDDTC), AIIMS held on 13th April, 2018 at Ghaziabad. The programme included a Symposium on "Women and drug use".

7.3.3 *Screening of movie 'Love Sonia'*

Screening of movie 'Love Sonia' followed by a Panel discussion on Human Trafficking and Sexual Abuse was organised by PVR Cinemas for NCPCR and other stakeholders on 27th September, 2018. The film was the harrowing account of two sisters robbed of their innocence when one is sold by her debt-ridden father and the other follows after her in the hope of rescuing her but got trapped in the flesh trade herself.

7.3.4 *'Guidelines on making wholesome nutritious, safe and hygienic food to school children in India'*

Food Safety and Standards Authority of India (FSSAI) has drafted 'Guidelines on making wholesome nutritious, safe and hygienic food to school children in India', to promote healthy lifestyles, good health, physical fitness and reduce risk for diseases like diabetes, hypertension, and cardiovascular diseases. To ensure that children should not be served with High Fat Sugar and Salt(HFSS)food in school canteens and to promote healthy food, NCPCR circulated the FSSAI draft guidelines to all SCPCRs for its implementation. Also, SCPCRs were asked to take inspections/surprise visits of schools in their respective States/UTs.

Also, letters were sent to:

- i) Ministry of Information and Broadcasting (I & B) in matter of HFSS food in school canteens for laying down strict regulatory provisions for advertisement and promotion of pre-packaged foods with HFSS targeted at children on TV channels on 13.11.2018.
- ii) Ministry of Consumer Affairs recommending that directions may be issued for issuance of statutory warning on such pre packaged foods with HFSS targeted at children on 16.11.2018.

- iii) Director, FSSAI to provide information on whether these draft guidelines of FSSAI have been converted into draft regulations and made available on FSSAI website on 14/01/2019.

By the end of the reporting year, two State Commissions i.e, Delhi and Chhattisgarh submitted their School Canteen Inspection Visit Reports to the Commission.

Chapter-8

Representation in Courts

Representation in Courts

8.0 Representation in Courts

The salient details of important Representations undertaken by the Commission in Courts during 2018-19 are mentioned below:

8.1 The State of Tamil Nadu vs. Union of India and Ors., W.P (CrI.) 102 of 2007 before the Hon'ble Supreme Court of India "Re. Exploitation of Children in Orphanage"

- The Hon'ble Supreme Court had in 2007 taken *suo moto* cognizance of some news reports regarding alleged trafficking of children from North-Eastern States to the State of Tamil Nadu; the children were found to be languishing in the orphanages in question in inhuman conditions. Notice to the State of Tamil Nadu was sent with regard to the specific incident of transportation of children under reference.
- During the proceedings in the said matter, discussions were held on the provisions of the JJ Act, 2000 and the Union Government was directed from time to time to submit suggestions/recommendations for better implementation of provisions of the said Act. However, while the matter was sub-judice, JJ Act, 2015 came into force and discussions were then made on the provisions of the new Act and the issues involved in the case.

During the period, the following developments took place in the matter:

- On 03.04.2018, a status report was filed by the Ministry of Women and Child Development which was found to be adequate and satisfactory by the Hon'ble Supreme Court. Hon'ble Supreme Court noted that individual child care plan is not being implemented in letter and spirit. Hon'ble Supreme Court directed that the MWCD with the assistance of the National Commission for Protection of Child Rights and the State Commission for Protection of Child Rights and NGOs, if necessary, to conduct orientation programs so that the individual child care plan in Form No.7 of the Model Rules, 2016 is implemented in letter and spirit. Regarding the discussion on ICPS and utilization of funds, MWCD informed Hon'ble Supreme Court that communications have been sent to the State Governments and Union

Territories Administrations and the plans for utilization of the funds under the ICPS are being received.

- On 11.07.2018, The Hon'ble Supreme Court noted the following-
 - i. There are 7109 child care institutions in the country that have been registered, 401 are in the process of registration, 290 have been temporarily registered while 64 are unregistered.
 - ii. There is a category called 2 'others' which has 763 child care institutions.
 - iii. The total number of child care institutions comes to 8631.
 - iv. The State of Kerala has not provided information on unregistered child care institutions but it is reported that there are 1189 orphanages under the control of Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960.
 - v. There is direction to the NCPCR to conduct social audits in terms of Direction No. 11 of order dated 05.05.2017 and expect the State Governments to cooperate.
 - vi. The Union of India will also issue an advisory to all the State Governments to comply with the directions of the Hon'ble Court and will permit conducting social audits.
- On 21.08.2018, the Hon'ble Supreme Court noted the following-
 - i. As per the survey of Childline, there are about 50,000 children who are potentially free for adoption. As per the survey conducted by Child line, there are 9589 homes across the country and there are about 5764 homes which are not registered, but have children living in them. There is overcrowding in several homes and as per the survey conducted by the Childline, about 50% of the homes are overcrowded.
 - ii. In terms of the status report filed by the Union of India on 20th August, 2018, it appears that the number of Child Care Institution is 8734 out of which 7707 are registered.
 - iii. In terms of the survey conducted by the Childline in 2016-17, there were about 4.7 lakh children in child care institutions (including about 50,000 prioritize for non institutional care). In terms of the status report filed by the Ministry of Women and Child Development, Union of India on 23rd March, 2018, the number of children in child care institutions is about 2.61 lakhs.
- On 28.08.2018, the Hon'ble Supreme Court noted the following-

- i. An affidavit of social audit was filed by the National Commission for Protection of Child Rights (NCPCR). Vide the affidavit, NCPCR submitted its preliminary findings of the interim social audit report. Ministry of Women and Child Development, as well as the NCPCR were directed to communicate this information to the States/Union Territories so that they can act on the preliminary findings of the NCPCR.
- On 20.09.2018, the Hon'ble Supreme Court permitted MWCD to review the reports given by Childline, NCPCR and the State Governments and submit recommendations.
 - Vide its order dated 30.10.2018, MWCD was directed to constitute a committee to analyse the data collected.
 - Vide its order dated 05.12.2018, the Writ Petition was disposed of with leave to amicus curiae to call the case after the final report is made available to her.

8.2 Sampurana Behrua v. Union of India W.P (C) 473 of 2005 with M.A 2069/ 2018 before the Hon'ble Supreme Court

- A Miscellaneous application was filed in the wake of incidents of sexual abuse being reported in girls home in Muzafarpur, Bihar. The Hon'ble Supreme Court heard the application under the case Sampurna Behrua v. Union of India as the directions given in Sampurna Behrua v. Union of India were similar to the directions sought under the Misc. application.

During the period, the following developments took place in the matter:

- The Hon'ble Supreme Court vide its order dated 02.08.2018, noted that, team of Bihar State Commission for Protection of Child Rights had visited the same girls homes in Muzafarpur. The Hon'ble court restrained the Electronic Media from telecasting or broad-casting the images of the girl even in a morphed or blurred form. The Hon'ble court directed the police investigations should be conducted (keeping the interest of the children in mind) with the assistance of professional counsellors/qualified child psychologists appointed in consultation with the NIMHANS, Bangalore, TISS and AIIMS, Delhi.
- On 07.08.2018, the Hon'ble Supreme Court noted that the incident of Muzafarpur, Bihar, is being investigated by the Central Bureau of Investigation, which is being monitored by the Patna High Court. Ministry of Women and Child Development was

also required to inform the Hon'ble Supreme Court of the steps it proposes to take to ensure that the sexual abuse of children does not take place in shelter homes and other homes and child care institutions across the country. The victims of child sexual abuse should not be interviewed by anybody other than an authorised member of the NCPCR and State Commission for Protection of Child Rights and that too in consultation with and in the presence of a trained counsellor or mental health expert.

- On 14.08.2018, the Hon'ble Supreme Court directed National Commission for Protection of Child Rights to take cognizance of the Report given by TISS for conducting social audits. Further directions were given to Government of India to frame a Child Protection Policy on prevention of offences against Children.
- On 04.10.2018, the Hon'ble Supreme Court noted that at present there are three separate issues that need to be considered viz. the counselling and rehabilitation of child victims of violence including sexual violence, study on the conditions and facilities available in the Child Care Institutions across the country. The third is formulation of a Child Protection Policy. It directed MWCD to provide assistance to Hon'ble Supreme Court to understand what is proposed by them with regard to the above mentioned issues.
- On 08.10.2018, the Hon'ble Supreme Court noted that Ministry of Women and Child Development is in the process of preparing/developing a SOP addressing the problem of destruction in the life of children in the child care institutions. Further, the Hon'ble Court mentioned about the social audit being conducted by NCPCR and directed that as soon as the study is received, it will be fully examined by experts appointed by the Ministry of Women and Child Development so that the process of providing good living conditions and facilities to children in the child care institutions is taken care of. Where it is necessary the child care institutions that do not meet the basic requirements will need to be shut down and remedial steps taken with regard to the children in those child care institutions. As regard to Child Protection Policy, the Hon'ble Court noted that Child Protection Policy is also on the anvil and this may take about two months or so. As soon as the first draft is available, it should be circulated widely. In the meanwhile, the Ministry of Women and Child Development, Government of India should also give the Hon'ble Court a status report about the existence of CWCs and the functioning of the JJBs.

8.3 National Commission for Protection of Child Rights vs. Dr. Rajesh Kumar & Ors. SLP (c) 34251 of 2017 before the Hon'ble Supreme Court of India

- The National Commission for Protection of Child Rights filed the present Special Leave Petition against the impugned order of the Hon'ble High Court of Calcutta dated 29.08.2017 in Dr. Rajesh Kumar v. Union of India & ors. W.P No. 22537 (W) of 2017. The Hon'ble High Court in its order had granted an ex parte ad interim injunction of the proceedings pending before the Petitioner. The issue involved in the present petition is that whether the powers and functions of the Petitioner (NCPCR) under Section 13 and 14 of the CPC Act, 2005 as well as its statutory obligation under Section 109 of the Juvenile Justice Act, 2015 shall denude and cease to exist without any material evidence provided by the West Bengal State Commission for Protection of Child Rights, that they had taken the cognizance of the incident in Jalpaiguri, West Bengal, before the NCPCR. Another issue involved in this case pertains to the impugned order passed by the Hon'ble High Court of Calcutta, due to which the NCPCR was unable to conduct its enquiry in the incident of Jalpaiguri, West Bengal and was barred from carrying out its statutory obligations under Section 13 of the CPC Act, 2005.

During the period, the following developments took place in the matter:

- On 16.04.2018, the Hon'ble Supreme Court directed NCPCR to file a chart with regard to information received by way of affidavits from States for setting up of Human Rights Courts and appointment of Special Public Prosecutors for such Courts in the State.
- On 06.08.2018, the State Governments and the High Courts were directed that whoever has not filed the reply, shall file the same.

8.4 National Commission for Protection Child Rights vs. The Secretary, Calicut Orphanage & Another SLP (C) 5087 of 2018, Nina P Nayak vs. Union of India SLP (C) 4905 of 2018 and Samastha Yatheemkhana& Charitable Homes vs. Calicut Orphanage SLP (C) 8777 of 2018 before the Hon'ble Supreme Court of India

- All the three Special Leave Petitions have been filed in the Hon'ble Supreme Court challenging the impugned Judgment dated 20.12.2017 passed by the Hon'ble High Court of Kerala in The Secretary, Calicut Orphanage & And. vs. Union of India

&Ors. W.P (C) No. 14858/2016. The Hon'ble High Court of Kerala vide its order dated 20.12.2017, directed the orphanages to register themselves under the Juvenile Justice Act, 2015, however, has excluded orphanages from the definition, scope and purview of the Child Care Institutions under the Juvenile Justice Act, 2015.

During the period, the following developments took place in the matter:

- All the three Special Leave Petitions, were connected with The State of Tamil Nadu vs. Union of India and Ors., W.P (Crl.) 102 of 2007 'Re. Exploitation of Children in Orphanage'.
- On 02.04.2018, the Hon'ble Supreme Court granted the permission to file Special leave Petition. This matter is now listed with Re: Exploitation of Orphanages in State of Tamil Nadu and the directions are also being given with the case itself.
- Vide order dated 22.02.2019 the Hon'ble Court stated that the matter is now listed on 27.03.2019. However, the matter was not taken up on 27.03.2019. The next hearing is on 26.04.2019.

8.5 R.K Tarun vs. Union of India &Ors. W.P (C) No. 5434 of 2017 before the Hon'ble High Court of Delhi

- The present Writ Petition was filed by the Petitioner challenging the Section 12 and other sections where punishment for sexual harassment is prescribed under the Protection of Children from Sexual Offences Act, 2012. The Petitioner's main contention is that the punishment prescribed under Section 12 of the POCSO Act, 2012, does not specify whether the offence is cognizable/non-cognizable and bailable/non-bailable.

During the period, the following developments took place in the matter:

- On 16.04.2018, Union of India was directed to file its counter affidavit within six weeks. The petitioner was permitted to file rejoinders before the next date of hearing.
- The Union of India on 10.09.2018 was asked to file their counter affidavits.
- The Hon'ble High Court had taken up the matter on 11.09.2019 and stated that as the Counter Affidavit has not been filed by the Respondent No. 1, the same shall be filed within four weeks. The next date of hearing is 24.07.2019.

8.6 Reena Jha v. Union of India W.P (C) 5011 of 2017 before the Hon'ble High Court of Delhi

- The present Writ Petition has been filed before the Hon'ble High Court of Delhi to seek issuance of appropriate Writ, Order and/or Directions to the respondents to ensure effective implementation of the mandate of POCSO Act and Rules.
- The Petitioner has prayed for additional directions for criminal courts to exercise jurisdiction to secure efficient and effective participation of child victims; to frame guidelines to ensure child victims of sexual abuse/assault are necessarily protected with reference to Section 40 of the POCSO Act; to declare that Section 40 read with the rules of the POCSO Act and POCSO Rules, 2012 the child victim, parents or guardian have to be informed regarding any application for bail preferred by suspect/accused/offender; to declare Section 40 read with rules of the POCSO Act, 2012 and POCSO Rules, 2012 that the child victim has to be heard before releasing the offender on bail; Respondents to develop a mechanism to monitor compliance of Section 40 of POCSO Act read with Rule 4 of the POCSO Rules.

During the said period the following developments took place:

- The case was transferred to another bench on 09.08.2018. On 14.09.2018, petitioner submitted that he has circulated certain guidelines for POCSO rules in the matter on 27.02.2018. The judgment in court on its own motion vs. State [Crl reference No. 2/2016] dated 04.08.2018 referred to model guidelines framed by the Central Government in the year 2013 and records that the same have not been accepted or notified by the Government of NCT of Delhi. Government of NCT of Delhi was directed to give suggestion on guidelines after consulting concerned authorities and stakeholders.
- The matter was listed on 08.02.2019 but could not be taken up. The matter is now listed on 17.05.2019.

8.7 Court on its own Motion v. Union of India W. P (C) No. 3725 of 2018 before the Hon'ble High Court of Delhi

- The Hon'ble High Court took *suo-moto* cognizance of the extensive media reporting in the Kathua case in Jammu and Kashmir. The present case is with regard to the violation being done by media houses in reporting about the identity of the victim in

the said case and violating provisions of POCSO Act, 2012, JJ Act, 2015 and Indian Penal Code.

During the said period the following developments took place:

- On 18.04.2018, the Hon'ble High Court issues notices to the respondents in the case. Further, it was noted that, reporting in the print and electronic media enabling identification of the eight year old victim of gang rape and murder, was on account of ignorance of the requirement of law. The respondent media houses were directed to deposit a sum of Rs.10 lakhs each with the Jammu & Kashmir State Legal Services Authority before the next date of hearing.
- On 25.04.2018, The respondent no.6 – The Hindu; respondent no.7 – The Statesman; respondent no.10 – The NDTV Ltd.; respondent no.11 – Firstpost; respondent no.12 – The Week; respondent no.13 – The Republic TV; respondent no.15 – The India TV and respondent no.16 – IE Online Media Services Pvt. Ltd. have deposited the amount of Rs.10,00,000/-, as directed by this court. Rest were directed to deposit the amount at the earliest.
- On 16.07.2018, it was noted that, amounts were deposited by the respondents and the same to be sent to Jammu and Kashmir.
- Vide order dated 19.02.2019, it was stated that already a detailed order has been passed on 08.08.2018 and no further issues are pending for directions. Accordingly, certain compensation has been deposited and the payment to the victim has to be made under to the Victim Compensation Act. Except for considering this aspect of matter, all other matters have been closed.
- Vide order dated 14.03.2019 the Hon'ble High Court of Delhi stated that Respondent No. 8(The Pioneer), Respondent No. 19(Hindustan) and Respondent No. 28 (Al Jazeera Media network Pvt. Ltd. had not deposited the amount as directed by this court vide order dated 18.04.2018. The court directed to issue notice without the process fee including email to Respondent No. 19 and 28 for the pending considerations. Respondent No. 8 has filed another application in the matter regarding the issue. The same is sub-judice. The Court will take coercive action against the respondents without issuing any further notice in case they do not appear on the next date of hearing. The next date of hearing is 23.04.2019.

8.8 Suo-Moto vs. State of Rajasthan W.P (C) 99 of 2016 before the Hon'ble High Court of Rajasthan (Jaipur Bench)

- The present matter pertains to increasing number of suicides in Kota city of Rajasthan and suo motu cognizance taken by the Hon'ble Rajasthan High Court on the newspaper article published in 'The Indian Express' on 05.11.2015 titled "Kota Suicides: Strict regulations are offing for coaching institutes". Being a hub for IIT and other kinds of coaching, Kota has witnessed 45 student suicides in 2014, which increased upto 61% from 2013.
- Hon'ble High Court observed that there is utmost need to enact legislation for controlling the coaching institutes as well as hostels in the city or such other such place where such students stays in large numbers in wholly unsuitable conditions for reducing stress levels amongst students so as to contain the number of suicides.

During the year, the following developments took place in the matter:

- The Hon'ble Court vide its order dated 12.04.2019 has directed the Advocate General and Amicus Curaie to draft legislation on the subject in consultation with a Multi-Body consisting of experts working in this field including representatives from NCPCR.

8.9 Dr. Kanhayalal Sharma vs. Union of India & Others W.P. (C) No. 23357 of 2015 before High Court of Orissa, Cuttack

- The present petition with respect to implementation of section 29 and Rule 23 of Right to Education Act respectively wherein the curriculum to be laid down for the school children shall be such as to strive for the overall development of the child, including that of their physical and mental abilities to the fullest extent. The petitioner through his petition also seeks to highlight the nexus between the book publishers, sellers and the school management to make the books of children voluminous so as to make more money and thereby the children are suffering from back pain.
- The Hon'ble High Court vide order dated 04.02.2019 cited the office circular dated 20.11.2018 of Government of India in which the Ministry of Human Resource Development (MHRD) instructed all the States to prepare guidelines regulating teaching of subjects in schools and also weight of school bags. The Hon'ble High

Court directed the Ld. Counsel for the State to file an affidavit/reply to explain as to why the directions issued by the Government of India are not complied with.

- On 14.05.2019, after hearing to the submissions made by Ld. Counsel of both the parties, the Hon'ble High Court directed the District Education Officer of concerned district to assign the duty to a responsible officer for ensuring implementation of the notification dated 08.03.2019 published by the Government of Odisha, Department of School & Mass Education in its true spirit.

Chapter-9

**Grievance Redressal Management
& Successful Interventions**

Grievance Redressal Management & Successful Interventions

9.1 Status of Complaints

During the period from 1st April, 2018 to 31st March 2019, NCPCR processed 5,012 complaints which included 3,344 fresh complaints received during the period and 1,168 pending complaints from earlier period. Of the complaints processed, 2,215 were disposed off leaving a balance of 2,797 pending at the end of the period. State-wise receipt and disposal of complaints is detailed in the table below.

NCPCR – State-wise Grievances Redressal status						
2018-19						
Sr. No.	States/UTs	Pending as on 1.04.2018	Received from 1.04.2018 to 31.03.2019	Total	Closed	Pending as on 31.03.2019
1.	2.	3.	4.	5. (3+4)	6.	7. (5-6)
1	Andaman & Nicobar	0	5	5	3	2
2	Andhra Pradesh	210	51	261	41	220
3	Arunachal Pradesh	3	4	7	2	5
4	Assam	12	28	40	22	18
5	Bihar	41	200	241	82	159
6	Chandigarh	3	8	11	7	4
7	Chhattisgarh	32	72	104	40	64
8	Dadra and Nagar Haveli	0	0	0	0	0
9	Daman and Diu	0	0	0	0	0
10	Delhi	133	378	511	211	300
11	Goa	0	2	2	2	0
12	Gujarat	19	77	96	51	45
13	Haryana	100	192	292	120	172
14	Himachal Pradesh	4	14	18	10	8
15	Jharkhand	72	134	206	77	129
16	Karnataka	32	85	117	67	50
17	Kerala	32	47	79	33	46
18	Lakshadweep	1	0	1	1	0
19	Madhya Pradesh	186	218	404	213	191
20	Maharashtra	69	157	226	107	119
21	Manipur	20	8	28	4	24
22	Meghalaya	0	2	2	0	2
23	Mizoram	0	2	2	1	1
24	Nagaland	0	2	2	1	1
25	Orissa	60	125	185	85	100

26	Puducherry	2	3	5	3	2
27	Punjab	35	75	110	54	56
28	Rajasthan	59	142	201	98	103
29	Sikkim	0	1	1	1	0
30	Tamil Nadu	113	118	231	93	138
31	Telangana	26	70	96	31	65
32	Tripura	5	5	10	8	2
33	Uttar Pradesh	332	885	1217	565	652
34	Uttarakhand	16	46	62	25	37
35	West Bengal	45	132	177	102	75
	Others	6	56	62	55	7
Total		1668	3344	5012	2215	2797

9.2 POCSO e-box

A unique initiative was made by NCPCR in the month of August, 2016 with the launch of POCSO e-box. The e-box was introduced by the Commission as an additional facility to enable the children to lodge complaints directly to NCPCR, particularly in cases of sexual abuse. The e-box is displayed prominently on the Home Page of the Commission's Web site. During the period, a total number of **2,681** hits were made. Out of **2,681** hits, **81** cases were found to be related to offences covered under POCSO Act, 2012.

9.3 Summons

While dealing the cases of grievance incase of non compliance or not reporting, the Commission exercised its powers under section 14 of CPC Act, 2005i.e, summoning the concerned officer. During the year under report, the Commission issued 18 summon to various officers including Regional Director CBSE; Commissioner, NDMC-New Delhi; Assistant director Social welfare-Jharkhand, Drug Control Administration Dept. Andhra Pradesh, etc.

9.4 Select Successful interventions:

Education

9.4.1 *Complaints regarding non-compliance of orders by four private schools in District Ghaziabad*

A summon hearing was held w.r.t a grievance received in the Commission regarding non-compliance of orders by four private schools in District Ghaziabad. The Summon was sent to DM, Ghaziabad. ADM Ghaziabad appeared before the bench on 04.05.2018 and submitted the action taken report.

9.4.2 *Complaint regarding admission of under-age children in a play school in Delhi*

Taking cognizance of a complaint regarding admission of under age children in a play school in Delhi, summon notice was sent to the Principal of the said school to appear before the bench on 22.05.2018. The Branch Head, Administrative Head and CEO of the school were present during summon. After hearing, the bench ordered the school to file a corrigendum in the newspaper w.r.t the previous advertisement affirming that no child below three years of age shall be admitted to the pre-school. Subsequently, the school shall also submit an affidavit to the Commission. The school has complied with the orders and submitted an affidavit.

9.4.3 *Complaints regarding mental and emotional harassment to children due to fee-related dispute between parents and the school*

Taking cognizance of the complaints received in the Commission regarding mental and emotional harassment to children and incidents of suicides by children due to fee-related dispute between parents and the school, NCPCR developed a *Model Fee Regulatory Framework for Unaided Private Schools*. The framework is a model document that may be adopted by the States to streamline the fee regulation mechanism for private schools. The document has been sent to MHRD for further necessary action.

9.4.4 *Complaint regarding charging fine for non-maintenance of minimum balance from students*

The Commission had received a complaint from a Member Zilla Parishad, Wardha, Maharashtra regarding charging fine for non-maintenance of minimum balance from students for not keeping minimum balance in scholarship account inspite of Circular DBOD. No. Leg BC.37/09.07.005/2014-15 of RBI. After formal procedure, summon was issued to the concerned officers as per Section 14 of the CPC Act, 2005. During the course of inquiry it was informed by SBI to the Commission that they will reimburse all/any amount deducted from the account of such children who are

maintaining Direct Benefit Transfer (DBT) account. Also, in this regard, a letter to all Chief Secretaries of States/UTs have been written to by the Commission requesting them to issue requisite directions to the concerned officials of State Education Department and Regional Heads of SBI. In compliance to the Commission's orders, SBI and UBI have shared a list of nodal officers who shall be coordinating with the State Project Directors of SarvaShiksha Abhiyan (SSA) to expedite the matter of refund to all/any children beneficiary who have been fined for non maintenance of zero balance account and maintenance of DBT account. Responses are being received from various States/UTs and Directions by the Chief Secretary have been issued to the concerned officers from Department of Education of the States/UTs. Also, letter dated 25.07.2018 has been sent to RBI requesting to issue directions to all Banks for compliance of its previous orders towards safeguarding the rights of the children. **(Annexure-II)**

9.4.5 Matter related to mental harassment of children w.r.t fee related issue with parents by DAV School, Sector 14, Faridabad

Summon was issued to District Collector, Faridabad and Chairperson Fee and Fund Regulatory Committee (FFRC), Gurugram to appear before the Commission on 27.06.2018 in the matter of mental harassment of children w.r.t fee related issue with parents by DAV School, Sector 14, Faridabad.

9.4.6 Complaint regarding the implementation of section 29 (1) of the RTE Act, 2009

Summon was issued to District Collector, Faridabad on 02.08.2018 in a complaint related to Mount Columbus School, Faridabad and to Chief Executive and Secretary, Council for the Indian School Certificate Examinations regarding the implementation of section 29 (1) of the RTE Act, 2009.

Health

9.4.7 Complaint regarding alleged death of 20 -30 children due to experimental treatment and unethical practices done by a doctor at Manipal Hospital, Jaipur

A complaint was forwarded by Ministry of Women and Child Development to the Commission on 30th April 2018. It was alleged by the complainant that one of the reknowned doctor at Manipal Hospital, Jaipur was playing with the life of small

innocent children (Thallemic as well as Cancer) patients by misguiding their parents to undergo the Heplo Stem Cell Transplant by quoting its success rate to 90-95%. Under this experimental trial, around 20-30 children got killed in the span of 2 or 2 ½ years. He also charged an exorbitant amount from the parents. The Heplo Stem Cell Transplant is performed outside India as it is a threat to life owing to high risk; the government of India does not permit such treatment.

The Commission took cognizance of the matter and sought a report from the Ministry of Health and Family Welfare. An inquiry team was also constituted by NCPCR, comprising a member and expert from NCPCR, SCPCR and Medical experts. The fact-finding team submitted its report and has given recommendations in this to the Ministry of Health and Family Welfare. The case was further transferred to the Ministry of Women and Child Development, Govt of India and the Ministry of Health and Family Welfare for further necessary action. The case was considered for closure until further instruction from MWCD.

9.4.8 Inquiry at Government Hospital, Trichy in a matter of HI+ve blood transfusion.

The Commission received a complaint forwarded by the Ministry of Women and Child on dated 20.02.2019 with the subject – “2 year old baby turns HIV+ve allegedly after blood transfusion in government hospital, Trichy, Tamil Nadu”. As per the complaint a couple from Trichy, gave birth to twins (girl and boy) at Trichy Government hospital, the girl child was born underweight and hence, was receiving continuous treatment. The parents earn their means of living as daily wage laborers. They moved to Thiruppur and there the child was treated at Thiruppur District Government Hospital where the parents were informed that the child had heart anomalies and referred her to the Government hospital at Coimbatore.

Later, the child was admitted to Coimbatore Medical College (CMCH). It was alleged by the parents of child that the day when the blood was transfused to the baby the child was HIV positive. Thereafter, the doctor tested all the family members but found them to be HIV negative. The parents approached the police to file the complaint but the police allegedly refused to entertain the complaint. The dean of CMCH has also denied any involvement and role of CMCH in getting the child infected.

The Commission took the cognizance of the matter and a fact-finding team comprising of experts from the Commission and the National AIDS Control Organization (NACO) was constituted on a priority basis to probe in to the matter and conducted an enquiry on 27.02.2019 with the medical and non medical officials of Coimbatore pertaining to the case.

Recommendations-

- i. As there is gross discrepancy in the signature of the donor on the donor forms, a detailed enquiry needs to be undertaken in order to arrive at a conclusion. As the confidentiality of the donor is of utmost importance, this issue needs to be addressed carefully.
- ii. All the blood units are screened only by ELISA in the blood bank. If the blood units were subjected for Nucleic acid testing (NAT), it would decrease the window period of detection of transfusion transmitted infection.
- iii. Authorities of Coimbatore Medical College Hospital should be instructed not to arrive at any conclusion and only submit their observations.
- iv. It was informed by the parents of the said child that the complaint was reported by in Police Station but no case was registered by Police. An enquiry may be conducted by in the matter and notice may be issued to the concerned Police official for not reporting the case and not taking any action.
- v. Proper treatment and support should be provided to the child wherever the best facility is available preferably in Coimbatore Medical College. Regular follow up of treatment from ART centre. A written order from District Magistrate, Coimbatore should be given to the Hospital. The family of the child should also be provided with adequate financial help by the District Administration for meeting their travel expenses.
- vi. All the blood units are screened only by ELISA in the blood bank. If the blood units were subjected for Nucleic acid testing (NAT), it would decrease the window period of detection of transfusion-transmitted infection. All the screenings must take into consideration this crucial component.

On the basis of Commission's recommendations a letter was sent to District Collector, Coimbatore, Tamil Nadu on 11.04.2019

9.4.9 Complaint regarding providing bed facility and early date of operation in an emergent case of 18 months old girl.

Based on a complaint received in NCPCR, on 13.06.2018 requesting for intervention in providing bed facility and early date of operation in an emergent case of 18 months old girl suffering from Heart disease and was turning blue. Complainant had received a date of operation after five years i.e. 2023. On NCPCR's intervention with AIIMS, the Hospital authorities informed the complainant to attend the OPD again for further evaluation and management of surgery. The girl was operated on 4th September 2018. The Commission received a thanks email from the parents.

9.4.10 Suo-motu cognizance of a news report "a rare viral illness has caused scare at South Delhi School"

The Commission took suo-motu cognizance of a news article published in Times of India titled as, "a rare viral illness has caused scare at South Delhi School". It was alleged in the news report that a child in a school in south Delhi suffered HFMD, a viral infection that is contagious and caused fever and rashes or blisters on the hands and feet as well as in or around the mouth. After taking cognizance in the matter, a detailed action taken report was sought from District Magistrate South Delhi and Delhi State Commission. In response an action taken report from the office of Chief District Medical Officer, South East District Directorate General of Health Services Govt of NCT of Delhi was received stating that the child is well now and has resumed his school.

9.4.11 Suo-moto regarding news report titled 'सुधारगृहमेंकिशोरोकेशरीरपरचोटेंमिली'

NCPCR took suo-motu cognizance of a news report titled 'सुधारगृहमेंकिशोरोकेशरीरपरचोटेंमिली' published in 'Hindustan Times' on 24.05.2018 and constitute a team to inquire into the matter. The team visited the home on 22.06.2018 in Gautam Budh Nagar, Uttar Pradesh and submitted its report.

Juvenile Justice, Laws related to children and Others

9.4.12 Complaint regarding sexual abuse of a minor girl by his close relative in Hisar

The Commission received a complaint of sexual abuse of a minor girl by his close relative in Hisar reported through POCSO e-box on January, 2019. After taking cognizance of the matter, the Commission directed Childline and Local Police to take immediate action. Based on the rigorous follow-up of NCPCR, an FIR was registered

at women police station u/s 376(2) (f), 506 IPC and sec. 6 of POCSO Act, 2012 against the said accused.

9.4.13 The Commission took suo-motu notice of news report of child starvation titled as ‘भूखसहननहींहुआतोआदिवासीगरीबबच्चोंनेखालियाज़हर‘ pertains to Ratlam district. After taking cognizance of the matter the Commission constituted a fact finding team including a Member of MPSCPCR and visited the family of child. During the visit, the child was found stable. The team held a meeting with concerned district officials in the matter.

9.4.14 The Commission took cognizance of a matter of sexual abuse to a 9 year old girl by her mother’s friends. After taking cognizance, NCPCR involved Childline to visit the family of the said girl. NCPCR continuously monitored the matter and gave directions to the local police and Childline resulting into the lodge of FIR u/s 8 & 10 of POCSO Act.

9.4.15 The Commission took cognizance of the complaint regarding alleged starvation of a new born child at, Siwandhi Village, Bokaro District. It is alleged that the said child was abandoned by his father and financial condition of the family was also not good. After taking cognizance, a report was sought from District Collector, Bokaro. Jharkhand SCPCR conducts an inquiry in this matter.

A detailed action taken report was received from ADM, Bokaro, Jharkhand stating that on Commission’s directions an inquiry team was sent to visit the said new born child. Team members met the concerned child and his mother. They were provided with 20 kgs of rice under Chief Minister’s Food Relief Fund. The Gram Panchayat Head was directed to look after the mother and the child. Medical services were also made available to the lactating mother and the new born child.

9.4.16 MWCD forwarded a complaint to NCPCR regarding poor condition of District Hospital Gulbarga Institute of Medical science (GIMS), Kalaburagi, Karnataka. It was alleged that five babies have died during the last nine months in the said hospital. After taking cognizance of the matter, a report was sought from District Magistrate Kalaburagi and Karnataka SCPCR. The report so received from Deputy Commissioner, Kalaburagi was forwarded by Joint inspector, District Health & Family Welfare Officer Kalaburagi & Director GIMS, Kalaburagi. The ATR highlighted that reason for malnourishment in newborns is maternal malnourishment.

The Department of Women and Child undertakes *Matru Purna Yojana* to improve the nutritional status of pregnant and lactating mothers. The hospital administration has taken steps to improve the condition of the said hospital and construction of 60 bedded Sick Newborn Care Unit (SNCU) is underway. The labor room expansion and renovation of Mother & Child hospital are underway. MCH hospital human resource recruitment file is in the finance department for sanctioning of posts.

Strengthening of peripheral areas (PHC, CHC, Doctors and Nursing Care) with regard to maternal and newborn care to decrease the overload on GIMS hospital is ongoing. A separate MCH hospital is being renovated. The Advisory Committee members from NCPCR and CARA visited the hospital for inspection and found some positive changes.

Chapter-10
Rights of Children in
North-East Region

Rights of Children in North East Region

10. Introduction

North East is the eastern-most region of India. It comprises eight States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. The North-Eastern States are primarily inhabited by various tribes. The region has considerable issue of backwardness in a progressing economy and it is one of the most challenging regions of the country to manage.

Concerning the issues relating to children of North-East, NCPCR created a dedicated North East Cell in the Commission for the promotion and protection of child rights and redressal of issues of children of North-East States in a more effective and efficient manner. The Commission realises that there is an enhanced need to create awareness related to child rights and child protection issues on the ground level and efforts are required to be made to reach every last child of the NER. Also, it imperative that grass root organisations working for the causes of children should be empowered and strengthened.

Major activities undertaken by North East Cell during the year 2018-19:

The Commission visited different parts of the NE region from time to time to promote and protect the rights of children and carried out various activities including meetings, consultations, workshops and inspection of children homes etc.

10.1 Consultation to understand the status of Drugs/Substance Use by children in Manipur

NCPCR organized a Consultation to understand the status of drugs/substance use by children in Manipur at Imphal, Manipur on 20.04.2018. Member (Child Health), NCPCR; Chairperson and Members of Manipur SCPCR; experts from NDDTC, AIIMS and SPYM, Delhi participated in the Consultation. More than 100 stakeholders were sensitized on the said subject and a review of substance use amongst children in Manipur was also done by the Commission.

10.2 Training programme for Staff of CCIs at Gangtok, Sikkim

NCPCR conducted training programme for Staff of CCIs at Gangtok, Sikkim on 18.05.2018 and 19.05. 2018. 100 participants including Counselors, Superintendants and other staff of CCIs & ICPS of Sikkim participated in the programme.

10.3 Orientation Programme on Child Rights and Safe Childhood Programme (Child Friendly Panchayats) for Women Sarpanchs.

NCPCR conducted Orientation Programme on Child Rights and Safe Childhood Programme (Child Friendly Panchayats) for Women Sarpanchs at Gangtok, Sikkim on 21.05.2018. Women Sarpanchs and other stakeholders participated in the programme.

10.4 District level workshops on JJ & POCSO Acts and Child Rights issues at Manipur

NCPCR organized district level workshops on salient features of Juvenile Justice Act, 2015, POCSO Act, 2012 and Child Rights issues at Imphal West, Tengnoupal, Thoubal, Churachandpur, Manipur on 15.05.2018, 19.05.2018, 23.05.2018 and 28.05.2018. 502 participants including police personnel, officials from State social welfare departments, CWCs, JJBs, NGOs, and other stakeholders were participated in the workshops.

10.5 Training of Trainers' Module for Training of Counsellors on Psychological Trauma Assessment and Intervention for CSA

NCPCR conducted 'Training of Trainers' Module for Training of Counsellors on Psychological Trauma Assessment and Intervention for CSA developed by Department of Psychiatric, AIIMS at Guwahati, Assam on 25.08.2018 and Aizwal, Mizoram on 28.08.2018. Representatives from CCIs of Assam, Auxiliary Nurse Midwives (ANMs), Anganwadi Workers, Counselors and Social workers and participants from Child Care Institutions of Mizoram were participated in the training.

10.6 State level workshops on Provisions of RTE Act, 2009, NCPCRs Regulatory Guidelines for Hostels of Educational Institution for Children and Leveraging CSR

NCPCR organized State level workshops on provisions of RTE Act, 2009, NCPCRs Regulatory Guidelines for Hostels of Educational Institution for Children and Leveraging CSR at Shillong, Meghalaya on 19.09.2018 and West Imphal, Manipur on 23.09.2018. Approx. 600 participants comprising of NGOs/CSOs running Children Homes and Hostels, CCIs, CWCs and JJBs participated in the said workshops.

10.6 State level Training Workshop on Juvenile Justice (Care and Protection of Children)-JJ Act, 2015, POCSO Act, 2012 and Child Rights issues in Itanagar, Arunachal Pradesh

NCPCR organized State level Training Workshop on JJ & POCSO Acts and Child Rights issues in Itanagar, Arunachal Pradesh on 27.09.2018. More than 200 persons including senior Police Officers of the State, Members of CWCs and JJBs, and Member, SCPCR were participated in the workshop.

10.7 Initiatives for Child Education & Child Welfare and Child Wellbeing at Assam and Nagaland

NCPCR organized a State Level Sensitization Workshop for NGOs running Children Home and Hostels on Provisions of RTE Act, 2009, NCPCR's Regulatory Guidelines for Hostels of Educational Institution for Children and; Leveraging CSR initiatives for Child Education & Child Welfare and Child Wellbeing, at Dimapur, Nagaland on 27.09.2018 and Guwahati, Assam on 03.10.2018. The workshop was attended by approximately 150 participants including members of CWC, JJB and other stakeholders such as Management Committee members, superintendent and staff of Hostels of Educational Institutions for children and representatives from Education Department, Government of Assam and Nagaland. The workshops saw active participation from both Assam and Nagaland SCPCRs.

10.8 Review meeting with Assam SCPCR on various issues w.r.t plight of CCI's.

Chairperson, NCPCR visited Guwahati Assam on 23rd- 24th October, 2018. During the visit, he convened a review meeting with Assam SCPCR. Various issues w.r.t plight of CCI's, grievance handling mechanisms and other administrative issues within the Commission, discussions around the upcoming Zonal workshop for Sensitization of police personnel's by Assam SCPR on the 26th October 2018 were held. Chairperson, NCPCR made a surprise visit of two CCI's viz. Missionaries of Charity and Seven Sisters Home, Guwahati, Assam.

10.9 District level workshops on JJ Act, POCSO Acts and Child Rights issues at Meghalaya

NCPCR organized district level workshops on JJ Act, POCSO Act and Child Rights issues at West Janita Hills, Ri-Bhoi and East Jaintia Hills, Meghalaya on 07.11.2018, 12.11.2018 and 14.11.2018. Approx. 300 participants including representatives from police department, State social welfare department, CWC, JJB, NGO's and various other stakeholders were participated in the workshops.

10.10 Meeting to discuss the program activities to be undertaken in the North East Region in NCPCR

NCPCR organized a meeting to discuss the program activities to be undertaken in the North East Region at Conference Room of NCPCR, New Delhi on 19.11.2018. The officials/consultants from all divisions of NCPCR were present in the meeting and submitted their list of activities to be undertaken in NE Cell in FY'2018-19 till March 2019. Further, it was decided in the meeting that the existing activities should be conducted in North East by Q4 FY'2018-19 i.e. (till March 2018-19). Also 'Call for Proposals' for conducting the same through partnerships with various Institutions/NGOs/CSOs/Consulting Organisations/Universities active in NER etc. shall be put up on the website of the Commission and CPPP subsequently for Q4 FY'2019-20.

10.11 State level sensitization cum training workshop for the Chairpersons & Members of CWCs at Guwahati, Assam

To strengthen the effectiveness of functioning of CWCs, NCPCR organised a 'Two Days State Level Sensitization cum Training Workshop for the Chairperson and Members of Child Welfare Committee' in collaboration with Assam SCPCR at Guwahati, Assam on 22 - 23 January 2019. The said training programme was attended by more than 120 participants included Chairpersons and Members of CWCs, JJBs in Assam and other stakeholders such as ICPS and ICDS staff, State Police, Assam SCPS and Assam SCPCR.

10.12 District level workshop on Child Trafficking at Assam

NCPCR organized one day district level workshop on Child Trafficking at Kokrajhar, Tezpur and Dibrugarh, Assam on 16.03.2019, 19.03.2019 and 22.03.2019. Police

officials, Media professionals, JJB Members, CWCs, DCPUs, SJPU, DCPOs, Law students, Youth Groups, Student volunteers, participated in the workshop.

10.13 District level consultation cum review meeting on Available Schemes and Services for Malnourished and Stunted Children in High Prevalent Districts of Assam

NCPCR organized one day district level consultation cum review meeting on Available Schemes and Services for Malnourished and Stunted Children in High Prevalent Districts i.e. Darrang, Goalpara, Dhubri and Morigaon, Assam on 20.03.2019, 25.03.2019, 27.03.2019 and 28.03.2019. Aanganwadi workers, Nutrition experts, ANMs, representatives of Education Department, Health Department, ICDS, Medical students, NGOs, Swasth Bharat Preraks from Poshan Abhiyaan, Public Health Engineering Department, etc. were participated in the consultation.

10.14 State level Consultation on Drug/Substance Use among children in North Eastern States

NCPCR organized State level Consultation on Drug/Substance Use among children in North Eastern States at Aizwal, Mizoram on 20.03.2019, Agartala, Tripura on 23.03.2019 and Itanagar, Arunachal Pradesh on 23.03.2019. Representatives from Department of Education, Social welfare, Panchayat, Child Welfare Committees, JJBs, Police, NGOs, Civil Societies, Students, Medical Officers, Teachers and others were participated in the consultation.

10.15 Regional Consultation for reviewing the Status of drop-out Rate in North-Eastern States

NCPCR organized Regional Consultation for reviewing the status of drop-out rate in North-Eastern States and devising pathways for addressing high drop out in region at Guwahati, Assam on 25.03.2019. Representatives from State Education Department, State Social Welfare Department, SCPCRs and District Education Officers were participated in the consultation.

10.16 Regional level Consultation on Drug/Substance Use among children in North Eastern States at Guwahati, Assam

NCPCR organized one day Regional level Consultation on Drug/Substance Use among children in North Eastern States at Guwahati, Assam on 26.03.2019. Representatives from State Education Department, Education Department, NACO, UNODC, CWC, JJB and Civil Societies participated in the consultation.

10.17 Multi-Stakeholder Meeting on Availability and Access to ECCE Curriculum in Regional Dialects and Mother Tongue at Guwahati, Assam

NCPCR organized Multi-Stakeholder Meeting on Availability and Access to ECCE Curriculum in Regional Dialects and Mother Tongue at **Guwahati, Assam on 27.03.2019**. SCERT, NIPCCD, CBSE Regional Office, Private Schools providing Pre-school education for children in the age 3-6 years, Independent experts/organization working for ECCE were participated in the meeting.



10.18 NCPCR vide letter dated 19.07.2018 requested the Chief Secretaries of all States to follow-up with M/o Corporate Affairs for earmarking 10 % of CSR funds for NE States. Also, letters dated 19.07.2018 have been sent to SCPCRs to organise press conferences or share the news with media on the said matter (**Annexure-III**).

10.19 Sankalp Se Siddhi

In order to foster the inclusivity of children in the process of nation building and to facilitate their Right to Participation, the NCPCR felt the need to reach every last child irrespective of the geographical boundaries of our nation. Various competitions have

been held at school levels wherein the teachers, headmasters, principals of Government and Private schools of North Eastern Region have been included to begin with. So far, more than 2, 14,000 students took pledge with approximately 1, 00,600 students from Assam, 85,000 students from Tripura and 23,500 students from Meghalaya took a pledge towards a Corruption Free India, a Clean India, a Poverty Free India, a Terrorism Free India, a Casteism Free India and a Communalism Free India.

Chapter-11

Other Activities

Other Activities

11. The Commission during the year under report carried out some other initiatives to protect, promote and defend child rights in the country. It includes:

11.1 Media activities

- *Create awareness about the legal provisions of the POCSO Act, 2012*

Three separate radio spots were broadcasted to create awareness about the legal provisions of the POCSO Act, 2012 regarding sexual abuse of children. The campaign was aired on Vividh Bharati 41 channels for a period of one week from 30th March to 5th April, 2018.

- *Publications for Visually Handicapped Children*

NCPCR with the help of National Institute for the Visually Handicapped (NIVH), Dehradun, converted the following publications into Braille and circulated to Chief Secretaries & SCPCRs of all States and concerned organizations on 12th April 2018:

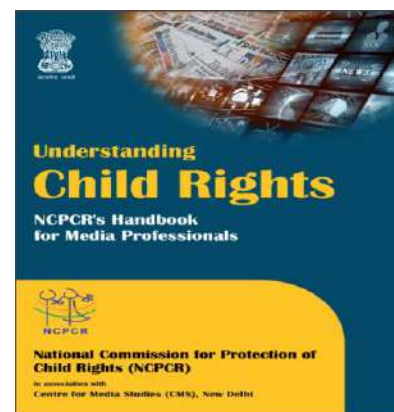
- i. An Easy Guide for implementation of the POCSO Act, 2012; and
- ii. Navigational Tool Kit for implementation of the Juvenile Justice Act, 2015 and Juvenile Justice Model Rules, 2016.

- *Posters on Child Protection*

NCPCR developed posters on Child Protection and released them in programme held on 16th May, 2018 at New Delhi.

- *Understanding Child Rights-Handbook for Media Professionals*

With the objective to inform and assist media persons about various child laws in the country, enacted to protect child rights, NCPCR developed a comprehensive compilation titled, 'Understanding Child Rights-Handbook for Media Professionals'. The handbook was circulated to Chief Secretaries and SCPCRs of all States and media agencies on 4th May, 2018 with a request to issue an advisory to all concerned to strictly comply the provisions of Indian Laws on Protection of Rights of the Children.



- *Meeting to review ‘Guidelines to regulate child participation in TV Serial, Reality Show, and Advertisement’*

NCPCR organized a meeting under the chairpersonship of Chairperson, NCPCR to review ‘Guidelines to regulate child participation in TV Serial, Reality Show, Advertisement’ on 24th August 2018. Officials from News Broadcasters Association (NBA), BCCC (IBF), CBFC, Mumbai and Prasar Bharati (AIR & DD) participated in the meeting. Member (Child Health) and Member (Child Psychology) also participated in the meeting. Based on the discussions in the meeting, the guidelines were revised and circulated it to concerned stakeholders and MWCD for seeking their comments/suggestions.

11.3 Meeting with International Delegates

Mrs. Rita Venkataswamy, the Ombudsperson for Children in Mauritius visited NCPCR on 19th April, 2018 to discuss and understand the Indian laws and regulations on protecting Child Rights. She interacted with the Chairperson, Members and other senior officials of the Commission.

11.4 ‘World Congress on Justice for Children’ held in Paris, France on 28th-30th May, 2018

Chairperson, NCPCR represented India in ‘World Congress on Justice for Children’ held in Paris, France on 28th-30th May, 2018. The Chairperson also made a presentation on 29th May, 2018 on ‘Role of Independent Commissions on Juvenile Justice Programmes in India and Closed Institutions’ during the workshop on ‘Regional Forum for Asia’.

11.5 Momo Challenge Game

As reported in media, ‘Momo Challenge Game’ is becoming dangerous for child online safety. NCPCR took cognizance of the matter and requested to Ministry of Electronics and Information Technology (MeitY) on 30th August, 2018 to take preventive steps in the matter and to stop its spread in India. NCPCR also apprised about the same to MWCD and MHA.

Based on the advisory of MeitY, NCPCR wrote to Chief Secretaries, Director General of Police, Secretaries (Education Department) of all States/UTs on 6th September 2018 to give wide publicity to the Advisory and to take appropriate

preventive steps for child online safety. NCPCR also uploaded the Advisory issued by MeitY on its website: www.ncpcr.gov.in.

11.6 Meeting of Sexual Harassment Committee of NCPCR

With reference to the letter no.22-45/1997-Admn dated 27.08.2012 received from Ministry of Women and Child Development, the NCPCR has constituted its Sexual Harassment Committee. During the period under report, the meeting of Sexual Harassment Committee of NCPCR was held on 06.12.2018 and no such case was reported.

11.7 Statutory Committee of NCPCR

With reference to Section 10 (1) of the CPC Act, 2005, the Commission met 3 times as per the provision of the said section. The 35th meeting of Statutory Committee was held on 24.08.2018; 36th meeting of Statutory Committee was held on 17.12.2019 and 37th meeting of the Statutory Committee was held on 08.01.2019. The minutes of these meetings are available on the website of NCPCR.

11.8 Exhibition on issues related to child rights and Safety of children in Schools

NCPCR put up a stall at National Convention organized by SSUN at Gandhi Samriti at New Delhi from 6th -8th April, 2018 on issues related to quality in education and safety of children in schools. Education Division of NCPCR participated in the Convention and demonstrated exhibitions on themes related to child rights violation (एकात्म मानववाद में बाल अधिकार).



11.9 Flagship initiatives and programs in the benefit of students

The Commission collaborated with NITI Aayog and signed the 'Statement of Intent' to establish and strengthen innovation ecosystem through AIM's flagship initiatives and programs in the benefit of students and start-ups.

Chapter-12

Recommendations

Recommendations

12. Introduction

The Commission, as per the CPCR Act, 2005, is mandated to make recommendations to the concerned authorities wherever violations of Child Rights are observed. The important recommendations made by the Commission during the year were as follows:

- 12.1 NCPCR sent its recommendations for ensuring children's right to education to Secretary, School Education, Punjab on 16.05.2018 based on the discussions held during a review meeting on 27.04.2017 at O/o Director General School Education, Punjab and observations on the nature of complaints received from the State **(Annexure-IV)**.
- 12.2 NCPCR sent its recommendations for ensuring children's right to education to Principal Secretary, School Education, Rajasthan on 16.05.2018 based on the discussions held during a review meeting on 21.08.2017 at State Secretariat, Rajasthan and observations on the nature of complaints received from the State **(Annexure-V)**.
- 12.3 The Commission u/s 13 (1) (a) & 13 (1) (f) of the CPCR Act, 2005 have undertaken a desk review regarding implementation of section 27 of the RTE Act, 2009 and involvement of teachers in non-academic activities. After perusal of the relevant reports and data, it has been observed that repeated engagement of teachers in election related activities results in loss of precious academic time of children. Since, school infrastructure and resources are also utilized during election. As ensuring fundamental rights of all children is a collective responsibility of all, NCPCR has framed a detailed representation with specific recommendations highlighting the ways in which the Election Commission can contribute towards ensuring right to education of all children. The representation has been sent to the Chief Election Commissioner and is available at <http://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1705&lid=1698>.
- 12.4 With reference to the provisions of Child Labour (Prohibition and Regulation) Act, 1986, NCPCR recommended all States/UTs on 21st May, 2018 to take preventive measure to prevent children from Child Labour.

- 12.5 NCPCR has requested Chief Secretaries of all States/UTs on 23rd April 2018 to adopt a standard format Performa for Medico-legal Examination of Sexual Violence as approved by the Ministry of Health and Family Welfare, Government of India in March 2014 (**Annexure-VI**).
- 12.6 NCPCR wrote to President, Internet Service Providers Association of India on 4th May, 2018 to issue an advisory to all Internet Service Providers to strictly comply with the provisions of the Indian Laws to ensure online protection of children (**Annexure-VII**).
- 12.7 As per the media reports, young children are also being sexually abused, gang raped or in some cases murdered. In order to analyse age group of victim/survivors, their gender, nature of offences, and profile of accused persons etc., there is an urgent need to undertake statistical analysis of POSCO cases data published by NCRB so that a strategy could be developed for prevention of Child Sexual Abuse. In this regard, NCPCR requested to Director General, BPR&D on 22nd May 2018 to conduct statistical analysis of POCSO cases reported and published by NCRB. (**Annexure-VIII**).
- 12.8 NCPCR submitted its comments on amendment in POCSO Act, 2012 to MWCD through letter dated 18.07.2018. (**Annexure-IX**).
- 12.9 NCPCR wrote to Chief Secretaries of all States on 3rd May 2018 to take necessary steps for including male child victims of sexual abuse in their Victim Compensation Scheme and intimate to the Commission the total number of victims (male and female separately) who received benefits of the scheme along with the amount disbursed during the year 2017-18.
- 12.10 NCPCR requested Hon'ble Minister, WCD on 25th May 2018 to take up the matter with Chief Ministers of all States to issue necessary directions to the concerned departments of their States for including male child victims of sexual abuse in their Victim Compensation Scheme/Fund.

In response, Hon'ble Minister WCD wrote to Chief Ministers of all States/UTs on 29th May, 2018, to take necessary steps for including male child victim of sexual

abuse in their victim compensation Scheme/Fund and that compensation including interim compensation be given timely to the victims. (**Annexure-X**)

12.11 NCPCR recommended to a Scheme 'Play and Recreation of Children' (PARC) to facilitate access of children to play and recreational material for their holistic growth and development and submitted the same to the Ministry of WCD for consideration.

अध्याय-13

राजभाशा

राजभाशा

13.1 राजभाशा नीति का कार्यान्वयन

एन.सी.पी.सी.आर. के नियमित तथा अनियमित प्रकारों के माध्यम से अनुसंधान, प्रशिक्षण कार्यक्रमों तथा परिणामों एवं निष्कर्षों के प्रसार सहित दैनिक प्रशासनिक कार्य में राजभाशा का प्रसार करने के क्रम में गृह मंत्रालय, भारत सरकार द्वारा जारी कार्यालय ज्ञापन संख्या 5/69/69-रा.भा., दिनांकित 25.10.1969 के अनुसरण में राजभाशा अधिनियम, 1963 और इसके तहत बनाए गए नियमों के विभिन्न संवैधानिक और कानूनी प्रावधानों को लागू करने के लिए एन.सी.पी.सी.आर. में राजभाशा कार्यान्वयन समिति का गठन किया गया था।

राजभाशा अधिनियम, 1963 और इसके तहत बनाए गए नियमों के विभिन्न संवैधानिक और कानूनी प्रावधानों को लागू करने के लिए एन.सी.पी.सी.आर. की राजभाशा कार्यान्वयन समिति की बैठक दिनांक 29 जून, 2018, 11 अक्टूबर, 2018 और 31 जनवरी, 2019 को सदस्य(बच्चों से संबंधित कानून) की अध्यक्षता में आयोजित की गई।

13.2 आयोग के अधिकारियों एवं कर्मचारियों को मूल रूप से हिंदी में कार्य करने हेतु उन्मुख करने के लिए हिंदी कार्य ाला

आयोग के अधिकारियों एवं कर्मचारियों को अनुवाद पर निर्भर रहने के बजाए मूल रूप से हिंदी में कार्य करने हेतु उन्मुख करने के लिए आयोग ने तीन हिंदी कार्य ालाओं का आयोजन किया। ये कार्य ालाएं 16 मई, 2018, 30 अक्टूबर, 2018 और 06 फरवरी, 2019 को आयोजित की गईं। कार्य ाला के विषय क्रम 1: हिंदी में टिप्पण एवं प्रारूपण, मानक हिंदी वर्तनी एवं व्याकरण तथा कार्यालयीन पत्रों के विविध प्रारूप थे। कार्य ाला के दौरान आयोग के अधिकारियों एवं कर्मचारियों को हिंदी में टिप्पण एवं प्रारूपण तैयार करने के लिए व्यावहारिक प्रशिक्षण दिया गया था। कार्य ाला के प्रतिभागियों को भारत सरकार की राजभाशा नीति, विभिन्न प्रोत्साहन योजनाएं, राजभाशा के प्रसार के लिए सरकार की पहल, प्रतिभागियों द्वारा अपने दैनिक कार्य में सामना की जाने वाली व्यावहारिक कठिनाइयों के समाधान के बारे में बताया गया।

13.3 एन.सी.पी.सी.आर. में 1 से 15 सितंबर, 2018 तक हिंदी पखवाड़ा का आयोजन

दैनिक कार्य में राजभाशा हिंदी के कार्यान्वयन हेतु वार्षिक कार्यक्रम के तौर पर एन.सी.पी.सी.आर. में 1 से 15 सितंबर, 2018 तक हिंदी पखवाड़ा मनाया गया। इस आयोजन के दौरान विभिन्न प्रतियोगिताओं जैसे हिंदी निबंध, हिंदी भाषण, हिंदी काव्यपाठ, हिंदी श्रुतलेखन (केवल एम.टी.एस. के लिए) का आयोजन किया गया। समापन समारोह के दौरान सदस्य(बच्चों से

संबंधित कानून), एन.सी.पी.सी.आर. के कर-कमलों से प्रत्येक प्रतियोगिता के विजेताओं को नकद पुरस्कार प्रदान किए गए।

13.4 आयोग में 28 फरवरी, 2019 को अंतरराष्ट्रीय मातृभाषा दिवस का आयोजन

अंतरराष्ट्रीय मातृभाषा दिवस 28 फरवरी, 2019 को सदस्य (बच्चों से संबंधित कानून) की उपस्थिति में मनाया गया। आयोग के अधिकारियों एवं कर्मचारियों ने अपनी मातृभाषा में बाल अधिकार विषय पर अपने विचार व्यक्त किए।

13.5 बाल साहित्य पर राष्ट्रीय सम्मेलन

विदे टा मंत्रालय, भारत सरकार द्वारा 16-20 अगस्त, 2018 तक मॉरी ास में 11वें वि व हिंदी सम्मेलन का आयोजन किया गया था जिसका मुख्य विषय 'हिंदी वि व और भारतीय संस्कृति' था। इस सम्मेलन में पारित अनु ांसाओं के अनुपालन हेतु एक 'अनु ांसा अनुपालन समिति' का गठन किया गया और वि व हिंदी सम्मेलन के आठवें समानांतर सत्र : हिंदी बाल साहित्य और भारतीय संस्कृति के संदर्भ में पारित अनु ांसाओं के अनुपालन के लिए गठित समूह में श्री प्रियंक कानूनगो, अध्यक्ष राष्ट्रीय बाल अधिकार संरक्षण आयोग को भी सदस्य बनाया गया है।

अनु ांसा अनुपालन समिति की पहली बैठक का आयोजन दिनांक 22 फरवरी, 2019 को माननीय विदे टा मंत्री श्रीमती सुशमा स्वराज जी की अध्यक्षता में किया गया। आठवें समानांतर सत्र हिंदी बाल साहित्य और संस्कृति में कुल 10 अनु ांसाएं पारित की गई थीं जिनमें से राष्ट्रीय बाल अधिकार संरक्षण आयोग को निम्नलिखित अनु ांसाओं का अनुपालन करने को कहा गया है :

1. साहित्य पत्र-पत्रिकाओं में बाल साहित्य का एक कॉलम अनिवार्यतः रखा जाना चाहिए
2. प्रतिवर्ष बाल साहित्य पर राष्ट्रीय एवं अंतरराष्ट्रीय संगोष्ठी की जाए
3. बाल साहित्य का वार्षिक आकलन किया जाए
4. हिंदी बाल साहित्य का तथ्यात्मक इतिहास लिखा जाए

समिति द्वारा पारित अनु ांसाओं के अनुसरण में आयोग इस समूह के सदस्यों के सहयोग से बाल साहित्य पर एक राष्ट्रीय स्तर का सम्मेलन का आयोजन करने की योजना बनाई है। आयोग द्वारा बाल साहित्य पर एक राष्ट्रीय स्तर का सम्मेलन जनवरी-फरवरी-2020 तक किया जा सकता है जिसमें बाल साहित्य के लेखकों, साहित्यकारों, प्रका ाकों को आमंत्रित किया जाएगा।

13.6 **राष्ट्रीय बाल अधिकार संरक्षण आयोग को राजभाषा अधिनियम, 1976 के नियम10(4) के अंतर्गत अधिसूचित किया गया**

राजभाषा(संघ के अधिकारिक कार्य हेतु प्रयुक्त) नियम, 1976 के नियम-10 के उप नियम(4) के अनुपालन में केंद्र सरकार ने अपनी अधिसूचना संख्या 14013/1/2018-हिंदी दिनांक 18 जून, 2018 के माध्यम से राष्ट्रीय बाल अधिकार संरक्षण आयोग को 80 प्रति शत से अधिक स्टाफ को हिंदी का कार्यसाधक ज्ञान प्राप्त होने वाले कार्यालय के रूप में अधिसूचित किया है।

Chapter-14

New Era and New Initiatives

New Era and New Initiatives

14. Introduction

The Commission is smoothly working its activities towards achieving its mandate as mentioned in the CPCRA Act, 2005 and the other child related Acts. The Commission in the reporting year continues its activities under the leadership of two Chairpersons. From April to mid of the September 2018 under Smt. Stuti Kacker who demitted the Commission after completion of her tenure and from mid of the October, 2018 to March, 2019 under Shri Priyank Kanoongo who was appointed as the new Chairperson of the Commission.

It has been observed by Shri Priyank Kanoongo, Chairperson that even after 12 years of the Commission there is a need to increase the reach of the Commission among community. Keeping this in view, Shri Kanoongo had a brain storming session with the existing team of the Commission to review the working and comes up with new innovative ideas to overcome hurdles faced by the Commission to achieve its mandate effectively as well as efficiently. This new robust approach of the Commission proved to be a success through which Commission can now reach to the unreached child of the country to ensure his/her child right.

The role and responsibilities of the staff has been restructured and again allocated in accordance with the mandate of the Commission. The details of the ongoing activities which were strengthened and new initiatives which were taken up by the Commission were as follows:

14.1 Pariksha Parv

India has the highest rate of suicides in the world amongst students - simply due to the unbearable pressure of exams. According to the National Crime Records Bureau (NCRB), between 2014 and 2016, 26,476 students committed suicide in India. Of them, 7,462 committed suicide due to failure in various examinations. Students in schools experience high stress during examination, especially during their Boards examination due to various reasons such as lack of preparation, style of their study and lack of needed information, pressure from parents and peers etc. When stress is perceived negatively or becomes excessive, it leads to anxiety before and during examinations and ultimately affects their academic achievement. Therefore, in order to deal with the issue of stress and its negative

effects on children during board examination, NCPCR carried out a month long campaign ‘#Pariksha Parv’ during exam period i.e, 21st February to 15th March, 2019. During the campaign, Radio Spots/Jingles were broadcasted through All India Radio (Vividh Bharti). Fourteen (14) Live streaming sessions on Question & Answer with renowned experts- Psychiatrists/Psychologist, Motivational Speakers through Facebook/Twitter/YouTube were broadcasted. The Commission issued letters to Principal Secretaries/Secretaries (School Education) of all States/UTs and State Commissions for Protection of Child Rights of all States/UTs to join the campaign and place the information of this programme on their website. Also, the Commission requested them to circulate this information among the schools/ hostels in their jurisdiction and to ensure their participation in live streaming sessions. A good number of children, parents and teachers directly participated in these live streaming sessions and successfully got solutions for their exam queries, time management, skills to deal with stress etc. After each live streaming session the Commission placed the questions and their solutions on the social for the reference of children.

#ParikshaParv

परीक्षा एक उत्सव है, परीक्षा को ऐसे लीजिए जैसे मानो एक त्यौहार है।

एनसीपीसीआर के #ParikshaParv में
Live Streaming द्वारा विशेषज्ञों के साथ जुड़कर परीक्षा के तनाव को कम करें।

यह Live Streaming 21 फरवरी से 15 मार्च, 2019 तक
दोपहर 3.00 से 4.00 बजे के मध्य होगी।

ये विशेषज्ञ Exam Warriors के साथ बातचीत करेंगे :

डॉ. निशा जी. बहाई	डॉ. जितेंद्र नामग्याल	डॉ. अंचल भगत	डॉ. अमित केन	डॉ. अमित सावर	डॉ. अमित सावर	डॉ. अमित सावर	डॉ. अमित सावर
डॉ. अंचल भगत	डॉ. अमित केन	डॉ. अमित सावर	डॉ. अमित सावर	डॉ. अमित सावर	डॉ. अमित सावर	डॉ. अमित सावर	डॉ. अमित सावर

कार्यक्रम की विस्तृत जानकारी www.ncpcr.gov.in पर उपलब्ध है अथवा QR code स्कैन करें।

Facebook: /NCPCR.Official
Twitter: @NCPCR
YouTube: /channel/NCPCR



14.2 Setting-up a Quick Response Cell (QRC) for conducting rescue operations in respect of serious complaints/grievances/situations

A Quick Response Cell (QRC) was constituted by Chairperson, NCPCR in year 2018 to take quick and prompt action in the matters which requires urgent intervention of the Commission. NCPCR concerning the rights of children held rescue operations to save children involved in situations of distress such as child labour. In order to quickly respond in such rescue operations, the Commission set-up a Quick Response Cell (QRC) for conducting rescue operations in respect of serious complaints/grievances/situations requiring immediate intervention. The Cell constituted expert/officials from each division.

During the period under report (April, 2018-March, 2019), the Commission rescued 117 children in 14 operations. The details are:

S.No	State	No of cases received	No. of Rescue Operation	No. of Children Rescued
1	Delhi	6	01	49
2	Gujarat	1	01	17
3	UP	5	02	07
4	Haryana	4	01	01
5	Rajasthan	6	02	05
6	Madhya Pradesh	4	01	24
7	Jharkhand	1	01	01
8	Telangana	1	01	13
9	Karnataka	1	-	
10	Kerala	1	-	
11	Maharashtra	5	-	
12	Odisha	2	-	
13	Punjab	1	-	
14	West Bengal	2	-	
Total		40	10	117

Some Successful Interventions of QRC

14.2.1 Rescue of children based on complaint from Bachpan Bachao Andolan at New Delhi.

NCPCR received a complaint on 02.10.2018 from Bachpan Bachao Andolan, New Delhi informing that minor girls are being kept in the North-West Delhi for the purpose of trafficking of these girls for flesh trade or selling of the infants. It was mentioned that the Racket is active in Delhi who is luring the girls and children from other States and bringing to Delhi. Further, it was mentioned that, there is an urgency to carry the rescue operation as there is a high chances that 2 girls are being sold.

Considering the gravity of the case, the then Member (Education), NCPCR coordinated with the Delhi Police and DCP AHTU of the Delhi Police to cooperate and provide team for the rescue operation. A team including representatives from Delhi Police, AHTU, Bachpan Bachao Andolan (an NGO) and NCPCR carried out a rescue operation on same day (02.10.2018) at Shakurpur, Delhi. There were 25 persons and 2 infants who are claimed to be the children of two rescued women. Two co-accused were arrested. As per the details received from Investigation officer, FIR No.-399/18 has been lodged at Police Station Subhash Place and on the basis of MLC. It was found that there are 15 persons below 18 years of age and 2 infants. The Commission has asked to conduct DNA profiling to ascertain the parent/mother of these two children.

14.2.2 Complaint regarding labourers held captive by a brick kiln owner

The Commission received a complaint from Shri Prempal through an email dated 08.11.2018 informing that his four children, his brother and his children along with nine other labourers were held captive by a brick kiln owner Chandmiya at SDB-1, Marka Innt Bhatta, Village Jaimori Talawari, District Anand, Gujarat. It was also alleged in the complaint that the labourers worked there for one month during which they were allegedly ill treated by the owner. The Commission immediately directed DM, Anand to send a team to recover the labourers and take lawful action. Simultaneously, Superintendent of Police, Anand and local Childline were also asked to visit the spot. The Commission continuously monitored the matter and with the combined operation of district administration and police, a total number of 51 persons including 24 male, 10 females and 17 minors were successfully rescued from the site on the same day of receipt of the complaint. An ATR has been received from the

District Magistrate, Anand, Gujrat stating that FIR no. II/216/2018 has been lodged against the owner of the brick Kiln at Borsad Town Police Station.

14.2.3 Child Labourers rescued from Brick kilns near Samshabad, Rangareddy, Telengana

NCPCR took cognizance of the matter received through email regarding children being working in a Brick kiln factory at Jugal village near Shamshabad at Rangareddy. Commission shared the information and directed the District Administration and Child Line to carry out the rescue operation. Subsequently, a rescue operation was carried out in the Brick kiln factory where 7 children below the age of fourteen years were rescued and produced to the Child Welfare Committee (CWC). The owner of the Brick Kiln was detained under the relevant sections of Child & Adolescent Labour (Prevention & Regulation) Act, 1986 & Juvenile Justice (Care & Protection of Children) Act, 2015.

14.2.4 Rescue operation at NBCC construction site, East Kidwai Nagar, New Delhi

QRC team of NCPCR carried out a rescue operation at NBCC construction site, East Kidwai Nagar, New Delhi. During the raid, QRC rescued 15 children from the site and produced them before Child Welfare Committee. FIR has been lodged on 10.12.2018 u/s 14 of Child Labour Act, 1986.

14.2.5 Rescue operation on 27.12.2018 at Golden Venna Hotel, Mount Abu, Rajasthan

NCPCR team coordinated a rescue operation on 27.12.2018 at Golden Venna Hotel, Mount Abu and rescued 4 children. All children were produced before concern CWC and FIR was lodged u/s 79 of JJ Act, 2015 and IPC 374 against the employer. After completing the formalities, children were sent to Shelter Home Mount Abu (Rajasthan).

14.2.6 Nine child labourers rescued from meat processing units(18th May 2019)

The NCPCR has rescued nine children including seven girls from the premises of two factories in North West Delhi's Lawrence Road area. Both the factory owners were engaged in hazardous work without any safety. The Delhi Police have registered a case in this regard.

NCPCR received information regarding the presence of child labourers at Lawrence Road Industrial area. A team was formed under the guidance of NCPCR chairperson .The

NCPCR official visited the spot (factories). They found that in the garb of cold storage and ice factory, meat processing units were operating.

During the inspection their officials did not find any ice factory on the premises. The team found that children were involved in meat packaging. It was also revealed that both the factory owners were carrying out illegal activities in the name of cold storage and ice factory. "Many workers had bruises and cuts. They were not trained and also no safety gears were provided to them, adding that the meat was also exposed to filthy contamination. They were produced before CWC. The police officials were directed to take appropriate action as per law. Each child was reportedly aged between 15-17 years. NCPCR directed the police to take strict action against the employers and register FIR against them. The commission had also sought the report from city police regarding. A case was registered in this regard and further investigation is going on.

14.2.7 Regarding harassment of a child in school

Commission had received a complaint from Mrs. Salihath. S. B. Mother of Muhammed Mihad, studying in 7th class at Vliyam Central School, Kollam. It is alleged by the complainant that her child has experienced harassment many times in the school and the school is enforcing them to take Transfer Certificate of the child. Since, the complainant itself requested for issuance of Transfer Certificate, mark sheet, birth certificate etc along with some more allegations, the matter was forwarded to District Educational Officer, Kollam dated 05.03.2019 for investigation on the matter and to take necessary action.

Commission had contacted the complainant over phone dated 22.05.2019 the complainant informed that they have received the corrected TC and on the same day she admitted her son in another school. The complaint was resolved.

14.2.8 Regarding not providing Transfer Certificate to a student of Mount Carmell Convent School-

Commission received a complaint regarding not issuing transfer Certificate to a student of Mount Carmel Convent School, Bairagarh. After taking cognizance, a letter was sent to District Magistrate Bhopal dated: 02/12/2018 to take appropriate action and copy of letter was sent to the District Education Officer, Bhopal.

A call was made to the principal of Mount Carmel Convent School. Principal informed that Transfer Certificate has been provided to the complainant.. Matter is successfully resolved.

14.2.9 Complaint against the Shri Ram Universal School (TSUS), Dombivli, Thane, Maharashtra, for harassing a child

The NCPCR received a complaint from on 15.01.2019 against Shri Ram Universal School, TSUS, Dombivli, Thane, regarding physically harassing of complainants son studying in 1st standard. Taking Cognizance of the matter under Section 17 of the RTE Act, 2009, a letter was sent to the Deputy Director of Education, Thane dated 15th January, 2019, to inquire into the matter and initiate immediate necessary action with a copy to the District Collector, Thane, the Superintendent of Police, thane and a copy to the Complainant.

FIR in the said matter, against the concerned staff of the school, had been filed by the complainant at Manpada Police Station, Dombivili under FIR no. 0751.

14.3 Mediation Cell in NCPCR to deal with cases of International Child Abduction

In view of the increasing number of cases of International Child Abduction; wherein one of the spouse has absconded from the foreign country and brought the child to India without information and permission of the other as a result of marital discord, domestic violence, etc. Ministry of Women and Child Development, Government of India vide O.M. No. 31/59/2016-CW-I dated 27.07.2018 directed NCPCR to constitute Mediation Cell in NCPCR to deal with cases of International Child Abduction specifically. MWCD vide the said O.M. dated 27.11.2018 also made it clear that the Commission will take up such cases only when they are referred to the Commission through Integrated Nodal Agency (INA), which was constituted by MWCD vide its O.M. No. 25/86/2017-WW dated 20.12.2017.

Further, the Commission has empanelled various Advocates, Experts, Child Psychologists, etc. for assisting the Commission in effective disposal of such cases. During the period under report, the complaints received by the Commission through from INA were processed as per the norms. Meetings with Advocates of Mediation Cell to discuss the complainants and to discuss the SOP for Mediation Cell were held on 13.12.2018 & 30.01.2019 respectively."

14.4 Strengthening of North East Cell

The North Eastern Region of the India contains an ethnic diversity and wide culture due to a significant number of tribes residing in this area. It is generally assumed that due to geographical set-up and cultural diversity this Region of the country is under developed and waiting to be mainstreamed with the national growth.

In order to address the issues relating to children of north eastern region in a more effective and efficient mode the Commission created the North East Cell in 2011 but this Cell was not active from last few years. With the initiatives of the Chairperson Shri Priyank Kanoongo, the North East Cell was again activated. A dedicated team for North east Region is designated. The Commission created an Action Plan to reach out this Region based on the assessment and requirements of particular State/areas. The Commission invited proposals from Local Organisations/Institutes/Agency and State Commissions for Protection of Child Rights to execute the Action plan so prepared. The Commission conducted 15 Regional/State/District level programmes in 10 days in various parts of the North Eastern Region with the support of four organisations. The issues covered by the Commission includes Child trafficking, Drug/Substance Use among children in NE State; Review Meeting of available schemes and services for malnourished children in high prevalent districts in North East; Out of School Children; etc. covering approx. 2000 participants which include representatives from WCD departments, Education Departments, Accredited Social Health Activist (ASHA) workers, ANMs, DCPO, School Principals, JJBs Members, CWCs, Police Officials, etc. The details of the activities were mentioned in the Chapter on 'Activities of North Eastern Region' of this Report.

14.5 Workshop with Media Professionals on 05.12.2018 at New Delhi

NCPCR under section 13 (1)(h) of CPC Act, 2005 is mandated to spread child rights literacy among various sections of society and promote awareness of the safeguard available for protection of these rights through publications, the media, seminar and others available means. Considering this in view, the Commission in collaboration with Delhi Journalist

Association organised an interaction programme with the Media professionals on 05.12.2018 at New Delhi. The aim of the interaction session was to create awareness about the rights of the children, the role of Media, and to create a society in which every child gets its constitutional and legal rights. Shri Gayanendra Baratara, Advisor, Prasar Bharti; Shri Manoj Verma, General Secretary, National Journalism of India; Shri Pramod Saini, General secretary, Delhi Journalist Association; and Shri Manohar Singh, President, Delhi Journalist Association were the resource persons and they took up the interaction sessions. Approximately 100 media persons from different media houses i.e. print, electronic and web media institutions participated in the program. The Commission sensitized the participants to become eyes, ears and voice of public to highlight the issues of child rights violation within the ambit of various laws concerning children. During the session, the participants shared their ideas regarding implementation of constitutional and statutory provisions related to Child Rights.

14.6 State Commission for Protection of Child Rights

As per the CPCRA Act, 2005, the State Commissions for Protection of Child Rights have been constituted in almost all the States/UTs of the country under Section 17 of the Act and are functional. NCPCR and SCPCRs continued to work in a coordinated manner towards protection of Child Rights through monitoring of effective implementation of laws, policies, and grievance redressal mechanism.

In order to strengthen the State Commissions and to build their capacity on child related issues, laws and to uniformly deal with the day to day work the Commission organised following workshops with the State Commissions:



14.6.1 A National Workshop on ‘Safety and Security of Children’ with SCPCRs on 28.07.2018 at New Delhi. The then Hon’ble Minister, MWCD and Hon’ble Judge Shri. M.B. Lokur, Supreme Court of India graced the occasion. The workshop was participated by Chairpersons, Members and Member Secretaries from 25 State Commissions. The SCPCRs made presentations on implementation of the JJ & POCSO Acts and best practices adopted by them in the States. Members, NCPCR also made presentations on implementation of JJ & POCSO Acts; Safety and Security

of Children in Schools; and Community Based Systems on Child Protection. The Report of the workshop is available at:

<http://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1746&lid=1736>



14.6.2 NCPCR organized a National Workshop of SCPCRs on 2nd December, 2018 at New Delhi with a view to strengthen the functioning of the Commissions and effective implementation of mandates as provided in the CPCR Act. The workshop was participated by around 120 participants from 29 State Commissions. Hon'ble Judge Mr. M.B. Lokur, Supreme Court of India was Chief Guest of the occasion. SCPCRs presented their issues, concerns and achievements along with functioning and administrative structure of their respective Commissions. The Report of the workshop is available at:

<http://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1747&lid=1737>

14.7 Management Information System

The Commission being a statutory body under CPCR Act, 2005 and responsible for ensuring that all children enjoy their rights providing under different legislations. Specifically, the Commission has been mandated with the responsibility of monitoring the implementation of legislations relating to child rights such as Juvenile Justice Act, 2015 (u/s 109); POCSO Act, 2012 (u/s 6 and Rule 44); and RTE Act, 2009 (u/s 31).

The NCPCR being a monitoring authority is collecting data on monthly or quarterly basis from all States/UTs under various Acts manually through a performa prescribed by NCPCR. To save financial, human and other resources in carrying out this process NCPCR under 17 (g) of NCPCR Rules, 2006, developed an online Management Information System for reporting. This will serve as a single platform for data on selected indicators pertaining to different Acts on Child Rights. In view of the above, the Commission with the support of its expert developed Formats on 6 following Acts:

- Juvenile Justice (Care and Protection of Children) Act, 2015
- Protection of Children from Sexual Offences (POCSO) Act, 2012
- Rights of Children to Free and Compulsory Education (RTE) Act, 2009
- Child Labour (Prohibition and Regulation) Amendment Act, 2016

- Prohibition of Child Marriage Act, 2006
- Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition Of Sex Selection) Act (PCPNDT) Act, 1994

The tools/Formats so developed were shared with Hon'ble Justice of Supreme Court of India Shri Deepak Gupta and the suggestions received from Justice Gupta on tools for POCSO Act and JJ Act were incorporated.

Then after, the Commission addressed letters to following officials to depute Nodal Officer at State/District level who will fill be provided with login ids for filling up the relevant information on the portal:

- Director General of Police of all States/UTs
- Principal Secretaries, Labour department of all States/UTs
- Principal Secretary, Department of WCD of all States/UTs
- Principle Secretaries/ Secretaries (school Education) of all States/UTs

With the rigorous follow-ups with States/UTs by the end of the reporting year, the Commission is succeeded in designation of **2,210 Nodal Officers** by respective States/UTs and the information can be utilized by other stakeholders and by SCPCRs.

The periodicity of providing data is monthly and quarterly depending on the indicators. The data thus available through MIS will help Central/State Governments in formulating strategies, devising mechanism and initiating meaningful interventions. The process is unique in itself and will ensure the availability of data pertaining to overall well-being of children. The MIS shall be launched and will be made functional after the removal of model code of conduct of 2019 general elections.

14.8 Social Audit

The Hon'ble Supreme Court of India vide its order dated 05.05.2017 in W.P. (Crl.) No. 102 of 2007 in the matter of 'Exploitation of Children in the Orphanages in the State of Tamil Nadu v/s Union of India' had directed National Commission for Protection of Child Rights (NCPCR) to conduct Social Audit of all CCIs across the country to ensure transparency and accountability in the management and functioning of Child Care Institutions and other bodies under the JJ Act, 2015 and JJ Rules, 2016.

In compliance of the said order, NCPCR had commissioned the work of social audit through M/s AMS, Lucknow, a third party agency, which was tasked with the

social-audit of the CCIs across the Country and henceforth to submit the reports highlighting the violations and shortcomings with respect to the provisions of JJ Act, 2015 and JJ Rule, 2016.

Review of the Social Audit

In the month of August 2018, M/s AMS, the agency conducting the Social Audit submitted an interim draft report “*Rapid Analysis of 3514 Institutions in India as on 31.07.2018*” in which according to the emerging trends inter-alia it was found that only 54 Institutions had received positive reviews from the Committee constituted under JJ Act, 2015.

The interim report was shared with the MWCD vide email dated 10.08.2018. The same was also informed to the Hon’ble Supreme Court of India in the ongoing matter of Exploitation of Children in Orphanages in the State of Tamil Nadu v/s Union of India & Ors [W.P. (Crl.) No. 102 of 2007], through an Affidavit filed on 21.08.2018.

On the basis of the findings in the interim report, the agency M/s AMS, Lucknow, submitted separate report of 10 States/UTs (Madhya Pradesh, Punjab, Uttarakhand, Chattisgarh, Haryana, Chandigarh, Delhi, Rajasthan, Jharkhand and Nagaland) which was shared by NCPCR to MWCD vide letter dated 17.09.2018 for their necessary action.

Based on the observations made by the Hon’ble Supreme Court of India on the interim report of the social audit in W.P. (Crl.) 102 of 2007, NCPCR revised the format in which the report of social audit had to be submitted. The finalization of the format was done in January 2019, in consultation with M/s AMS, Lucknow. The process of receiving the list of homes from all States and UTs was completed in February, 2019.

In the month of March, 2019 M/s AMS, Lucknow vide their email dated 06.03.2019 informed NCPCR that the field-work of social audit was complete and that 7023 CCIs have been audited by it.

NCPCR initiated the process of analysing each social-audit report, prepared by M/s AMS, Lucknow, as and when they were received by the Commission.

After a thorough analysis to ensure a proper final report, NCPCR will submit the finalised reports before the Hon’ble Supreme Court of India in compliance with its directions given in order dated 05.05.2017.

Furthermore, as per the mandate of NCPCR under Section 109 of Juvenile Justice Act, 2015 and Section 13 of Commissions for Protection of Child Rights Act, 2005, NCPCR will be taking appropriate action on the violations identified in these

reports to ensure transparency and accountability in the management and functioning of Child Care Institutions across the country. The State-wise detail of Child Care Institutions covered during social audit is as follows:

S.No.	STATE	Children Home	Observation Home	Shelter Home	Special Home	Special Adoption Agency	Total
1	Andaman and Nicobar Islands	14	1	0	1	0	16
2	Andhra Pradesh	679	10	27	2	12	730
3	Arunachal Pradesh	3	1	1	0	1	6
4	Assam	67	5	3	0	17	92
5	Bihar	39	14	9	2	27	91
6	Chandigarh	4	2	0	3	1	10
7	Chhattisgarh	50	12	9	6	13	90
8	Dadra and Nagar Haveli	00	00	00	00	0	00
9	Daman & Diu	00	00	00	00	00	00
10	Delhi	78	4	15	1	11	109
11	Goa	63	2	9	2	2	78
12	Gujarat	100	4	1	1	14	120
13	Haryana	54	4	20	2	8	88
14	Himachal Pradesh	38	2	3	0	1	44
15	Jharkhand	72	10	5	1	14	102
16	Karnataka	837	17	117	3	30	1004
17	Kerala	692	9	14	4	10	729
18	Lakshadweep	00	00	00	00	0	00
19	Madhya Pradesh	49	18	14	3	31	115
20	Maharashtra	522	33	2	5	41	603
21	Manipur	35	4	16	0	7	62
22	Meghalaya	67	3	14		6	90
23	Mizoram	34	7	0	2	7	50
24	Nagaland	46	11	4	3	4	68
25	Odisha	213	4	15	4	22	258
26	Puducherry	53	2	2	2	4	63
27	Punjab	57	4	0	2	6	69
28	Rajasthan	138	36	24	7	29	234
29	Sikkim	14	1	1	0	3	19
30	Tamil Nadu	1244	7	18	3	16	1288
31	Telangana	389	4	26	3	7	429
32	Tripura	18	4	2	5	9	38
33	Uttar Pradesh	113	24	27	2	16	182
34	Uttarakhand	25	10	3	4	0	42
35	West Bengal	168	10	43	1	23	245
Total		5975	279	444	74	392	7164

Chapter - 15

**Special Inspections, Inquiries and
Programmes attended by the
Commission**

Special Inspections, Inquiries and Programmes attended by the Commission

15. Introduction

NCPCR under its Section 13 (1)(c) of CPCRA Act, 2005 is mandated to inquire into violation of child rights and recommend initiation of proceedings in such cases. The Commission also conducted inquiries into special cases/complaints and inspected Child Care Institutions.

15.1 Details of visits of Child Care Institutions (CCIs) made by Members, NCPCR:

During the year under report the Commission, conducted inspection visits to following Child Care Institutions to assess the situation of Children and to assess the services being provided to them as per JJ Act, 2015. The details of the inspection visits are as follows:

S. No	State	Date	Name of CCI	Member, NCPCR	Remark
1	Chhattisgarh	15.04.2018	Matrichaya Sewa Bharti Adoption Agency	Member (LRC)	Member reviewed the status of children adopted so far by the said home. The agency was found running as per norms.
2	Mizoram	27-28.08.2018	Lifcode Home for Boys run for children with substance use and affected and infected with HIV/AIDS	Member (Child Health)	The Home works closely with State Mental Health Programme and Psychiatry Department of DHME. The team observed that children were getting all the facilities and regular sessions with Counselors.
			Lifcode Home for Boys run for children with substance use and affected and infected with HIV/AIDS		It was recommended to the staff of CCI that girls should be provided skill building courses and should get access to play in open place.

			Bethsaida Home for children with disabilities		The Home was found running as per norms.
			Observation Home for Boys, Aizwal		It was observed by the team that the home was dark and dingy with dull colour wall paints. There was no skill building activity for the children. Children were engage in Bible reading, studies and recreation. Team interacted with children and suggested them to paint their walls and engage themselves in art therapy.
3	Tamil Nadu	25.09.2019	Govt. run Girls Home, Trichy	Member (Child Psychology)	Assessed the situation of children in CCIs and shared finding and recommendations with District Magistrate for follow-up and action
			Karanai Illam, Pudukottai		The Home was unregistered. Situation of children was assessed and the case was handed over to District Magistrate of Pudukottai for action taken and follow-up.
4	Arunachal Pradesh	26.09.2018	Children Home run by Ojju Welfare Association	Member (LRC)	Member interacted with Children and sensitized them on Child Rights and Child Sexual Abuse.
			Shishu Bhawan, run by Missionaries of Charity	Member (LRC)	Irregularities were found in the documentations. Member addressed a letter to Chief Secretary of Arunachal Pradesh with a request to direct concerned official to look into the matter.
4	Tamil Nadu	11.02.2019	Government Girls Home, Purasavakkam	Member (Child Psychology)	The Home was found running as per the norms.

			Government Boys Home, Purasavakkam		Member suggested to the home functionaries to start a bridge course for the inmates due to heterogeneous grouping of children. Also, instructed to clear the unused junk material stacked in the dormitories and vocational centre.
5	New Delhi	13.02.2019	Children home for Boys, Alipur	Member (Child Psychology)	During the visit recommendations related to safe drinking water, non-availability of teacher, arrangement of vocational courses, etc.

15.2 Inquiries under Suo-motu/Complaints

15.2.1 Inspection of Child Care Institutions (CCIs) in Odisha

In pursuance of the communication from the Minister of Women and Child Development to the Chief Minister of Odisha dated 07.12.2018 regarding pathetic state of affairs at the Good News India organization's Shelter Homes for children in various parts of the state, NCPCR conducted an inspection of the Child Care Institutions in Odisha. The first phase of the Inspection was conducted between 12th -17th December, 2018 in 60 Child Care Institutions and 8 hostels covering 19 districts in Odisha. The Inspection was led by the designated teams from the Commission and the Members from the Odisha State Commission for Protection of Child Rights (OSCPCR), District Child Protection Units (DCPUs) & Child Welfare Committees (CWCs). The findings of the visits were compiled and submitted to MWCD and State Govt. for further action.

15.2.2 Inspection Visit at Perumbakkam, Chennai

The Commission took cognizance of the complaint received from Ms. Shivani Chaudhary, Executive Director, Housing and Land Rights Network (HLRN) and Ms. Vanessa Peter, Information and Resource Centre for the Deprived Urban Communities (IRCDUC) stated, '*Forced Eviction in Navalur Nedunchezin Nagar, Chennai in the mid-academic year (a week before school examination) violates the rights of the children*' dated 10/12/2018. Thereafter, Member (Child Psychology), NCPCR probed into the matter and visited Perumbakkam, Chennai for fact finding on 19th -20th December, 2018.

Based on the visit report, the Commission sent a letter to District Collector, Chennai to ensure the education of these children and send an action taken report.

15.2.3 Inspection Visit at Thanjavur, Tamil Nadu

Concerning the significant number of complaints about child marriages in Thanjavur district, Member (Child Psychology), NCPCR visited the district and held a meeting at District Collector office with concerned officials and stakeholders on 31.12.2018. The meeting deliberated upon the functioning of Child Welfare Committees, Child Care Institutions and other aspects pertaining to Child Rights and Child Protection initiatives undertaken at the district. During the meeting a resolution was passed in the presence of the District Collector Thanjavur, Member NCPCR and 19 other prominent officials working towards safeguarding the rights of the children of the district.

Member also visited two Child Care Institutions along with Chairperson CWC, District Child Protection Officer and other officials to understand the existing dynamics and to obtain a correct picture.

15.2.4 Inspection of alleged child sexual abuse at Seva Sankalp Ewam Vikas Samiti, Muzzafarpur, Bihar

NCPCR had received a complaint regarding sexual assault of minors in a Children Home in Muzzafarpur, Bihar dated 05.06.2018. The Commission took cognizance on the complaint and asked for a report from the Bihar SCPCR and also the Chief Secretary, Bihar in this matter. When the issue resurfaced in various media reports, the Commission again sought a report from Chief Secretary, Bihar and the SP, Muzzafarpur regarding the confirmation of sexual assault of minors.

Considering the sensitivity of the matter, Chairperson, NCPCR constituted a team led by Member (Child Psychology), NCPCR to investigate the irregularities in enforcement, delivery and access of rehabilitative care & measures undertaken by State authorities for the sexually exploited minors rescued from Seva Sankalp Ewam Vikas Samiti, Muzzafarpur, Bihar. Total 44 registered girls were rescued from the alleged Children home and restored to three different shelter homes in Bihar. Two shelter homes were visited by the team Members to assess the provision and standards

of rehabilitative measures & care for the victims. Group discussion sessions were held with minors to ascertain the extent of psychological aid provided to them.

Based on the observations of the team, a comprehensive list of recommendations was proposed in the inspection report and submitted to MWCD in order to ensure advocacy, networking, multidisciplinary approach and participation in delivery of rehabilitative care for victims of child sexual abuse. Follow-ups were initiated with State Governments and concerned District Magistrate(s) to ensure immediate execution of said recommendations.

15.2.5 Inspection of alleged child sexual abuse at Children Home, Ma Vindhyawasini Mahila Prashikshana evam Samaj Sansthan, Deoria, Uttar Pradesh

NCPCR took *suo-motu* cognizance of the newspaper report published in Jagran Patrika dated 06.08.2018 ‘बालिकाग्रहसेसंचालितसेक्सरैकेटकाभंडाफोड़’ and constituted a four-member expert committee led by Member (Child Psychology), NCPCR along with Advisory Committee Member, MWCD to ascertain the rehabilitation status and nature of psychosocial measures implemented, for the minor girls rescued from the alleged shelter home, Ma Vindhyawasini Mahila Prashikshana Evam Samaj Sansthan, Deoria, UP.

A total of 26 girls were rescued from the alleged shelter home and restored to a Children Home for Boys only (Rajkiya Bal Grih). During the investigation, myriad irregularities were observed in the rehabilitation and restoration of victims. Despite the given mental status of victims, the girls were deprived of a gender-appropriate, secure and stimulating fit-facility. The shelter home was over-crowded and accommodated by both, boys and girls and lack of infrastructure. Inefficiencies were observed in the provision of rehabilitative care to victims.

Based on the observations of the team, a comprehensive list of recommendations was proposed in the inspection report and submitted to MWCD in order to ensure advocacy, networking, multidisciplinary approach and participation in delivery of rehabilitative care for victims of child sexual abuse. The girls were rescued and shifted to gender-appropriate facilities after the inspection and suggestions made to DM by the NCPCR expert team. Follow-ups were initiated with State governments and concerned District Magistrate(s) to ensure immediate execution of said recommendations.

15.2.6 Suo-moto regarding alleged sexual exploitation of girls in Children Home of Muzzafarpur, Bihar and Deoria, Uttar Pradesh

The Commission took suo-motu cognizance of the alleged sexual exploitation of girls in Children Home of Muzzafarpur, Bihar and Deoria, Uttar Pradesh. A four member expert team led by Member (Child Psychology and Sociology), NCPCR was constituted to investigate the irregularities in enforcement, delivery and access of rehabilitative care and measures undertaken by State Governments for the sexually exploited minors rescued from Seva Sankalp Ewam Vikas Samiti, Muzzafarpur, Bihar and Maa Vindhya wasini Mahila Prashikshana evam Samaj Sansthan, Deoria, UP. The team visited 3 shelter homes namely: Rajkiya Bal Greh at Deoria, Uttar Pradesh; Balika Greh Nishant and Asha Kiran at Gaighat, Patna on 09th & 10th August, 2018. The team inspected the quality care provided to the children and rehabilitation measures taken so far in each CCI. The team in its inspection confirmed of the sexual assault of minors and further detected a range of irregularities and lack of appropriate rehabilitative measures undertaken in accordance with JJ Act, 2015 and JJ Rules, 2016.

NCPCR submitted a comprehensive report and recommendations to Secretary, MWCD along with a request to issue necessary advisory to State Govts. to ensure timely enforcement of the remedial measures.

15.2.7 In compliance of directives of the Hon'ble Minister, Women and Child Development, Government of India, NCPCR carried out inspection of Specialized Adoption Agency (SAA), Araria. For the purpose, the Commission constituted a team headed by Member (Child Psychology) along with Senior Consultant (JJ & POCSO). The team visited Bihar on 29th -30th October 2018 and carried out inspection of said Specialized Adoption Agency (SAA). Based on the recommendations of NCPCR, the children of SAA were shifted immediately to the nearest Hospital for medical care. The District Magistrate ordered for closure of the Home and taking over by the State Government till an alternative is made. Further, in order to give wide publicity about the implementation of the Juvenile Justice Act, 2015 and the concern of the Hon'ble Minister, WCD, GoI, a press conference was also called on 29th October 2018. Inspection report along with an exhaustive list of recommendations was submitted to MWCD for immediate implementation of said recommendations.

15.2.8 Inquiry of complaints w.r.t. child rights violation during protest at Sabaramali Temple, Kerala

NCPCR received three complaints from Kerala regarding abuse of children and inadequate basic facilities being made available to them during rituals to visit Sabarimala Temple, Kerala. Chairperson, NCPCR constituted a team headed by Member (Child Psychology) NCPCR. The team visited Sabarimala Temple, Kerala from 27-29 November 2018 and oversee the general assessment regarding protection of child rights under the Juvenile Justice Act, 2015 and the POCSO Act, 2012 and issued necessary directions.

15.3 Participation in workshops/programmes/visits by the Commission

Member (Law related to children), NCPCR

15.3.1 NCPCR represented in National Consultation on Child Protection on 5th June, 2018 organised by MWCD at New Delhi.

15.3.2 Attended and addressed participants in 3 days consultation programme for developing curriculum on child protection for in service police officers of Chhattisgarh organized by CID, Chhattisgarh from 03rd-05th December, 2018.

15.3.3 Participated in Gyanotsav 2075 organised by Shiksha Sanskriti Utthan Nyaas at Gandhi Samriti, New Delhi on 06.04.2018.

15.3.4 Attended the '7th Annual Anti-Trafficking in Persons (TIP)' Conclave organized by Shakti Vahini, an NGO with the support from US Consulate, Kolkata at Kolkata on 27th & 28th April, 2018. Dr. Shashi Panja, Hon'ble Minister of State for Women & Child Welfare and Social Welfare, Government of West Bengal was the chief guest of the Programme. Member (LRC) addressed the participants and informed that Commission has issued 'Model Standard Operation Procedure (SOP)' to help seamless repatriation of Trafficked Children Survivors rescued from Delhi and NCR to their home State.

15.3.5 Participated in a program organized by My Home India, an NGO, on 05.05.2018 at Bangluru, Karnataka. Member addressed the participants and sensitized them on the

provisions of POCSO Act& JJ Act and other child's rights issues and advised them to work together for prevention on child sexual abuse.

15.3.6 Participated in 'State Level Consultation on the Mainstreaming Street Children through Inclusive Education & Skill Building' on 25.6.2018 at IHC, New Delhi organised by the Salaam Baalak Trust, an NGO.

15.3.7 Attended one day state level awareness workshop on 'Guidelines for Eliminating Corporal Punishment in Schools' organized by Chhattisgarh SCPCR on 13.07.2018 at Raipur. The workshop was attended by Principals/representatives of more than 200 schools of Chhattisgarh.

15.3.8 Attended and addressed the participants in a meeting organized by Chhattisgarh SCPCR on the implementation of POCSO Act, 2012 in Raipur on 30th August, 2018. The meeting discussed issues relating to security and safety of children coming in contact with railways and implementation of SOP. Officers from Divisional Railway Manager offices of Raipur and Bilaspur attended the meeting.

15.3.9 Member (Law), NCPCR addressed the participants of NEF law College, Guwahati on 28.09.2018 in a programme on Child Rights and Social Responsibilities organized by My Home India. More than 150 law students participated in the programme.

15.3.10 Attended launch of an initiative 'Chetna-Safeguarding Child: Protection against Cyber Offences' organized by Jharkhand Police Officer's Wife Association and Shakti Vahini, an NGO on 09.10.2018 at Jharkhand. Member also interacted with Chairperson JSCPCR; Director, ICPS; Members CWC; DCPOs, etc. on issues related to child rights and child trafficking.

15.3.11 Attended a programme organized by The Indian Law Institute and NHRC for officials working in Juvenile Home, Old age Home and Health Sector etc. at New Delhi on 06.10.2018.

15.3.12 Delivered a talk on 'Overall Safety of Children in Neighbourhood' on All India Radio on 11.10.2018.

15.3.13 Participated as panelist in live debate on Cabinet's decision on Amendments in POCSO Act telecasted on Rajya Sabha TV.

Member (Child Psychology or Sociology), NCPCR

15.3.14 Visited Tamil Nadu from 03 to 06th August, 2018 to observe the functioning of the Tamil Nadu State Commission for Protection of Child Rights and meet important stakeholders. The meeting focused on initiating collateral linkages and start a dialogue with them regarding development of existing psychological models and mechanisms in that State.

15.3.15 Attended meeting with World Vision Officials on 7th August, 2018 at Chennai, Tamil Nadu to discuss on child safety and child centric initiatives to promote rehabilitative services in the state.

15.3.16 Meeting with Puducherry Govt. Officials along-with Puducherry SCPCR, District Magistrate and DCPO on 27.08.2018 and advised them to appoint at least one Counsellor in each of the CCI which are registered under Government. On the same day, discussions were held with Hon'ble Minister, Social Welfare and Child Development, Govt. of Puducherry regarding setting up of 'You Are Not Alone', counseling centre in the State. Subsequently, held a meeting with Hon'ble Chief Minister, Government of Tamil Nadu on 27.08.2018 and discussed various actions initiated by State Government regarding Child Protection.

15.3.17 Meeting with Chief Minister, Deputy Chief Minister and DGP of Tamil Nadu to discuss issues related to Child Rights in the State on 28.08.2018.

15.3.18 Attended one day National Consultation on Creating Awareness for Eliminating Violence Against Children in Schools through Teacher Training and School Curriculum on 07.09.2018. Member also delivered a key note address on the psychological implications of violence among children.

15.3.19 Chief Guest at National Study Conference on 'Nurturing Environment for Children: Protection of Children from Violence, Exploitation and Abuse' organized by Madras Christian College, Chennai, on 07.09.18 and addressed the participants.

15.3.20 Meeting with Hon'ble Minister, Social Welfare and Child Development, Puducherry on 19.09.2018 at New Delhi and deliberated on the issues pertaining to child rights.

15.3.21 Delivered keynote address on the Observance of World Mental Health Day in a programme 'You are Not Alone' at Lady Irwin College on 09.10.2018.

- 15.3.22 Represented NCPCR in the inauguration of 'Peace for Children Initiative' at Chennai on 02.11.2018 also participated in the workshop emphasizing recognition of child safety and other related issues.
- 15.3.23 Meeting with District Magistrate, Madurai on 11.11.18 regarding prospective of Child psychology and directed him to mitigate strategies to reduce stigma against mental health and overlook development of State Mental Health Authorities across Districts as per Mental Health Act, 2017.
- 15.3.24 Meeting with Hon'ble Governor of Goa on 14.11.2018 at Governor office, Goa to discuss the convergence between authorities to ensure development in the field of mental health. Subsequently, meeting with Members of Goa SCPCR on the same subject.
- 15.3.25 Visited Tamil Nadu on 31.12.2018 and held meeting with District Collector, Thanjavur on child protection issues.
- 15.3.26 Addressed a press conference in Tamil Nadu on 26.01.2019 regarding the ongoing strike of teachers and emphasised the need to keep in mind the best interest of children.
- 15.3.27 Participated in National Consultation of UTs on creating Child Friendly Cities organized by Chandigarh CPCR on 07.02.2019 at Chandigarh Judicial Academy.
- 15.3.28 Meeting with Commissioner, Social Defence at Directorate at Social Defence Office Chennai, Tamil Nadu on 12.02.2019 and discussed the present conditions of the children homes in the state and suggested to enhance the existing infrastructure as well as institutional facilities in CCIs.
- 15.3.29 Participated in National Conference on Inclusive Rehabilitation, Converging Mental Health & Special Education Needs organized by National Institute of Empowerment of Persons with Multiple Disabilities, Department of Empowerment of Persons with Disabilities on 25th and 26th February, 2019.
- 15.3.30 Attended a Consultation on Custody of children in event of dispute in NRI Marriages organized by NCW at their Office on 28.03.2019 and discussed to expand the provision of Mediation Cell constituted under Section 33 of CPCR Act, 2005.

Member (Child Health, Care, Welfare or Child Development), NCPCR

- 15.3.31 Member (Child Health), NCPCR along with the Joint Director and Members of Tamil Nadu SCPCR, conducted a two day inspection on 04.04.2018 and 05.04.2018 in the tea plantation Industries, crèche and Hospitals in Nilgiris District, Tamil Nadu. The team inspected Tan Tea Estate, Queen Shola Factory, Warwick Estate, Chamraj Estate, Devabetta Estate, Crèches, Government primary school at Queen Shola and employee quarters. During the inspection no child labour was found. Based on the observations, verbal directions for the welfare of employees were given by Member, NCPCR.
- 15.3.32 Visited Community Base Rehabilitation (CBR) Centres (Rural and Urban) for children with special needs at Bangalore on 18th June, 2018. The exposure visit was organised by Dr. Indumathi, Chairperson, CBR Network, Bangaluru.
- 15.3.33 Attended a Consultation organised by Bachpan Bachao Andalon on Child Participation by Bal Panchayat leaders from Bal Mitra Villages (Child Friendly Villages) with the Hon'ble Minister for Labour & Employment at Delhi on 28th April, 2018.
- 15.3.34 Held a meeting with Chief Secretary, Rajasthan in his office to discuss multi stakeholder campaign on Early Marriage and Early Pregnancy at critical Districts of the State & a probe into a grievance redressal issue of medical negligence causing death of a child on 02.05.2018.
- 15.3.35 Meeting with Dr. Shekhar Sheshadri, Professor, Child and Adolescent Psychiatry, NIMHANS on 19th June, 2018 at Bangluru. A visit to the centre was also made by the Commission. A brief presentation on the module/manuals developed by Dr. Sheshadri and his team was also given. After presentation, a visit was made to a Children Home, where NIMHANS is assisting in mental health project.
- 15.3.36 Attend one day State level programme on Mental Health conditions of children in Child Care Institutions on 27.06.2018 at West Bengal.
- 15.3.37 Attended training on Standard Operating Procedure (SOP) for Care and Protection of Children in street situations organized by Salaam Balak Trust at Janpath Bhawan. Also, gave a brief presentation on the said SOP.
- 15.3.38 Member (Child Health) held a meeting with Joint Secretary (JS), Ministry of Home Affairs at their office on 05.07.2018 to discuss Guidelines for establishing Child Friendly Police Stations.

- 15.3.39A meeting under the chairpersonship of Member (Child Health) to discuss Action Plan to combat Substance use among children was held on 20th July, 2018 at NCPCR. The meeting was attended by Advisor, Ministry of Social Justice; representatives from NDDTC and AIIMS.
- 15.3.40Member (Child Health), NCPCR participated as panelist in Panel Discussion on ‘Managing Work-Life Balance & Actionable Tips’ at New Delhi on 26th July 2018.
- 15.3.41Member (Child Health), NCPCR held a meeting with DG, Health Services, Govt. of NCT of Delhi on 27.07.2018 to discuss Adolescents Health Clinics including de-addiction for adolescents.
- 15.3.42Member (Child Health), NCPCR chaired a meeting with the concerned stakeholders at Lucknow on 30th July to share child friendly initiatives taken by NCPCR and to request Government to take lead in setting up child friendly mechanism viz. child friendly police stations, child friendly melas, Pink toilets etc.
- 15.3.43Attended Consultation on Prevention & Response to Child Abuse & Neglect by caregivers, front line workers and parents at IIC, Delhi on 6th August 2018.
- 15.3.44Attended launch of 5th Report of assessment of India’s policy and programmes on breastfeeding and infant and young child feeding on 7th August, 2018.
- 15.3.45Meeting with Principal Secretary, Department of Women and Child Development, Govt. of Rajasthan and other stakeholders to discuss the issues pertaining to early marriage and early pregnancy in Rajasthan on 14th August, 2018.
- 15.3.46Held planning meetings on 18th August, 2018 with Railway officials for capacity building workshop on Protection of Children at Mumbai and with Maharashtra SCPCR and other stakeholders for organising Children’s Film Festival.
- 15.3.47Attended National Consultation on effective implementation of Motor Vehicle Act, 1988 organised by NCPCR at New Delhi on 24th August, 2018.
- 15.3.48Attended Conference on Ending Child Marriage organised by NHRC on 30th August, 2018.
- 15.3.49Held a meeting with Secretary, NDMC with the objective to discuss Pink Toilet concept developed by NCPCR and adoption of same by NDMC for their upcoming toilets on 19th September, 2018.
- 15.3.50Chaired a session on Maternal and Child Health and Nutrition in a Conference on ‘Public Health and Nutrition – Freeing Future Generations from Malnutrition’ held on 29th September 2018 at FICCI, New Delhi.

- 15.3.51 Attended one day state level orientation programme for Zila Parishad Presidents and PRI Members on Campaign against Child Marriage organized by Odisha SCPCR on 09.10.2018.
- 15.3.52 Attended a meeting with relevant stakeholders at Bhubneshwar, Odisha on 10.10.2018 on child rights issues.
- 15.3.53 Representatives from NCPCR participated and sensitized children on child rights issues in Saksham Cycle Day organized by Indian Oil Corporation at Indore, M.P.

The then Member (Education), NCPCR

- 15.3.54 Member (Education), NCPCR visited Jharkhand and Bihar from 1st to 4th May, 2018 and held meetings with the District Administration and officials of various Departments w.r.t the fact finding survey to examine the education and well-being of the children living in and around mica mines areas in Koderma, Jharkhand (02.05.2018) and Navada, Bihar (03.05.2018).
- 15.3.55 Attended the National Education Workshop at Nainital organised by Shiksha Sankriti Utthan Nyas, New Delhi on 6th – 7th June, 2018.
- 15.3.56 Participated in the workshop for observation homes in Maharashtra organised by Gandhi Smriti and Darshan Samiti (GSDS), Ministry of Culture, GoI along with Rambhau Mhalgi Prabodhini (RMP) on 25-26th June, 2018.
- 15.3.57 Attended the one-day workshop on "Sankalp Se Siddhi" programme at Guwahati (10.07.2018) and Agartala (11.07.2018).
- 15.3.58 Held a meeting with States Departments of Education Dept., State Mining Dept., State Labour Dept. and State WCD Dept. on 26.07.2018 at State Secretariat, Ranchi regarding child labour in mica mining.
- 15.3.59 Visited Nirmal Hriday, shelter home run by Mother Teresa-founded Missionaries of Charity along with SCPCR on 26.07.2018, in regard to a news report allegedly regarding sale of 4 babies from the shelter home.
- 15.3.60 Visited Bhopal to convene meeting with MP SCPCR officials regarding guidelines on fee structure of private schools on 09.09.2018.
- 15.3.61 Member (Education), NCPCR, along with Jharkhand SCPCR and Child Welfare Committee, Ranchi visited Nirmal Hriday, the shelter home run by Mother Teresa-founded Missionaries of Charity on 24.07.2018, for enquiry on the matter pertaining to baby selling. Based on the observations of the team, recommendations were prepared. NCPCR shared the recommendations with Chief Secretary, Jharkhand with a copy to DGP, Jharkhand to follow-up and also instructed them to enquire about all the children who were given for adoption by the said Home in the period between January, 2014 to June, 2018.

Consolidated Financial Statement


CONSOLIDATED FINANCIAL STATEMENT
National Commission for Protection of Child Rights
 5th Floor, Chanderlok Building 36, Janpath, New Delhi - 110 001

BALANCE SHEET AS AT 31ST MARCH 2019

(Amount in Rs.)

CORPUS/CAPITAL FUND AND LIABILITIES	Schedule	Current Year	Previous Year
CORPUS/CAPITAL FUND	1	50,756,256.88	130,421,821.07
RESERVES AND SURPLUS	2	-	-
EARMARKED/ENDOWMENT FUNDS	3	198,000.00	198,000.00
SECURED LOANS AND BORROWINGS	4	-	-
UNSECURED LOANS AND BORROWINGS	5	-	-
DEFERRED CREDIT LIABILITIES	6	-	-
CURRENT LIABILITIES AND PROVISIONS	7	9,511,538.00	4,051,650.00
TOTAL		60,465,794.88	134,671,471.07
ASSETS			
FIXED ASSETS	8	7,451,093.00	9,798,026.00
INVESTMENTS - FROM EARMARKED FUNDS	9	-	-
INVESTMENTS - OTHERS	10	-	-
CURRENT ASSETS, LOANS, ADVANCES ETC.	11	53,014,701.88	124,873,445.07
MISCELLANEOUS EXPENDITURE (to the extent not written off or adjusted)		-	-
TOTAL		60,465,794.88	134,671,471.07
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		




श. सुरेश/G. SURESH
 सहायक निदेशक/Assistant Director
 राष्ट्रीय बाल अधिकार संरक्षण आयोग
 Ministry of Women & Child Development
 भारत सरकार, नई दिल्ली/Govt. of India, New Delhi


CONSOLIDATED FINANCIAL STATEMENT

National Commission for Protection of Child Rights
5th Floor, Chanderlok Building 36, Janpath, New Delhi - 110 001

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR YEAR ENDED 31ST MARCH, 2019

(Amount in Rs.)

INCOME	Schedule	Current Year	Previous Year
Income from Sales / Services	12	-	-
Grants / Subsidies	13	194,305,000.00	160,138,000.00
Fees/ Subcriptions	14	-	-
Income from Investments (Income on Invest from earmarked Funds transferred to Funds)	15	-	-
Income from Royalty, Publication etc.	16	-	-
Interest Earned	17	1,040,752.00	1,914,878.00
Other Income	18	4,212.00	717,692.00
Increase/(decrease) in stock of Finished goods and works-in-progress	19	-	-
TOTAL (A)		195,349,964.00	162,770,570.00
EXPENDITURE			
Establishment Expenses	20	36,541,195.00	26,597,557.00
Office & Other Administrative Expenses etc.	21	234,654,106.19	135,153,238.14
Expenditure on Grants, Subsidies etc.	22	-	-
Interest	23	-	-
Depreciation (Net Total at the year-end) (Corresponding to Schedule 8)		3820227	1,489,849.00
TOTAL (B)		275,015,528.19	163,240,644.14
Balance being excess of Income/(Expenses) over Expenditure/Income (A-B)		(79,665,564.19)	(470,074.14)
Transfer to Special Reserve (Specity each)			
Transfer to / from General Reserve			
BALANCE BEING SURPLUS/(DEFICIT) CARRIED TO CORPUS / CAPITAL FUND		(79,665,564.19)	(470,074.14)
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		


जी. सुरेश/G. SURESH
 Joint Director/Assistant Director
 National Commission for Protection of Child Rights
 5th Floor, Chanderlok Building, Janpath, New Delhi - 110 001


CONSOLIDATED FINANCIAL STATEMENT

National Commission for Protection of Child Rights
5th Floor, Chanderlok Building 36, Janpath, New Delhi - 110 001
RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 31ST MARCH, 2019

(Amount in Rs.)

RECEIPTS	Current Year	Previous Year	PAYMENTS	Current Year	Previous Year
			(I) Expenses:		
(I) Opening Balances:			a) Establishment Expenses	36,541,195.00	26,597,557.00
a) Cash in hand (Including Imprest)	26.00	-	b) Office & Other Administration Expenses	153,273,868.23	131,293,786.64
b) Bank Balances	-	-	c) Expense on Grant & Subsidies etc.	-	-
(i) In current accounts (unspent bal.)	-	-	d) TDS & Other payable amount of last year	-	-
(ii) In deposit accounts	12,300.00	12,300.00			
(iii) Savings accounts	28,747,859.61	58,258,727.72	(II) Payments made against funds		
Adjustment of previous year advance	-	-	for various projects:		
			Out of Earmarked/Endowment funds	-	-
(III) Grants Received:			(Unicef India)	-	-
a) From Government of India:-			Naxal Management Division	-	-
For Capital & Revenue Expenses	194,305,000.00	160,138,000.00	MHA (Grant for Kokrajhar & Chirang)	-	-
b) From State Government	-	-	Grant Refund to Government of India	-	-
c) From other sources (Unicef India)	-	-			
d) From Naxal Management Division	-	-	(III) Investments and deposit made:		
e) MHA (Grant for Kokrajhar & Chirang)	-	-	a) Out of Earmarked/Endowment funds	-	-
(III) Income on Investments from:			b) Out of Own Funds (Investments-others)	-	-
a) Earmarked/Endow. Funds	-	-			
b) Own Funds (Oth. Investment)	-	-	(IV) Expenditure on Fixed Assets &		
			Capital Work-in-Progress:		
			a) Purchase of Fixed Assets	1,771,821.00	2,954,022.00
			b) Exp. On Capital Work-in-progress	-	-
			(V) Loans & Advances:		
(IV) Interest Received:			a) To the Government of India	-	-
a) On Bank deposits	1,040,752.00	1,914,878.00	b) To the State Government	-	-
b) Loans, Advances etc.	-	-	c) To others	1,986,323.00	31,431,814.47
			d) Recovered & paid to parent office	-	-
			e) To Security Deposit	-	-
(V) Other Income (Specify):			(VI) Finance Charges (Interest):		
RTI Fee Received	2,142.00	1,070.00			
Reimbursement expenses	-	-	(VII) Other Payments (Specify):		
Sale of old News papers and Magazines	2,070.00	-	Payment for State Cheque	-	-
Tender Money	-	-	Security Money refunded	-	-
Security Money Received	-	-	Sundry Creditors	-	-
Security Deposit (Phone) Return	-	-	NCPCR	-	-
Refund Of Grant	-	-	Other Payables	-	-
Sale of Fixed Assets	143,931.00	-			
Core Activities for State Representative	-	-	(VIII) Closing Balances:		
Other	-	712,390.00	a) Cash in hand (Including Imprest)	-	26.00
(VI) Amount Borrowed:			b) Bank Balances:-		
NCPCR	-	-	(i) In current accounts	-	12,300.00
			(ii) In deposit accounts	12,300.00	12,300.00
(VII) Other Receipts			(iii) Savings accounts	30,668,573.38	28,747,859.61
Advances Recovered	-	-			
Receipts from State Cheque	-	-			
TOTAL	224,254,080.61	221,037,365.72	TOTAL	224,254,080.61	221,037,365.72




S. SURESH, Assistant Director
 National Commission for Protection of Child Rights
 Ministry of Women & Child Development,
 New Delhi, Govt. of India, New Delhi

Audit Certificate

By: SPEED POST



कार्यालय महानिदेशक लेखापरीक्षा (केंद्रीय व्यय) इन्द्रप्रस्थ एस्टेट, नई दिल्ली - 110002
OFFICE OF THE DIRECTOR GENERAL OF AUDIT (CENTRAL EXPENDITURE)
INDRAPRASTHA ESTATE, NEW DELHI - 110002

दूरभाष/Phone: 011-23454316 फैक्स/Fax 23702271 ईमेल / Email: dgace@cag.gov.in

संख्या/No. AMG-III/4-70/SAR/NCPCR/2019-20/885

दिनांक/Dated: 04.12.2019

सेवा में

सचिव, भारत सरकार
महिला एवं बाल विकास मंत्रालय
शास्त्री भवन, नई दिल्ली

विषय: वर्ष 2018-19 के लिए राष्ट्रीय बाल अधिकार संरक्षण आयोग, नई दिल्ली के लेखाओं पर पृथक लेखापरीक्षा प्रतिवेदन

महोदय / महोदया

मैं, राष्ट्रीय बाल अधिकार संरक्षण आयोग, नई दिल्ली के वर्ष 2018-19 के प्रमाणित वार्षिक लेखे की प्रति, उसके प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र की प्रति संसद के पटल पर रखने के लिये संलग्न करता हूँ।

संसद को प्रस्तुत कर दस्तावेज की दो प्रतियाँ उस तिथि को दर्शाते हुए, जब वे संसद को प्रस्तुत किए गए थे, इस कार्यालय को तथा भारत के नियंत्रक महालेखापरीक्षक के कार्यालय को भेजी जाए। कृपया यह सुनिश्चित करें कि पृथक लेखापरीक्षा प्रतिवेदन को संसद के दोनों सदनों के समक्ष प्रस्तुत करने से पहले वार्षिक लेखाओं को शासी निकाय द्वारा अवश्य अनुमोदित करा लिया जाए।

लेखापरीक्षा प्रतिवेदन का हिन्दी अनुवाद एवं इसे जारी करने से संबंधित सभी कार्यों को आपके निकाय द्वारा किया जाना ही अपेक्षित है। पृथक लेखापरीक्षा प्रतिवेदन का हिन्दी अनुवाद जारी करते समय निम्नलिखित अस्वीकरण (Disclaimer) अंकित करें:

“प्रस्तुत प्रतिवेदन मूल रूप से अंग्रेजी में लिखित पृथक लेखापरीक्षा प्रतिवेदन का हिन्दी अनुवाद है। यदि इसमें कोई विसंगति परिलक्षित होती है तो अंग्रेजी में लिखित प्रतिवेदन मान्य होगा।”

भवदीय

अनुलग्नक : यथोपरि

हस्ता./-

निदेशक (ए.ए.जी.-III)

By: SPEED POST

संख्या/No. AMG-III/4-70/SAR/NCPCR/2019-20/886

दिनांक/Dated: 04.12.2019

प्रतिलिपि : रूपाली बनर्जी सिंह, सदस्य सचिव, राष्ट्रीय बाल अधिकार संरक्षण आयोग, पांचवा तल, चंद्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली -110001 को लेखापरीक्षा प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र की प्रति आवश्यक कार्यवाही हेतु अद्योषित की जाती है। यह अनुरोध किया जाता है कि संसद को प्रस्तुत दस्तावेजों की दो प्रतियां उस तिथि को दर्शाते हुए जब वे संसद को प्रस्तुत किए गए थे इस कार्यालय को तथा भारत के नियंत्रक एवं महालेखापरीक्षक के कार्यालय को भेजी जाएं।

कृपया यह सुनिश्चित करें कि पृथक लेखापरीक्षा प्रतिवेदन को संसद के दोनों सदनों के समक्ष प्रस्तुत करने से पहले वार्षिक लेखाओं को शासी निकाय द्वारा अवश्य अनुमोदित करा लिया जाए। यह भी अनुरोध किया जाता है कि पृथक लेखापरीक्षा प्रतिवेदन के हिन्दी अनुवाद की एक प्रति शीघ्र इस कार्यालय को भेजी जाएं।

अनुलग्नक : यथोपरि।

निदेशक (ए.एम.जी.-III)

**Separate Audit Report of the Comptroller & Auditor General of India on the Accounts of
the National Commission for Protection of Child Rights, New Delhi
for the year ended 31 March 2019**

We have audited the attached Balance Sheet of the National Commission for Protection of Child Right (NCPCR), New Delhi as at 31 March 2019, Income & Expenditure Account and Receipts & Payments Account for the year ended on that date under Section 19(2) of the Comptroller & Auditor General's (Duties, Powers & Conditions of Service) Act, 1971 read with Section 29 (2) of the Commissions for Protection of Child Rights Act, 2005. These financial statements are the responsibility of the NCPCR's management. Our responsibility is to express an opinion on these financial statements based on our audit.

2. This Separate Audit Report contains the comments of the Comptroller & Auditor General of India (CAG) on the accounting treatment only with regard to classification, conformity with the best accounting practices, accounting standards and disclosure norms, etc. Audit observations on financial transactions with regard to compliance with the Laws, Rules & Regulations (Propriety and Regularity) and efficiency-cum-performance aspects, etc., if any, are reported through Inspection Reports/CAG's Audit Reports separately.

3. We have conducted our audit in accordance with auditing standards generally accepted in India. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements. An audit includes examining, on a test basis, evidences supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall presentation of financial statements. We believe that our audit provides a reasonable basis for our opinion.

4. Based on our audit, we report that:

- (i) We have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purpose of our audit.
- (ii) The Balance Sheet, Income & Expenditure Account/Receipts & Payments Account dealt with by this report have been drawn up in the Uniform Format of Accounts as prescribed by the Ministry of Finance.
- (iii) In our opinion, proper books of accounts and other relevant records have been maintained, under Section 29 (1) of the Commission for Protection of Child Rights Act, 2005, in so far as it appears from our examination of such books.

(iv) We further report that:

A. Balance Sheet

A.1. Liabilities

A.1.1 Capital Fund (Schedule-1):Rs 5.08 crore

A.1.1.1 NCPCR transferred the excess of Income over expenditure relating to Right to Education Scheme to the Capital Fund (Schedule-1) instead of to Earmarked Fund (Schedule-3). The details are given below:

(Rs. In crore)

Financial Year	Excess/Deficit	Amount
2013-14	Excess of Income over Expenditure	1.52
2014-15	Excess of Expenditure over Income	(0.15)
2015-16	Excess of Expenditure over Income	(1.09)
2016-17	Excess of Income over Expenditure	0.51
2017-18	Excess of Income over Expenditure	0.50
2018-19	Excess of Income over Expenditure	0.30
Net Impact		1.59

This has resulted in overstatement of Capital Fund and understatement of Earmarked Funds by Rs. 1.59 crore as at 31 March 2019. This was also reported in the previous years' report but no remedial action was taken.

A.1.1.2 Ministry of Women and Child Development released an amount of Rs. 4.38 crore to NCPCR for specific purpose (inspection of homes by Childline India Foundation) during 2016-17. Out of this, Rs. 1.65 crore, Rs. 2.02 crore and Rs. 0.45 crore was released to the Foundation during 2016-17, 2017-18 and 2018-19 respectively. The balance of Rs. 0.26 crore was transferred to Capital fund instead of Earmarked Funds. This has resulted in overstatement of Capital Fund and understatement of Earmarked Funds by Rs. 0.26 crore. This issue was also reported in the previous years' report but no remedial action was taken.

A.1.2 Current Liabilities & Provision (Schedule-7): Rs. 0.95 crore.

A.1.2.1 NCPCR had not created liability for unutilized grant of Rs. 3.06 crore in the annual accounts. This resulted in understatement of Liabilities and overstatement of Corpus/Capital Fund by the like amount.

A.1.2.2 Time barred cheques amounting to Rs. 8.18 lakh were not written back in accounts. This has resulted in understatement of Current Assets (Bank Balance) and Liabilities (Creditors) by Rs. 8.18 lakh.

A.1.2.3 The dues on account of Pension Contribution and Gratuity payable amounting to Rs. 13.32 lakh for the year 2018-19 in respect of employees working with NCPCR on deputation/Foreign Service were not paid by NCPCR and no provision for the same was made in the accounts. This resulted in understatement of Liabilities as well as Expenditure by the like amount.

B. General

B.1 Advances of Rs. 41.53 lakh pertaining to the period from 2007-08 to 2016-17 were pending for adjustment as of 31 March 2019 (details at Annexure-I). The long pending advances lying unadjusted need to be reviewed and settled. This was also pointed out in previous year's report but no remedial action was taken.

B.2 NCPCR had fixed assets of Rs. 74.51 lakh as on 31 March 2019 but the registers maintained did not depict details of all the items shown in the accounts. During physical

verification in March 2018, Fixed assets worth Rs. 4.72 lakh were found missing. No action was taken by NCPCR in this regard despite being pointed out in previous year's report.

B.3 As per Schedule-10 of the Format of Accounts prescribed by the Ministry of Finance each entity is to disclose the accounting policy in relation to investments both for long term and current investments. Audit noted that NCPCR kept huge balance in savings bank account maintained with banks, which yielded low interest. Monthly closing balances were as under:

(Rs. In Lakh)		
Month	NCPCR's SBI Account No. - 30135513449	NCPCR-RTE's SBI Account No. - 31408202176
Opening balance as on 01.04.2018	568.03	107.95
Apr-18	700.65	700.42
May-18	262.79	35.02
Jun-18	223.62	16.51
Jul-18	78.69	3.59
Aug-18	249.32	51.81
Sep-18	241.84	23.11
Oct-18	544.37	11.27
Nov-18	348.44	4.90
Dec-18	164.36	4.59
Jan-19	27.34	4.58
Feb-19	269.54	64.47
Mar-19	233.34	97.14

NCPCR had no investment policy for the unspent balance lying in the Bank Account. In the absence of short term FDRs, auto-sweep accounts, etc. for these balances NCPCR lost the opportunity to earn interest income over and above the saving bank interest given by the bank.

B.4 The Institute has not made provision for 'retirement benefits' on actuarial basis as required in AS-15 and Format of Accounts.

C. Grant-in-aid

The grants-in-aid received by NCPCR during 2018-19 and utilisation thereof is given below:

(Rs. in crore)						
Particulars	GIA received	Unspent balance of previous year	Internal receipts	Total funds available	Utilisation of funds	Unspent funds
General Grant NCPCR (M/o WCD)	15.83	1.81	0.11	17.75	15.61	2.14
RTE (M/o HRD)	3.60	1.06	0.01	4.67	3.75	0.92
Total	19.43	2.87	0.12	22.42	19.36	3.06

Thus, NCPCR had unspent balance of Rs. 3.06 crore at the end of the financial year 2018-19.

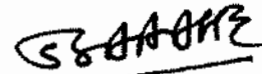
D. Management letter: Deficiencies which have not been included in the Audit Report have been brought to the notice of the Member Secretary, National Commission for Protection of Child Rights through a management letter issued separately for remedial /corrective action

(v). Subject to our observations in the preceding paragraphs, we report that the Balance Sheet, Income & Expenditure Account and Receipts & Payments Account dealt with by this report are in agreement with the books of accounts.

(vi). In our opinion and to the best of our information and according to the explanations given to us, the said financial statements read together with the Accounting Policy and Notes on Accounts and subject to the significant matters stated above and other matters mentioned in Annexure to this Audit Report give a true and fair view in conformity with accounting principles generally accepted in India; and

- a. In so far as it relates to the Balance Sheet, of the state of affairs of the NCPCR as at 31 March 2019; and
- b. In so far as it relates to Income & Expenditure Account of the *deficit* for the year ended on that date.

For and on behalf of C& AG of India



04 Dec 2019

**Director General of Audit
Central expenditure**

Place: New Delhi

Date: 04.12.2019

Annexure

1. Adequacy of Internal Audit System

Internal audit of NCPCR was last conducted by Internal Audit Wing of the Ministry of Human Resource Development in December 2015 for the year 2011-12 to 2014-15.

2. Adequacy of Internal Control System

The internal control system of NCPCR was not adequate due to:

- (i) Surprise check of cash was never conducted.
- (ii) Two posts of Members are vacant since November 2013.
- (iii) Grants-in-aid Register, Security Deposit Register, Expenditure Control Register, Advance Register, Investment Register and Register of Contract were not maintained.
- (iv) 19 external audit paras pertaining to the period 2011-12 to 2017-18 were outstanding.
- (v) During physical verification of fixed assets, many items were found missing. Even the Register of Fixed Assets did not depict details of all the items shown in accounts.
- (vi) Advances were pending for as long as 2007-08. Despite being pointed out in previous years' reports, remedial action was not taken.

3. System of physical verification of fixed assets

Physical verification of fixed assets was conducted upto 29.3.2019. However, fixed asset register maintained by NCPCR did not depict the details of all the items shown in the accounts.

4. System of physical verification of inventory

The physical verification of library books and other consumable items was conducted up to 28.3.2019.

5. Regularity in payment of dues

An amount of Rs. 28.34 lakh was outstanding on account of statutory dues for more than six months as on 31 March 2019.

Annexures

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



No.24011/01/2016-JJ/NCPCR/70393
Dated: 18th April 2018

The Principal Secretary (Home)
All States/Union Territories

Subject: Facilities to the children of women prisoners – Guidelines issued by the Hon'ble Supreme Court-regarding

Sir/Madam,

The National Commission for Protection of Child Rights (NCPCR) is mandated to monitor the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. Enclosed please find a copy of judgment of the Hon'ble Supreme Court in the case of R.D. Upadhyaya Vs State of Andhra Pradesh & Ors (Civil Writ Petition No. 559 of 1994), issued on 13th April 2006.

3. In the above case, the Hon'ble Supreme Court has issued guidelines to all the States/Union Territories for providing various facilities to the children of women prisoners.

4. It is requested that necessary suitable steps for implementing the orders of the Hon'ble Supreme Court may please be taken in your State where children and women prisoners are lodged to ensure that they are getting the benefits of the above judgment. It is also requested that an Action Taken Report may please be intimated to this Commission by 18th May 2018.

Encl: As above.

Yours sincerely,

(Yashwant Jain)
Member

o/c
19/4/18



स्तुति कक्कर
Stuti Kacker
अध्यक्ष
Chairperson

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001
D.O.No.MH-86972/2017-18/NCPCR/Edu/76981



Dated: 25/07/2018

Respected Sir,

Kind attention of Hon'ble Governor of RBI is invited to a complaint case matter received by the National Commission for Protection of Child Rights (NCPCR) from a Member Zilla Parishad, Wardha, Maharashtra regarding charging of fine for non-maintenance of minimum balance from students in scholarship account inspite of Circular DBOD. No. Leg BC.37/09.07.005/2014-15 of RBI. (Copy of complaint enclosed for reference).

The Commission had initiated an inquiry into this matter (as per Section 13 (1) (j) of the CPCRA Act, 2005). After formal procedure, summons were issued to the concerned officers (as per Section 14 of the CPCRA Act, 2005). During the course of inquiry it has been informed by SBI Bank that they will reimburse all/any amount deducted from the account of such children who are maintaining direct benefit transfer (DBT) account.

Further, it was directed by the Commission that the SBI and UBI shall designate nodal officers across States/UTs for reimbursement/refund of amount of entitlement/scholarship, if deducted from the account of children, who are beneficiaries of the RTE Act, 2009, for non-maintenance of minimum balance account. SBI and UBI were also directed to designate nodal officers for various States/UTs to interface with the State Project Directors, Samagra Siksha Abhiyan (SPD, SSAs). All SPD SSAs were also directed to share list of student beneficiaries having Direct Benefit Transfer (DBT) account in SBI and UBI, with the designated nodal officers for smooth and swift execution of the said process.

Further, by letter all Chief Secretaries of States/UTs has have been requested to issue requisite directions to the concerned officials of State Education Department and Regional Heads of SBI, that the orders of the Commission may strictly complied with expeditiously to complete the process of refund of all/any such amounts to children within one month from the issuance of the letter.


5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph. :011-23478212, 23731583, फ़ैक्स/Fax: 011-23731584
ई-मेल/E-mail : cp.ncpcr@nic.in वेब/Web www.ncpcr.gov.in

However, it is pertinent to mention that there could be several other banks who would have charged students the aforesaid fine for non-maintenance of DBT account, inspite of the aforesaid circular of RBI issued on September 1, 2014. The Commission therefore (u/s 13 (1) (a) and (c) of CPCRA Act, 2005), request that RBI may please issue fresh directions to all the Banks for compliance of its previous orders towards safeguarding the rights of the children.

Encl: as above

With deep regards,

Yours sincerely,


(Stuti Kacker)

Dr. Urjit R. Patel
H E Governor,
Reserve Bank of India (RBI),
Central Office Building,
18th Floor, Shahid Bhagat Singh Road,
Mumbai-400 001.



स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

Annexure-
भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



21

D.O. No. 25015/2016-17/NCPCR/EDU/CSR
Dated 19/07/2018

Dear

Mr. Das,

National Commission for Protection of Child Rights (NCPCR), Government of India is engaged in several activities pertaining to children in the north-eastern states. The Commission had organized a Multi-stakeholders Regional Convention of North Eastern States to focus on "CSR participation for strengthening the Child Welfare, Child Well-being and Child Education Mechanisms" on 5th June, 2017 in collaboration with Assam SCPCR and supported by CII, FICCI & ASSOCHAM. Through this convention and through review of existing reports and various data available w.r.t. CSR spending in the country, it was observed that a very negligible amount is spent in North Eastern States of the country.

Therefore, National Commission for Protection of Child Rights raised this issue with the Ministry of Corporate Affairs and recommended issue of appropriate directions to earmark minimum of 10 % expenditure in the North Eastern States. Consequently, Commission has been communicated that the recommendation is well received and the same shall be taken into consideration by the Steering Committee for CSR constituted for reviewing CSR Policy Framework (copy enclosed).

It may be noted that CSR is an important source of funding to be tapped for innovative activities and States should take benefit from it. Therefore, you are requested to follow up with M/o Corporate Affairs for earmarking of 10 % of CSR funds for NE States.

Best regards

Yours faithfully

(Stuti Kacker)

Smt. TY Das, IAS,
Chief Secretary,
Government of Assam Block- C, 3rd Floor, Assam Sachivalaya
Dispur - 781006, Guwahati,
Assam

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chandernok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph. :011-23478212, 23731583, फैक्स/Fax: 011-23731584
ई-मेल/E-mail : cp.ncpcr@nic.in वेब/Web: www.ncpcr.gov.in



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



F. No. 2503/13/2016-17/NCPCR/RTE/12003

Date: 16.05.2018

To,

Sh. Krishan Kumar,
Secretary, School Education,
Room- 527, 5 Floor,
Punjab Secretariat,
Sector -9 Chandigarh -160009,
Punjab
Email: psedu@punjab.gov.in

Subject: Recommendations for ensuring children's right to education

Sir,

As you must be aware, National Commission for Protection of Child Rights (NCPCR) conducted a review meeting with officials from different State Departments on 27.04.2017 at the O/o Director General School Education, 5th Floor, Block-E, Phase-8, Punjab School Education Board Mohali, Punjab. The objective of the meeting was to discuss issues and challenges in ensuring children's right to education in the State.

Based on the discussion during the meeting and observation on the nature of complaints received from the State, following steps are recommended;

1. Currently, the private play schools in the country are largely unregulated barring few States that have either adopted NCPCR's playschools guidelines or have implemented pre-primary education Act. Hence, the Department of WCD should develop and implement regulatory framework for private institutions providing only pre-school education.
2. Department of WCD should monitor the implementation of scheme SABLA which is pioneer scheme for out-of-school adolescent girls. Also, the data maintained at AWCs under the scheme should be shared with the Department of School Education so that the girls can be mainstreamed in age-appropriate classrooms.
3. Safety and security of children in schools is a major concern, especially in private schools. It is recommended that the State Education Department should notify

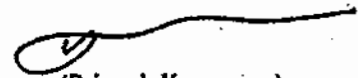
द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
2nd Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
दूरभाष / Ph. : 011-23478251 फैक्स / Fax : 011-23724028

Web : www.ncpcr.gov.in, e-mail: priyank.ncpcr@gov.in, Lodge your complaint at : www.ebaalnidan.nic.in

mandatory formation of PTA in private schools on the lines of SMC formation as provided under section 21 (1) of the RTE Act, 2009 and respective State RTE Rules.

4. Given the role of local authority in implementation of RTE Act, 2009, Department of Rural Development and Panchayati Raj and Department of Urban Development should develop a mechanism to orient the elected representatives on their role and duties towards ensuring education of all children in their respective jurisdiction.
5. In light of NCPCR's advisory to all State Education Departments and recent orders by Punjab SCPCR against mental harassment of children on account of fee related dispute with parents, the State Education Department should take action against schools who indulge in harassment of children.

Yours faithfully,



(Priyank Kanoongo)



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



F. No. 2503/13/2016-17/NCPDR/RTI/72004
Date: 16.05.2018

To,

Shri Naresh Paal Ganwar,
Principal Secretary,
Govt. of Rajasthan,
School Education and Language Department,
Room no. 1212, Main Building,
Government Secretariat Jaipur -302015
Email: pseducation2013@yahoo.com

Subject: Recommendations for ensuring children's right to education

Sir,

As you must be aware, National Commission for Protection of Child Rights (NCPDR) conducted a review meeting with officials from different State Departments on 21.08.2017 at Committee Room No. 2, Main Building, State Secretariat. The objective of the meeting was to discuss issues and challenges in ensuring children's right to education in the State.

Based on the discussion during the meeting and observation on the nature of complaints received from the State, following steps are recommended;

1. The flagship schemes of SABLA cater to the mainstreaming and vocational training of out-of-school (OoS) adolescent girls. The efforts by Schools Education Department to mainstream OoS children and the data available with Department of WCD should be converged for effectively bringing all children to school.
2. As per the data shared in the meeting, there are 3214 recognised Madarsas in the State. However, 1.64 lakh children who are in unrecognised Madarsas remain OoS. Hence, all unrecognised Madarsas should be mapped so that the exact number of OoS children can be known. Also, it will help in improving the facilities available in these institutions.
3. Safety and security of children in schools is a major concern, especially in private schools. It is recommended that the State Education Department should notify mandatory formation of PTA in private schools on the lines of SMC formation as provided under section 21 (1) of the RTE Act, 2009 and respective State RTE Rules.

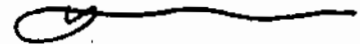
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4. The implementation of RTE Act, 2009 is not complete without effective implementation of section 29. Hence, the State School Education Department should ensure that all private schools should follow the curriculum laid down by the academic authority i.e. NCERT and its State counterpart, SCERT.
5. Given the role of local authority in implementation of RTE Act, 2009, Department of Rural Development and Panchayati Raj and Department of Urban Development should develop a mechanism to orient the elected representatives on their role and duties towards ensuring education of all children in their respective jurisdiction.
6. As per the data given by Department of Labour, 1004 cases of child labour were registered in the year 2016-17. To prevent such incidences of involvement of children in labour, clause 2 of Rule 2(B) of the Child Labour (Prohibition and Regulation) Amendment Rules, 2017 need to be implemented. Moreover, this will help in accurate estimate of out-of-school children in the State. Also, kindly update the Commission about the status of notification of CLPRA Rules in the State.
7. The hostels under Ministry of Tribal Affairs and Social Welfare do not have full time warden and other Administrative staff. Currently, teachers from government school are executing the responsibilities of a Hostel Warden, which not only compromises their primary responsibility of ensuring quality education through teaching but also compromise the safety and security of children in the hostels in absence of full-time warden. Hence, full time post of hostel warden be created and filled at the earliest possible date.

Yours faithfully,

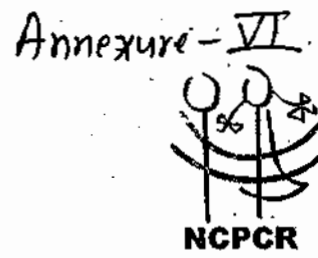


(Priyank Kanoongo)



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



No.2603/15/2017-POCSO/NCPDR
Dated: 23rd April 2018

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To

The Principal Secretaries
Department of Health & Family Welfare
All States/Union Territories

Subject: Implementation of Section 27 read with Rule 5 of the POCSO Act, 2012-reg.

Sir/Madam,

The National Commission for Protection of Child Rights is mandated to monitor the implementation of the Protection of Children from Sexual Offences (POCSO) Act, 2012. There has been a considerable rise in number of registered cases of sexual abuse of children over the years. As per Crime in India, NCRB's Reports for the year 2014 to 2016, the details of Child Sexual Abuse cases reported under the POCSO Act, 2012, are as under:

Year	Cases reported	Persons Arrested	Convicted	Conviction Rate
2014	8904	1172	100	24.6
2015	14913	18651	858	41.9
2016	36022	42196	3226	29.6

2. All the States/UTs have set up infrastructure for implementation of Protection of Children from Sexual Offences Act, 2012. Despite setting up of Special Courts, Child Friendly Procedure, appointment of Special Public Prosecutors and the stipulated time period for completion of trial provided under the POCSO Act, 2012, conviction rate is very low due to various reasons. One of the reasons for acquittal of accused is because of the weak evidence/medical reports presented in the court of law. It has been observed that common format for Medical Examination Report of Sexual Violence is not being followed in all the States.

3. The Ministry of Health and Family Welfare, Government of India has 'Guidelines and Protocols : Medico-legal care for Survivors/Victims of Sexual Violence' on 19th March 2014. It has also been included in NCPDR's publication on "User Handbook on POCSO Act, 2012" sent to all the States/UTs and is also available on NCPDR's website www.ncpcr.gov.in, under the heading Publication. Copy of Medico-Legal Examination of Sexual Violence is enclosed herewith (Annexure. II).

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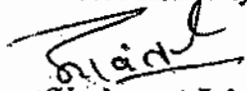
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4. Tamil Nadu State Commission for Protection of Child Rights has also formulated Standard Operating Procedures (SOP) for Medical Practitioners while examining Child Victims of Sexual Abuse. Extracts of the same are enclosed herewith at Annexure-II. It will be helpful in formulating your own SOP for medical examination of child victims of sexual abuse.

5. In view of the above, it is requested that you may kindly like to issue necessary directions to all concerned departments in your State to follow Format for Medical-legal Examination of Report of Sexual Violence under the POCSO Act, 2012, under intimation to this Commission.

Thanking you,

Yours faithfully,


(Yashwant Jain)
Member

Encl: As above.

Copy for similar action to:

Chairperson
State Commissions for Protection of Child Rights
All States/Union Territories

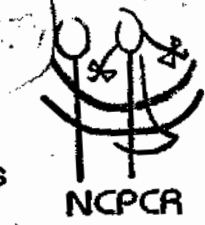
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शुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

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NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



F.No.2801/10/2016/Media/NCPCR
Dated: 4th May, 2018

7/454

Dear *Shri Prakash,*

For the protection of Children's rights, a large number of Conventions, Treaties, Laws and Charters have been enacted at the national and international level. The Constitution of India also recognizes the vulnerability of children and their Rights to survival, protection, development and participation and therefore, given special attention to children. Based on these, major legislations like CPC Act 2005, RTE 2009, POCSO Act 2012 and JJ Act 2015 have further strengthened the legal mechanism for protection of child rights.

2. The CPC Act 2005 provides for the constitution of a National as well as State Commissions for Protection of Child Rights. NCPCR was thus set-up in March 2007. One of the major functions of NCPCR is to generate awareness about Child Rights and their protection.

3. The Media plays a significant role in highlighting the condition of children, deprivation/violation of children's rights and in bringing child issues into the mind space of the policy makers. However, while doing so, it is important that the legal provisions such as; Section 23 of POCSO Act of 2012 and Section 74 of JJ Act 2015 which prohibit disclosure of identity of children are kept in view.

Section 74 is reproduced below:

Prohibition on disclosure of identity of children. Section 74. (1) No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published: Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child.

(2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.

(3) Any person contravening the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both.

4. Further, Section 23 of the POCSO Act, 2012 is reproduced below:

Procedure for media section: Section 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.

(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

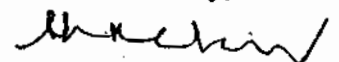
5. It is towards this objective that NCPCR has developed guidelines, 'Understanding Child Rights – NCPCR's Handbook for Media Professionals' for easy referencing. We hope that the users will find it useful.

6. I am enclosing 2 copies of NCPCR's 'Understanding Child Rights – NCPCR's Handbook for Media Professionals' for your reference and for disseminating the guidelines to all concerned. It is also available on our website www.ncpcr.gov.in

7. In view of the above, it is requested that an advisory may please be issued to all concerned to strictly comply with the provisions of the above Indian Laws on the protection of rights of the children.

with regards,

Yours sincerely,



(Stuti Kacker)

Smt. Smita Prakesh
Editor in Chief
Asian News International
ANI Building, Plot No.15
Sector 9, Major Somnath Marg
R K Puram, New Delhi, Delhi 110022



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New Delhi - 110 001

Annexure - VIII



No. 26011/06/2016-POCSO/NCPDR
Dated: 22nd May 2018

Dr. A.P. Maheshwari, IPS
Director General
Bureau of Police Research and Development
National Highway No.8
New Delhi. dq@bprd.nic.in, dirtrg@bprd.nic.in

72575

Subject: Study on POCSO Cases already registered -regarding

Sir,

The National Commission for Protection of Child Rights (NCPDR) is mandated to monitor the implementation of the Protection of Children from Sexual Offences Act, 2012.

2. According to National Crime Records Bureau (NCRB) Report, Crime in India, 2016, crime against children increased as per details given below:

Year	No. of cases registered
d) 2014	89423
e) 2015	94172
f) 2016	106958

The number of incidents reported for sexual exploitation/abuse of children under the POCSO Act, 2012 has also increased to 141.54% in 2016 as compared to 66.48% in 2015.

3. As reported in the media, very young children are also being sexually abused, gang raped or in some cases murdered. In order to analyse age group of victim/survivors, their gender, nature of offences such as rape, gang rape, murder committed against children, and profile of accused persons etc, there is an urgent need to undertake statistical analysis of POSCO cases already registered and published by NCRB so that a strategy could be developed for prevention of Child Sexual Abuse.

4. In view of the above, it is requested that BPR&D may conduct statistical analysis of POCSO cases reported and published by NCRB as suggested in Para 4 above at the earliest preferably in 2 months. This Commission would be happy to provide financial support for the study, if so required by BPR&D.

Thanking you,

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Kacker
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Yours faithfully,

(Stuti Kacker)
Chairperson

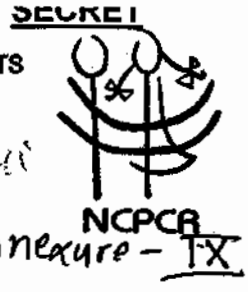
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Geeta Narayan
 गीता नारायण
 Member Secretary
 सदस्य सचिव

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
 राष्ट्रीय बाल अधिकार संरक्षण आयोग
 GOVERNMENT OF INDIA
 भारत सरकार



No.32-131/2018/NCPDR/LC / 76368

Dated: 18.07.2018

Dear *Astheji*,

Please refer to MWCD's letter No.CW-30/02/2018-CW-I dated 22.06.2018, forwarding therewith a draft Cabinet Note for amending the Protection of Children from Sexual Offences (POCSO) Act, 2012; seeking comments of NCPDR.

- Comments of NCPDR are tabulated in the enclosed statement for necessary action at your end.

With regards.

Yours sincerely,

Geeta Narayan
 (Geeta Narayan)

Ms. Aastha Saxena Khatwani
 Joint Secretary (CW)
 Ministry of Women and Child Development
 Shastri Bhawan,
 New Delhi-110001

NCPCR's Comment/remarks on proposed Amendment to POC SO Act

S. No.	POCSO Act, 2012	POCSO (Amendment) Act, 2018	Criminal Law (Amendment) Ordinance, 2018	NCPCR Comments/Remarks
1.	<p>Sec. 4 Punishment for penetrative sexual assault -</p> <p>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.</p>	<p><u>Substituted-</u></p> <p>Sec. 4 (a) - "Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than 10 years but which may extend to imprisonment for life and shall also be liable to fine."</p> <p>Sec. 4 (b) - "Whoever commits penetrative sexual assault on a child below sixteen years shall be punished with imprisonment of not be less than 20 years, extendable to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine."</p>	No amendment was proposed	Commission agrees with the said provision

		<p>Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the Victim:</p> <p>Provided further that any fine imposed under this sub-section shall be paid to the Victim.</p>		
<p>2.</p>	<p>Sec. 5 Aggravated penetrative sexual assault</p> <p>Sec. 5 (s) - "Whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence; or"</p>	<p><u>Added-</u></p> <p>Sec. 5 (s) - "Whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence or during a situation of natural calamity; or"</p> <p><u>New Section -</u></p> <p>Sec. 5 j (iv) - "Causes death of the child" in the POCSO</p>	<p>No amendment was proposed</p>	<p>Commission agrees with the said provision</p>

	<p>Act, 2012.</p>		
<p>3.</p>	<p><u>Substituted -</u></p> <p>Sec. 6 - Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than 20 years but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine or with death</p>	<p>No amendment was proposed</p>	<p>Commission agrees with the said provision</p>
<p>4.</p>	<p><u>Substituted -</u></p> <p>Sec. 9 (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</p>	<p>No amendment was proposed</p>	<p>Commission agrees with the said provision</p>

	<p>observation home, or other place of custody or care and protection established by or under any law for the time being in force 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</p>	<p>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 causes sexual assault by giving or receiving any payment or benefits to the child or to any other person exercising control over the child; or</p>		
<p>5.</p>	<p>(s) Whoever commits sexual assault on a child in the course of communal or sectarian violence; or</p>	<p><u>Substituted-</u> Sec. 9 (s) - "Whoever commits penetrative sexual assault on a child in the course of communal or sectarian violence or during a situation of natural calamity; or..."</p>	<p>No amendment was proposed</p>	<p>Commission agrees with the said provision</p>
<p>6.</p>		<p><u>New Section -</u> Sec. 9 (v) - "Whoever gives, or administers, or causes to be</p>	<p>Not applicable</p>	<p>Commission agrees with the</p>

		<p>given, or administered, any hormone or any chemical substance, to a child with the intent that such child attains early sexual maturity for the purpose of penetrative sexual assault."</p>		<p>said provision</p>
<p>7.</p>	<p>Sec. 14 Punishment for using child for pornographic purposes-</p> <p>(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</p>	<p><u>Substituted-</u></p> <p>Sec. 14 (1) - "Whoever, uses a child or children for pornographic purposes shall be punished with imprisonment of not less than five years and shall also be liable to fine; and in the event of second or subsequent conviction with imprisonment for a term not less than seven years and also be liable to fine."</p>	<p>No amendment was proposed</p>	<p>Commission agrees with the said provision</p>

	<p>liable to fine.</p>	<p>Sec. 14(2), 14(3), 14(4) and 14(5) to be <u>deleted</u> and <u>Substituted & Inserted with -</u> Sec. 14 (1) (a) - "if the person using the child for pornographic purposes commits an offence as referred to in Sec.3 or Sec.5 or Sec.7 or Sec.9 by directly participating in pornographic acts, the punishment a prescribed for such offences under Sec.4 or Sec.6 or Sec.8 or Sec.10 will be applicable respectively in addition to punishment provided in sec.14(1)."</p>	<p>Not Applicable</p>	<p>Commission agrees with the said provision</p>
<p>8.</p>	<p>Sec. 15 Punishment for storage of pornographic material involving child- Any person, who stores, for commercial</p>	<p>Sec. 15 - "Any person, who stores any pornographic material in any form involving a child shall be punished with imprisonment of either description <i>which may not be less than three years which</i></p>	<p>No amendment was proposed</p>	<p>Commission proposes that it should be in consonance with <u>Sec. 67B of Information Technology Act,</u></p>

9.	<p>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.</p>	<p>may extend to five years or with fine or with both."</p>	<p>2000. The word 'storage' as per the proposed amendment should be replaced with 'publishing and transmitting' as also provided under IT Act.</p>	<p>Commission agrees with the said provision</p>
	<p>Sec. 42 Alternative punishment.- Where an act or omission constitute an offence punishable under this Act and also under sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 376A, 376B, 376C, 376D, 376E or 509 of IPC, or anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment under this Act or under the Indian Penal Code or</p>	<p>Sec. 42 - "Where an act or omission constitutes an offence punishable under this Act and also under sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 376A, 376B, 376C, 376D, 376E or 509 of IPC, or anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment under this Act or under the Indian Penal Code or</p>	<p>Sec. 42 - "Where an act or omission constitutes an offence punishable under this Act and also under sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 376A, 376B, 376C, 376D, 376DA, 376DB, 376E or 509 of IPC, then, notwithstanding anything contained in any law for the</p>	<p>Commission agrees with the said provision</p>

	such offence shall be liable to punishment under this Act or under the IPC as provides for punishment which is greater in degree.	<u>Information Technology Act</u> as provided for punishment which is greater in degree.”	time being in force, the offender found guilty of such offence shall be liable for the punishment under this Act or under the IPC as provides for punishment which is greater in degree”.	
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- ❖ The time frame provided for completing investigation in Sec. 173 of CrPC (i.e. two months) as per the Criminal Law (Amendment) Ordinance, 2018 may also be incorporated in POCSO (Amendment) Act, 2018 accordingly.
- ❖ Provision for immediate interim compensation to victim should be suitably provided in the POCSO (Amendment) Act, 2018 as also provided under 357A of CrPC, 1973 and it is suggested that suitable funds may be earmarked for States from Nirbhaya fund or Victim Compensation Scheme.



सत्यमेव जयते



मेनका संजय गांधी

Maneka Sanjay Gandhi

मंत्री Annexure - X

महिला एवं बाल विकास मंत्रालय

भारत सरकार

नई दिल्ली-110001

MINISTER

MINISTRY OF WOMEN & CHILD DEVELOPMENT

GOVERNMENT OF INDIA

NEW DELHI-110001

D.O. No.2601/02/2017-POCSO/NCPCR (Vol.III)/73370

29th May, 2018

Dear Shri Badnore,

The Protection of Children from Sexual Offences (POCSO) Act, 2012 protects children from sexual offences and their rehabilitation. The POCSO Act is gender neutral and safeguards the interest of not only the girl child but also the male child.

2. I have been informed by National Commission for Protection of Child Rights (NCPCR), which is mandated to monitor the implementation of POCSO Act, that though 31 State Governments have notified their Victim Compensation Scheme under Rule 7, POCSO Rules, 2012, the disbursements of compensation has not been uniform or satisfactory (as annexed).

3. It has come to our notice that in some of the States the interim compensation to child victims of sexual abuse is not being awarded to meet the immediate medical and other needs of the child for relief or rehabilitation. Further, it was also noticed that the male child who is the most neglected victim of child sexual abuse is also being ignored for award of compensation and needs to be included.

4. I shall be grateful if you could kindly look into the matter personally and issue necessary directions to the concerned departments in your State to take necessary steps for including male child victims of sexual abuse in your Victim Compensation Scheme/Fund and that compensation including interim compensation may be given to the victim timely.

With regards,

Yours sincerely,

Maneka Sanjay Gandhi

(Smt. Maneka Sanjay Gandhi)

Shri V.P. Singh Badnore

Hon'ble Administrator of Chandigarh,

Punjab Raj Bhawan/6,

Chandigarh.