



Annual Report

2016-17



NATIONAL COMMISSION FOR PROTECTION OF
CHILD RIGHTS

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Smt. Manan Chaturvedi, Chairperson
Rajasthan State Commission for Protection of Child Rights



Annual Report 2016-2017

**National Commission for
Protection of Child Rights**

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मेनका संजय गांधी
Maneka Sanjay Gandhi



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नई दिल्ली-110001
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GOVERNMENT OF INDIA
NEW DELHI-110001

Message

I am glad to note that the National Commission for Protection of Child Rights has brought out its Annual Report for the year 2016-17, highlighting the major activities and initiatives undertaken by it.

2. The National Commission for Protection of Child Rights is a statutory body constituted on 5th 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 perspective of the Child Rights as enshrined in the Constitution of India and also in the U.N. Convention on Rights of the Child (UNCRC).

3. During the year 2016-17, the Commission made continuous efforts to attain its mandate, which included review of existing laws and policies for children, inquiry into complaints of violation/ deprivation of child rights, inspection of child care institutions, examination of factors inhibiting enjoyment of child rights and promoted public awareness on child rights.

4. The Commission organized a significant number of workshops/ seminars/ consultations on various issues concerning child rights in collaboration with State Commissions. The Commission disposed off 2,298 cases of grievances violating child rights.

5. I appreciate the Commission's initiative of development of 'POCSO e-box' which is an easy and direct online medium of reporting of cases of sexual abuse under POCSO Act, 2012.

6. I am sure the Commission would continue its endeavour of fulfilling its mandate.


(Smt. Maneka Sanjay Gandhi)

New Delhi
February 07, 2018

डॉ. वीरेन्द्र कुमार
Dr. VIRENDRA KUMAR



राज्य मंत्री
महिला एवं बाल विकास और
अल्पसंख्यक कार्य मंत्रालय
भारत सरकार
नई दिल्ली-110001
MINISTER OF STATE
MINISTRY OF WOMEN & CHILD DEVELOPMENT
AND MINORITY AFFAIRS
GOVERNMENT OF INDIA
NEW DELHI-110001

MESSAGE

It is my pleasure to know that National Commission for Protection of Child Rights (NCPCR), a statutory body constituted under CPCRA Act, 2005 to protect rights of children, has come up with its Annual Report for the year 2016-17, highlighting the major activities undertaken by them.

NCPCR has been rendering relentless services towards children with its vision that all children enjoy their basic and inalienable rights of survival, development, protection and participation in accordance with the Constitutional framework, law, policy and UNCRC, across the country.

The Commission, in its mandate to monitor the implementation of JJ, POCSO and RTE Acts, issued directives/advisories and recommendations to concerned authorities to protect the rights of children. It conducted series of workshops and developed and disseminated messages to sensitize and create awareness on various provisions of the Acts and to protect children from sexual abuse.

I am sure the Commission would continue to strive for excellence in ensuring rights and protection of children of the nation.

I convey my best wishes to the Commission for resounding success of its endeavour.

(Dr. Virendra Kumar)



स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

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

It is my pleasure to present the Annual Report for the year 2016-17 of the National Commission for Protection of Child Rights as envisaged in the Commissions for Protection of Child Rights (CPCR) Act, 2005.

During the year under report, the Commission carried forward and expanded the activities of the previous year for achieving its mandate.

Considering the large number of cases relating to Child Sexual Abuse being reported in the media every day, NCPDR developed POCSO e-box, an easy and direct online way of reporting of cases of sexual abuse under POCSO Act, 2012. It was launched by the Hon'ble Union Minister, Women & Child Development on 26th August, 2016. The e-box was widely applauded and the Commission received the Silver SKOCH Order of Merit Award 2016. Further, to generate awareness among the public regarding provisions of the POCSO Act, a weeklong campaign was launched in Delhi with the support of Delhi Police, Government Agencies, Civil Societies, Media & Youth volunteers.

The Commission being mandated to monitor implementation of JJ and POCSO Acts, developed tools for monitoring implementation of these Acts and directed all States to submit a monthly report by Nodal Officers especially got appointed by State Government for this purpose. Various advisories/directives were also issued to concerned authorities from time to time to protect the rights of children, which included safety of children in schools; provisioning of Aadhaar Cards to children in CCIs; steps to stop child marriages; trafficking of children and curbing illegal adoption; constitution of multi disciplinary team to take immediate suo-motu cognizance in case of child sexual abuse; effective implementation of the sections 77, 78 of the JJ Act, 2015 regarding use of tobacco by children; etc.

To prevent abduction and kidnapping to children, NCPDR, framed guidelines for creating Child Friendly Melas/large Gatherings and sent it to all the States for implementation for care & protection of children. For the first time with the support and guidance of NCPDR, three large scale Melas i.e, Simhasth Kumbh, Madhya Pradesh; Krishna Pushkaran, Andhra Pradesh; and Poush Mela, West Bengal were declared Child Friendly Melas.

Children in street situations are often subject to abuse, neglect, exploitation and are victims of anti social activities and groups. NCPDR in collaboration with Save the Children (Baal Suraksha) developed and launched Standard Operating Procedure (SOP) on Care and Protection of Children in Street Situations.

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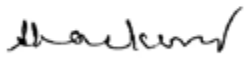
To ensure the right to free and compulsory education for all children as mandated by the Right to Education Act (RTE) of 2009, several activities were carried out by the Commission. This included consultations on: Re-engaging Out of School Children; Ensuring rights of education of children of minority community; Development of Regulatory norms for Play Schools; Recommendations for New Education Policy to MHRD etc.

Members of the Commission continued to visit States to promote, protect and spread awareness on Child Rights. They also made on-spot inquiries based on the gravity of the complaints. The Commission undertook a campaign for quick grievance redressal. During this year 2276 grievances were settled.

The Commission carried out awareness activities through: advertisement in Delhi Metro trains; pamphlets, an animated movie on POCSO e-box; various radio spots on the provisions of JJ and POCSO Acts were also prepared and aired. The year ended with celebration of 'Swachhta Pakhwada' for creating awareness among children and community on the theme of sanitation & hygiene through various activities.

The Commission celebrated its 10th Foundation Day on 5th March, 2017 at New Delhi which was participated by children from various NGOs. The occasion was graced by Shri Rajeev Chandrasekhar, Member Parliament.

The Annual Report documents all important activities of the Commission carried out during 2016-17. In-spite of functioning without its full complement of Members, it was ensured that NCPCR did justice to its mandate in respect of child rights in a pro-active manner in the best interest of the children of the country.


(Stuti Kacker)



List of Abbreviations

AHTU	Anti Human Trafficking Unit
AIIMS	All India Institute of Medical Sciences
ATR	Action Taken Report
CCI	Child Care Institute
CCL	Child in Conflict with Law
CID	Crime Investigation Department
CLPRA	Child Labour (Prohibition & Regulation) Act, 2016
CNCP	Child in Need of Care and Protection
CPCR	Commissions for Protection of Child Rights
CSA	Child Sexual Abuse
CWC	Child Welfare Committee
CWPO	Child Welfare Police Officer
DCPO	District Child Protection Officer
DCPU	District Child Protection Unit
DSLISA	Delhi State Legal services Authority
DWCD	Department of Women and Child Development
IBHAS	Institute of Human Behaviour and Allied Sciences
JJ Act	Juvenile Justice (Care and Protection of Children) Act,2015
JJB	Juvenile Justice Board
LWE	Left Wing Extremism
MHRD	Ministry of Human Resource Development
MoPR	Ministry of Panchayati Raj
MWCD	Ministry of Women and Child Development
NCT	National Capital Territory
NE	North East
NHM	National Health Mission
NHRC	National Human Rights Commission
NCPCR	National Commission for Protection of Child Rights
OSCC	One Stop Crisis Center
PO	Probation Officer
POCSO	Protection of Children from Sexual Offences, Act 2012
PWD	Public Works Department
SCPCR	State Commission for Protection of Child Rights
SCPS	State Child Protection Society
SOP	Standard Operating Procedures
SJPU	Special Juvenile Police Unit
UNCRC	United Nations Convention Of Child Rights
UNICEF	United Nations Children's Fund
WCD	Women and Child Development
WHO	World Health Organisation



Chapter-1

NCPCR: An Overview



1.0 Introduction


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 perspective of the Child Rights as enshrined in the Constitution of India and also the U.N. Convention on 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 for their holistic development and therefore it strives to monitor discharge of the State's obligations to protect these rights. As a seed is nurtured with care and nourishment in order to become a fruit yielding tree, the child envired 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 he or she is born.

1.1 Functions of NCPCR:

The Commissions for Protection of the Child Rights Act, 2005 prescribes the following functions for the Commission :-

- 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, report 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 matters for taking 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 functions.

Besides, functions of the Commission have also been specifically laid down in the JJ Act, 2015, POCSO Act, 2012 and RTE Act, 2009.

1.2 Composition

The Commissions for Protection of Child Rights (CPCR) Act, 2005 provides for one Chairperson who, is a person of eminence and has done outstanding work for promoting the welfare of children; and six Members, out of which at least two shall be women, from the fields of: i) education; ii) child health, care, welfare or child development; iii) juvenile justice or care of neglected or marginalized children or children with disabilities; iv) elimination of child labour or children in distress; v) child psychology or sociology; and vi) laws relating to children, from amongst persons of eminence, ability, integrity, standing and experience.

During the period under report, the Commission appointed during 2015-16 continued to function with Smt. Stuti Kacker as Chairperson, and 3 Members, Shri Yashwant Jain, Shri Priyank Kanoongo, and Smt. Rupa Kapoor. Since there were only 3 Members functioning in the Commission against the sanctioned strength of 6, the team functioned with the following additional allocations of work:

- i. Shri Yashwant Jain Juvenile justice system; Protection of Children from Sexual Offences (POCSO); Child Law; and Child Labour



- ii. Shri Priyank Kanoongo Child Education
- iii. Smt. Rupa Kapoor Child Health & Nutrition; and Child Psychology & Sociology

During the period under report, the activities of the Commission accelerated fast. The Commission inquired into complaints of violation/deprivation of child rights, inspected child care institutions, examined factors inhibiting enjoyment of child rights, reviewed existing laws and policies for children, promoted public awareness and child participations in decisions/actions affecting them and made inquiries into matters relating to deprivations of child rights etc. with its powers of a civil court under the Code of Civil Procedure, 1908.

1.3 Strategies adopted for Major Interventions:

- i) **State 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:** One of the important prerogatives of the Commission is to monitor and send appropriate recommendations/directives to the States for necessary follow up action by the stake holders.
- iii) **Review of Laws and Policies:** NCPCR reviews the National policies and other legal documents pertaining to the rights and welfare of the children.
- iv) **Policy Dialogue with Ministries/Departments:** In order to bring child friendly changes in the implementation of laws and legislations, periodic meetings and discussions are held with various ministries like Labour, Human Resource Development etc., whereby information is also shared to forge ahead a rights based approach for the needy children.
- v) **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 pertaining to children.
- vi) **Complaint Management System & Summons:** One of the primary activities of NCPCR is to take up specific complaints to enquire into the 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 authority 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 are no responses from them.
- vii) **Public Hearing:** NCPCR takes up specific complaints where there are gross violations



of children's rights by conducting open and transparent enquiries where the voices of children and their protagonists are heard in the presence of NCPCR and Government authorities. Through public hearings, time bound action on recommendations is monitored with the concerned district/state authorities.

- viii) **Strengthening the Role and Functions of SCPCRs:** SCPCRs are working as an extended arm of NCPCR in each State. A total of 34 SCPCRs were working as per the guidelines of the CPCR Act during the year.



Chapter-2

Education



2.0 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 to:

- a) examine and review the safeguards for rights provided under the Act and to recommend measures for their effective implementation;
- b) inquire into complaints relating to the child's right to free and compulsory education and;
- c) take necessary steps as provided under Section 15 of the Commissions 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 CPCR Act, 2005, the NCPCR has undertaken a series of initiatives. These inter-alia include redressing complaints, conducting inquiries, undertaking policy interventions and organizing programmes and research activities. The major activities conducted as regards Education during the year are:

2.1 Programme Activities

2.1.1 Safety and Security of Children in Schools-Development of a Manual

The Commission on taking note of the deaths of school children in different parts of the country due to inadequate safety and security measures, decided to develop a 'Comprehensive Manual for Safety and Security of Children in Schools'. The Commission reviewed the existing guidelines on Safety and Security of Children in Schools with the representatives of different Ministries/Departments of the Government and the concerned organizations. Four sub-committees were constituted to develop guidelines under four thematic areas i.e. (i) Infrastructure (ii) Health (iii) Abuse and mental health (iv) Teacher curriculum and training. Based on the outcome, the Manual was drafted containing comprehensive guidelines on Safety and Security of Children in Schools.

2.1.2 Regulatory Guidelines on Private Play Schools

To bring inclusiveness and uniformity in functioning of all private educational institutions imparting pre-school education and prevent violation of child rights in the age group of 3-6 years, NCPCR framed Regulatory Norms/Guidelines for them with the aim to remove ambiguities in such private educational institutions with a view to achieve national as well as international standards of pre-school education. The guidelines so finalized were circulated to all the concerned stakeholders viz. MWCD, NIPCCD, State WCD Dept.; Chief Secretaries and SCPCRs

recommending their adoption in their respective jurisdiction. The detailed guidelines is available at <http://ncpcr.gov.in/guidelines>.

2.1.3 Consultation on the education of the children of Muslim Minorities

To ensure rights of children to free and compulsory elementary education of the children of the minority community under RTE Act, 2009, NCPCR organized 4 one-day Consultations at Ranchi, Nagpur, Kadappa and New Delhi. More than 500 madarasas and around 600 madarsa going children were covered under this exercise. The participants in the Consultations included Madrasa representatives, children and parents of children of minority communities etc. One of the strong view expressed in the Consultations was that the benefits of RTE Act, 2009 may be extended to the children of Muslim and other Minorities.



2.1.4 Review cum consultation meeting on re-engaging Out-of-School (OoSC) Children

Consequent upon the deliberations held during first meeting of the CAGE Sub-committee on 12.02.2016 on Out-of-School Children, NCPCR organized a two-day review-cum- deliberation meeting on ‘Devising Pathways for Re-engaging Out of School Children’ on 4th-5th April, 2016 at Delhi. The meeting was held in collaboration with MHRD & NCERT and was attended by Members of CAGE Sub-committee on Out-of-School Children, Secretaries, Departments of Education of States/UTs, representatives from SCERTs, Chairpersons/Members from SCPCRs and Ministry of Tribal Affairs etc. The key recommendations framed by NCPCR were sent to CAGE Sub-committee Members and all SCPCRs on 01.08.2016. The same were also sent to Ministry of Labour and Employment. One of the core recommendations of the consultation was the universal definition of out of school children that requires interventions by the school and community which has been referred in Child Labour (Prohibition and Regulation) Amendment Rules, 2017. The detailed recommendations are available at <http://ncpcr.gov.in/recomendations>.





2.1.5 Review meetings for Inter-departmental Convergence

As a follow-up to MWCD communication to State Departments of Women and Child Development and Education to ensure convergence between Anganwadis and primary schools to prevent Out-of-School Children, the Member (Education), NCPCR visited Ahmedabad (05.08.2016), Mumbai (30.08.2016) and Guwahati (04.10.2016) and conducted meetings with the State Government Officials to implement the envisioned convergence.

2.1.6 Smart India Hackthon, 2017

NCPCR submitted problem statements in October, 2016 for Smart India Hackathon, 2017, a competition in which innovative digital solutions were developed, organized by AICTE in collaboration with i4c at AICTE. In response to 19 selected problem statements from NCPCR, 161 ideas were received from different institutions of repute. The ideas received were reviewed in the Commission and 41 teams from technical institutions were short-listed to participate in the final event scheduled for 1st-2nd April, 2017 at Sagar Institute of Research and Training (SIRT), Bhopal.

2.1.7 Workshop at Guwahati

NCPCR in collaboration with the Assam SCPCR organised a one-day Workshop on J.J. Act, 2015 and RTE Act, 2009 at Shilpgram, Assam for NGOs/CSOs running children homes and hostels. The Workshop was attended by more than 150 participants. The Member (Law) and the Member (Education), NCPCR also participated in the Workshop.

2.2 Policy Level Interventions

2.2.1 Recommendations to NITI Aayog for Inter-Ministerial Convergence on Social sector Initiatives in the Union Budget 2017-18

The Member (Education) participated in an 'Inter-Ministerial Consultation on Education in the Union Budget 2017-18' organised by NITI Aayog under the Chairpersonship of Principal Advisor, NITI Aayog on 20.03.2017. During the Consultation, the Member presented and submitted a document on NCPCR's vision and recommendations on the inter-ministerial convergence. The detailed recommendations are available at <http://ncpcr.gov.in/recomendations>.

2.2.2 Consultation and Recommendations for New Education Policy (NEP)

For the purpose of formulation of recommendations for incorporation in the New Education Policy, the suggestions received during the four (4) Regional Consultations organized by NCPCR were consolidated in the form of a Report which was sent to the MHRD for consideration for inclusion in the upcoming Policy. The detailed report of the Consultations is available at <http://ncpcr.gov.in/reports>.



2.2.3 Recommendations on 14-point Agenda for the 64th Central Advisory Board on Education (CABE) to MHRD

The Member (Education) represented Commission at the 64th Meeting of the Central Advisory Board of Education (CABE) held on 25.10.2016. Prior to the meeting, NCPCR's 14-point Agenda for the Meeting was sent to MHRD vide letter dated 13.10.2016. The NCPCR's recommendations on the Agenda Points were also submitted in the Meeting.

2.2.4 Recommendation to Law Commission of India to include Education in the Uniform Civil Code

The Law Commission of India with the aim to reform the law for maximizing justice in society and promoting good governance invited suggestions on all possible models and template of a common civil code. In this regard, NCPCR suggested to Law Commission of India to include Education in the Uniform Civil Code.

2.3 Recommendations

2.3.1 Hon'ble Minister of HRD for North Eastern States

NCPCR conducted review meetings in North Eastern States (Assam, Mizoram, Manipur, Tripura and Meghalaya) to assess status of issues related to child rights and child protection, with special focus on Education and implementation of the RTE Act, 2009. Based on key issues emerged from the review meetings, NCPCR sent its recommendations to the Hon'ble Minister of Human Resource Development on 14.02.2017. **(Annexure-I)**

2.3.2 Assam Government on various aspects of Child Rights

NCPCR organized a review meeting with State Departments and stakeholders of Assam on 04.10.2016 to review and assess the issues pertaining to child rights with focus on Education, Health and Child Protection. Based on the observations of the meeting, NCPCR recommended to Govt. of Assam on various issues concerning child rights such as re-engaging Out of School Children (OoSC); SABLA scheme; sensitization of stakeholders and functionaries of CCIs as per JJ Act, 2015; constitution of a Madarsa Board; filling of vacant posts of Assam SCPCR; mapping of all children of Child Care Institutions (CCIs); etc. **(Annexure-II)**



2.3.3 Commissioner/Secretary, Dept. of Elementary Education, Assam

On the basis of decisions taken in the Sub-Committee meeting of the Central Advisory Board on Education (CABE), held in Guwahati on 28.01.2017, NCPCR sent its recommendations to the Commissioner & Secretary, Department of Elementary Education, Govt. of Assam on 03.02.2017 to conduct proper mapping of Madarsas and children in Tea Garden areas; to amend Plantation Labour Act, 1951; and constitution of Madarsa Board; etc. **(Annexure-III)**.

2.3.4 CBSE to exempt children of martyred soliders from ongoing exams


The Commission took cognizance of the News Report in Dainik Bhaskar dated 20.09.2016 wherein it was reported that the school in which three daughters of Martyr Naik Sunil Kumar Vidyarthi of District Gaya, Bihar were studying had written to CBSE to exempt these girls from the ongoing summative assessment examinations.

NCPCR endorsed the school's request and recommended to CBSE vide letter dated 20.09.2016, to exempt these children from appearing in the ongoing examinations. Besides, it was also recommended that CBSE may issue a circular exempting children of other martyred soldiers also from the ongoing examinations who are studying in schools **(Annexure-IV)**.

2.3.5 Secretary Education of all States on notifying measures/guidelines for reducing weight of school bags

NCPCR took cognizance of the News Report on a Study conducted by ASSOCHAM highlighting the adverse effects of heavy school bags that children have to carry everyday to school, as well as representations received from parents in this regard. Endorsing the need to address the problem at a larger level, the following steps were recommended to the Principal Secretaries (School Education/Education) of all States/UTs: **(Annexure-V)**.

- It should be ensured that the weight of school bags is not more than 10 percent of the weight of the child.
- Children in pre-primary classes should not carry any books/notebooks to the school.
- To bring effective change, sensitisation and awareness are required at three levels- Principals, Teachers and Parents. For this, appropriate short term awareness/training programmes should be conducted.
- The schools should be directed to issue guidelines for all students to carry books as per the time-table only and also suggest suitable safe ways to carry the bags.
- Also, the school should issue directions to all teachers to pre-inform students about the books/notebooks to be carried on a particular day.
- Appropriate action should be taken against any school not following the guidelines.



2.3.6 Hon'ble Union Minister of Panchayati Raj and State Secretaries to amend elective rules of urban local bodies & PRI to make it mandatory to send their children to school for contesting elections

In order to mobilize impact on the issue of 'Out of School Children' and initiate affirmative action for prevention and re-engagement of the out of school children, the Commission recommended to all States to amend their Elective Rules of the Urban Local Bodies and Panchayat Raj Institutions (PRIs), to make a mandatory provision for every candidate desirous of contesting these elections, whose children/wards are in the school going age group of 6-14 years, to submit a signed certificate from the concerned School's Principal that their ward/s are enrolled and regular in attending schools. It was anticipated that such an amendment would facilitate increased interaction of the contesting candidates with schools and enable them to understand the issues faced by the schools (**Annexure-VI**).

2.3.7 Advisory to Principal Secretaries, Education of 14 States for taking precautions in school timings during hot summer months.

The Commission observed that, despite high temperature in the summer months starting from March; several schools under private managements or State Boards were functional at that time. The temperature in Southern and Eastern India was hovering around 40 degree in starting months of summer season. Children being tender need proper care from summer heat. The Commission wrote letters to Principal Secretaries, Education of 14 States advising the State Governments and the private managements to refrain from opening the schools during the heat waves in the summer to protect children from consequences of heat in the school or while returning from the school (**Annexure-VII**).

2.3.8 MWCD towards ensuring smooth Transition from Pre-primary to Primary Education

Despite numerous efforts by the State education departments and as suggested by different government reports/surveys, all children have not been included in the formal education system. As per Census 2011 data, more than half of the children aged 6 years have never attended any educational institution and 3.2 million children having attended before, are not a part of any education institution. Appreciating the role of Aanganwadi Centres in bridging the gap between pre-primary and primary levels of education, NCPCR requested to MWCD on 26.05.2016 to take up through State Departments of Women and Child Development that all children in pre-primary education after attaining 6 years of age do not drop out and become a part of primary education system.

At the instance of NCPCR, the MWCD wrote to Principal Secretaries (Education) of all States/UTs to direct the concerned officers of the States/UTs Department of Women and Child Development to mobilize the grass root functionaries to take necessary actions for sensitizing the parents and Aanganwadi Workers who can work in convergence with primary school teachers for enrollment of children in primary school at the age of 6 years (**Annexure-VIII**).



2.3.9 NCTE to include Child Rights in Teacher Training Curriculum

In order to equip teachers to deal with the cases of safety of children and child rights issues, NCPCR suggested to the National Council for Teacher Education (NCTE), to include 'Child Rights' in the existing curriculum of teacher-training. The suggestion was agreed to by NCTE (**Annexure-IX**).

2.3.10 Principal Secretaries of all States to direct State boards to follow FSSAI Guidelines for School Children

NCPCR recommended to Principal Secretaries, Education of all States/UTs to direct the State Education Boards to follow the guidelines of FSSAI for 'Making available Wholesome, Nutritious, Safe and Hygienic Food to School Children in India' to prohibit junk food in schools (**Annexure-X**).

2.3.11 For effective implementation of SABLA and BBBP Schemes

The Commission observed underachievement in implementation of SABLA and BBBP schemes of MWCD in some States and decided to undertake periodic review of these schemes to ensure their effective implementation in the best interest of the child. The Commission addressed letters to Chief Secretaries of the concerned States on 20.06.2017 in this regard (**Annexure-XI**).

2.3.12 Chief Secretaries of all States/UTs to include children of families who lost their earning member under 12 (1) (c)

In order to prevent the children from discontinuing their studies, NCPCR recommended to the Chief Secretaries of all States that children of such families who lost their earning member and studying in private schools should be notified under EWS category as per section 2(d) and 2(e) of RTE Act, 2009. The provision should also be extended to children of deceased soldiers of defence forces as well (**Annexure-XII**).

2.3.13 Ministry of Finance for school fee may be accepted in old notes

In view of the decision of demonetization introduced for replacing the high-value currency notes in the country, certain relaxations were given in paying utility bills in order to facilitate the public and to ensure the smooth process of transformation. Since, the school fee borne by parents for their children studying in private schools was an important part of such expenditure, NCPCR recommended to the Ministry of Finance to direct the concerned authorities that school fees may also be accepted in old notes/currency till the period prescribed for paying other utility bills. (**Annexure-XIII**).

2.4 Redressal of Complaints

During the year 2016-17, the Commission received 392 new complaints on the violation of the Right to Education act, 2009 and also disposed off a total of 379 complaints, including those pending from the previous years. The Status of complaints is as given below:

No of Com-plaints (as on 1 st April, 2016)	No. of New Complaints received (1 st April 2016 to 31 st March, 2017)	No. of Complaints disposed off (1 st April 2016 to 31 st March, 2017)	Pending Complaints (as on 31 st March, 2017)
994	New Complaints : 392	RTE Complaints: 375	1080
	Forwarded from other Division: 91	Forwarded Complaints: 22	
	Total Complaints: 483	Total disposed off : 397	

State-wise distribution of complaints for the year 2016-17 is given at Annexure-XIV

2.5 Summon Hearing

2.5.1 The Deputy Director of Education of all the Educational Districts of NCT of Delhi

NCPCR took suo-motu cognizance of the admission of children of Economically Weaker Sections (EWS) category in Delhi and sought information from the concerned authorities. On non-receipt of the information the Commission summoned the District Education Authorities to appear in person along with relevant records/documents to explain the reasons for delay in providing requisite information on 17.01.2017. The officers appeared as per the schedule with relevant information/documents. During examination of the documents some were found incomplete in respect of few education districts, accordingly the concerned officer was directed to provide the same at the earliest to the Commission.


2.5.2 DEO, Jaunpur, Uttar Pradesh

NCPCR received complaints regarding non-availability of basic infrastructure and qualified teachers in R.N.Public School, and in Mata Prabhavati Devi Middle English School, JaunPur, Uttar Pradesh leading to spoiling the studies of students. A letter was sent to the District Education Officer (DEO), Jaunpur on 12.05.2016 to conduct an investigation and take appropriate action. Due to non-receipt of report even after sending a reminder, the District Magistrate, Jaunpur was summoned to appear before the Commission. In response, the District Education Authority appeared in the Commission on 02.02.2017 with all the relevant documents.

On examination of the documents, the authority was directed to complete the infra-structural facilities within 2 months time.

2.5.3 Principal/Manager Huda Modern Public School at Zafarbad, New Delhi/Springdales School, Pusa Road, New Delhi/K.R. Mangalam World School, G.K, New Delhi

NCPCR took cognizance of admission of children of EWS/DG category under Section 12 (1) C of RTE Act, 2009 and awarded a study to Quality Control India (QCI) to review the implementation of Section 12 (1)C in Delhi. On behalf of NCPCR, QCI team visited the above mentioned 3 schools for survey/verification but they were denied information by the school authorities. The Commission thus summoned the Principal/Managers of the Schools to appear



in person and provide information on 20.03.2017. The documents submitted were accepted for examination for further direction.

2.5.4 Controller of Examination, Central Board of Secondary Education (CBSE), New Delhi

NCPCR took cognizance of a complaint related to expulsion of a student of class 10th from School. A letter was addressed to CBSE to sought information in the matter followed by a reminder. Due to unsatisfactory reply, the Controller of Examination, CBSE was summoned to appear in person before the Commission on 02.02.2017. In the hearing, NCPCR recommended the following actions:

- Show cause notice be issued to ‘Children Senior Secondary School, Azamgarh’ as to why school had given Transfer Certificate to the student in violation of circular dated 28th June, 2012.
- School should be directed to take re-admission of student and sponsor him for Class 10th Board Examination 2017.
- CBSE should allow the student to appear in Class 10th Examination 2017 irrespective of attendance of student after compliance.

2.5.5 Principal, Eicher School, Faridabad

NCPCR summoned to Principal, Eicher School, Sector 46, Faridabad for discriminating against children due to fee related issue with parents. On hearing the plea of School and Parents, the matter was referred to Fee Regulatory Committee of Haryana.

2.6 State Visits/Spot inquiry

2.6.1 Situation of Children of BRU-Reang Community and children staying at temporary shelters in Tripura.

The Member (Law) and the Member (Education) visited North East Region (NER) in January, 2017 to discuss skill development training to youths of Bru/Reang community on their repatriation from Tripura to Mizoram. During their visit to Mizoram, the Members also visited their camps to assess ground situation and offered suggestions for re-engagement of such children and other community Members. The Members also visited Observation Home, Kolasib district, Mizoram and assessed the situation of children there. In Tripura, the Members visited the Relief Camps for Bru/Reang Community in the State.

The Members also held meetings with the State officials at Shillong (Meghalaya), Agartala (Tripura) and Aizwal (Mizoram) and discussed the implementation of RTE Act, 2009, and other child related schemes.

Subsequent to the visit, letters were addressed to H.E., the Governor, Mizoram; Chief Secretaries of Mizoram and Tripura; Principal Secretaries, Departments of Home Affairs,



Mizoram and Tripura on 17.01.2017 recommending the following:

- ✓ National Flag be hosted on Republic Day in temporary schools of Bru/Reang camps by State Government officials of Mizoram and Tripura.
- ✓ Government of Mizoram should send at least 16 officers to NRSTCs with a message from H.E. the Governor of Mizoram.

2.6.2 Cases of suicides by students of Kota Coaching Centre, Rajasthan

The Commission took cognizance of the news reports published in various newspapers regarding suicides being committed by students in Kota Coaching Centre. A team led by Member (Education) visited Kota for investigation and held meetings with the government officials and the local administration. The matter was pursued by NCPCR with the State Government of Rajasthan, however, Hon'ble High Court of Rajasthan also took cognizance of the matter and the matter is sub-judice.

2.6.3 Children in Mica Mines in Giridih, Jharkhand

NCPCR received a complaint from the Ministry of Women & Child Development regarding a news report published in the Times of India captioned “The lost childhood of India’s mica minors” on 18th April, 2016. The Member (Education) and the Member (Law), NCPCR paid a two day visit to district Koderma and Giridih of Jharkhand to inquire into the matter from 10th-12th June, 2016 and visited mica mines.


During the visit the situation of children was assessed and their complaints were heard. Based on the observations, the concerned officials of district administration were directed to take appropriate action in the matters. Chapter of Child Labour further details the action.

2.6.4 Child Labour Practice in Gaderia Community

Based on a complaint received through MWCD, regarding a case of child labour and open sale/leasing of young children to Shepherds from Madhya Pradesh and other States for labour in the district of Banswara, Rajasthan, Member (Education) accompanied Member (Law) and went to Udaipur to inquire into the matter and held a meeting with the State Government officials on 05.05.2016. Based on the discussions held in the meeting, recommendations were issued to the concerned State departments. Chapter on Child Labour further details the action.

2.6.5 Illegal adoption and laundering of children in Jalpaigudi, West Bengal

The Commission took suo-motu cognizance of a news report regarding raid at Bimla Sishu Greh, Jalpaiguri, West Bengal by CID, which was alleged to involve in activities of illegal adoption and sale of children. In this regard, the Commission sought information from Chief Secretary, West Bengal; District Collector and Superintendent of Police, Jalpaiguri. The Commission also constituted a team of Member (Education) and Member (Law), NCPCR to inquire into the matter. The team visited Jalpaiguri, on 07.03.2017 to conduct an inquiry. While there was non-cooperation from the district authorities in regard to making available of the requisite



documents, the team visited the Sishu Greh on its own and took stock of the situation. The team also interacted with District Administration and Members of CWC, Jalpaiguri. The inquiry of the commission indicated the involvement of concerned authorities of district as they failed to show evidence during investigation proceeding.

2.6.6 Misuse of children at Jan Seva Shishu Bhawan, Ernakulum, Kerala

The Commission received a note from office of Hon'ble Minister, WCD, requesting to conduct a fresh inquiry in the matter of Misuse of children at Jan Seva Shishu Bhawan, an NGO in Ernakulum, Kerala. A team of Member (Education) & Member (Law), NCPCR visited Kerala on 19.10.2016 to conduct an inquiry in the matter. Based on the observations of the Commission, recommendations were made to concerned authorities.

In light of no action taken in the matter even after recommendations from NCPCR, the Commission, in pursuance of its functions/powers u/s 14(1)(a) of the CPCRA Act, 2005, summoned the District Police Chief, Ernakulam (Rural) and Chairperson CWC Imphal East, Manipur. Complying with order passed by the Commission, District Police Chief, Ernakulam (Rural) lodged a FIR against the said Home u/s 468 and 471 of Indian Penal Code (1860). An enquiry was also conducted against the said Home under appropriate sections of Juvenile Justice Act, 2015 and IPC. The DPC, Ernakulam (Rural) informed that the inquiry was in process. Further, a letter was addressed to Chief Secretary, Kerala to expedite the enquiry and take action as per section 41(7) of the J.J. Act, 2015.

2.6.7 Transfer of 31 tribal girls from different districts of Assam to Punjab and Gujarat.

In pursuance of the directions of Hon'ble Minister of Women and Child Development regarding trafficking of 31 tribal girls from different districts of Assam to Punjab and Gujarat, Member (Education), NCPCR alongwith Chairperson, ASCPCR interacted with the parents of 21 trafficked tribal girls from Assam, Gujarat and Punjab to know their willingness to visit their children. As per the willingness shown by the parents, 4 parents were taken to Gujarat and 2 parents were taken to Patiala. However, none of the parents showed their willingness to take back their children.

2.6.8 Visit to Madhya Pradesh

The Member (Education) participated in a meeting held on 24.03.2017 to review the work done by M.P. SCPCR during last six years under RTE Act, 2009 and J.J. Act, 2015.

Member also inspected schools in Tyonda and Gyaraspur Tehsils of Madhya Pradesh and observed that in one school students were not present and there was only one teacher; and another school was found closed on a working day. Subsequently, strict actions were initiated against the teachers and other officials for these lapses.

2.7 Research Studies

2.7.1 National Annual Report on Safe & Secure School Environment

NCPCR initiated a process of preparing a Comprehensive Report on Education in India which would provide a complete assessment of progress made year-wise towards the target of availability of universal quality education for children in the age group of 6-14 years. The Report titled 'First National Report on Safe and Secure School Environment in India-2016' was being prepared with the support of NCERT, SCPCRs, State Education Departments and SCERTs. The background note and tools were developed and sent to all the stakeholders. The Member (Education), NCPCR conducted the orientation meetings for the concerned State Government officials in Mizoram, Meghalaya, Tripura, Nagpur and Delhi for the purpose. The desk work of compiling of information was in progress by end of the reporting year.

2.7.2 Review of implementation of 25% admission of children of EWS categories in the Delhi

NCPCR being the monitoring agency for the implementation of the various provisions provided under the RTE Act, 2009; Commission has taken initiative of conducting study on implementation of section 12(1)(c) of the RTE Act, 2009 in respect to the admission of children belonging to EWS category by the private schools in Delhi. Further, Quality Council of India (QCI) has been engaged to conduct a study based on the data received at the Commission with on-site assessment of randomly selected schools in Delhi. QCI has submitted the draft report to the Commission.

2.8 Meetings with other Departments/organizations relating to implementation of the RTE Act

Member (Education) attended the following meetings:

- 2.8.1 Meetings with the Department of School Education, Ministry of HRD regarding monitoring of the implementation of the RTE Act, 2009 by the NCPCR for the financial year 2017-18. During the appraisal meeting for budget, activities and new initiatives a presentation was made to the MHRD on the proposed activities and submitted a set of recommendations and guidelines issued by the Commission.
- 2.8.2 Project Appraisal Board meetings on State proposals for implementation of Sarva Siksha Abhiyan (SSA) - 2017-18. Provided inputs and highlighted the issues of out of school children, data related to out of school children and other aspects of the programme.
- 2.8.3 Represented NCPCR and made a presentation/speech on strengthening implementation of the RTE by the Child Care Institutions organized by Sewa Bharti on 2nd February, 2017 at New Delhi. Also led a discussion session on implementation of RTE Act and legal provisions that are binding to the child care institutions.
- 2.8.4 Represented NCPCR in the Consultation meeting on 8th September, 2016 at Shimla, Himachal Pradesh and gave inputs to improve the draft Early Childhood Education Centres (Establish-



ment and Regulation) Bill, 2016.

- 2.8.5 Workshop as Resource Person on RTE Act, 2009 to sensitize field staff, SMC and Others on 22nd - 23rd December, 2016 at Raisen and Sehor, Madhya Pradesh.
- 2.8.6 Attended as an honorable guest in two day convention on Juvenile Justice and Right to Education organized by Devi Ahilyabai Samarak Samiti, Nagpur on 21st -22nd January, 2017. Also delivered a lecture on value education and role of the RTE act in bringing rights based approach in the Education sector of the country.
- 2.8.7 National Convention 'Jan Gan Man' as a speaker on 'Good Governance through people's participation' and 'Nationalism and Education' organized by Rambhau Mhalgi Prabodhini on 24th -25th January, 2017 at RMP-Knowledge Center Thane, Mumbai.
- 2.8.8 Represented NCPCR in Regional Workshop of CABE Sub-Committee on Devising Pathways for Re-engaging OoSC held at Guwahati, Assam on 28.01.2017 and gave inputs.
- 2.8.9 Delivered a lecture and attended a seminar on 'RTE & General Awareness' organised by Rashtrabhakt Veer Yuva Manch at Ujjain on 18.02.2017.
- 2.8.10 Meeting with officials of Social Welfare Dept. and District Collector, Indore on 21st February, 2017 to explore funding provisions under CSR activity funds to uplift the condition of Rajkiya Bal Sanrakshan Grah, Indore.



Chapter-3

Juvenile Justice System



3.0 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 instrument 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 J.J. 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 interests of the child.

The major functions of National Commission for Protection of Child Rights (NCPCR) with regard to the Juvenile Justice System are to look into matters relating to:

- (i) children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles and children without family and children of prisoners and recommend remedial measures;
- (ii) examine all factors that inhibit the enjoyment of rights of most vulnerable children and children in need of special care and protection;
- (iii) undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interests of children;
- (iv) inspect any juvenile custodial home, or any other place of residence or institution meant for children for the purpose of treatment, reformation or protection;
- (v) undertake and promote research studies in the field of child rights;
- (vi) publicize reports;
- (vii) spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, media, seminars and other available means.

The activities undertaken by the Commission pertaining to Juvenile Justice System for the year are as follow:

3.1 Review and Examination of Safeguards:

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

As per Section 109 of the Juvenile Justice (Care and Protection of Children) Act, 2015 read with Rule 91 of the Model Juvenile Justice Rules, 2016, NCPCR is mandated to monitor implementation of the provisions of the Act. Keeping this in view, NCPCR developed monitoring tools for collecting information on various parameters as indicated under the Act and sent them to all the State Governments/Union Territories on 26th July 2016 with the request to submit a monthly report to the Commission by 10th of every month for effective implementation of the Act and to designate a senior officer to act as a Nodal Officer to facilitate timely submission of the information.

As a follow up, letters were sent on 26th September and 28th October, 2016 to all Chief Secretaries of the States to expedite the submission of above information. Subsequently, video conferences were conducted with the representatives of 17 States from 15-17th February, 2017, to collect the information. Based on the rigorous follow-up by the Commission, the status of setting up of the infrastructural facilities in 32 States/UTs under the Act, as received up to 31st March, 2017, is summarized below:

Name of Unit	Total 665 Districts	Achievements
State Child Protection Society	28 States/UTs	87.5%
District Child Protection Units	640	96.24%
Child Welfare Committees	631	94.88%
Specialized Juvenile Police Units	709	106%
Juvenile Justice Boards	622	93.53%
Children Courts	557	83.75%
Probation Officers	400	60.15%
Place of Safety	36	112.5%
Observation Homes	227	34.13%
Special Homes	48	7.21%
Open Shelter	218	
Children's Home	3420	
Foster care	1906	
Fit Facility	68	
Fit Persons	235	
Registered Child Care Institutions	3713	

Based on the information received, following gaps in infrastructure facilities to be set up under the Act by the States/Union Territories, have come to notice :

- ✓ **State Child Protection Society (SCPS)** is to be set-up in **every State**. However, Arunachal Pradesh, Himachal Pradesh, Maharashtra and Tripura are yet to set up their respective Societies.
- ✓ **Juvenile Justice Board** is to be set up **for every district**. These are yet to be set up in



specified number of districts in the following States: Assam (6), Delhi (10), Gujarat (5), Telengana (21) and Uttar Pradesh (9).

- ✓ **District Child Protection Unit** is to be constituted **for every district**. These are yet to be set up in specified number of districts in the following States: Delhi (9), Rajasthan (2) and Sikkim (2).
- ✓ **Child Welfare Committee** is to be set up **for every district**. These are yet to be set up in specified number of districts in the following States: Assam (6), Delhi (5), Gujarat (7), Madhya Pradesh (6), Telengana (15) and Tripura (4).
- ✓ **Observation Home** is to be established in **every district or a group of districts**. These are yet to be established in specified number of districts in the following States: Andhra Pradesh (7), Assam (28), Arunachal Pradesh (9), Bihar (26), Chhatisgarh (20), Delhi (9), Gujarat (27), Haryana (18), Himachal Pradesh (11), Kerala (14), Karnataka (14), Meghalaya (8), Manipur (4), Madhya Pradesh (33), Odisha (30), Punjab (22), Tamil Nadu (24), Telengana ((31), Uttar Pradesh (49) and Uttrakhand (6).
- ✓ **Special Home** is to be established in **every district or a group of districts**. These are yet to be established in specified number of districts in the following States: Andhra Pradesh (12), Assam (32), Arunachal Pradesh (18), Bihar (37), Chhatisgarh (23), Delhi (11), Gujarat (33), Haryana (21), Jharkhand (23), Kerala (14), Karnataka (29), Meghalaya (11), Mizoram (7), Manipur (8), Madhya Pradesh (48), Maharashtra (33), Nagaland (9), Odisha (30), Punjab (22), Rajasthan (23), Sikkim (0/4), Tamil Nadu (30), Telengana (31), Tripura (8), Uttar Pradesh (73) and Uttrakhand (11).

3.1.2 Policy Interventions

- ✓ The Ministry of Women and Child Development formulated draft Model Juvenile Justice Rules, 2016 to achieve the objectives of the Juvenile Justice (Care and Protection of Children) Act, 2015. NCPCR examined the draft Model Juvenile Justice Rules and sent detailed comments/suggestions to the Ministry of WCD on 14th June 2016.
- ✓ The Central Adoption Resource Agency (CARA) drafted Model Regulations Governing Adoption of Indian Children under the Juvenile Justice (Care and Protection) Act, 2015. At the instance of CARA and Ministry of Women and Child Development, the Commission examined and gave its comments/suggestions on the draft regulations to the Ministry on 1st July 2016.
- ✓ The MWCD constituted a Committee under the Chairpersonship of the Chairperson, Delhi Commission for Protection of Child Rights for drafting a Manual for Juveniles in Custody in Observation Home/Special Home/Place of Safety in accordance with the Juvenile Justice (Care and Protection of Children) Act, 2015. NCPCR actively participated in the meetings convened for the purpose and provided suggestions/inputs on the draft Manual to

the Ministry.

- ✓ In pursuance of Section 110 of the Act, the Central Government has notified Model Juvenile Justice Rules, 2016 on 21st September 2016. The Chairperson, NCPCR wrote to the Chief Secretaries of all the States/U.Ts. on 10th October 2016 to adopt the Model Juvenile Justice Rules, 2016 and take necessary steps to implement the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 till they formulate and notify their own Rules (**Annexure-XV**).

3.1.3 Compilation of important Rulings of the Hon'ble Supreme Court of India and various High Courts relating to Cases under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the POCSO Act, 2012

NCPCR with the help of experts, developed compilation of latest landmark judgments/rulings/orders of the Hon'ble Supreme Court of India and various High Courts on the two Acts on the lines of All India Records/Supreme Court Cases (AIR/SCC) etc. The Compilation is being vetted by NCPCR for printing and circulation to all the concerned.

3.2 Activities undertaken for Children in Need of Care and Protection

3.2.1 Standard Operating Procedure (SOP) for Rehabilitation and Restoration of Children in Conflict with Law


The Commission during the year 2015-16 developed the Standard Operating Procedure (SOP) for Rehabilitation and Restoration of Children in Conflict with Law based on four multi-stakeholder Consultations and one National Consultation organized with State Governments/Superintendents of Observation Homes followed by visits to Observation Homes at Delhi, Lucknow and Raipur.

During the year, the draft SOP was finalized by the Commission and submitted to the MWCD on 22nd April 2016.



3.2.2 Prevention of Illegal Adoption of Children

The Chairperson, Assam SCPCR informed the Commission regarding rise in illegal adoption of Children in the State in connivance with the Hospital Authorities. The State SCPCR also



came up with few suggestions to prevent selling and buying of Children and illegal adoption. NCPCR addressed a letter to all the State Chief Secretaries on 3rd August, 2016 giving directions to prevent selling and buying of children and curbing illegal adoption activities in their respective States.

3.2.3. A reference was received from the 'Forum for Child Welfare Committees for Justice to Child', Hyderabad, Andhra Pradesh regarding increase in pendency of cases with Child Welfare Committees due to shortage of staff and lack of co-ordination between the two Departments of the State. The Chairperson, NCPCR took up the matter with Chief Secretary, Andhra Pradesh on 28th September, 2016 to look into the matter and sought an action taken report on the issue immediately.

3.2.4. NCPCR's Initiative for Preparing Aadhaar Cards and opening of Bank Accounts for Children in Child Care Institutions

The Children in Need of Care and Protection (CNCP) often lack identity and it becomes difficult for them to access schemes, benefits and services being provided by the Government. In order to provide identity to children of CCIs and make them self reliant, NCPCR took an initiative and addressed letters on 31st May 2016 to the Chief Secretaries of all the States with the request to direct the concerned departments to ensure the provisioning of Aadhaar Cards to all the children in the Child Care Institutions in the States and subsequently based on these Aadhaar Cards to ensure opening of their Bank Accounts as per RBI guidelines. The States were also requested to designate a nodal officer to facilitate early action and to send the requisite information in this regard to NCPCR on regular basis.

Based on the information received from the States, **1,77,976** children in the CCIs have been given Aadhaar Cards and Bank Accounts of **31,571** children were opened as on 31st March, 2017.

3.3. Activities undertaken for the Children in Conflict with Law

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 (10) 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 **12** visits to Rohini and Tihar Jails during the year 2016-17 and identified probable juveniles. The Report of each visit was sent to Delhi State Legal Services Authority (DSLISA), Deputy Inspector General (Prisons), Delhi and the concerned Juvenile Justice Boards to take further necessary action. The details of the visits and number of juveniles identified are given below:

S. No.	Date of Visit	No. of Probable Inmates Identified
1	09.04.2016	29
2	14.05.2016	29
3	11.06.2016	24
4	09.07.2016	35
5	27.08.2016	18
6	24.09.2016	30
7	29.10.2016	18
8	26.11.2016	18
9	17.12.2016	16
10	28.1.2017	19
11	25.2.2017	24
12	25.3.2017	25

3.3.2 Constitution of Panel of Experts in States/UTs to identify Probable Juveniles lodged in Jails:

In pursuance of directions of the Hon'ble High Court of Delhi in the matter of 'Court on its Own Motion Vs Department of Women and Child Development & Ors, W.P. (C) No.8889/2011', NCPCR had also taken up the matter with the States to carry out inspection of jails by duly constituted Panel of Experts to identify probable juveniles who should be the beneficiaries of the Juvenile Justice Act but might have been lodged in the Central/District Jails due to wrong recording of age at time of the investigations.

NCPCR followed up with the Chief Secretaries of the States on 28th October, 2016 and requested them to send quarterly reports to the Commission about the outcome of the inspection of Central/District Jails. Tamil Nadu, Daman & Diu, Nagaland, Andaman & Nicobar Islands and Utrakhhand have responded and informed that they had conducted jail visits in their respective States.

3.3.3 Skill developmet Center for children in conflict with law

To empower children in conflict with law housed in Observation Homes and to impart livelihood skills to them, NCPCR in collaboration with Khadi & Village Industries Commission (KVIC) set-up a Khadi Training Centre in Observation Home for Boys at Sewa Kutir, Delhi. The Khadi Training Centre was inaugurated by the Hon'ble Justice of Supreme Court, Mr. Madan B. Lokur on 25.10.2016 in august presence of the Chairman, KVIC; Secretary and Director, Department of WCD, Delhi Government; Officials from NCPCR and Children and Officials of the Observation Home.

3.4 Activities to Spread Child Rights Literacy and Awareness Generation:

3.4.1 The Commission organised 12 workshops in collaboration with SCPCRs to sensitize administrators and policy makers at State and District levels about the newly enacted JJ Act, 2015. The workshops were conducted in Andhra Pradesh, Chandigarh, Chhatisgarh, Goa, Gujarat, Himachal Pradesh, Jharkhand, Meghalaya, Punjab, Utrakhhand and Uttar Pradesh. The workshops



were attended by the Police Officers, Session Judges of Children Court/Special Courts, Public Prosecutors, Officers of WCDs, District Magistrates, Principal Magistrates, Chairpersons and Members of CWCs/JJBs, and Child Welfare Officers of concerned States.



3.4.2 In order to generate awareness about Sections 32, 33 and 34 of the Juvenile Justice (Care and Protection of Children) Act, 2015 regarding mandatory reporting of cases of children found separated from their parents/guardians, NCPCR wrote letters to all SCPCRs on 16th November 2016 requesting them to take up the matter with their State Police Chiefs to take similar steps as incorporated in Order dated 24th October 2016 of Delhi Police for generating awareness amongst police personnel in the best interests of protection of missing children.

3.5 Meetings with other Departments/Organizations relating to Implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015

- (a) Chairperson, NCPCR attended National Launch of Report on ‘Strengthening, Rehabilitation and Restoration of Children under the Juvenile Justice System’ organized by the Supreme Court Committee on Juvenile Justice on 4th September 2016 at New Delhi. The then Hon’ble Chief Justice of India Mr. Justice T.S. Thakur and Mr. Justice B. Madan Lokur graced the occasion.
- (b) Representatives of NCPCR participated in a meeting held in Ministry of Home affairs on 2nd November 2016 to discuss issues relating to protection of child rights in Left Wing Extremism (LWE) affected States in accordance with provisions under Section 83 of the Juvenile Justice (Care and Protection of Children) Act, 2015.
- (c) Representatives of NCPCR also participated in a programme on ‘Human Rights: Issues and Challenges’ organized by the National Human Rights Commission and Indian Law

3.6 Research Activities

- 3.6.1 NCPCR sponsored a Research Study to Odisha Police in collaboration with Sambalpur University on ‘Combating Child Trafficking’. During the year, the field activities under the Study were in progress in 10 districts of the State.



Chapter-4

Protection of Children from Sexual Offences (POCSO)



4.0 Introduction

India being a Welfare State is committed to establish an effective protection system for her children, including laws, policies, procedures and practices intended to prevent and address issues that could be detrimental to a child's well being. The 'Directive Principles of State Policy' enshrined in the Constitution of India, make it imperative for the State to ensure that the tender age of children is not abused and they are not forced by economic necessity to enter a vocation unsuited to their age or strength and that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and also that childhood and youth are protected against exploitation and moral and material abandonment. Besides, India being a party to the 'UN Convention on the Rights of the Child' is also under legal obligation to protect her children from all forms of sexual exploitation and sexual abuse.

The Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted by the Government of India to provide an extremely strong legal framework for protection of children from offences of sexual assault, sexual harassment and pornography, while also safeguarding the interest of the child at every stage of the judicial process, through incorporating child friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts. The National Commission for Protection of Child Rights (NCPCR) along with SCPCRs, has been mandated under Section 44 of POCSO Act and Rule 6 of POCSO Rules to monitor the implementation of the Act.

As per Rule 6 of the POCSO Rules, the NCPCR is to perform the following functions towards this end :-

- i. To monitor the designation of Special Courts by the State Governments;
- ii. To monitor the appointment of Special Public Prosecutors by the State Governments for conducting cases only under the POCSO Act;
- iii. To monitor the formulation of guidelines under Section 39 of the Act by the State Governments and the application of these guidelines;
- iv. To monitor designing and implementation of Modules for Training of police personnel and other concerned persons for effective discharge of their respective functions under the Act;
- v. To monitor and support the Central and State Governments towards dissemination of information relating to the Act through print, electronic and other media and
- vi. To call for reports on cases of child sexual abuse and collect data on its own or from the relevant agencies on cases of child sexual abuse and their disposal etc;

4.1 The activities undertaken by the Commission during the year are as follow:

4.1.1 NCPCR developed monitoring tools for collecting information 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 under the Act. The tools so developed were shared with the States/UTs on 17th August, 2016 with the request to submit a monthly report to the Commission by 10th of every month for effective implementation of the Act and to designate a senior officer to act as a nodal officer to facilitate timely submission of the monthly reports.

Based on the rigorous follow-up by the Commission, the status of setting up of infra-structural facilities in 34 States/UTs under the POCSO Act, 2012, as per information received upto 31st March, 2017, is given below:

Name of Unit	Total 665 Districts	Percentage
No. of Children/Special Courts	559	83.93
No. of District Child Protection Units	644	96.69
No. of Child Welfare Committees	632	94.89
No. of Specialized Juvenile Police Units	711	106.75
No. of Special Public Prosecutors appointed	438	65.76
Victim Compensation Scheme	26/34	76.47
Preparation of Procedure/Guidelines for Media (U/s 23) to handle PtOCSO cases	9/34	26.47
Preparation of Guidelines for use of NGOs/professionals/experts etc. (U/s 39)	15/34	44.11

Based on the information received, following gaps in infrastructure facilities to be set up under the POCSO Act, 2012 by the States/UTs were noticed:

- ✓ **Special Courts** are yet to be set up in Arunachal Pradesh (15), Gujarat (12), Karnataka (24), Meghalaya (11), Telengana (21) and Uttar Pradesh (9).
- ✓ **District Child Protection Units (DCPUs)** are yet to be set up in Delhi (4/9), Maharashtra (5) and Rajasthan (2).
- ✓ **Child Welfare Committees (CWCs)** are yet to be constituted in Assam (6), Delhi (5), Gujarat (7), Madhya Pradesh (6) and Telengana (15).
- ✓ **Appointment of Special Public Prosecutors (Spl.P.P.)** are yet to be appointed in Arunachal Pradesh (2), Bihar (9), Delhi (7), Gujarat (16), Jharkhand (24), Kerala (11), Karnataka (24), Rajasthan (18), Telengana (14) and Uttarakhand (0/13).

NCPCR also collected information regarding status of cases in the JJBs, Children's Courts and Child Welfare Committees from the States. The information had been received from 26 States during the year.



4.1.2 Consultation towards Formulation of Recommendations on Existing Laws on Child Sexual Abuse

In view of a Petition praying for enacting a law to punish all sexual offences against children under the age of 18 years with death or imprisonment for life and also another Writ Petition filed before the Hon'ble Supreme Court by the Supreme Court Women Lawyers Association for imposition of chemical castration as an additional punishment for sexual offenders against children, the Commission organized a Consultation on Laws relating to child sexual abuse under the Chairpersonship of the Chairperson, NCPCR on 6th April, 2016 towards formulation of recommendations on existing laws on child sexual abuse. The Consultation was attended by the representatives from Special Courts; JJBs; Psychologists and NGOs.

The views expressed at the Consultation were conveyed to MWCD on 19.04.2016, whereby it was pointed out that Section 42 of the POCSO Act has an overriding effect to the extent of punishment of higher degree. Further, it was suggested that the term 'women' referred to in the IPC was to include both female and male Child. It was also conveyed that the general consensus reached during the Consultation was that punishment of life imprisonment, meaning thereby imprisonment for the remainder of that person's natural life could be considered in cases of child sexual abuse offenders and therefore Sections 4 and 6 of the POCSO Act, 2012 may be amended accordingly.

4.1.3 MWCD sought from NCPCR comments on Private Member's Bill for amendment to the Protection of Children from Sexual Offences Act, 2012. The Commission submitted its comments to the Ministry on 17th November 2016.


4.1.4 POCSO e-box-An e-initiative

Considering the large number of cases relating to Child Sexual Abuse being reported in the media every day, NCPCR developed a POCSO e-box, an easy and direct online medium of reporting of cases of sexual abuse under POCSO Act, 2012. The Hon'ble Minister, Women and Child Development, Government of India launched POCSO e-box on 26th August 2016 at Shastri Bhawan, New Delhi. The link of POCSO e-box is displayed prominently on home page of NCPCR website.

The initiative was widely applauded and selected for Skoch Order-of-Merit Award, 2016 and was considered among the top 30 entries amongst over 3000 competitors. Later in a Function held on 15th December 2016, the Chairperson, NCPCR was conferred with the Silver Skoch Order-of-Merit Award, 2016 at New Delhi.



In order to generate awareness amongst the children particularly students regarding reporting of cases of sexual abuse and POCSO e-box, the Chairperson, NCPCR issued an advisory to the



Director Generals of Police of all the States on 30th August 2016. As a follow-up, the Commission requested Director Generals of Police of all States on 28th November 2016 to send details of action taken in the matter.

4.2 Advisories/Directives:

- 4.2.1 The Chairperson, NCPCR issued an advisory to the Chief Secretaries of all the States on 19th August, 2016 to constitute multi disciplinary teams at the State and District levels to take suo-motu cognizance of any crime/offence/incident of child sexual abuse that comes to their notice.
- 4.2.2 NCPCR addressed a letter to all the Chief Secretaries of the States on 14th September 2016 to initiate steps to set-up a Children's Court in their State for speedy trial of offences against children or for violation of child rights under the Commissions for Protection of Child Rights Act in the best interests of children in need of care and protection. Subsequently, the Chairperson, NCPCR requested Chief Secretaries of all States on 24th November 2016 to expedite the matter.
- 4.2.3 The Chairperson, NCPCR also wrote to the Chief Secretaries of all the States on 27.01.2017 to seek details of the implementation of the Victim Compensation Scheme under Rule 7 of the POCSO Act, 2012.

4.3 Inquiry/Suo-moto

- 4.3.1 The Commission received a complaint regarding sexual abuse of girls by staff of a Girls Hostel at District Hissar, Haryana on 1st September, 2016 through POCSO E-box. The Chairperson, NCPCR took suo-moto cognizance of the matter and sent a fact finding team to Haryana. The team visited concerned School and interacted with the Block Education Officer, In-charge Principal, staff members of the School, girls of the School and the parents of the victims. The team also met ADC, Hissar and other senior officers of the District and directed them to take immediate action against all the persons involved in the case under the POCSO Act, 2012. Following the visit, the Hissar Police registered a case vide FIR No. 0372/2016 u/s 4/8 of POCSO Act, 2012.

Later, the case was followed up with the Director General of Police, Haryana and District Superintendent of Police, Hissar to expedite the matter of filing the charge sheet in the court. The District S.P., Hissar intimated NCPCR on 21.2.2017 that the charge sheet had been filed in the court.

- 4.3.2 NCPCR received a complaint on 01.12.2016 through POCSO e-box regarding sexual abuse of a ten years old girl by his own father at Sirsa, Haryana. The Complainant, mother of the victim, alleged that the minor girl had been repeatedly sexually assaulted by her biological father for the last one year. Taking cognizance of this serious matter, a fact finding team of NCPCR went to Sirsa, Haryana on 03.12.2016 and interacted with the Complainant. Based on the findings, the team Members met the concerned SDM and handed over complaint for immediate action. The SDM was also requested to provide safety to the victim and resumption of her education.



The FIR was lodged on the same day.

4.3.3 In pursuance of directions of the Hon'ble Minister, WCD, Government of India, the Commission took immediate action and requested Maharashtra State Government on 1st March, 2017, to provide necessary support to a POCSO victim of Ahmednagar, Maharashtra. As a result, an amount of Rs 3.00 lakh was sanctioned by the State Government to the child victim.

4.4 Awareness generation:

4.4.1 In response to the increasing number of cases of child sexual abuse, and as per Section 43 of the POCSO Act, 2012, NCPCR organized awareness campaigns at different places in Delhi, on the provisions of POCSO Act with support of Delhi Police and Childline Foundation to generate awareness among the public. The Campaigns were carried out from 24th - 27th October, 2016 in East, West, North and Outer Districts of Delhi and sensitized the people in and around slums and resettlement colonies about different provisions of the Act. The activities like documentary screening, nukar natak, artwork etc. were also carried out during the campaigns.



Shahbad Dairy, Delhi



New Sanjay Amar Colony, Delhi



Holambi Kalan, Delhi



Nangloi, Delhi



4.4.2 NCPCR in collaboration with Meghalaya SCPCR organised a one day Workshop-cum- Awareness Programme on Juvenile Justice Act, POCSO Act, RTE Act and Child Rights on 30th September 2016 at Ampati, South West Garo Hills District, Meghalaya.

4.4.3 NCPCR in association with West Bengal State Commission for Protection of Child Rights organised a State Level Orientation Workshop on implementation of POCSO Act, 2012 and Trafficking of Children on 27th-28th March 2017 at Kolkata.



4.4.4 The Chairperson, NCPCR, held a meeting with Director General, Bureau of Police Research and Development (BPR&D) on 22.02.2017 and emphasized the need to sensitize Police Officers about Child Rights issues who were involved in Investigation of Cyber Crimes especially child online safety. As a follow up, a letter was addressed to DG, BPR&D on 23rd February 2017, requesting for the training and also offering to provide training module and related training material on Investigation under POCSO and JJ Acts and Cyber Crimes involving children.

The Chairperson, NCPCR also held a meeting with the Director, Central Bureau of Investigation on 01.03.2017 for training of Police Officers at their academy and discussed the issues relating to training of Police Officers in Investigation of cyber crime cases involving children.

4.4.5 The Hon'ble Minister, Women and Child Development, Government of India inaugurated India's First Hotline to report Child Sexual Imagery at India Habitat Centre, Delhi on 19th September 2016. The event organized by Aarambh-Prerana, in collaboration with Internet Watch Foundation (IWF) was attended by the Chairperson, NCPCR who highlighted the need to curb Child Sexual Abuse on the internet.

4.4.6 Considering the rise of cyber crime cases against children, NCPCR initiated steps for online protection of children from sexual abuse and held meeting with the Senior Director, DEITY



and Joint Secretary (Police Modernization), MHA on 19th August, 2016.

Besides, NCPCR organized two Consultations on ‘Child Online Safety’ to develop a protocol for Online Safety of Children at New Delhi on 15th December 2016 and 9th February 2017 respectively. The Consultations were attended inter-alia by officials of Central/State Governments, representatives from NGO and UNICEF. During the Consultations, four groups were formed to develop protocols on various aspects and submit draft material to NCPCR in this regard.

4.4.7 In order to present the POCSO Act, 2012 in a very simple language with the help of visuals/pictorials, statistical information and descriptions, NCPCR decided to develop a Users Handbook, with the help of ‘The Aarambh India Initiative’, a Mumbai based NGO. The objective of the User Handbook is to enhance the knowledge/awareness about different provisions of the Act and to engender a rights-based perspective and understanding among all stakeholders dealing with POCSO. The draft of the Handbook is being finalized by the Commission.

4.5 Meetings/Consultations with Departments/Organisations relating to Implementation of POCSO Act

4.5.1 NCPCR was represented and provided inputs in a meeting in the Ministry of Electronics and Information Technology (MEITY) on 21st September 2016 for formulation of Advisory to websites/portals/ISPs for Online protection of Children from Sexual abuse.

4.5.2 The Chairperson, NCPCR was one of the Panelists in the technical session on ‘Key Partnership to secure safe digital spaces for children in India’ during the Workshop on ‘Child Online Safety in India’ organized by UNICEF in collaboration with NASSCOM on 22nd September 2016 at Delhi.


4.5.3 The representatives of NCPCR delivered lectures on Child Psychology & Rehabilitation and Social-reintegration of Delinquent Juveniles on 30th August 2016 during the Workshop on “Juvenile Justice (Care & Protection of Children) Act, 2015” organized by the Utrakhand Judicial and Legal Academy, Bhowali, Nainital.

4.5.4 NCPCR was represented in a Consultation on ‘Review of Indecent Representation of Women Act, 1986’ organized by the National Commission for Women on 28th September 2016 at Delhi.

4.5.5 The representatives from the Commission delivered Key note address in Northern India Regional Conference on Children in Difficult Circumstances organized by UP SCPCR and Plan India at Lucknow on 22.8.2016.

4.5.6 NCPCR was also represented in ‘The India Roundtable – Not Everyone Plays by the Rules in the Digital Playground: Addressing Online Child Sexual Exploitation’ organized by Tuir on 3rd - 4th October 2016.

4.5.7 The Chairperson, NCPCR delivered a technical session during a Consultation organized for



creating a National Alliance against Child Sexual Abuse and Exploitation organized by the Ministry of Women and Child Development on 16.1.2017 at New Delhi.

- 4.5.8 NCPCR was represented in a meeting organised by the Ministry of Women and Child Development to discuss the formation of a National Alliance against Online Child Sexual Abuse and Exploitation on 10.03.2017.
- 4.5.9 NCPCR was represented in discussions on Anti Human Trafficking at National Institute of Disaster Management (NIDM), New Delhi which were attended by the representatives from all States/UTs.
- 4.5.10 NCPCR was also represented at the National Symposium of Heads of Police Training Institutions organized by the Bureau of Police Research and Development on 23rd March, 2017 at Vigyan Bhawan, New Delhi.
- 4.5.11 The one day Dialogue on “Child Protection Systems, Technological Innovations and Exploring Civil Society Alliance” on 24th March 2017 organized by Shakti Vahini at India Islamic International Centre, New Delhi was also attended by the Commission.
- 4.5.12 The National Conference on “First Response, Good Policing and Rape Survivors” organized by ‘Commonwealth Human Rights Initiative’, on 29th March 2017 at New Delhi also saw attendance by the Commission.



मेरठ जागरण

दिल्ली-लखनऊ की टीमें पहुंचीं, डीपीओ पर गाज
किशोरों के उग्र होने पर दिनभर अफसरों की चलती रही पड़ताल, हुई वार्ता

असुरीय स्थिति मेरठ के नए परिवीक्षा अधिकारी

16 घंटे तक बचताल, 12 टाइलें तक नुकस्तान

सूधार गृह को विगाड़ गृह बना दिया साह्य लोको ने

मेन्सू बहुत तगड़ा फिर क्यों लफड़ा

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हर जिले में बनेगा बाल मित्र थाना

जई दिल्ली | एजेंसी

देश की पुलिस के बीच बाल अधिकारों के प्रति संवेदनशीलता बढ़ाने के मकसद से राष्ट्रीय बाल अधिकार संरक्षण आयोग (एनसीपीसीआर) ने एक साल के भीतर हर जिले में एक थाने को बाल मित्र थाने के रूप में विकसित करने का फैसला किया है।

आयोग के मुताबिक, इन थानों में सुनिश्चित किया जाएगा कि बाल पीड़ितों या बाल आरोपियों को किसी परेशानी का सामना नहीं करना पड़े। एनसीपीसीआर ने हाल ही में देश के आला अधिकारियों और दूसरे संबंधित पक्षों के साथ विचार-एलान

- इसी माह गृह मंत्रालय इस संबंध में दिशा-निर्देश जारी करेगा
- इन थानों में सुनिश्चित करेंगे कि बाल पीड़ितों को परेशानी न हो

विमर्श के आधार पर एक दिशा-निर्देश तैयार किया। उसे उम्मीद है कि केंद्रीय गृह मंत्रालय के माध्यम से इन दिशा-निर्देश को जुलाई के आखिर में अधिसूचित कर दिया जाएगा।

आयोग का प्रयास है कि थानों में बच्चों के लिए जरूरी सुविधाएं हों तथा कुछ पुलिसकर्मियों भी बाल अधिकारों को लेकर मानसिक तौर पर तैयार और संवेदनशील हों। उसी समय यह थानों को 'बाल मित्र थाना' नाम दिया है।

एनसीपीसीआर के सदस्य बराचत जैन ने संविचार को कहा, आम तौर पर थाने बाल अधिकारों के अनुकूल नहीं हैं। जब कोई बाल आरोपी या पीड़ित थाने पहुंचता है तो वह उद्यक के मुताबिक माहौल नहीं होता है। ऐसे में यह जरूरी है कि थानों को इस तरह बनाया जाए जहां बच्चों को किसी तरह की दिक्कत नहीं हो। इसी इरादे से अगले एक साल में सभी जिलों में कम से कम एक थाने को बालमित्र थाने के रूप में विकसित करना चाहते हैं।

Jansatta, Delhi

बाल अधिकार : कानूनों में बदलाव, निशाने पर बचपन

अलविदा - 2016

राज की शुरुआत संसदीय विधायक कानून-2015 के साथ ही के रूप में हुई। 15 जनवरी को लागू हुए नए कानून के तहत ही हमें बचपन को सुरक्षा देना है।

साल तक की उम्र के किशोरों पर दारुओं की तरह मामला चलाने, हालांकि इससे बचपन को बर्बाद करती हैं।

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तीन महीने में एनसीपीसीआर को भेजेंगे राज्य जेजे-पॉक्सो की रिपोर्ट

राज्य के जेजे-पॉक्सो की रिपोर्ट को एनसीपीसीआर को भेजने का समय आ गया है। राज्य सरकार ने एनसीपीसीआर को भेजने का समय आ गया है। राज्य सरकार ने एनसीपीसीआर को भेजने का समय आ गया है।

पाकस्तान से पैदा होने वाले को रह, पैदा होने के बाद ही दत्तक बच्चे पर पूरा हक

पाकस्तान से पैदा होने वाले को रह, पैदा होने के बाद ही दत्तक बच्चे पर पूरा हक। पाकस्तान से पैदा होने वाले को रह, पैदा होने के बाद ही दत्तक बच्चे पर पूरा हक।

बच्चों में तंबाकू प्रचलन के बढ़ते खतरे को रोकेंगे कर्नाटक का प्रयास

बच्चों में तंबाकू प्रचलन के बढ़ते खतरे को रोकेंगे कर्नाटक का प्रयास। बच्चों में तंबाकू प्रचलन के बढ़ते खतरे को रोकेंगे कर्नाटक का प्रयास।

पाकस्तान से पैदा होने वाले को रह, पैदा होने के बाद ही दत्तक बच्चे पर पूरा हक

पाकस्तान से पैदा होने वाले को रह, पैदा होने के बाद ही दत्तक बच्चे पर पूरा हक। पाकस्तान से पैदा होने वाले को रह, पैदा होने के बाद ही दत्तक बच्चे पर पूरा हक।

जैट-काजुली डंग से बच्चों को खाल गृह में रखने वालों की अब सैफ्ट नली

जैट-काजुली डंग से बच्चों को खाल गृह में रखने वालों की अब सैफ्ट नली। जैट-काजुली डंग से बच्चों को खाल गृह में रखने वालों की अब सैफ्ट नली।

जायजा राष्ट्रीय बाल संरक्षण आयोग के सदस्य ने आभम व छात्रावासों में पहुंच कर छात्र-छात्राओं से मिलकर ली जानकारी

जिले में पाक्सो एक्ट को लेकर बाल संरक्षण विभाग अलर्ट

पुरखों का परेशान है प्रतिपक्ष

पुरखों का परेशान है प्रतिपक्ष। पुरखों का परेशान है प्रतिपक्ष। पुरखों का परेशान है प्रतिपक्ष।

रफात कोर्ट में हो रही है सुनवाई

रफात कोर्ट में हो रही है सुनवाई। रफात कोर्ट में हो रही है सुनवाई।

राष्ट्रीय बाल संरक्षण आयोग के सदस्य ने आभम व छात्रावासों में पहुंच कर छात्र-छात्राओं से मिलकर ली जानकारी।

इस तरह से हो सकती है सहायता

इस तरह से हो सकती है सहायता। इस तरह से हो सकती है सहायता।

पाक्सो एक्ट इससेल्ट खास बच्चोंके आरंभ को सिस्ट करना होता है कि वह निर्दोष है



Chapter-5

Child Labour



5.0 Introduction:

Child Labour is the practice of having children engaged in economic activity, on a part or full-time basis. The practice deprives children of their childhood, and is harmful to their physical and mental development. Poverty, lack of good schools and growth of the informal economy are considered to be the key causes of child labour in India.

A majority of countries have adopted legislation to prohibit or place severe restrictions on the employment and work of children, much of it stimulated and guided by the standards adopted by the International Labour Organization (ILO). In spite of these efforts, child labour continues to exist on a massive scale, sometimes in appalling conditions, particularly in the developing world. If progress has been slow or apparently nonexistent, this is because child labour is an immensely complex issue. It cannot be made to disappear simply by the stroke of a pen.

The Child Labour (Prohibition and Regulation) Amendment Act, 2016 repealed the Child Labour (Prohibition and Regulation) Act, 1986 on 29th July 2016. The new Act is wider in scope against child labour and provides for stricter punishments for violations. It prohibits 'the engagement of children in all occupations and of adolescents in hazardous occupations and processes' wherein adolescents refer to those under 18 years; children to those under 14.

According to the 2001 Census, there were 12.6 million child workers between the age of 05 and 14 years in India. In 2011, this number was reduced to 4.35 million.

5.1 The major activities carried out by the Commission during the year are:

5.1.1 Spot Inquiry into matter of child labour and open sale/leasing of young children to Shepherds from Madhya Pradesh and other States

Based on a complaint received through MWCD regarding a case of child labour and open sale/leasing of young children to Shepherds from Madhya Pradesh and other States in the district of Banswara, Rajasthan, the Chairperson, NCPCR, addressed the issue to the Chief Secretary, Rajasthan vide letter dated 21.04.2016 requesting to inquire into the matter and apprise the Commission of the action taken in the matter.

Thereafter, a Team from NCPCR led by the Member (Law) alongwith the Member (Education) went to Udaipur to inquire into the matter and held a meeting with the State Government officials on 05.05.2016. The meeting was attended by the representatives of Departments of Education, Labour, Police and Panchyati Raj as well as those from the administration of the districts concerned i.e. Udaipur, Chittorgarh, Banswara, Bheelwara and Ajmer.

As per the discussion held with officials, it was learnt that the Gadaria, a wandering community

of western Rajasthan is responsible for such activities. The Community has the traditional occupation of herding and rearing of sheep and goats for their wool, milk and meat. Their education level is less than 1%, and most of the children never go to school.

Based on the discussion, the Members, NCPCR directed the officials to take the following steps:



- They should ensure that no child below the age of 14 years be allowed to travel with these herds through the existing check-posts of the State. If so, their details should be recorded properly in standard checklist/questionnaire available at all the check posts.
- A convergent model between States where these nomadic communities venture should be established. The practices adopted by various States for awareness creation and other initiatives taken for this community, should be documented.
- Regular meetings should be organised with leaders of herds to resolve the issue.
- Government of Rajasthan should issue notification to ensure that such children are not engaged in any kind of labour, and no child should remain out of school.

On the basis of observations made by NCPCR team and facts presented by State Government officers, NCPCR addressed letters to the concerned officers of the Rajasthan Government conveying them the directions of the Commission for immediate compliance and seeking action taken report.

The directions were also issued to the State Education Department to the effect that:

- i. There should be a scheme of residential schools for children of the Gadaria community to prevent children from nomadic migration along with these herds.
- ii. The teaching learning material should be prepared in their mother tongue and the cultural nuances of such communities should be considered.
- iii. Since the 'Gadariya Community' is deprived of access to basic information and technology as they are mostly illiterate, it was recommended that awareness through pictorial means viz. informative posters on 'Abolition of Child Labour' and 'Importance of Education' should be generated.

The Director of Primary Education, Bikaner, Rajasthan informed subsequently that they were following the directions of the Commission.

5.1.2 National Commission for Protection of Child Rights received a complaint from the Ministry of Women & Child Development regarding a news report published in the Times of India cap-

tioned “The lost childhood of India’s mica minors” on 18th April, 2016. The Member (Law) and the Member (Education), NCPCR paid a two-days visit to district Koderma and Giridih of Jharkhand to inquire into the matter.

During the visit, the Members visited Mica mines of Koderma and Giridih districts and interacted with children, villagers and gram panchayat members to understand the existing status on education, child labour and child marriage issues in the respective villages. The Members also interacted with children involved in mica mine labour activities and deprived from education.




On the occasion of the ‘World Day Against Child Labour’, Members, NCPCR participated in a Rally and Bal Samwad organised in Koderma on 12.06.2016. The objective of the programme was to build a common understanding among all stakeholders towards eradication of child labour through a composite dialogue with children and communities. As part of the dialogue, more than 1,000 children and adults from over 150 villages of Koderma and adjoining districts of Jharkhand participated in discussions on child-related issues.

The core issues raised by children were lack of drinking water, infrastructure facilities, inadequate teachers, irregular functioning of various schools, irregularities in Mid-day Meal (MDM) Scheme, lack of recreational and sports facilities, etc. The concerned officials of district administration were directed to take appropriate action in all the matters.

- 5.3 In pursuance of WP (CrL.) 2069/2005, WP(C) 412/2007 & WP (C) 4161/2008, seeking directions for rescue and rehabilitation of child labourers in the Capital, the Hon’ble High Court of Delhi in 2009 directed NCPCR to prepare a Detailed Action Plan for strict enforcement and implementation of the Child Labour (Prohibition & Regulation), Act 1986. The Commission prepared the said Action Plan followed by holding of consultations with various stakeholders and organizing of a survey and research. The Hon’ble Delhi High Court approved ‘Action Plan for Abolition of Child Labour in Delhi-2010’ as prepared by NCPCR and issued a series of directions to the public bodies concerned for its implementation.

However, the Action Plan was not implemented over a period of time and was full of



challenges. NCPCR, in March, 2016 conducted a Workshop with stakeholders to discuss the issues, gaps, challenges and good practices in implementation of the Action Plan.

During the year, the Commission addressed to the Chief Secretary of Delhi, a communication dated 29.11.2016 urging it to implement the Action Plan; formulate State/District level Task Force; and State level Steering Committee on Child Labour; and also sought quarterly action taken reports in the matter.

5.2 Child Begging

5.2.1 NCPCR organised a meeting in the Commission on 12.05.2016 on the issues of Child Begging and Child Labour with reference to Sections 76 and 79 of the Juvenile Justice Act, 2015. The meeting was attended by the representatives of Childline, Child Welfare Committees (CWCs) and Civil Society Organisations. Some of the issues that emerged during the discussions were: child begging was promoted either by parents or by organised gangs; police have negative behaviour on the issue; no support from Child Welfare Committees in rescue and rehabilitation of child beggars; the facilities available at shelter homes are inadequate; and there is lack of sensitization and awareness about the new law.

The Meeting took the following decisions to protect children from begging:

- Participants shall prepare a list of child begging spots in their respective district and share them with the Commission.
- The Commission will inspect all children homes in Delhi. After the inspection, the Commission will prepare a plan for raids on child begging spots.
- A meeting will be organised with representatives of the Child Welfare Committees (CWCs), Police Department and State Women and Child Welfare Department.
- Modes of mass communication shall be utilized for generation of awareness.
- Counselling of parents of child beggars shall be organised.

Further, NCPCR again conducted a meeting on 05.07.2016 with representatives of CWCs and Childline to prevent Child Begging in Delhi. After the meeting, NCPCR addressed letter to Chief Secretary, Government of Delhi to take steps in this regard. Further, the Director, Department of Women and Child Development, Government of NCT of Delhi issued directions to all the District Magistrates/ Collectors to eradicate the alms attitude and take prompt action.

5.3 Child Trafficking

5.3.1 At the instance of the Hon'ble Minister, WCD, a team of Member (Law) & Member (Education), NCPCR visited Kerala on 19.10.2016 to conduct an inquiry in the matter of exploitation of children by Jan Seva Shishu Bhawan, an NGO in Ernakulum, Kerala. During the inquiry, it was found that the Home was violating provisions of the J.J. Act, 2015; and Foreign Con-

tribution (Regulation) Act, 2010 and Rules 2011. The Inquiry Report highlighting the observations, findings and recommendations, was submitted to the Hon'ble Minister, WCD.

During their visit to Ernakulum, the Members, NCPCR also held a meeting with Chairperson and Members of CWC, Ernakulum and visited SOS Village, Government run Observation Home for Boys and Girls to assess the conditions of children in these Homes. During the meetings, the officials were also sensitized on different provisions of the J.J. Act, 2015.

5.3.2 NCPCR in collaboration with the West Bengal State Commission for Protection of Child Rights organised a State Level Training Workshop on implementation of POCSO Act, 2012 and Trafficking of Children on 27th-28th March 2017 at Kolkata.

5.4 Child Marriage

5.4.1 Based on the news item published in national & local dailies highlighting child marriages in summer months and on Akshya Tritiya/ Aakha Teej occasions in north and central India, the Commission took suo-moto cognizance and issued an Advisory on 28.04.2016 to the Chief Secretaries of all the States and SCPCRs to take immediate steps to stop such child marriages. Action Taken Reports were also sought in the matter.

5.4.2 The Commission organised a multi-stakeholder Consultation on 'Status of Child Marriage in India: A Consultation for Developing Strategies' on 18.10.2016 at Delhi in collaboration with 'Young Lives India'. The objective of the Consultation was to assess the status of prevalence of child marriage in the country and explore the social and legal aspects of prevention of child marriage for developing an SOP for prevention of the practice. The Consultation was attended by the representatives from the 11 SCPCRs, law enforcement agencies, concerned State Departments and selected NGOs.

NCPCR in collaboration with Young Lives India and with the support of State Commissions of Telangana and Andhra Pradesh organised State level Consultations on Early/Child Marriages at Hyderabad and Vijayawada on 14.02.2017 and 16.02.2017 respectively. These Consultations were attended by the officials of the concerned Departments of State Governments, SCPCRs, Civil Society Organizations and NGOs.

5.5 Consultation on Bonded Labour

The Member (Labour Law), NCPCR participated in a National level Consultation on eradication of bonded labour in India organized by Bachpan Bachao Aandolan on 27.05.2016. The senior officials from different enforcement and monitoring agencies as well as NGOs participated in the Consultation. During the Consultation, Nobel laureate Kailash Satyarthi lauded the Government for "stronger" policy framework on bonded labour while pointing out towards the need of speedy completion of judicial process and compensation for rescued children.





Chapter-6

Child Psychology & Sociology

**6.0 Introduction**

The National Commission for Protection of Child Rights (NCPCR) under CPCRA Act 2005, has been mandated to ensure inter-alia that children get the necessary psychological and social support.

6.1 The major activities carried out by the Commission during the year are:**6.1.1 One day Consultation on Mental Health Needs of Children: Child Rights Perspective**

To commemorate the World Mental Health Day, NCPCR in association with Institute of Human Behaviour and Allied Sciences (IHBAS), New Delhi organized a special event on ‘Mental Health Needs of Children: Child Rights Perspective’ on 3rd October, 2016 at India International Centre, New Delhi. The programme was inaugurated by the Hon’ble Minister of Health, Government of NCT of Delhi. The Member (Health), NCPCR chaired




the session on ‘Mental Health Needs of Children: Child Rights Perspective’. The Panelists of the Session were : Dr. Deepak Gupta, Dr. Jitendra Nagpal, Dr. Uday and Dr. Deepak Kumar from IHBAS. A Presentation on child rights and mental health in context of legal framework was made by NCPCR, on the occasion. A Play was also performed on protection of children from sexual offences and pressure on children leading to suicide.

The programme was also attended by children from Children Homes of Delhi and staff of CCIs.

6.1.2 Bright and Colourful Child Care Institutions: An Initiative of PVR Nest and National Commission for Protection of Child Rights

NCPCR in collaboration with PVR Nest, a CSR body of PVR Ltd. has introduced an initiative for brightening the Child Care Institutions (Children Home and Observation Home), Delhi to promote positive mental health of children living in these Institutions.

As a first Home, the Observation Home for Boys, Sewa Kutir, New Delhi has been selected by the Commission for the purpose. A Workshop titled ‘Every Child is an Artist’ for children was jointly organized by PVR Nest and NCPCR. Through the ongoing initiative, PVR



Nest and NCPCR envision to beautify the premises for the children, by the children themselves under the guidance of specialists and conduct artistry & painting workshops. Two dormitories were painted by the children in 15 days time at the Observation Home.

As rehabilitation of these children is the key to prevent them from being repeat offenders, the PVR's initiative will help children to be mentally positive and will be a critical step in their rehabilitation.



Chapter-7

Child Health & Nutrition



7.0 Introduction

The National Commission for Protection of Child Rights has been engaged in formulation of policies and processes for child health for protecting the rights of children for ensuring adequate access to health and nutrition, as well as grievance redressal in case where violations or negligence have taken place towards the health of children. The efforts in this regard are duly supplemented through visits, public hearings, interventions etc.

A brief description of the activities undertaken by the Commission under Child Health & Nutrition during the year is as follows:

7.1 Standard Operating Procedure (SOP) for Care, Protection and Rehabilitation of Children in Street Situations

NCPCR in collaboration with Save the Children (Baal Suraksha) developed a Standard Operating Procedure (SOP) on Care and Protection of Children in Street Situations. The objective of the SOP is to outline a framework of intervention services that may apply to a street child as a child in need of care and protection. The SOP seeks to identify the step by step processes that should be set in motion when interventions are made with respect to different categories of children in street situations. It also seeks to create a convergence of the various functionaries, institutions/agencies and the multifarious government schemes and policies for a more holistic approach in providing care, protection and rehabilitation of street children.

The process of developing SOP was initiated during 2015-16 wherein meetings with NGOs, four Regional Consultations at Hyderabad, Patna, Lucknow and Mumbai and a Special Consultation with Children at Delhi were held and visits to Children Homes undertaken in the months of February and March, 2016.

Based on the Consultations, Meetings and sharing of Best Practices with 26 NGOs on Children in Street Situations, the SOP was finalized. The SOP was released by Smt. Maneka Sanjay Gandhi, the Hon'ble Minister, Women and Child Development on 21st February, 2017. The SOP has been circulated to all the States/UTs, SCPCRs and other stakeholders. Besides, letters have been sent to the Chief Ministers and Chief Secretaries, Government of NCT of Delhi, and Maharashtra for piloting the SOP.



7.2 Guidelines for organizing Child Friendly Melas /Large Gatherings

Due to the magnitude and size of gatherings like 'Melas' on festive occasions, many children go missing/lost/separated from their families/carers during such occasions. Due to their vulnerability children are at high risk of falling prey to trafficking, kidnapping, sexual exploitation and abuse. In this context, in order to protect the children from these situations, the National Commission for Protection of Child Rights (NCPCR) has developed Guidelines for organizing Child Friendly Melas & other Large Gatherings.

The Guidelines have been developed to provide indicators to organizers, administrators and other stakeholders for organizing Child Friendly Melas or Large Gatherings. These Guidelines have been formulated after field trials in two successful pilots viz, Krishna Pushkaram Mela, Andhra Pradesh and Poush Mela, West Bengal in consultation with all the concerned Ministries/Departments and other stakeholders.

Indicators on Missing Children, Abuse against Children – including any kind of sexual exploitation, Child Trafficking, Child Labour, Child Begging, Harmful Traditional Practices, such as child marriage etc. were shared during Krishna Pushkaram Mela, 2016.

Some of the major recommendations given by the Commission for the purpose are: establishing a help desk, appointing volunteers, optimal usage of all available information and communication channels for making such events 'Child Friendly' such as: Audio visuals, banners, posters, announcements etc. Creating an inclusive environment for such Melas/Gatherings for Children with Special Needs was also recommended. The Guidelines are accessible at NCPCR's Website.



The Guidelines have been circulated to MWCD for information and all the States/UTs/SCPCRs for implementation.

7.3 Child Friendly Hospital Guidelines

NCPCR decided to formulate Guidelines for Child/Baby Friendly Hospitals. The objective of the Guidelines is to create an environment for children that provide them with improved healthcare facilities with focus on mental health through truly supportive and therapeutic environment for them. For this, an Expert Group has been constituted. The Expert Group consists of the representatives from Ministry of Health & Family Welfare, UN Agencies (WHO, UNICEF) and those from the Government Hospitals like AIIMS, Safdarjung Hospital, LNJP etc. The first Expert Group Meeting was held on 18.11.2016 to share their inputs in creating a child friendly hospital environment. The Guidelines are being formulated and intend to cover: indicators of child friendly hospital; piloting of child friendly hospital; monitoring tool for child friendly

hospital; implementing bodies for child friendly hospital; and pre and post assessment of child friendly hospital.

7.4 Other Programmes

7.4.1 State level Workshop with Adolescents on Protection of Child Rights in Tea Gardens of Assam, with focus on implementation of The Plantation Labour Act, 1951

NCPCR in collaboration with Assam SCP-CR organised a two days State level Workshop with Adolescents on Protection of Child Rights in Tea Gardens of Assam on 29th -30th August, 2016 at District Shivsagar, Assam which focused on the Plantation Labour Act, 1951. The broad aim of the Workshop was to identify the gaps and challenges in addressing the rights of children and adolescents in tea gardens of Assam and come out with concrete recommendations and measures to ensure survival, development, protection and participatory rights of the children and adolescents in the tea gardens of Assam and also to ensure that the mandates of the Plantation Labour Act, 1951 are implemented in consonance with these rights. The Workshop was attended by 150 children from tea garden of Assam.



7.4.2 National level Conference on Protection of Child Rights in Tea Plantations of India

NCPCR in collaboration with the Assam State Commission (ASCPCR), Department of Labour and Employment, Government of Assam and UNICEF organized a National level Conference on Protection of Child Rights in Tea Plantations of India on 4-5 November, 2016 with Assam being the focus State. The key objectives of the Conference were to;

- i. Converge all the concerned stakeholders from six Tea growing States of India, namely, Assam, Kerala, Tamil Nadu, Karnataka, Tripura and West Bengal.
- ii. Deliberate on key issues impacting child rights in tea plantations of India;
- iii. Develop a 2 year plan to address the issues pertaining to the protection of child rights in tea plantations of Assam.

During the Conference, the recommendations from the ‘State Level Workshop with Adolescents in Tea Gardens of Assam’, held on 29- 30 August 2016, were presented and discussed.

7.4.3 NCPCR celebrated National Girl Child Day (24th January, 2017)

NCPCR celebrated National Girl Child Day on 24.01.2017 at NCPCR. 20 children from different NGOs of Delhi participated in the programme. The Chairperson and Member (Child Health), NCPCR interacted with the children. The children were oriented by the subject experts of the Commission on Rights of the Children, POCSO E-box and Grievance Redressal Mechanism. The children also participated in slogan writing and painting on the theme of Child Rights. The children assured to share the learnings with their friends and other children as Child Rights Ambassadors.



7.4.4 Swachhta Pakhwada

The Commission celebrated Swachhta Pakhwada from 1st to 15th March, 2017 wherein various activities within and outside the premises of the Commission were carried out. These included:

- A cleanliness drive by the staff of NCPCR to clean their surroundings and files in the Commission alongwith beautification of the terrace of the Commission.
- The Member (Law) during his visit to West Bengal participated in cleanliness drive at Anubhav Girls Home at Jalpaiguri, West Bengal.
- NCPCR organised a drawing competition for school children on the theme of Sanitation & Hygiene, on the occasion of inauguration of Woodland Adventure Park by the Horticulture Department at Safdarjung Enclave, Delhi.
- An Artwork Workshop was organised with around 20 children from community to make posters on Health & Hygiene at NCPCR.
- A cleanliness drive and beautification of the walls of Toilet at Pandav Nagar, Delhi under Delhi Urban Shelter Improvement Board, was carried out with the support of community children. The Member (Child Health) and a team of Technical Experts from the Commission discussed the importance of sanitation and hygiene with the community members and children.
- Another wall of public Toilet at Ansari Road, MCD North Delhi was beautified with motivational messages on sanitation.
- Primary Health Care Center at Nangal Rai, Delhi was beautified with the support of doctors, children and community.



7.4.5 One day Consultation titled “Hamaray Mann ki Baat Mantrijee kay Saath” at Raipur, Chhattisgarh

A one day Interactive Consultation ‘Hamaray Mann ki Baat Mantrijee kay Saath’ organized by Chhattisgarh SCPCR based on the idea of NCPCR was attended by the Member (Child Health) and the Member Secretary, NCPCR at Chhattisgarh on 10th December, 2016. Over 200 children from across Chhattisgarh participated in the programme. Through this program children were given an opportunity to voice their feelings and question the highest authorities, the decision makers/Ministers. The Hon’ble Minister, WCD and Hon’ble Minister, PWD, of the State participated in the programme.



7.5 Activities related to POCSO

7.5.1 Child Friendly Police Stations Guidelines

Every Police Station should have either a child friendly room or corner where children who are victims under the POCSO Act, 2012 can be dealt with in a sympathetic manner. Many States have already taken up different measures to make child friendly atmosphere in Police Stations keeping in mind the local culture and ethos.

The NCPCR in collaboration with the Delhi Police has taken an initiative to set up Child Friendly Police Stations with specific guidelines to provide safe spaces for children. The objective is to enable children to directly communicate with Police and understand the legal framework. In this regard, a Meeting was held on 11th Jan 2017. The representatives from UNICEF, Delhi Police and NGOs from Lucknow and West Bengal were present in the Meeting. It was decided in the Meeting to develop National Guidelines for Child Friendly Police Stations for every State to create Police Stations as ‘Child Friendly Police Stations’ having all required infrastructural facilities necessary for conducive environment for children. Further, a Meeting was held on 14th February, 2017 with the Delhi Police and representatives of UNICEF at NCPCR wherein it was decided to develop National Guidelines for setting up Child Friendly

Police Station with the assistance of UNICEF. The Commission is in the process of finalizing the Guidelines.

7.5.2 Setting up of One Stop Crisis Centre & Separate Wards for Victims of Child Sexual Abuse (CSA)

Keeping in view that the children, who are admitted under POCSO, need special care and support, NCPCR wrote a letter to the Medical Superintendent, Safdarjung Hospital and Director, AIIMS proposing the following:

- i. A Separate Ward needs to be planned for victims/survivors of child sexual abuse (CSA).
- ii. One Stop Crisis Centre for victims of CSA to help them in crisis management and rehabilitation. This centre will provide all the facilities under one roof like: Medical treatment, counseling, FIR support etc. This will be done in collaboration with other concerned stakeholders.

A Meeting with the Medical Superintendent and staff of One Stop Crisis Centre of Safdarjung Hospital was held on 30th Jan, 2017. The Meeting was attended by Ms. Rupa Kapoor, Member (Child Health) NCPCR and Technical Experts of the Commission dealing with POCSO and Child Health. Further, a letter was sent to the Medical Superintendent, Safdarjung Hospital for providing legal assistance and separate beds for survival of CSA.

On basis of the Member's visit to One Stop Crisis Centre in Karnataka, a letter has been sent to the Secretary, Ministry of Women & Child Development to give directions to all States / UTs to add child along with One Stop Crisis Center (OSCC) for Women in order to include and provide care and protection to victims of child sexual abuse.

7.5.3 POCSO Awareness Campaigns, JAGRUK RAHO, CHUPPI TODO ABHIYAAN

Be aware, break your silence

The Commission expressed its serious concern on increasing incidents of child sexual abuse in Delhi and felt a strong need to generate awareness among the public regarding provisions of the POCSO Act, 2012. In this regard, several dialogues were held between Delhi Police and other stakeholders to plan a Campaign in this regard.

NCPCR with support of multi stakeholders viz; Police, Government Agencies, Civil Societies, Media and Youth Volunteers launched a mass awareness campaign about different provisions of POCSO Act, 2012 in Delhi. This campaign was carried out through various activities like: **displaying Documentaries, Nukkad natak, youth groups, play and art work** etc. The main objective of this campaign was to reach out to the public in and around slums and resettlement colonies under the banner of "*Jagruk raho, chuppi todo*" (be aware, break your silence)





The campaign was also aimed to (i) generate awareness about the issue of Child Sexual Abuse amongst children, women and men in vulnerable areas of Delhi (ii) Inform communities about what action to take in cases of CSA- Police, Childline, Local CBO's, NCPCR (iii) Introduce the community to the NCPCR, (iv) Facilitate a better relationship between Police and Communities.



Keeping in view the time of festivals this campaign was started before festival of Diwali as due to crowded places, instances of abuse against children are greater. A weeklong campaign was held in East, West, North and Outer Districts of Delhi from 24th October to 27th October, 2016.

This campaign was run with the support of Delhi Police, Childline partners and civil society organizations working on the issue in the respective areas. The campaign also sensitised the people about the vulnerabilities and why silence is not an option if their child is subjected to abuse. The respective Police personnel of that area were roped in to create an interface between the police and people.

7.5.4 Awareness on POCSO in Children Parks

NCPCR with support from the Department of Horticulture, South MCD has placed hoardings on child rights and sexual offences against children including POCSO Act, 2012, and POCSO e-box, in children's parks under jurisdiction of the Corporation to create mass awareness.

National Commission For Protection of Child Rights
Be Aware, Be Clever Safeguard Children
 Sexual abuse of children is a serious offence. Extend your hand to stop it.
Protection of Children from Sexual Offences Act, 2012
 According to this Act, the following are grievous offences:
 - Penetrative sexual assault on children
 - Abetment of an attempt to commit sexual assault on children
 - Using child for pornographic purposes.
 These are considered even more serious offences:-
 When the offender is a guardian of the child, he is either sentenced to life imprisonment or at least 10 years in jail.
 With holding information about such instances is also a punishable offence and invites a punishment of 6 months to 10 years in jail.
 According to POCSO Act 2012 such abuses have to be reported. Help stop such incidences and report your complaint to your nearest Police Station (SP), Childline-1098 or
 NCPCR'S POCSO e-Box Helpline no. 09868235077
 8th Floor, Chamberlain Building, 26 Janpath New Delhi-110001
 Ph: 011-3247200, 3272400-21, Fax: 011-3272400
 Web: www.ncPCR.gov.in, Google your complaint at www.abeakind.com.in

When you get an unsafe touch, you may feel sad, confused and helpless. You need not feel "bad" because it's not your fault.
Press This Button
 क्या आपको कोई परेशान कर रहा है, बर्बर, कौन और
 Tell us how you are being harassed?
Click on / Select Picture(s)
 - Inappropriate touch
 - Inappropriate language
 - Abuse
 - Inappropriate gifts
 - Inappropriate behavior
 - Inappropriate use of mobile phone
 - Inappropriate use of internet
 - Inappropriate use of social media
 - Inappropriate use of email
 - Inappropriate use of text messages
 - Inappropriate use of video chat
 - Inappropriate use of social media
 - Inappropriate use of internet
 - Inappropriate use of mobile phone
 - Inappropriate use of email
 - Inappropriate use of text messages
 - Inappropriate use of video chat

National Commission For Protection of Child Rights
Dear Children Your safety in Your hands
 Whenever any person touches you inappropriately, a touch that feels awkward and makes you feel disgusted, then take it as **ANGER**
In such a situation-Do three things
1 Say No Immediately say no, shout and stop the person.
2 Stay Away Go to a safer place.
3 Tell Someone Tell a person you trust.
 According to POCSO Act 2012 such abuses have to be reported. Help stop such incidences call 100, childline-1098 or
 NCPCR'S POCSO e-box Helpline no. 09868235077
 8th Floor, Chamberlain Building, 26 Janpath New Delhi-110001
 Ph: 011-3247200, 3272400-21, Fax: 011-3272400
 Web: www.ncPCR.gov.in, Google your complaint at www.abeakind.com.in

Remember! Many times children are sexually abused by relatives/friends/guardians/neighbors. Never ignore the complaints of a child. The effort of physical abuse stay throughout life.
 Help stop such incidences call 100, childline-1098 or
 NCPCR'S POCSO e-Box Helpline no. 09868235077
हमने ठगवा है, सब को रोका है साथ ही!
 8th Floor, Chamberlain Building, 26 Janpath New Delhi-110001
 Ph: 011-3247200, 3272400-21, Fax: 011-3272400
 Web: www.ncPCR.gov.in, Google your complaint at www.abeakind.com.in

Touch
 If someone touches you, your private body parts without your consent...
Gifts
 If someone gives you sweets, chocolate or gifts to break the touching rules which makes you feel uncomfortable...
What to do? "Say No"
 Immediately Say No, Shout and stop the person.
 8th Floor, Chamberlain Building, 26 Janpath New Delhi-110001
 Ph: 011-3247200, 3272400-21, Fax: 011-3272400
 Web: www.ncPCR.gov.in, Google your complaint at www.abeakind.com.in

7.5.5 Promotion of Message of Combating Child Sexual Abuse by making Kahani-2 Movie Tax-free

The Movie **Kahani-2** directed by Shri Sujoy Ghosh starring Vidya Balan brilliantly touched upon the subject of child sexual abuse in the most nuanced manner. Kahani-2 turned out to be an honest attempt to discuss the trauma a young victim of sexual abuse goes through. It is a brilliant piece of cinema with a powerful social message. In this regard NCPCR wrote a letter to the Hon'ble Minister, MWCD to nominate Actress Ms. Vidya Balan as Brand Ambassador of POCSO and get the movie tax free status in all the States. A letter was also sent to the Director Sh. Sujoy Ghosh and Actress Ms. Vidya Balan. A letter was also sent to Ministry of Information & Broadcasting to display the following message on awareness of POCSO Act, 2012 particularly before starting of this movie (Kahani-2) and any other movie on the subject:

Sexual Exploitation and Sexual Abuse of Children are heinous crimes and punishable under the Protection of Children from Sexual Offences (POCSO) Act, 2012. This Act provides for protection of Children from offences of Sexual Assault, Sexual Harassment and Pornography with due regard for safeguarding the interests and well being of children.

7.6 Grievance Redressal (Child Health & Nutrition)

Total Complaints pending as on 01/04/2016	Complaints received between April 2016- March 2017	Complaints disposed off between April 2016-March 2017	Complaints Pending as on 31/03/2017
108	167	111	164


7.6.1 Key Interventions

7.6.1.1 Cognizance of Impact of Drought on Children in affected areas of 13 States

The Commission under Section 13 (1) of the CPCRA Act, 2005 took cognizance of impact of drought on children in affected areas of 13 States of the Country: Maharashtra, Karnataka, Jharkhand, Telangana, Uttar Pradesh, Rajasthan, Bihar, Madhya Pradesh, Haryana, Gujarat, Chhattisgarh, Odisha and Andhra Pradesh. In this regard, the Member (Child Health) sent a letter on 24.05.2017 to the Ministry of Drinking Water and Sanitation to know the measures undertaken by the Ministry on drought, mitigation, relief and rehabilitation.

7.6.1.2 Infant Death in Hospital due to Ants-bite

NCPCR took suo-motu cognizance of a news report regarding death of an infant due to ant bite in a hospital in Vijaywada in May, 2016. The Commission sought an action taken report from the Commissioner, Health & Family Welfare, NHM, Andhra Pradesh. The action taken report stated that the baby was born with low birth weight and proper treatment was given by the Paediatricians of the Government General Hospital, Vijayawada. Also necessary consent was taken from the father and high the associated risk was explained to him. In spite of the best



efforts by the institution, baby could not survive because of complications like pre-term birth, low birth weight, respiratory distress, sepsis with septic shock and not by ant bites. Therefore, the case was closed.

7.6.1.3 Three years old girl child's finger gets amputated because of daycare's negligence

NCPCR took suo motu cognizance of the news report published in the news papers regarding a three year old girl's fingers having got amputated because of daycare's negligence in Gurgaon, Haryana. The Commission sought a detailed action taken report from the Deputy Commissioner, Gurgaon, Haryana. The Commission received the action taken report on 4.11.2016 stating that the appropriate action has been taken and the case was being heard by Hon'ble Court. Since the case was sub-judice, the matter case was closed.

7.6.1.4 12 years' old boy waiting from last 10 months for AIIMS to start his treatment

The Commission took suo-motu cognizance of the newspaper report titled, '10 months on, boy waits for AIIMS to let him in'. As per the news report, a 12 years old boy was waiting on the pavement for the last 10 months for treatment at AIIMS. The Commission requested the Director, AIIMS for necessary early action in the matter.

The Commission received an action taken report from the Medical Superintendent, AIIMS, New Delhi on 30.1.2017, stating that the patient (boy) was already admitted, operated and discharged in a satisfactory condition. Therefore, the case was closed.

7.6.1.5 Girl found near tracks was sexually abused

The Commission after taking cognizance of the matter sought an action taken report from the Commissioner of Police, Delhi and visited the victim girl, who was admitted to AIIMS. The Member (Child Health) after meeting with the treating doctor also met the victim girl to ascertain the status and her well being.

7.6.1.6 Denial of Ambulance facility to carry dead body of 2½ years girl in Baghpat, Uttar Pradesh

The Commission took suo-moto cognizance of the news published on 05.09.2016, alleging that a 2½ years girl suffering from high fever died in the Medical College, Meerut. Later the mother of the deceased girl tried to take help of a government ambulance to take the dead body to her hometown which was denied. A letter has been sent to the District Magistrate, Meerut, Uttar Pradesh seeking an action taken report. The Commission received the action taken report on 13.01.2017, stating that the relatives took the child in a serious condition without consulting the Doctor. The Doctors informed the parents about the situation of the child. The District Officials tried contacting the parents for recording their statement but the address was not traceable. Therefore, on the basis of ATR received, the complaint was closed.

7.6.1.7 Lack of medical facilities for children living in hostel in Jashpur Nagar District, Chhattisgarh

The Commission took suo-moto cognizance of the news published regarding lack of medical facilities for children living in hostel in Jashpur Nagar District in Chhattisgarh. It was alleged that 15 children walked 10 kms from their hostel for medical treatment. In this regard, a letter has been sent to Secretary, Health & Family Welfare Department, Chhattisgarh asking for action taken report in the matter. The received report stated that the children were taken to hospital by hostel authorities by bike. The hostel superintendent has been suspended as he did not inform any senior official about the situation and non availability of transport facility for children. The case was accordingly, closed.

7.6.1.8 Deterioration in health of four tribal children owing to long starvation

The Commission took suo-motu cognizance of the news published on 01.09.2016 alleging that 3 kids belonging to one tribal family living in Jhadol area in Udaipur, suffered illness due to prolonged starvation. A Letter was sent to the Secretary, Women and Child Development Department, Rajasthan seeking an action taken report which was received on 3.11.2016, stating that the children were admitted to community centre with the basic problem of cough and cold. Later, the children were referred to the Udaipur Hospital because the hemoglobin level was low among all the three kids. The children were discharged after the recovery. Among 3, one child was enrolled in the Anganwadi Centre. Finding the action taken report satisfactory, the case was closed accordingly.

7.6.1.9 22 children ill after eating the Mid-day Meal in school

The Commission took suo-motu cognizance of the news published on 03.09.2016, alleging that after having mid day meal distributed in Middle School located in Khagadiya District, 22 children fell ill. A letter has been sent to the District Collector, Bihar which was followed by a reminder for submitting action taken report in the matter.

7.6.1.10 16 students fall ill after eating food distributed in school

The Commission has taken suo-motu cognizance of the newspaper article published in "Hindustan Samwad" on 07.09.2016. It is alleged in the newspaper that, 12 children were taken ill after consuming food distributed in Kasturba Gandhi Residential School in Raipur, Uttar Pradesh. After eating the food, students started vomiting and reported problem of dehydration. The school authorities took children to PHC for treatment. The students who were serious were referred to the District Hospital. According to the attending Doctor, the contaminated water caused the problem among children. The CDO has ordered an inquiry into the matter. A letter has been sent to the District Collector, Sonbhadra which was followed by a reminder for submitting action taken report in the matter.



7.7 Spot Inquiries

7.7.1 Cognizance of the incidence of newborn deaths reported in Jawaharlal Nehru Hospital, Ajmer, Rajasthan

The Commission took suo-motu cognizance of the newspaper reports on the incidence of a number of newborn deaths reported in Jawaharlal Nehru Hospital, Ajmer, Rajasthan. After taking cognizance of the news report, a Team headed by the Member (Child Health), NCPCR visited Ajmer from 24th to 26th May, 2016 to inquire into the matter. Based on the observations of the Team, a letter was sent to the State Government and District Administration along with recommendations on 26.07.2016 to take necessary measures in this regard. **(Annexure-XVI)**



An Action Taken Report was also received from the Principal Secretary, Department of Health, Rajasthan on 7.9.2017. The Report was found to be satisfactory.

During Post visit based on the Action Taken Report, some of the improvements observed in the JLN Hospital Ajmer were:

- Some improvement in general services-sanitation, facilities for attendants etc was seen.
- For regulating the entry of the patients' attendants, the DM confirmed requisite security has been in place at all major entry/exit points of the hospital. General public were removed from the Neonatal Intensive Care Unit (NICU) area.
- The hand sanitizers which were not seen anywhere in use in the NICU, PICU etc during the Team's first visit were placed in the NICU. The staff was seen wearing masks, caps and gloves.
- Children were covered with mosquito nets and flycatchers were in place.
- Temporary tent was being placed for relatives/family members to rest until the reception was in place.

7.7.2 Inquiry into the matter of Trafficking of Infants in West Bengal

NCPCR took suo-motu cognizance of newspapers reports regarding trafficking of infants in West Bengal. As per the news reports, CID had busted a Child trafficking racket from Sohan Nursing Home, in North 24 Pargana District of West Bengal. After taking cognizance of the news report, an Action Taken Report was sought from the District Magistrate, North 24

Parganas vide letter dated 28.11.2016. On the same day, the Member (Child Health), NCPCR held a meeting with the District Magistrate, North 24 Parganas and State Government officials of the concerned departments viz; Health, WCD, Police, AHTU, CWC at Kolkata.

The Member (Child Health), NCPCR then conducted an inquiry in the matter and visited the sites, Purbasha Old Age Home, ESI Hospital and Nursing Home from 29th and 30th Nov'16 at Kolkata, District North 24 Parganas, West Bengal. A letter was sent to the Chief Secretary, Government of West Bengal along with the recommendations vide letter dated 09/12/2016. (**Annexure-XVII**)



A report of the inquiry along with all relevant documents was also sent to the Hon'ble Minister and Secretary, MWCD from the Chairperson, NCPCR vide note dated 2/12/2016. The Report is accessible at NCPCR's website.

An action taken report was received from the Chief Medical Officer, North 24 Parganas on 21.12.2016. The Report was found to be satisfactory.

Follow up Visit

The Member (Child Health), NCPCR again visited West Bengal for follow up in the matter from 20th December, 2016 to 23rd December, 2016. A Meeting was held with CID officers and all the concerned officials of the State Government.

The Member also visited Kishalay Home for Boys at Barasat, North 24 Parganas, West Bengal. The Home catered to 129 boys in the age group of 6 to 18 years. A junior school for children was also functioning in the premises. The Home was found neat and clean and properly maintained.

7.7.3 Inquiry into a matter regarding death of 12 children in Nagada village, located in the forests of Odisha's Jajpur District

NCPCR took suo-motu cognizance of the newspaper report about death of 12 children in Nagada village, located in the forests of Odisha's Jajpur District. A team led by the Member (Child Health), NCPCR along with Members from Odisha SCPCR visited the District for inquiry from 9th-10th August 2016.



The Team interacted with some villagers and children of the Juanga tribe from Ashok-jhar village and enquired about their problems. They discussed about the education facilities, Anganwadi programmes and healthcare facilities provided to them and various developmental initiatives being implemented by the district administration.

Based on the Team's observations, a letter was sent to the Chief Secretary, Government of Odisha on 26.09.2016 along with recommendations to take strict measures. (**Annexure-XVIII**)

An action taken report was received from the District Magistrate on 10.08.2016. The Report was found to be satisfactory.



7.7.4 Inquiry into a matter regarding death of 26 children in Government run tribal residential school in Telangana since 2014

NCPCR took suo-moto cognizance of a news report published regarding death of 26 children since 2014 in Government run tribal residential school in Telangana. A team led by the Member (Child Health), NCPCR visited 3 tribal residential schools in Khammam District, Hyderabad : 2 girls residential schools and 1 residential school for boys. The Commission addressed a letter to the Chief Secretary, Government of Telangana on 28.09.2016 inter-alia containing recommendations and sought an Action Taken Report in the matter (**Annexure-XIX**).



7.7.5 Inquiry into the matter of a 17 years old girl being stripped, assaulted by passengers on Train alleging theft

NCPCR took suo-moto cognizance of a news report on the issue of a 17 years old girl being stripped and assaulted by passengers on train alleging theft in Agra. The girl was treated as an adult and lodged in the adult jail for three days. The Member (Health), NCPCR along with a Team made an inquiry visit to Agra. Based on the observations of the Team, letters



were addressed to the District Magistrate seeking on Action Taken Report and the Chairperson, Child Welfare Committee to provide counseling and rehabilitation support to the minor with the help of the Childline.

7.8 State Visits

7.8.1 Varanasi, Uttar Pradesh

A team led by Member (Child Health), NCPCR visited Varanasi, Uttar Pradesh from 5-7 May, 2016 to assess condition of children's health at Anganwadi Centers and Child Care Institutions. The Team visited Anganwadi Centers at Bazardiha, Nagepur Village, Lohta,; Children Home (Boys) Ramnagar; Open Shelter Home (Boys); DARE, Children Home (Girls); and Child Labour Site at Saraiya. The Member, NCPCR held a meeting with the District of-



officials and made observations about the poor living conditions at children homes. On the basis of the Team's observations, a letter was sent to the Chief Secretary, Government of Uttar Pradesh on 06.06.2016 with specific recommendations for AWCs/ICDS and Child Care Institutions. **(Annexure-XX)**

An action taken report was received from the District Magistrate, Varanasi on 17.08.2016. The Report was found to be satisfactory.

Based on the Action Taken Report, post the visit by the Commission, 68 children have been repatriated from the Ramnagar Boys Home to their Families

7.8.2 Vishakhapatnam and Vijayawada

The Member (Child Health), NCPCR made a visit to Visakhapatnam and Vijayawada from 4th -6th August, 2016 and visited 3 Anganwadi Centers, Observation Home/Special Home and an Adoption Center at Visakhapatnam. Based on the observations made during the visit, a letter alongwith recommendations was addressed to the Chief Secretary of Andhra Pradesh on 20.09.2016 to submit a detailed Action Taken Report to the Commission. **(Annexure-XXI)**





7.8.3 Assam

The Member (Child Health), NCPCR along-with State SCPCR team visited Assam between 18th – 22nd July, 2016 to assess the situation of Children in Tea Gardens in State of Assam and hold a meeting with the District Administration and other stakeholders for organizing a Workshop on protection of rights of children in Tea Gardens of Assam. The Team in collaboration with PAD and PAJHRA visited Narayanpur Tea Estate. During the visit, the Team visited Observation Home, Boko and Jalukbari State Home for Women and Children. The Team also visited a remote village of Kokrajhar, pre-dominantly a releases minority area set-up as relief camp after the 1993 ethnic violence. On the basis of Team’s observations, a letter was addressed to the Chief Secretary of Assam on 21.09.2016 along with specific recommendations and sought submission of an Action Taken Report. **(Annexure-XXII)**

7.8.4 West Bengal

A team led by Member (Child Health), NCPCR visited Kolkata and Shantiniketan, West Bengal from 8th -11th June, 2016 and inspected Sukanya Observation Home and After Care Home for Girls. The Team interacted with the girls and observed that girls from Bangladesh were not able to contact their families. After Commission’s interventions, children have been repatriated to their native places.

During the visit, the Chairperson and Member, NCPCR also participated in West Bengal’s second Child Protection Day celebrated on 9.06.2016 at Rabindra Sadan, Kolkata which was organised by the West Bengal Commission for Protection of Child Rights with support of the State Government.

A meeting chaired by the Member, NCPCR with Mela Committee of Poush Mela, Vishwabharti, Shantiniketan on 10th June, 2016 at Vishwabharti, Shantiniketan shared indicators for organizing Child Friendly Melas.



The Member also interacted with the representatives of Child Parliament from Kolkata and discussed the issues related to Child Rights and Child Protection. The Member apprised the children about Standard Operating Procedure (SOP) for care and protection of Street Children, Draft Recreation Policy for Children, New Education Policy and Child friendly Spaces etc.

7.8.5 Bangaluru, Karnataka

The Member (Child Health) and Member (Law), NCPCR visited Karnataka from 1st to 4th February, 2017. The Members visited a model One Stop Crisis Centre for victims of child sexual abuse at M.S. Ramaiya Hospital and One Stop Crisis Centre for sexual abuse cases of women and children at Lord Curtzon Hospital, at Bangaluru with the objective to understand the concept of One Stop Crisis Centre.

On the basis of the Members visit, a letter has been sent to the Chief Secretary, Karnataka to add child along with OSCC for women in order to include and provide care and protection to children victim of child sexual abuse.

The Members also visited a model Anganwadi Centre at Chamunda Hills to assess the situation of children there, a model Child Friendly Police Station and Children Home for Girls at Mysore. The Members also participated in two day seminar on POCSO Act, 2012 organized by National Law School of India University (NLSIU) and National Coalition to Protect Our Children (NCPOC).



7.8.6 Himachal Pradesh

The Member (Child Health), NCPCR visited Shimla to assess the condition of children in Anganwadi Centres, Hospitals and Child Care Institutions from 26th February - 1st March, 2017. During the visit, the Member made a brief presentation on Child Friendly Mechanism at State level Workshop on Child Rights organised by HSCPCR. The Member also, held a meeting with the Director, Department of Women and Child Development, Government of Himachal Pradesh and discussed about training of CCI staff and establishment of Child Friendly Police Stations and Community.

The Member, NCPCR also visited an Anganwadi Centre at Tutikandi and Children Home for Boys and Government Hospital at Shimla.

7.8.7 Siliguri, Darjeeling, Kalimpong, West Bengal

The Member (Health), NCPCR visited West Bengal from 24th - 30th March, 2017. During the visit, the Member visited three Anganwadi Centres, Primary School run by Gov-



ernment, held meeting with Tea Garden Manager in New Champta, Matigada Block, Concern Shelter Home for Boys and Girls and Children Home for Girls run by CINI in Siliguri to assess the situation of children in the Homes.

The Member also discussed POCSO Act, 2012 and role of NCPCR in a State level Consultation on ‘POCSO Act, 2012 & Child Rights and Child Trafficking in Tea Gardens’, organised by the WBSCPCR.

The Member also held a discussion on the issue of combating Human Trafficking in Tea Gardens through a panel and interactive session with the experts.

The Member also visited Children Home for Boys and Girls run by the Bal Suraksha Abhiyan Trust (BSA) and first Child Friendly Police Station in Kalimpong District.





Chapter-8

Child Laws and Representation in Courts



8.0 Representation in Courts

The salient details of important Representations undertaken by the Commission in Courts during 2016-17 are mentioned below:

8.1 The State of Tamil Nadu Vs. Union of India and Ors., W. P. (Crl.) 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.
- The Hon'ble Supreme Court in its Order dated 31.03.2010 took note of the allegation that large scale transportation of children from North-Eastern States was still going on and, therefore, felt that an inquiry needs to be conducted into the matter. Accordingly, NCPCR was directed to conduct the said inquiry with liberty to take assistance of an expert, if required. The Commission after conducting a detailed inquiry submitted its Inquiry Report to the Hon'ble Supreme Court on 15.07.2010.
- The Hon'ble Supreme Court vide its Order dated 07.02.2013 granted three months time to all the States/UTs for taking action towards constitution of SCPCRs; completing all formalities towards implementation of CPC Act, 2005 and RTE Act, 2009 including framing and notifying Rules there-under and making functional the State Commissions if respective States/UTs had not already constituted one. Further directions were issued to all the States/UTs to file status report within four weeks' as to the measures adopted and the action taken with regard to improving the condition of children in various Shelter Homes, etc. around the country; to eliminate trafficking of children under the garb of education and other promises like employment etc.; to indicate number of Children Homes, etc. which are registered and which are not registered under Juvenile Justice (JJ) Act, 2000, to report protective action taken or to be taken to prevent abuse of inmates in the unregistered CCIs; to detail measures taken towards implementation of the RTE Act, 2009, eradicating child trafficking and setting up of Special Courts under POCSO Act, 2012. The Hon'ble Court further directed that the status report shall also indicate the capacity of the Children Homes, separately for boys and girls, and whether the standards with regard to the nutrition and hygiene are being maintained in the Homes.



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


- The matter was listed on 08.04.2016 but could not be taken up. Then the matter was listed on 08.07.2016 and was renotified with directions to the parties to file the Report pertaining to the latest progress in the matter.
- Vide order dated 23.08.2016, the Hon'ble Court considering submission of the Ld. ASG that mapping and review of CCIs was being done by different authorities and will be over within 3 months, directed that a Report shall be placed before the Court giving details about the stage at which the work with regard to data collection, is pending.
- Thereafter, the matter was listed on 21.09.2016 and was adjourned to look into the progress made in the work of data collection. Then the matter was listed on 07.12.2016 and the UoI was directed to file an Action Taken Report with respect to the directions and submissions made in the matter during February 2015. The matter was again listed on 27.02.2017 and was re-notified at request of ASG.
- The matter was taken up on 27.02.17 and upon hearing the Ld. ASG the matter was listed for 13.04.2017.

8.2 Sampurna Behrua Vs. Union of India, W. P. (C) No. 473 of 2005 before the Hon'ble Supreme Court of India

- The Petitioner was working with the Child Rights Unit of Human Rights Law Network (HRLN), New Delhi, at the time of moving the Petition. The Petitioner travelled through 12 States and conducted a study and documented several cases to examine the status of implementation of the Juvenile Justice Act, 2000 found to have therein. The outcome of the exercise presented a dismal picture with only a few States found having implemented the Act. The Petitioner essentially prayed for the overall implementation of the Juvenile Justice Act, 2000 throughout the country and prayed for issuing the Writ of Mandamus in the matter.

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

- Vide Order dated 04.04.2016, the Hon'ble Court directed the Government to file collated information as on 31.03.2016 few days before the next date of hearing. Further considering the request of NALSA, the Hon'ble Court extended one month's time for preparing the Training Manual for Probationary Officers as well as Legal Aid Counsel.
- Vide order dated 09.05.2016, the Secretary WCD of all the States/UTs were directed to render all necessary assistance to the UoI for updating the information and keeping it up to date from time to time.
- Thereafter, the matter was listed for 29.07.2016 and was adjourned at the request of ASG.
- Vide order dated 29.08.2016, the Hon'ble Court directed State Governments to respond to the communication sent by the Government of India particularly as it pertains to a scheme for



child protection. Further, ASG was directed to present a Chart on next date with regard to the compliance to Annexure XI and XII of the revised Integrated Child Protection Scheme (ICPS).

- Vide order dated 23.09.2016, the Hon'ble Court observed that the information made available in the Chart is deficient. Therefore, it directed the State/UT Governments to file Affidavits within 3 weeks containing complete, full and necessary information in terms of ICPS with regard to availability of computers and peripherals both for JJBs and CWCs.
- Vide Order dated 17.02.2017, the Hon'ble Court listed the matter for final arguments on 05.04.2017 and also directed the UoI to ensure that SCPCRs are in place in every State/UT.

8.3 Ayub Khan Vs. Government of NCT of Delhi & Ors. W. P. (Crl.) 564 of 2009 before the Hon'ble High Court of Delhi


- This case is about the alleged corporal punishment leading to the death of the child. The matter also involved alleged inactions on part of various Authorities.

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

- Vide Order dated 30.05.2016, the Hon'ble Court deleted all the other Respondents from Memo of Parties except R-5 : MCD, R-9 : Nagar Nigam Primary Girl School, and R-10 : Ms. Manju Rathee (teacher).
- Vide Order dated 25.07.2016, the Hon'ble Court dismissed the Petition in default for non prosecution on 15.04.2013, 30.05.2016 and on the present date (i.e. 25.07.2016).

8.4 Court on its Own Motion through A. K. Asthana Vs. Union of India and Anr. W. P. (C) 787 of 2012 before the Hon'ble High Court, Delhi

- This case was taken up by the Hon'ble High Court, Delhi wherein its attention was drawn towards the then ongoing media reports, about the two year old baby girl Falak being admitted into AIIMS and another 15 year old minor girl who had allegedly brought the baby girl to AIIMS. The issue raised was about the reports appearing in the media with the name of both the children in violation of Section 21 of the J.J. Act, 2000. Reference in this regard was also made to Article 16 of the UN's Convention on the Rights of the Child (UNCRC), 1989.
- This petition flags the issue of the media in its coverage, disclosing the name and identity of Children in Need of Care and Protection, without seeking the permission of the Child Welfare Committee and violation of Section 21 of the Juvenile Justice Act, 2000.
- The petition was entertained and vide Order dated 8th February, 2012, a Committee was constituted comprising of representatives of Union of India, Government of NCT of Delhi, National Commission for Protection of Child Rights (NCPCR), NGOs working for welfare of children, media, etc. to deliberate upon the Guidelines to be formulated to regulate media reporting and disclosure of details relating to children.

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- The Petitioner prayed for framing of Guidelines by the Government to regulate media reporting and disclosure of details relating to children. The Hon'ble High Court directed for constitution of a Committee with the following members for the purpose:

1. Presiding Judge from JJB;
2. Representatives of Union of India and Government of NCT of Delhi;
3. Representative from an NGO working for the welfare of children;
4. One person from Media;
5. Nominee of the Press Council of India;
6. Ms. Meena Kabir, Child Right Activist and
7. Ms. Deepa Dixit, NCPCR.

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

- Vide order dated 14.07.2016, the Hon'ble Court disposed of the matter with the following directions:
 - (i) Committee to finalize the guidelines in relation to police and lawyers and submit the same to the concerned Ministry for approval within four months from today.
 - (ii) The concerned Ministry shall make efforts for implementation of the same with wide publicity within two months.
 - (iii) In case, any clarification/direction is required with regard to the issues raised and considered in this Petition, the parties are at liberty to file a fresh Writ Petition.

8.5 Mangesh Vs. Union of India, PIL No.33 of 2010 before the Hon'ble Bombay High Court (Nagpur Bench)

- The Petition had been filed in the Bombay High Court (Nagpur bench) wherein the Petitioner prayed for bringing the migrant children under the ambit of the RTE Act, 2009. The specific grievance of the Petitioner was to bring to light inaction of the Authorities in providing compulsory primary education to the street children, tribal children and the nomadic children in the state of Maharashtra and more specifically in the city of Nagpur.

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

- Vide Order dated 11.08.2016, the Hon'ble Court directed the Ld. AGP to take instructions from the State Government in regard to the survey of the children below 6 years and to make necessary arrangements for the children above 3 years for elementary education and early childhood care and education.

- Thereafter, the matter was listed on 29.09.2016, 06.10.2016, 22.12.2016, 27.01.2017, 16.02.2017 wherein the Hon'ble Court granted time to the Ld. AGP to take instructions from the State Government.
- The matter was taken up on 16.02.2017 wherein the Hon'ble Court expressed its dissatisfaction upon the response of State Government. The Court granted last chance to the State Government to comply with the orders dated 11.08.2016 and 29.09.2016 respectively and sought presence of the Secretary of department concerned on next date of hearing i.e. 23.02.2017.

8.6 State of Haryana etc. Vs. Court on its Own Motion etc., SLP (C) 27482-27484 of 2014 before the Hon'ble Supreme Court of India

- The Petition had been filed with regard to two newspaper reports narrating appalling conditions of Children Homes run by the Department of Women and Children and the Observation Homes run by the Department of Social Security.
- This SLP came in pursuance of the Hon'ble Punjab & Haryana High Court's *suo-moto* cognizance of an issue pertaining to proper and effective implementation of provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.
- The Court issued directions to the Sessions Judge of the area where these Children Homes and Observation Homes were located, to conduct a surprise visit and prepare reports on the running of those institutions. The Reports in this regard were then forwarded to the Secretary, Punjab State Legal Services Authority for scrutiny and tabulation.
- On perusal of the Reports, the Hon'ble Court felt that the provisions of the J.J. Act, 2000 were being flouted at many places including Punjab University.
- The Department of Women and Child, Haryana formed a Selection Committee. The Committee found that the J.J. Act, 2000 was not being implemented in its true form and spirit. NCPCR had also filed a Writ Petition, praying for issuance of a Writ in the nature of Mandamus, directing the States of Punjab, Haryana as well as UT of Chandigarh to take steps to constitute and set up fully functional State Commissions for Protection of Child Rights and Children's Courts under Sections 17 and 25 of the Commissions for Protection of Child Rights Act, 2005.
- The Hon'ble High Court of Haryana and Punjab disposed of the Writ Petition *inter-alia* with other writ petitions and gave directions for creating Children's Courts with specialized infrastructure. Being aggrieved by the said Order, the States of Punjab, Haryana and UT of Chandigarh approached the Hon'ble Supreme Court of India by way of this Special Leave Petition (SLP).

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


- Vide Order dated 29.04.2016 the Hon'ble Court allowed the restoration of SLP.
- On 26.08.2016 after hearing the counsel the Registrar stated that the service of notice issued to respondent No.1 in the other SLP No. 27483/2014 was awaited. Therefore the matter was put up for next date of hearing i.e. 05.10.2016
- On 05.10.2016 the Registrar acknowledged the fact that service of notice to the respondent No.1 in SLP No. 27483/2014 was complete and the appearing respondents were granted 4 weeks time to file the counter Affidavit. It was further observed that this 4 weeks time was the last opportunity being granted to the respondents to file the counter Affidavit and after expiry of the said 4 weeks the matter would be processed for listing before the Hon'ble Court as per the rules.

8.7 Naz Foundation (India) Trust Vs. Union of India & Ors., W.P. (C) 147 of 2014 before the Hon'ble Supreme Court of India

- The present Petition has been filed by the petitioner-NGO, alleging discrimination against HIV positive children in schools and other places. The Petitioner has further alleged that the Schools often breach the confidentiality when it comes to maintaining secrecy about one's HIV status.
- The specific prayer of the Petitioner is to direct that no child be denied admission into any school or any other educational institution, whether private or public, solely on the basis that the child or his/her parents, or any other relative, is HIV positive (actual or perceived); no child be suspended or expelled from such institutions on the above ground; there should be no segregation of children on these grounds; such children shall be enabled and supported to attend school; to direct the Union of India to frame comprehensive Guidelines under Section 35(1), RTE Act so that such children can study free from discrimination with their having an actual right to confidentiality of their HIV positive status and issue a proper Writ, Order or Direction to all States and UTs to issue a Notification under Section 2(d) of the RTE Act, 2009 declaring such Children to be under the category of 'disadvantaged children', as is presently the case in States like Andhra Pradesh, Karnataka, Uttarakhand and Manipur.

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

- The present matter was listed on 16.01.2017 before the Registrar for completion of technical formalities of filing of Counter Affidavits. Prayer of Ld. ASG was allowed to be placed on record the Guidelines framed by UoI on 26.10.2012 and 26.03.2014.
- Vide order dated 31.03.2017 the Hon'ble Court was of the view that State Governments need to consider the issuance of notification within 4 weeks so as to declare children living with or affected by HIV, as belonging to a disadvantaged group under Section 2(d). The Hon'ble Court further directed that State Governments as are unwilling to voluntarily issue a notification as aforementioned may file an Affidavit within 4 weeks indicating the reasons why they



consider it unnecessary to issue such a Notification. The Union of India was directed (R-1) to communicate the order to all the Secretaries in States of the Department of School Education within a week.

8.8 Bachpan Bachao Andolan Vs. Union of India & Ors., W.P. (C) 906 of 2014 before the Hon'ble Supreme Court of India

- The Petition has been filed by the Petitioner before the Hon'ble Supreme Court under Article 32 of the Constitution of India as there has been an alarming increase in the use of drugs, alcohol and other such substances among children.
- By way of Writ Petition, the Petitioner has sought intervention of the Hon'ble Court for appropriate directions to make and implement National Action Plan for children for elimination of abuse of drugs, alcohol, and other psychotropic substances and also create specialized System and Practices for promoting de-addiction among children.

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

- Vide order dated 20.12.2016, the Hon'ble Court disposed of the Writ Petition with the following directions:

The Union Government shall –

- a) Complete a national survey and generate a national data base within a period of six months;
- b) Formulate and adopt a comprehensive national plan within four months, which will among other things also address the areas of immediate concern noted earlier;
- c) Adopt specific content in the school curriculum under the aegis of NEP.

The immediate areas requiring remedial attention were summarized as below:

- a) Formulation of a national action plan for children;
- b) Creation of a module containing an appropriate curriculum for children of all age groups in order to keep them away from drugs, alcohol and tobacco;
- c) Setting up of de-addiction centres;
- d) Establishing a Standard Operating Procedure on enforcing the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 especially sections 77 and 78; and
- e) Implementing the action plan with the national policy on narcotic drugs and psychotropic substances which has been approved by the Union Cabinet.

8.9 E. Ranganayaki Vs. Union of India & Ors., W.P. 15850 of 2015 before the Hon'ble Madras High Court

- The Petition pertains to prevailing conditions of child sexual abuse in State of Tamil Nadu and in India; and seeks a direction that will further protect the children from sexual abuse and promote awareness among the community to confront and prevent such behaviors.
- The Commission was impleaded as Respondent vide the Hon'ble High Court's Order dated 05.06.2015.

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

- The matter was listed on 05.04.2016, 06.04.2016 and 27.04.2016 but nothing much was done in the matter.

8.10 Change India (Represented by Director A. Narayanan) Vs. Government of Tamil Nadu and Ors., W.P. 6915 of 2015, before the Hon'ble Madras High Court


- The Petition pertains to the effective implementation of J.J. Act, 2000 and Tamil Nadu J.J. Rules, 2001, for ensuring proper care and protection of the children through proper implementation of ICPS; filling up of all the vacancies of the Probation Officers and District Child Protection Officers and Establishment of Observation Homes, Special Homes, Reception Unit and Government Childrens' Home.

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

- Nothing happened in the matter during the year. The matter was last listed on 05.02.2016 wherein the Hon'ble Court observed that no further orders are required in the matter as compliance report has been filed by the State Government which should be placed before the Juvenile Justice Committee who would continue to monitor the different aspects till all suggestions are implemented.

8.11 Change India (Represented by its Director A. Narayanan) Vs. the Chief Secretary to Government, Government of Tamil Nadu, W.P 21267 of 2014 before the Hon'ble Madras High Court

- This Petition was filed by A. Narayanan (Change India) wherein the Petitioner prayed for directions in the form of Mandamus directing the Respondents to implement strictly Section 34 (3) of J.J. Act, 2000 as amended in 2006, with respect to all Child Care Institutions whether run by NGOs or by Government Agencies such as Children Homes, Observation Homes, Reception Units, Orphanages and all those run by the Commissionerate for Welfare of Differently abled, Hindu Religious and Charitable Endowments Department, Adi-Dravidar and Tribal Welfare Department and other religious bodies in Tamil Nadu, within a fixed time frame and to close down immediately all those institutions that do not fulfill the registration criteria and violate provisions of J.J. Act and Rules. The Petition



further prayed for ensuring appropriate adequate and systematic rehabilitation from such closed sponsorship scheme, uniting them with their families and extending all assistance for continuation of their education through neighborhood schools.

- The NCPCR was impleaded as Respondent No. 7 in the matter vide the Hon'ble High Court Order dated 22.08.2014.

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

- Vide order dated 21.06.2016, the Government Pleader assured the Court that within 2 months the process of filling up of the post of Chairperson, SCPCR shall be completed. The Hon'ble Court granted the time and directed that in case the time schedule is not adhered to, the concerned Secretary to the Government shall remain present in the Court.
- Vide order dated 02.09.2016, the Hon'ble Court was of the view that the appointment prima facie appears to be in breach of the Affidavit furnished in the Court and thus directed to produce the records of recruitment process for scrutiny by the Court, where the Court will examine whether *suo moto Quo Warranto* petition should be issued questioning the appointment of the Chairperson in breach of the sworn Affidavit of the State Government.
- Vide order dated 04.11.2016, the Advocate General assured the Hon'ble Court that he will advise the Government appropriately and expects some solution to the position they are facing i.e. the process to be followed while filling the post of the Chairperson.
- Vide order dated 02.01.2017, the statement of Advocate General was taken on record that the State Government has taken considered decision to recall the order passed for appointing the Chairperson to TNSCPCR, whereafter the fresh applications would be processed. Further, it was pointed out that Rules under JJ Act were not framed by the State Government to which the Hon'ble Court directed taking of urgent steps in this behalf.
- Vide order dated 10.03.2017, the matter was posted for 1st week of June, 2017 as the Respondents required time to complete the process.

8.12 Sandeep Kumar Gupta Vs. Central Information Commission and Ors. CWP No. 20953 of 2014 before the Hon'ble Punjab and Haryana High Court

- An RTI was filed regarding information relating *inter alia* to the educational qualifications of the chairperson and members of NCPCR of all persons who held these positions since the Commission came into existence alongwith the certified copies of complaints received against Chairperson and Members, their assets and liabilities, etc. Besides, the RTI also sought details regarding a particular Child Labour Complaint and the Complaints of child labour in the State of Punjab/Haryana.
- The response/reply was provided to the applicant and was also allowed to inspect the records as the records were voluminous.



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

- Nothing much happened in the matter during the year. It was listed on 12.05.2016, 21.11.2016, 16.01.2017 but was adjourned on all the dates as the Petitioner did not appear in the matter even though Ld. Counsel for NCPCR was present.

8.13 Suo Moto Vs. State of Rajasthan & Ors., W.P (C) 99 of 2016 before the Hon'ble High Court of Rajasthan at Jaipur.

- The division bench of High Court of Rajasthan has taken suo-motu cognizance of the rise in incidents of suicides being committed by the students studying at various coaching institutions in Kota.
- The Commission got impleaded itself in the present matter on 23.08.2016 and was required to appear on the next date of hearing that was 26.09.2016.
- The case was subsequently listed for 09.11.2016, 19.01.2017, 16.02.2017, 20.02.2017 & 03.03.2017.



Chapter-9

Status of Complaints & Other Initiatives



Status of Complaints and Other Initiatives

9.0 NCPCR made a unique initiative 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 independently to NCPCR. The E-Box is displayed prominently on the Home Page of the Commission’s Website. Till 31.03.2017, a total of 287 hits were made on the E-Box. Out of these hits, 35 cases were found to be related to offences covered under POCSO Act 2012. NCPCR reviews the progress of cases covered under the POCSO Act, 2012 on weekly basis for timely action, due to which 22 cases out of 35 were disposed off till 31.03.2017. In 2 cases, considering the gravity of the complaints, NCPCR team was sent for fact finding which inquired into the matter and timely action was taken.

Besides, during the year 2016-17, Grievance Cell received 1461 Complaints. As against this, 1790 Complaints including those of the previous years were processed and disposed off (The number however, does not include Complaints relating to RTE and Health).

Grievance Cell (excluding RTE and Health)	
Status of Grievances during 2016-2017	
Fresh Complaints Received	Complaints Closed (including both fresh and pending Complaints)
1461	1790


9.1 Some cases of successful interventions by the Commission during the year are briefed below:

9.1.1 14 years old minor belonging to SC community was abused and threaten by villagers, FIR not registered by the Police

NCPCR received a complaint from Distt. Jaunpur on 7.4.2016 regarding a 14 years old boy belonging to SC community was abused and thrashed with lathies by some people of the same village on which FIR was not being registered by the police. The Commission took cognizance of the matter and wrote to District Magistrate, Jaunpur to inquire into the matter. On NCPCR’s intervention, the FIR was registered and after finding sufficient evidence against alleged accused the Charge Sheet was filed in the Court on 2.5.2016. Thus within a month of NCPCR taking up the matter necessary action pertaining to the case was taken by the concerned authorities to the relief of the complainant and the victim.

9.1.2 Abducted on the pretext of marriage, the minor was safely sent to the family

The Commission received a complaint from District Dhar of Madhya Pradesh on 30/03/2016. According to the complainant, her 15 year old minor daughter was kidnapped on the pretext of marriage. The Commission took cognizance on the matter and wrote to District Magistrate,



Dhar, Madhya Pradesh to trace the minor. Based on the rigorous follow-up by the Commission the victim was recovered from the accused on 31.07.2016 and her statement u/s 164 was recorded. The minor was handed over to her father.

9.1.3 NCPCR enabled a visually challenged minor boy to pursue his dreams

A 15-year-old visually challenged boy appeared before NCPCR in February 2017. NCPCR promptly contacted CHILDLINE and also wrote to Child Welfare Committee. With NCPCR's efforts, the boy, who was from a place near Nepal border was repatriated to the Antodaya Niketan Home with the directions of CWC, Kingsway Camp, Delhi. The Commission also encouraged the boy to pursue his studies further.

9.1.4 Return of a minor girl to her home in Surguja District , Chhattisgarh

An activist of Delhi based NGO informed the Commission in June 2016 about a girl of Chhattisgarh residing in a Children Home of Dilshad Garden, Delhi. It was informed that the girl could recall her home town and other vital information about her family. NCPCR immediately wrote to DM, Surguja, Chhattisgarh to make necessary arrangements to restore the girl to her parents. With the efforts of NCPCR the girl was united with her parents.

9.1.5 Acid-attack victim of a Govt. Senior Secondary School, provided Medical attention

NCPCR took suo-moto cognizance of a news report published in 'Tribune', Delhi in March, 2016. It was about acid-attack on five school girls from Government Senior Secondary School, Dera Baba Nanak, Punjab. The Commission wrote to SSP, Gurdaspur, Punjab to take urgent appropriate action in the matter. With the intervention of the Commission the victims had since been provided adequate medical treatment and all the accused were arrested.

9.1.6 Recovery of a girl kidnapped from Mandi, Himachal Pradesh

In February 2016, the Commission received a complaint about kidnapping of a minor girl from Mandi, Shimla. NCPCR wrote to Superintendent of Police, Shimla for taking suitable action for the recovery of the minor girl. The girl was recovered and handed over to her parents and three kidnapers were arrested.

9.1.7 Suo moto cognizance of the news paper report of Times of India dated 11.01.2017 'Alleging theft, passengers strip, assault ill girl on train'

NCPCR took suo moto cognizance of a newspaper report alleging theft by a teenager girl and passengers assaulting and striping her in the train near Agra. A team of NCPCR went to inquire into the matter on 13.01.2017 and found that the Tundla police kept the girl in jail without confirming her age. NCPCR team met the girl in Firozabad jail. On the intervention of NCPCR, the girl was released from the jail on the same day. She was counseled and sent to her parents' custody.



9.1.8 Complaint of gang sexual assault of 17 year old minor in Mewat

NCPCR took cognizance of a complaint of gang sexual assault of a 17 year old minor in Mewat. She was impregnated due to the forceful sexual assault for 8-9 months continuously.

An inquiry report was sought from SP, Mewat and CWC, Palwal. Child Welfare Committee was also directed to take care of newborn of the victim girl. The accused were arrested and an amount of Rs. One lakh was given to victim as compensation. CWC took care of newborn child and followed up for the adoption of the child.

9.1.9 Suo moto cognizance of the news paper report of The Shillong Times dated 01.10.2016

Member (Law), NCPCR during his visit to Tura town in Meghalaya took suo-moto cognizance of an incidence of sexual assault of a minor girl by Chemistry Teacher and Principal In-charge of Kendriya Vidyalaya. The Commission promptly intervened in the matter and the police was asked to register FIR under Sec. 6 & 7 of POCSO Act, 2012 and to arrest the accused. The Police took prompt action and arrested the accused without delay and due procedure of the POCSO Act was also followed in the matter.

9.1.10 Complaint of sexual assault of a minor by two lady cooks in Kasturba Gandhi Vidhyalaya in Hisar.

The Commission took cognizance of a complaint of sexual assault of a minor by lady cooks in Kasturba Gandhi Vidhyalaya in Hisar. A team of NCPCR visited the victim and recommended to the district administration to register a FIR against the accused. The matter was inquired in detail and security of the child was ensured by follow-up visits. Allegations of the victim against two lady cooks were ignored by school administration for a long time. However, the FIR was registered with Commission's intervention.

9.2 Other Initiatives:

9.2.1 Meeting of South Asia Initiative to End Violence against Children (SAIEVAC)

A three day meeting of South Asia Initiative to End Violence Against Children (SAIEVAC) was held in New Delhi to promote child rights and safety and security of children in the SAARC region. The meeting was organized by MWCD and attended by representatives from various Ministries and delegates from across the SAARC region. A presentation on the activities undertaken by the NCPCR was made by Chairperson, NCPCR.

9.2.2 National Plan of Action for Children (NPAC), 2016

MWCD sought comments/suggestions of NCPCR on draft National Plan of Action for Children (NPAC), 2016. The comments of NCPCR on the four identified Key Priorities as well as overall observations on the draft NPAC, 2016 were sent to MWCD on 21.04.2016.



9.2.3 Foundation Day of NCPCR

NCPCR celebrated its 10th Foundation Day on 5th March, 2017 at India International Center, New Delhi. Sh. Rajeev Chandrasekhar, Member of Parliament was the Chief Guest. Ms. Ruhana Khanna, Child Artist in TV serials also participated. Chairperson, NCPCR give a brief outline of the achievements by the Commission. A series of cultural programmes on Child Rights by children from various NGOs were performed. Winners of All India Short Film, Still Photography and Poster Competition were awarded. Screening of the winning short film was also held during the occasion.

9.2.4 Coordination with State Commissions

As per the CPCRA Act, 2005, the Commissions for Protection of Child Rights have been constituted in almost all the States of the country under section 17 of the Act and are functional.

NCPCR and State Commissions continue to work towards protection of rights of children through monitoring of effective implementation of laws, policies, programmes & grievance redressal mechanism. NCPCR created a common platform with State Commissions to deliberate on various issues concerning child rights and share information, challenges and best practices; to collectively suggest strategies to strengthen the monitoring process as mandated in the CPCRA Act.

During the year 2016-17, NCPCR organized a Conference with the State Commissions in September, 2016 at Mumbai to obtain synergy and smooth coordination between Commissions while dealing with the Child Rights issues and also shared common concerns, experiences and best practices. The views were shared and Members, NCPCR made presentations on their respective subjects. The consultation at Mumbai also resulted in formation of a dynamic, interactive and vibrant WhatsApp group with the State Commissions.

Based on the requests of State Commissions to enhance their capacity and understanding towards addressing to various issues relating to protection of child rights, NCPCR developed a Resource Book in English & Hindi in collaboration with UNICEF and through a participative approach with the State Commissions through seeking of comments and consultative meetings organized at NCPCR.

NCPCR organised a capacity development National Workshop on 'Protection of Child Rights' in collaboration with UNICEF on 17th -18th December, 2016 at Gurugram, Haryana wherein Chairpersons, all Members and Member Secretaries of State Commissions participated. The Hon'ble Justice M. Lokur, Supreme Court of India was the Chief Guest on the occasion. The Resource Book for SCPCRs was released by his Lordship during the Inaugural Session of the Workshop.

9.2.5 Activities carried out under IEC

In view of the need to create awareness among children as well as parents/guardians and gen-



eral public/community about child rights, awareness generation was carried out during the year 2016-17, through:


- An awareness campaign through All India Radio (FM Rainbow and Vividh Bharati) was undertaken from 13th-19th May, 2016 (one week) against substance abuse by children and their use in carrying, supplying, smuggling etc. of tobacco products and other intoxicants under provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. Subsequently, a similar campaign in 11 different regional languages was also aired on above said Radio channels between 12th -18th June, 2016.
- Concerned about vulnerability of the children and increasing number of cases of sexual abuse of children, 3 separate radio spots were aired through selected private FM channels of the National Capital Delhi from 23rd May, 2016 for a period of one week for creating awareness about the legal provisions of the POCSO Act, 2012.
- Advertisements through posters on the POCSO Act were carried out inside the coaches of selected Metro trains in Delhi for one month from 26th May 2016. The Metro train routes covered under this campaign included:
 - Dilshad Garden to Rithala (Red Line)
 - Dwarka to Noida City Centre (Blue Line)
 - Dwarka to Vaishali (Blue Line)
 - Jahangirpuri to Huda City Centre, Gurugram (Yellow Line)



- 2 Radio spots of 60 seconds duration having narrations by girl and boy child along with details of the POCSO e-box produced by NCPCR were broadcast over Vividhh Bharti channel (National) on 37 stations of AIR for one week starting from 26th October to 1st November, 2016.
- An animation film of 60 seconds to be broadcast on various TV channels was prepared and uploaded on YouTube channel of NCPCR for popularizing POCSO e-box.



Further, NCPCR contacted Cartoon Channels to broadcast the said animation film pro bono. The film was aired by M/s Turner International Company on their POGO and Cartoon Network Channels for a period of 3 months from 21st November, 2016.

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- NCPCR organized All India Short Film, Still Photography and Poster Competitions after wide publicity in national dailies, with the aim to recognize the creative efforts towards promotion and protection of Child Rights. Large number of entries were received from all over India which were shortlisted by the Jury constituted for the purpose and 3 winners from each category were selected. The winners were awarded during the celebration of 10th NCPCR's Foundation Day on 5th March, 2017.



Chapter-10

Rights of Children in North-East Region



10.0 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 practically tribal States. The region is generally considered to be a backward enclave in a progressing economy and one of the most challenging regions of the country to manage.

Concerning the issues relating to children of North-East, NCPCR created NE Cell in the Commission on 1st December 2012 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.

10.1 Major Activities undertaken during the year 2016-17

The Commission visited different parts of the north-east 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.

10.1.1 Meghalaya:

NCPCR Team lead by the Member (Law) and the Member (Education) visited Meghalaya on 29th-30th September, 2016:

- i. NCPCR in collaboration with Meghalaya SCPCR organised a district level Workshop on Juvenile Justice Act, POCSO Act, RTE Act and Child Rights on 30th September 2016 at Ampati, Meghalaya. The Workshop was attended by police officials, representatives of NGOs and officials of Social Welfare Department of the State. The Members, NCPCR attended the Workshop and oriented the participants on the newly enacted JJ Act.
- ii. The Member (Law), NCPCR took cognizance of a matter of sexual assault of two minor girls in Kendriya Vidyalaya by the School Principal and Computer Teacher in Tura, Meghalaya. On the intervention of NCPCR, the FIR was registered under Sections 6 & 7 of POCSO Act, 2012 and Offenders were arrested immediately.
- iii. The Members, NCPCR visited Girls Shelter Home, Aampati District of Meghalaya on 30.09.2016 to assess the situation of the Home and directed Superintendent of the Home to generate awareness on Child Rights among girls of the Hostel and nearby villages. The Team also held a meeting with the District Collector and officials of DCWO and DCPU and reviewed child rights issues. The team also interacted with children and made them aware about Child Rights, NCPCR and Childline Services (1098).

The Members, NCPCR also visited Girls Children Home at Tura District, Meghalaya and found irregularities in the records. The Team directed the Home's officials to maintain records according to the JJ Rules, 2016.



10.1.2 Restoration of trafficked tribal girls of Assam to Punjab and Gujarat.

In pursuance of the directions of Hon'ble Minister of Women and Child Development regarding trafficking of 31 tribal girls from different districts of Assam to Punjab and Gujarat, Member (Law) and Member (Education), NCPCR alongwith Chairperson, ASCPCR interacted with the parents of trafficked tribal girls from Assam to know their willingness to visit their children. As per the willingness shown by the parents, 4 parents were taken to Gujarat and 2 parents were taken to Patiala. However, none of the parents showed their willingness to take back their children.

10.1.3 Assam and Manipur:

The Member (Law) and the Member (Education) of the Commission visited Assam and Manipur on 4th - 5th October 2016 and held meetings with various State Departments and other stakeholders.

i. *Review meeting on 4th October 2016 in Guwahati, Assam*

A review meeting under the Chairpersonship of the Member (Law) and the Member (Education), NCPCR was organised by the Commission on 4th October 2016 in Guwahati, Assam to

review the status of children in the State. The meeting was attended by the Director of Social Welfare Department of Assam; Secretary, Minority Welfare Department; Secretary, Tribal Welfare Department; Deputy Commissioner (Labour Department) Assam; District level Stakeholders and District level officers; Members of the Juvenile Justice Board; Members of Child Welfare Committees and Senior Officials of administration. During the meeting, the Member (Law) sensitized all the participants on important sections of the J.J. and POCSO Acts. The Director, Social Welfare Department and Additional Director General of Police were asked to distribute copies of new J.J. Act, 2015 and JJ Rules, 2016 to all the employees of their departments, and to ensure proper implementation of the Act. The issues like registration of CCIs, use of substance abuse by children, eradication of child labour, training of stakeholders and awareness on Child Rights were also discussed.



ii. *Review meeting on 5th October 2016 in Imphal, Manipur*

The Member (Law) and the Member (Education) visited Imphal and participated in a meeting chaired by the Principal Secretary, Social Welfare Department of Manipur on 05.10.2016. The issues discussed related to Child Rights; review of implementation of JJ Act, POCSO Act and RTE Act; child trafficking; strengthening of child protection agencies and stakeholders and public hearing. The meeting also discussed in detail the modalities for organising public hearings with concerned authorities. The meeting was attended by different Child Protection Authorities of the State.





10.1.4 Tripura and Mizoram

A Team led by the Member (Law) and the Member (Education), NCPCR visited Tripura and Mizoram from 13th-15th January, 2017 to assess the situation of children of the displaced Bru/Reang primitive Tribes.

The Team camped for two days in relief camp in the interiors of North Tripura in Kanchanpur District. The Team assessed the status of children on education, health, nutrition and other issues of the Bru/Reang primitive tribes staying in relief camps of Naisingpara, Ashapara and Hamsapar.



During the visit, the Team held separate review meetings with the Secretaries/Senior Officials of State Government of Mizoram and Tripura along with district administration, on issues pertaining to Child Rights and Child Protection Mechanisms being adopted in the two States. The Meetings were held with Officials of State Departments of Education, SSA, Social Welfare, Home Affairs, Tribal Affairs, Minorities Affairs and Labour and Employment. The issues regarding out of school children, SABLA scheme, functioning of CCIs, training program on substance abuse, repatriation and rehabilitation of Bru/Reang displaced primitive tribe etc. were also discussed.

The Team also visited the NRSTCs Schools, Anganwadi Centers and Residential Hostel for Girls and interacted with children, teachers and AWC workers.

The Team met the Hon'ble Governor of Mizoram on 14th January 2017 and discussed the issues pertaining to rehabilitation and repatriation of children of Bru/Reang displaced primitive tribes, currently staying in relief camps of Tripura. The Members, NCPCR appraised the Hon'ble Governor regarding their observations and issues flagged with the State Governments of Mizoram and Tripura in review meetings. The Members also shared their interim recom-

mendations based on the visits to Tripura and Mizoram with the Hon'ble Governor. It was also requested by the Members that, to enable creation of an inclusive environment for children, National Flag may be hosted on 26th January, 2017 in temporary school (NRSTCs) of Bru/ Reang Camps.



Based on its observations, the Team made recommendations to the State Governments of Tripura and Mizoram.

10.1.5 Assam

The Member (Child Health) visited Assam from 18th to 22nd July 2016 to assess health care facilities for children, especially in tea gardens.

- i. The Member (Child Health), NCPCR along with Chairperson and Members of Assam SCPCR attended the meeting chaired by the District Collector, Sonitpur with district officials of Sonitpur, Assam on 19th July, 2016 at its office. The main agenda of the meeting was to discuss issues of child trafficking, child labour and violations of rights of children in tea gardens of Assam. The Meeting was also attended by District Education Officer, DCPO and representatives of Tea Garden Association, UNICEF Assam and other NGOs. The Member, NCPCR, shared the concept of Child Friendly Villages during the Meeting.

- ii. Visit to Observation Home and Children Home

The Member (Child Health), NCPCR along with a team visited Observation Home for Boys, Boko to assess the condition of children. The team members interacted with the children and staff of the Home and assessed various facilities of the Observation Home.

The Team visited Jalukbari State Home for Women and Children and village of Kokrajhar, Assam. The Team held discussions with children and villagers on various aspects of Child Rights and their protection and promotion.

The Team visited the Children Home run by NEDAN Foundation and held a meeting with representatives of the civil society organizations.

- iii. Meeting with Officials on Child Friendly Melas

The Member (Child Health), NCPCR attended a meeting with the Director of Social Welfare Department organised by the State Child Protection Society (SCPS) of Assam and held dis-

cussions with the Mela Committee of Poush Mela, Vishwabharti, Shantiniketan for making the Mela Child Friendly. The Member, NCPCR also shared the concept of Child Friendly Village. “Handbook on Child Rights” (in Assamese) and “A Report on Teacher’s Training Workshop on Child Rights” were released during the meeting.

10.1.6 State level Workshop with Adolescents on Protection of Child Rights

NCPCR in collaboration with the Assam SCPCR organised a two-days State level Workshop with Adolescents on Protection of Child Rights in Tea Gardens of Assam, with focus on the Plantation Labour Act, 1951 at District Shivsagar, Assam on 29th -30th August, 2016. The broad aim of the Workshop was to identify the gaps and challenges in addressing the rights of children and adolescents in tea gardens of Assam and come out with concrete recommendations and measures to ensure the survival, development, protection and participatory rights of the children and adolescents in the tea gardens of Assam and also that the mandates of the Plantation Labour Act, 1951 are implemented in consonance with these rights. The Workshop was attended by 150 children from tea garden areas of Assam.

10.1.7 Workshop at Guwahati

A workshop on J.J. Act, 2015 and RTE Act, 2009 was organized at Shilpgram, Assam in collaboration with the Assam SCPCR for NGOs/CSOs running children homes and hostels for children in Assam. The Workshop was attended by more than 150 participants which included staff of NGOs running hostels and homes for children in the State. The Member (Law) and the Member (Education), NCPCR also participated in the Workshop.

10.1.8 National level Conference on Protection of Child Rights in Tea Plantation of Assam

NCPCR in collaboration with Assam State Commission (ASCPCR), Department of Labour and Employment, Government of Assam and UNICEF organized a National level Conference on Protection of Child Rights in Tea Plantations of India, with focus on Assam on 4th – 5th November, 2016. The key objectives of the Conference were to:

- i. Converge all relevant stakeholders from six Tea growing States of India, namely, Assam, Kerala, Tamil Nadu, Karnataka, Tripura and West Bengal.
- ii. Deliberate on key issues impacting child rights in tea plantations of India;
- iii. Develop a 2 year plan to address the issues pertaining to the protection of child rights in tea plantations of Assam.

During the Conference, the recommendations from the ‘State Level Workshop with Adolescents in Tea Gardens of Assam’, held on 29- 30 August 2016 were presented and discussed.





10.1.9 Third Round Table Conference of North Eastern States and Sikkim

NCPCR was represented in two-days 'Third Round Table Conference of North Eastern States and Sikkim on Effective Implementation of Juvenile Justice (Care and Protection of Children) Act, 2015 with focus on rehabilitation services and linkages with POCSO Act, 2012 organised from 26th-27th November, 2016 at Guwahati, Assam. The Conference was attended by the Joint Secretary, MWCD, Judges from High Courts of Guwahati, Meghalaya, Tripura, Manipur, representatives from North East JJBs, Police Officers and persons responsible for implementation of JJ Act, 2015. The Conference was jointly organised by JJ Committee, Supreme Court of India, Assam High Court, UNICEF, and Assam SCPCR.



10.1.10 Recommendations to Commissioner/Secretary, Dept. of Elementary Education, Assam

On the basis of decisions taken in the Sub-Committee meeting of the Central Advisory Board on Education (CABE), held in Guwahati on 28.01.2017, NCPCR sent its recommendations to the Commissioner & Secretary, Department of Elementary Education, Govt. of Assam on 03.02.2017 to conduct proper mapping of Madarsas and children in Tea Garden areas; to amend Plantation Labour Act, 1951; and constitution of Madarsa Board; etc. (**Annexure-III**).



Chapter-11


Recommendations



11.0 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:

- 11.1 The Member (Education) participated in an ‘Inter-Ministerial Consultation on Education in the Union Budget 2017-18’ organised by NITI Aayog under the Chairpersonship of Principal Advisor, NITI Aayog on 20.03.2017. During the Consultation, the Member presented and submitted a document on NCPCR’s vision and recommendations on the inter-ministerial convergence. The detailed recommendations are available at <http://ncpcr.gov.in/recomendations>.
- 11.2 NCPCR organized a deliberation meeting on ‘Devising Pathways for Re-engaging Out of School Children’ on 4th-5th April, 2016 at Delhi. The meeting was held in collaboration with MHRD & NCERT and was attended by Members of CABE Sub-committee on Out-of-School Children, Secretaries, Departments of Education of States/UTs, representatives from SCERTs, Chairpersons/Members from SCPCRs and Ministry of Tribal Affairs etc. The key recommendations framed by NCPCR were sent to CABE Sub-committee Members and all SCPCRs on 01.08.2016. The same were also sent to Ministry of Labour and Employment. The detailed recommendations are available at <http://ncpcr.gov.in/recomendations>.
- 11.3 NCPCR forwarded its recommendations to Hon’ble Minister of HRD on 14.02.2017 on various Child Rights issues with special focus on Education and implementation of RTE Act, 2009, in North Eastern States (Assam, Mizoram, Manipur, Tripura and Meghalaya) as emerged in review meetings held by the Commission in the respective States. (Annexure- I)
- 11.4 NCPCR based on the review meetings held with various stakeholders on 04.11.2016, recommended to Assam Government on 17.11.2016 on various issues concerning child rights with special focus on Education, Health and aspects of child protection. (Annexure-II)
- 11.5 On the basis of decisions taken in the Sub-Committee meeting of the Central Advisory Board on Education (CABE), held in Guwahati on 28.01.2017, NCPCR sent its recommendations to the Commissioner & Secretary, Department of Elementary Education, Govt. of Assam on 03.02.2017 to conduct proper mapping of Madarsas and children in Tea Garden areas; to amend Plantation Labour Act, 1951; and constitution of Madarsa Board; etc. (Annexure-III).
- 11.6 NCPCR in connection with a suo-motu recommended to CBSE to exempt the children of martyred soldiers Sunil Kumar Vidhyarthi from appearing in the ongoing examinations. Besides, it was also recommended that CBSE may issue a circular exempting children of other martyred



soldiers also from the ongoing examinations who are studying in schools (Annexure-IV).

- 11.7 NCPCR took cognizance of the study conducted by the ASSOCHAM highlighting the adverse effects of heavy school bags that children have to carry everyday to school as well as representations received from parents in this regard. NCPCR recommended to Principal Secretaries (School Education/Education) of all States/UTs to take the suggestive measures to address the problem at a larger level (Annexure-V).
- 11.8 In order to mobilize impact on the issue of 'Out of School Children' and initiate affirmative action for prevention and re-engagement of the out of school children, the Commission recommended to all States to amend their Elective Rules of the Urban Local Bodies and Panchayat Raj Institutions (PRIs), to make a mandatory provision for every candidate desirous of contesting these elections, whose children/wards are in the school going age group of 6-14 years, to submit a signed certificate from the concerned School's Principal that their ward/s are enrolled and regular in attending schools. It was anticipated that such an amendment would facilitate increased interaction of the contesting candidates with schools and enable them to understand the issues faced by the schools (Annexure-VI).
- 11.9 The Commission recommended to Hon'ble Minister of Panchayati Raj and State Secretaries to amend elective rules of urban local bodies & PRI to make it mandatory to send their children to school for contesting elections (Annexure-VI).
- 11.10 NCPCR requested to Hon'ble Minister WCD on 26.05.2016 that the Ministry of WCD may take up through State Departments of Women and Child Development that all children in pre-primary education after attaining 6 years of age do not drop out and become a part of primary education system. At the instance of NCPCR, the MWCD wrote to Principal Secretaries (Education) of all States/UTs to direct the concerned officers of the States/UTs Department of Women and child Development to mobilize the grass root functionaries to take necessary actions for sensitizing the parents and Anganwadi Workers who can work in convergence with primary school teachers for enrollment of children in primary school at the age of 6 years (Annexure-VIII).
- 11.11 In order to equip teachers to deal with the cases of safety of children and child rights issues, NCPCR suggested to the National Council for Teacher Education (NCTE), to include 'Child Rights' in the existing curriculum of teacher-training. The suggestion was agreed to by NCTE (Annexure-IX).
- 11.12 NCPCR recommended to Principal Secretaries, Education of all States/UTs to direct the State Education Boards to follow the guidelines of FSSAI for 'Making available Wholesome, Nutritious, Safe and Hygienic Food to School Children in India' to prohibit junk food in schools (Annexure-X).
- 11.13 In order to prevent the children from discontinuing their studies, NCPCR recommended to the Chief Secretaries of all States that children of such families who lost their earning member and studying in private schools should be notified under EWS category as per section 2(d) and 2(e)



of RTE Act, 2009. The provision should also be extended to children of deceased soldiers of defence forces as well (Annexure-XII).

- 11.14 The Commission took suo-motu cognizance of the newspaper reports about a number of newborn deaths reported in Jawaharlal Nehru Hospital, Ajmer, Rajasthan. A Team led by Ms. Rupa Kapoor, Member Child Health, NCPCR visited Ajmer from 24th to 26th May, 2016 to inquire into the matter. The Commission sent its recommendations to the State Government and District Administration vide letter date 26/07/2016 to take necessary measures in the matter. (Annexure-XVI)

An Action Taken Report was received from the Principal Secretary, Department of Health, Rajasthan on 7/9/2016. The Report was found to be satisfactory.

- 11.15 NCPCR took cognizance of the matter of trafficking of infants in West Bengal and the Member (Child Health) went for the Inquiry from 29th and 30th November'16. Based on the observations during course of the Inquiry, a letter was sent to the Chief Secretary, Government of West Bengal along with the recommendations vide letter dated 09/12/2016. (Annexure-XVII).

An Action Taken Report was received from the Chief Medical Officer, North 24 Parganas on 21/12/2016. The Report was found to be satisfactory.

- 11.16 The National Commission for Protection of Child Rights took suo-moto cognizance of a newspaper report about death of 12 children in Nagada village, located in the forests of Odisha's Jajpur District. A team led by the Member (Child Health), NCPCR along with Members from Odisha SCPCR went for Inquiry into the matter from 9th-10th August, 2016. NCPCR sent its recommendations to the State Government vide its letter dated 29/09/2016 (Annexure-XVIII).

A report was received from District Magistrate, Jajpur, Odisha.


- 11.17 The Commission also took suo-moto cognizance of the newspaper report of death of 26 children in government run tribal residential school in Telangana since 2014. A Team led by the Member, Child Health, NCPCR visited three tribal residential schools in Khammam District, Hyderabad from 24th to 25th August, 2016. The Team also visited two residential schools for Girls and one residential school for Boys. NCPCR sent its recommendations to the State Government vide letter dated 28/09/2016(Annexure-XIX).

The Action Taken Report has not been received by the Commission.

- 11.18 A Team led by the Member (Child Health), NCPCR, visited Varanasi, Uttar Pradesh from 5th May 2016 to 7th May, 2016 to assess condition of children's health, Anganwadi Centres, Child Care Institutions. On the basis of Team's observations, a letter was sent to the Chief Secretary, Government of Uttar Pradesh on 06/06/2016 by NCPCR with specific recommendations for AWCs/ICDS, Child Care Institutions/ICPS (Annexure- XX).

An Action Taken Report was received from the District Magistrate, Varanasi on 17.08.2016. The Report was found to be satisfactory.

- 11.19 The Member (Child Health) visited Visakhapatnam and Vijayawada from 4th to 6th August



2016. The main objective of the visit was to share the Child Friendly Mela concept with the concerned stakeholders and to determine whether Krishna Pushkaram Mela could be India's first Child Friendly Mela at Vijaywada and to assess the situation of children in CCIs and Anganwadi Centres. NCPCR sent its Recommendations to the State Government vide letter dated 20/09/2016 (Annexure-XXI). The Action Taken Report has not been received by the Commission.

11.20 A Team led by Member (Child Health), NCPCR visited Assam from 18th July to 22nd July, 2016. The purpose of the visit was to assess the situation of children in tea gardens in the State of Assam. NCPCR sent its recommendations to the State Government vide its letter dated 21/09/2016 (Annexure-XXII). The Action Taken Report has not been received by the Commission.

11.21 The Commission took suo-moto cognizance of the newspaper report about serious breach of security in Government Observation Home situated at Suraj Kund, Meerut, U.P. A team led by Member (Law), NCPCR visited the said Home on 4.5.2016 to enquire into the matter. Based on the observations made by the team, the Commission sent its recommendations to Chief Secretary vide letter dated 9.05.2016. (Annexure-XXIII)

An action taken report was received from the Women Welfare Department, Uttar Pradesh on 10.03.2017. The Report was found to be satisfactory.

11.22 Member (Law), NCPCR visited Karok Observation and Juvenile Home for Boys, Jalpaigudi, Darjeling and Coochbergon 7.03.2017 and took cognizance of irregularities found at the Home. Based on the observations made during the visit, the Commission sent its recommendations to Secretary, Department of Women and Child Development and Social Welfare, West Bengal vide letter dated 17.3.2017 to take necessary action in the matter.

An action taken report was received from the State Dept. of WCD and the Report was found to be satisfactory (Annexure- XXIV).

11.23 Member (Law), NCPCR made a surprise visit to Children Home run by Sanghmitra Memorial Trust at Domohi, Jalpaigudi, West Bengal on 8th March 2017. It was found that that children home was illegal and the building was in pathetic condition. The Children Home did not have the minimum basic amenities required for the children. Based on the observation, the Commission sent its recommendations to the district administration vide letter dated 17.03.2017 with the directions to close the Home (Annexure-XV).

An action taken report was received from District Magistrate stating that the Home was being closed.

10.24 Member (Law), NCPCR held meetings with various stakeholders in Delhi regarding Child Begging and sent recommendations to Chief Secretary and Lt. Governor vide letter dated 19.07.2016 and 22.07.2016 to take suggestive measures to address the problem and take necessary action. Action taken report was received by the Commission (Annexure-XXVI).



Chapter-12

Official Language



12.0 Use of Official Language in Activities of the Commission

For proper implementation of the Official Language Act, 1963, Official Language Rules, 1976 and to encourage greater use of the Official Language in the Commission, an Official Language Implementation Committee has been set up which periodically reviews and assesses the progress of use of Hindi in Commission.

Hindi Pakhwada (fortnight) was organised in the Commission from 16th -30th September, 2016 during which Hindi Dictation (for Group 'D' employees only) competition, Hindi Essay competition, Hindi Noting and Drafting competition and Administrative Glossary and Administrative Translation competitions were organized and the winners thereof rewarded.



Consolidated Financial Statement 2016 - 17

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 2017

(Amount in Rs.)

CORPUS/CAPTIAL FUND AND LIABILITIES	Schedule	Current Year	Previous Year
CORPUS/CAPTIAL FUND	1	130,892,059.21	63,632,949.46
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	1,157,872.50	3,869,340.00
TOTAL		132,247,931.71	67,700,289.46
ASSETS			
FIXED ASSETS	8	8,334,017.00	10,382,374.00
INVESTMENTS - FROM EARMARKED FUNDS	9	-	-
INVESTMENTS - OTHERS	10	-	-
CURRENT ASSETS, LOANS, ADVANCES ETC.	11	123,913,914.71	57,317,915.46
MISCELLANEOUS EXPENDITURE (to the extent not written off or adjusted)		-	-
TOTAL		132,247,931.71	67,700,289.46
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		




 एस. के. पाल
 S. K. PAL
 लेखाधिकारी
 Accounts Officer


 गीता नारायण GEETA NARAYAN
 सदस्य सचिव/Member Secretary
 राष्ट्रीय बाल अधिकार संरक्षण आयोग
 National Commission for Protection of Child Rights
 महिला एवं बाल विकास मंत्रालय
 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, 2017

(Amount in Rs.)

INCOME	Schedule	Current Year	Previous Year
Income from Sales / Services	12	-	-
Grants / Subsidies	13	189,303,200.00	112,734,900.00
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	1,656,474.00	1,318,365.00
Other Income	18	9,456.00	61,197.65
Increase/(decrease) in stock of Finished goods and works-in-progress	19	-	-
TOTAL (A)		190,969,130.00	114,114,462.65
EXPENDITURE			
Establishment Expenses	20	16,616,197.00	12,358,862.00
Office & Other Administrative Expenses etc.	21	105,041,608.25	99,392,196.64
Expenditure on Grants, Subsidies etc.	22	-	-
Interest	23	-	-
Depreciation (Net Total at the year-end) (Corresponding to Schedule 8)		2,052,215.10	1,838,821.00
TOTAL (B)		123,710,020.35	113,589,879.64
Balance being excess of Income/(Expenses) over Expenditure/Income (A-B)		67,259,109.65	524,583.01
Transfer to Special Reserve (Specity each)			
Transfer to / from General Reserve			
BALANCE BEING SURPLUS/(DEFICIT) CARRIED TO CORPUS / CAPITAL FUND		67,259,109.65	524,583.01
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		

एस. के. पाल
S. K. PAL
लेखाधिकारी
Accounts Officer



गीता नारायण / GEETA NARAYAN
सदस्य / Member Secretary
राष्ट्रीय बाल अधिकार संरक्षण आयोग
National Commission for Protection of Child Rights
महिला एवं बाल विकास मंत्रालय
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
RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 31ST MARCH, 2017

RECEIPTS	Current Year	Previous Year	PAYMENTS	Current Year	Previous Year
(I) Opening Balances:			(I) Expenses:		
a) Cash in hand (including Imprest)	300.00		a) Establishment Expenses	16,616,197.00	12,558,862.00
b) Bank Balances			b) Office & Other Administration Expenses	107,713,680.75	95,797,801.63
(II) In current accounts (unspent bal.)	12,300.00	12,300.00	c) Expense on Grant & Subsidies etc.		
(III) In deposit accounts	14,141,042.47	37,987,896.45	d) TDS & Other payable amount of last year		
Adjustment of previous year advance			(II) Payments made against funds for various projects:		
(III) Grants Received:			Out of Earmarked/Endowment funds		
a) From Government of India:-			(Unicef India)		
For Capital & Revenue Expenses	189,303,200.00	112,754,900.00	Nasal Management Division		
b) From State Government			MHA (Grant for Kohrahar & Chitang)		
c) From other sources (Unicef India)			Grant Refund to Government of India		
d) From Nasal Management Division			(III) Investments and deposits made:		
e) MHA Grant for Kohrahar & Chitang			a) Out of Earmarked/Endowment funds		
(III) Income on Investments from:			b) Out of Own Funds (Investments-others)		
a) Earmarked/Endow. Funds			(IV) Expenditure on Fixed Assets & Capital Work-in-Progress:		
b) Own Funds (Oth. Investment)			a) Purchase of Fixed Assets	627,519.00	5,873,104.00
(IV) Interest Received:			by Exp. On Capital Work-in-progress		
a) On Bank deposits	1,656,474.00	1,318,365.00	(V) Loans & Advances:		
b) Loans, Advances etc.			a) To the Government of India		
(V) Other Income (Specify):			b) To the State Government		
RTI Fee Received	2,310.00	40.00	c) To others	21,995,538.00	23,922,249.00
Reimbursement expenses			d) Recovered & paid to parent office		
Sale of old News papers and Magazines			e) To Security Deposit		9,000.00
Tender Money			(VI) Finance Charges (Interest):		
Security Money Received			(VII) Other Payments (Specify):		
Security Deposit (Phone) Return			Payment for State Cheque		
Refund Of Grant	15,390.00		Security Money refunded		
Core Activities for State Representative	7,146.00	60,157.65	Sundry Creditors		
Other			NCPDR		
(VII) Amount Borrowed:			Other Payables		
NCPDR			(VIII) Closing Balances:		
(VIII) Other Receipts			a) Cash in hand (including Imprest)		
Advances Recovered			b) Bank Balances:-		300.00
Receipts from State Cheque			(i) In current accounts	12,300.00	12,300.00
			(ii) In deposit accounts	58,258,727.72	14,141,042.47
TOTAL	205,138,162.47	152,114,659.10	TOTAL	205,138,162.47	152,114,659.10



श्रीता नारायण GEETA NARAYAN
सदस्य एवं सदस्य सचिव
राष्ट्रीय प्रति संरक्षण समिति
National Commission for Protection of Child Rights
नई दिल्ली, भारत
Ministry of Women & Child Development
सदस्य सचिव एवं सचिव
Ministry of Women & Child Development
New Delhi

S. K. PAL
लघुसचिव
Accounts Officer



Audit Certificate

2016-17

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

दूरआवाज/Phone: 011-23454329 फैक्स/Fax 23702271 ईमेल / Email: amg3hq@gmail.com

संख्या/No. AMG-III/4-100/SAR/NCPCR/2017-18/1646

दिनांक/Dated: 22.12.2017

सेवा में

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

विषय: वर्ष 2016-2017 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 2016-2017 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 सदन के अगले प्रस्तुत होने 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 कार्य को आपका 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।"

अनुलग्नक : यथोपरि

भवदीय

हरिता /

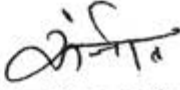
निदेशक (ए.एम.जी.-III)

संख्या/No. AMG-III/4-100/SAR/NCPCR/2017-18/1647 दिनांक/Dated 22.12.2017

प्रतिलिपि: गीता नारायण, सदस्य सचिव, राष्ट्रीय बाल अधिकार संरक्षण आयोग, पांचवा तल, चंद्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली -110001 लेखापरीक्षा प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र की प्रति आवश्यक कार्यवाही हेतु अग्रेषित 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 2017**

We have audited the attached Balance Sheet of the National Commission for Protection of Child Right (NCPCR), New Delhi as at 31 March 2017, 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 & Payment 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. 13.09 crore

A.1.1.1 NCPDR transferred the excess of Income over Expenditure relating to 'Right to Education Scheme' to the Capital Fund (Schedule-1) instead of 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
Net impact		0.79

This has resulted in overstatement of Capital Fund and understatement of Earmarked Funds by Rs. 0.79 crore as at 31 March 2017. This was reported in the previous years' report but the remedial action was not taken.

A.1.1.2 Ministry of Women and Child Development released an amount of Rs. 4.38 crore to NCPDR for specific purpose (inspection of homes by Childline India Foundation) during 2016-17. Out of this, Rs. 1.65 crore was released to the Foundation during 2016-17. The balance of Rs. 2.73 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. 2.73 crore.

A.1.2 Current Liabilities & Provision (Schedule-7): Rs. 11.58 lakh

A.1.2.1 Stale cheques amounting to Rs. 21.20 lakh were not written back in accounts. This has resulted in understatement of Current Assets (Bank balance) and Liabilities (creditors) by Rs. 21.20 lakh.

A.1.2.2 41 computers amounting to Rs. 22.13 lakh were procured in June 2016 and were entered in the stock register. The payment was not made in the year 2016-17. Audit noted that these computers were not accounted for in the annual accounts i.e. neither these were taken as assets nor liability for outstanding payment was created. Consequently, depreciation amounting to Rs. 13.28 lakh was also not charged. This resulted in understatement of Liabilities by Rs. 22.13 lakh, understatement of Fixed Assets by Rs. 8.85 lakh and understatement of expenditure by Rs. 13.28 lakh.

B. Income and Expenditure Account

B.1 Expenditure

B.1.1 Salary and wages for the month of March 2017 amounting to Rs. 23.60 lakh was paid in April 2017. However, this was not depicted as liabilities in the annual account as of 31.03.2017. This resulted in understatement of Expenditure as well as Current Liabilities by the like amount.

B.1.2 An amount of Rs. 0.72 lakh depicted as closing stock of stationery whereas as per register of stationery items, the amount was Rs. 1.31 lakh. This has resulted in overstatement of Expenditure as well as understatement of Assets by Rs. 0.59 lakh.

C. General:

C.1 Advances of Rs. 5.69 lakh pertaining to the period from 2007-08 to 2011-12 were pending for adjustment as of 31 March 2017. Similarly, imprest amounting to Rs.

0.11 lakh was outstanding since April 2013 had not been adjusted till 31 March 2017. The long pending advances lying unadjusted need to be reviewed and settled. This was also pointed out in previous year's report but remedial action was not taken.

D. Grants-in-aid

The grants-in-aid received by NCPCR during 2016-17 and utilization thereof are given below:

Head of account	GIA received	Unspent balance of previous year	Internal receipt ^s	Total funds available	<i>(Rs. in lakh)</i>	
					Utilization of funds	Unspent funds
General Grant - NCPCR (M/o WCD)	1400.76	99.03	15.18	1514.97	1055.61	459.36
NER (M/o WCD)	95.00	35.62	-	130.62	58.95*	71.57
RTE (M/o HRD)	397.27	6.76	1.63	405.66	354.10	51.56
Total	1893.03	141.41	16.81	2051.25	1468.66	582.59

*including Rs. 35.62 lakh transferred from NER grant to general grant.

NCPCR had unspent balance of Rs. 582.59 lakh at the end of the financial year 2016-17.

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.

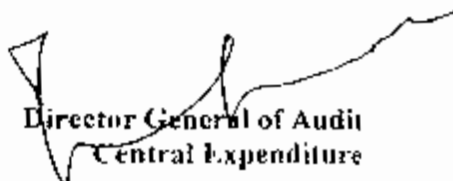
vi. In our opinion and to the best of our information and according to the explanations given to us, the said financial statements read together with the Accounting Policies and Notes on Accounts and subject to the significant matters stated above and other matters mentioned in Annexure to this Separate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

- In so far as it relates to the Balance Sheet, of the state of affairs of National Commission for Protection of Child Rights as at 31 March 2017; and
- In so far as it relates to Income & Expenditure Account of the surplus for the year ended on that date.

For and on behalf of C& AG of India

Place: New Delhi

Date: 22.12.2017


Director General of Audit
Central Expenditure

Annexure

1. Adequacy of internal audit system

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

2. Adequacy of Internal control System

- Cuttings/overwriting were found on many pages in the cash book. These were not found attested. Certificate of monthly closing balances were not recorded. Surprise check of cash was never conducted. An amount of Rs. 2289 received on 13.4.2017 but was entered in the cash book on 29.4.2017.
- Three posts of Members were vacant since November 2013.
- Grants in Aid Register, Security Deposit Register, Investment Register and Expenditure Control Register were not maintained.
- Books amounting to Rs. 0.16 lakh were purchased during the year 2016-17 but in the accession register, an amount of Rs. 0.03 lakh was found entered.
- 14 external audit paras pertaining to the period 2007-08 to 2013-14 were outstanding.
- During physical verification of fixed assets, many items were found missing. Even the Annexure (of fixed assets) appended with annual accounts did not give complete details of assets.
- Closing stock of stationary valuing Rs. 0.72 lakh was shown in Schedule-11, however, as per details in the Stock Register it was Rs. 1.31 lakh.
- Advances were pending for as long as 2007-08. Despite being pointed out in previous year's report, remedial action was not taken.
- There is a difference of Rs. 165 in schedule 1 (Capital fund) and schedule 8 (Fixed Assets) as per details given below:

(Amount in Rs.)						
Schedule	Bal Bandhu	RTE	NCPCR	Total	Figures depicted in consolidated accounts	Difference
	1	2	3	4 (1+2+3)	5	6 (5-4)
Sch. 1	9650.00	7998552.41	122883691.80	130891894.21	130892059.21	165.00
Sch. 8	0.00	714562.00	7619290.00	8333852.00	8334017.00	165.00

The difference in figures needs to be reconciled.

- Amounts were not rounded off to the nearest rupee.
- In Schedule 20 (Establishment expenses), the grand totals were not depicted.

3. System of physical verification of fixed assets

- Physical verification of fixed assets was conducted up to December 2016. However, fixed assets registers maintained by NCPDR did not depict the details of all the items shown in the accounts.
- NCPDR had fixed assets of Rs. 83.34 lakh as on 31 March 2017 but the registers maintained did not depict details of all the items shown in the accounts. During physical verification in October 2015, Fixed assets worth Rs. 4.72 lakh were found missing. No action was taken by NCPDR in this regard despite being pointed out in previous year's report. Further in 'Schedule 8-Fixed Assets' appended to Annual accounts relating to NCPDR, an amount of Rs. 6.03 lakh was depicted under computer/peripherals whereas in the details appended with annual accounts, the figure was Rs. 5.51 lakh. This needs to be reconciled.

4. System of physical verification of inventory

- The physical verification of library books and other consumable items was conducted up to December 2016.

5. Regularity in payment of dues

- An amount of Rs. 0.69 lakh was outstanding on account of statutory dues for more than six months as on 31 March 2017.



Annexures



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

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



D. O. No: 2506/02/2015/NCPCR-RTE/NE/SIS 73
Date: 14/02/2017

Respected Sir,

Kind reference is invited to recent re-view meetings held by the Commission in North Eastern States viz. Assam, Manipur, Meghalaya, Mizoram and Tripura to assess status of issues related to child rights and child protection, with special focus on Education and implementation of the RTE Act, 2009. Based on the key issues emerging from the re-view meetings, the recommendations of the Commission are as follows;

1) Sanctioning of 24 KGBVs in Assam:

There are 88 EBB Blocks in Assam. Total 81 KGBVs were sanctioned for the State of Assam. Currently out of these 81 KGBVs only 57 KGBVs have been set up as yet. The remaining 24 KGBVs need to be established urgently to counter the issue of Out of School Children.

2) Setting up of more residential/hostel facilities under SSA in Assam

In view of low enrolment ratio of boys in schools, as compared to girls, more residential facilities like Hostels under SSA are required for boys in the State of Assam to bring parity. Currently, as per the data, there are 18,800 residential facilities sanctioned under SSA in Arunachal Pradesh while only 200 in Assam. Hence, there is a need to establish more RSICs, especially in the Tea Garden areas since RTE is not getting effectively implemented due to gaps in Plantation and Labour Act, 1951. Also, under SSA framework for implementation 2009 (2.5.4) there is a provision for building Hostels for sparsely populated, hilly/forested terrains for urban deprived children, street children without adult protection.

Currently various schemes in various Ministries of Government of India for creation of Residential/ Hostel for children. Hence, it is requested to depute a special dedicated officer /coordinator/cell to bring convergence between various legislations, schemes under various such Ministries viz. Social Justice and Empowerment, Tribal Affairs, Minority Affairs, Labour and Employment.

3) Amendment in Plantations and Labour Act 2009.

Ministry of HRD may recommend to Ministry of Labour and Employment for a review of Plantation and Labour Act, 1951 and necessary amendments thereof to fill the gaps in the said Act pertain to RTE Act, 2009.

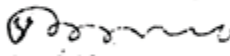
4) Provisioning of Educational Facilities for Bru/Reang Displaced Primitive Tribe Children after Repatriation to Mizoram from Tripura:

MHA is in process of repatriation of displaced Bru/Reang primitive tribes from Tripura to Mizoram. It is requested that MHRD may converge with MHA during this process and the said children of Bru/Reang Primitive Tribes should be provided with requisite school infrastructure, teachers, medium of instruction in their mother tongue language by the Mizoram Government post repatriation. An additional PAB may be provisioned for allocating additional funds for the State of Mizoram for this purpose. It is also requested that Government of Mizoram and MHA is in process of identifying villages for repatriation of the said tribes, MHRD may initiate creation of JNVS, KGBVs and KVs for these children.

- 5) Functioning and Status of Govt. aided Schools and Hostels run by NGOs and KGBV in the State of Meghalaya should be reviewed. Also, special emphasis may be given for provisioning of language teachers in Meghalaya.
- 6) It is requested to identify places for establishment of Pota Cabin Schools in North Eastern States.

With regards,

Yours sincerely,


(Priyank Kanoongo)
Member Education

Shri Prakash Javadekar,
Hon'ble Minister,
Ministry of Human and Resource Development (MHRD),
Shastri Bhawan, Rafi Marg,
New Delhi - 110001.



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

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NEW DELHI-110 001



DO. No.25020/01/2016-17/NCPCR/RTE/48155
Dated: 17/11/2016

Dear Sir,

Reference is invited to the "review meeting" with various stakeholders viz. Departments of Education (Axom, SSA Mission), Social Welfare, Tribal Affairs, Minority Affairs, Labour and Employment, Social Justice and Empowerment, Home Affairs, SCPCR, CWCs, JJBs and other Senior officers of Government of Assam, held by NCPCR on the 4th October 2016 at Administrative Staff College, Khanapara, Guwahati to review and assess the situation of issues pertaining to child rights with a special focus on Education, Health and aspects of Child Protection

As an outcome of the meeting, the key recommendations of the Commission to Government of Assam are as follows;

1. The recommendations made by the Commission of Out of School Children (OoSC) be adopted by the State Government of Assam. Relevant notification be issued by the Department of Education and other concerned departments accordingly. (Copy of recommendations enclosed as Annexure A)
2. The Director, SWD may record the number of beneficiaries under SABLA and take measures to re-engage the children from 11-14 years in the schools and reconcile the data available since as per SSA- approx 1,13,000 children are school going adolescence girls and 74727 of SW- SABLA. The children's data need to be compiled for justification and report of the same be shared with NCPCR at the earliest.
3. A workshop should be organised for sensitisation of NGOs engaged in running Children Homes and Hostels on new JJ Act, 2015. NCPCR shall initiate this process in co-ordination with Assam SCPCR/ SWD.
4. Establishment of Hostel facilities for boys in districts with high migrant labour to prevent drop-outs.
5. The Commissioner & Secretary, Minority Welfare Department to implement the Maulana Kalam Azad Education Foundation scheme in the State for the better upliftment of the minority students.
6. The Commissioner & Secretary, Minority Welfare may collect proposals within a month from various NGOs to build hostels for the minority students of the state and appraise the Commission regarding the action taken.
7. A Madarsa Board be constituted for all the Madarasas of the State in convergence with the Education Department.
8. NCPCR has already made a recommendation to the 64th CABE Committee regarding reviewing the status of KGBV schools in Assam. The State Government of Assam may follow up with MHRD to sanction and release funds for the said purpose as there are only 57 existing KGBVs as compared 81 sanctioned in Assam.

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

9. A "Special Purpose Vehicle (SPV)" be established by the Government of Assam through convergence between different departments such as School Education, Social Welfare, Tribal Affairs, Minority Affairs, Social Justice and Empowerment. The functions of the said SPV would be as follows;
- Take CSR funding and build Hostels for children. The said Hostels may subsequently be handed over to concerned Government Department for its functioning and operationalisation.
 - Take CSR funding and facilitate NGOs to build and run such Hostels through the said funding.
 - Explore various modalities for obtaining CSR funds for the said purpose of building Hostels for Children of Assam.
 - Explore the possibilities to extend the Hostel facilities for all segments including migrant children.

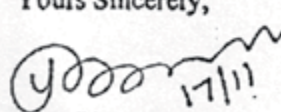
NCPCR shall facilitate the CSR funding as monitoring authority for said activities of State Governments' SPV for creation of Hostel facilities for children.

- If the State Government comes forward seeking CSR funding for increasing Hostel facilities, the NCPCR shall facilitate such process.
- The Commissioner, Tribal Welfare to go through all the schemes to build hostels for tribal students both for pre-metric and post-metric hostels and partner with NGOs working in this field to build the hostels. Publish advertisement and collect proposals from various NGOs to build hostels in this regard
- Uniform from SSA to be provided to those children who are staying in CCIs of Assam.
- The Director, Social Welfare to expedite the advertisement for the vacant posts of Assam State Commission for Protection of Child Right.
- The Mission Director, SSA may cover all the flood affected children and drought affected children for providing free education.
- The Director, Social Welfare Department may expedite mapping of all children of Child Care Institutions (CCIs) to be done under Household Survey.
- The Director, Social Welfare may distribute a copy of the JJ Act 2015 and the new JJ Rule to all the functionaries and Stakeholders under ICPS. The Additional Director General of Police may distribute the new JJ Act, 2015 and new JJ Rule to all its functionaries.

An Action Taken Report w.r.t the above mentioned recommendations made by NCPCR be please shared with the Commission within 30 days of receipt of this letter

Thanking you,

Yours Sincerely,


(Priyank Kanoongo)

Shri V.K. Piperseina (IAS)
Chief Secretary
Government of Assam, Block-C, 3rd Floor, Assam
Sachivalaya, Dispur-781006
Tel: 0361-2261120 2261403 2261120 2261430



Copy to:

1. **Shri Pritom Saikia**, Commissioner cum Secretary, Education , Government of Assam
2. **Shri Ravi Capoor**, Additional Chief Secretary, Department of Social Welfare , Block D, 2nd Floor Assam Secretariat, Dispur , Guwahti 781006 Assam.
3. **Shri Rajiv Kumar Bora, (IAS)** Additional Chief Secretary, Department of Department of Plain Tribal and Backward Classes, Government of Assam, A Block, 4th Floor Assam Secretariat, Dispur Guwahati 781006. Phone No: 0361-2237329, Fax No 361-2237018 Email ID: rajivbora@yahoo.com
4. **Shri K.B. Epen, (IAS)** Additional Chief Secretary, Department of Labour and Empowerment, Government of Assam, Block D, 4th Floor Assam Secretariat Dispur Guwahati-781006 Phone No: 0361-2237273 , Email ID kbepon@nic.in
5. **Smt. T.Y Das, (IAS)** Additional Chief Secretary, Department of Home Affairs, Government of Assam, Room No 218, Block D Assam Secretariat Dispur Guwahati - 781006 Email Id ty.das@nic.in Telefax No: 0361-2237032.
6. **Shri Rajesh Prasad**, Commissioner-cum-Secretary, Department of Minority Affairs, Government of Assam C Block 3rd Floor Assam Secretariat Dispur Guwahati -781006 Phone No : 0361-2237006, Email ID : fcsassam@gmail.com
7. **Smt. Runumi Gogoi**, Chairperson I/c, Assam State Commission of Protection of Child Rights (ASCPCR Jayanagar, Six Mile, P.O. Khanapara Guwahati-22, Assam.

-Sd/
(Priyank Kanoongo)
Member, Education
NCPCR



प्रियंक कानूंगो
Priyank Kanoongo
सदस्य
Member

सत्यमेव जयते

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



DO. No.25020/01/2016-17/NCPCR/RTE/51213
Dated: 03/02/2017

Dear Sh. Saikia,

Reference is invited to the recent meeting of the Central Advisory Board of Education (CABE) Sub-Committee on Devising Pathways to Re-Engage Out of School Children" for North Eastern states held in Guwahati on 28.01.2017.

2. In this regard, attention is invited to the discussions held during the said meeting focused on mainstreaming Out of School Children (OoSC) of Assam. You may kindly note that currently there are 1, 66,000 OoSC in the State of Assam. However children going to Madarsas are not mapped as out of school in the indicated figure mentioned herein above. Also, the Commission had sent a set of recommendations earlier based on review meeting held in Assam held on the 4th October 2016. .

3. In view of the above mentioned facts, the Commission recommends immediate measures be taken on the following by the Government of Assam viz;

- i. Proper mapping of children going to Madarsas.
- ii. Constitution of a Madarsa Board to facilitate Education of Children.
- iii. Age wise mapping of school going children in Tea Garden areas of Assam.
- iv. Examining gaps, if any, in the implementation of the RTE, Act, 2009 in the Tea Garden areas and recommending amendment in the Rules of Plantation Labour Act, 1951 in light of violations of the RTE Act, 2009, if any.

4. An Action Taken Report w.r.t the above mentioned recommendations made by NCPCR may be shared with the Commission within 30 days of receipt of this letter.

Thanking you,

with Regards

Yours Sincerely,

(Priyank Kanoongo)

Shri Shri Preetom Saikia, (IAS)
Commissioner and Secretary
Department of Elementary Education
Assam Secretariat, C Block, Ground Floor
Dispur, Guwahati- 781006, Assam
Phone No : 0361- 2237211

E-mail: preetomsaikia@yahoo.co.in

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Annexure - IV

F.No. 25019/02/2016-17/NCPCR/45795

Date: 20.09.2016

To

Shri Rajesh Kumar Chaturvedi,
Chairman, CBSE
Shiksha Kendra, 2, Community Centre,
Preet Vihar, Delhi - 110092
Tel: 011-22467263
Fax: 011-22515826
Email: chmn-cbse@nic.in

Subject: Regarding exemption from ongoing exams for children of martyred soldiers

Sir,

This is to draw your kind attention towards the unfortunate incidence of attack on Indian Army that led to death of many Indian Soldiers. The Commission has taken cognizance of the news report in *Dainik Bhaskar* dated 20.09.2016 wherein it has been reported that the school in which three daughters of Martyr Naik Sunil Kumar Vidyaarthi of District Gaya, Bihar are studying have written to CBSE to exempt the girl children from the ongoing summative assessment exams (copy enclosed).

NCPCR endorses the school's request and recommends CBSE to exempt the children from appearing in the ongoing exams. In addition, it is also recommended that CBSE may issue a circular exempting children of other martyred soldiers who are studying in schools from the ongoing exams.

For this, an early intervention on your part is requested.

Yours sincerely,

O/C

(Priyank Kanoongo)

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प्रियंक कानूंगो
Priyank Kanoongo
सदस्य
Member

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NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
NEW DELHI-110 001



D.O. 2509/04/2016-17/NCPCR

Date: /09/2016

Dear Sir,

Your kind attention is invited to the recent study conducted by Associated Chambers of Commerce and Industry of India (ASSOCHAM) highlighting the adverse effects of heavy school bags that children have to carry everyday to school. Also, NCPCR is receiving representations from parents regarding the matter of heavy school bags.

Though providing lockers in schools and reducing the reference books are effective measures, however the problem needs to be addressed on a larger level. For this, following measures are recommended-

1. It should be ensured that the weight of school bags is not more than 10 percent of the weight of the child:
2. Also, children in pre-primary classes should not carry any books/notebooks to the school.
3. To bring effective change, sensitisation and awareness is required at three levels- for Principals, Teachers and Parents. For this appropriate short term awareness/training programmes should be conducted.
4. The schools should be directed to issue guidelines for all students to carry books as per the time-table and also suggest suitable, safe ways to carry bag.
5. Also, the school should issue directions to all teachers to pre-inform students about the books/notebooks to be carried on a particular day.
6. Appropriate action should be taken against any school not following the guidelines.

Looking forward to a prompt and positive action to deal with this issue that has direct effect on health of our children.

With warm regards,

Yours sincerely,


(Priyank Kanoongo)

Shri L R Garg,
Secretary Education,
UT Administrate of Daman & Diu,
Secretariat, Fort Area Moti (Daman) - 396220

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प्रियंक कानूंगो
Priyank Kanoongo
सदस्य
Member

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नई दिल्ली-110 001
NEW DELHI-110 001



D.O. No. 2506/01/2015-16/NCPDR/RTE/45999
Date: 21st September, 2016

Dear Sir,

This is for your kind information that to mobilize impact on the issue of Out of School Children (OoSC) and initiate affirmative action for prevention and re-engagement of the out of school children, the Commission has made recommendation to all the States w.r.t making amendment in their Elective Rules of the Urban Local Bodies and Panchayat Raj Institutions (PRIs) stating that "it is mandatory for every candidate, whose children/wards are in the school going age group of 6-14 years, and who want to contest election should obtain a signed certificate from the school's principal that their ward/s are enrolled and regular in attending schools".

This amendment is recommended by the Commission in consideration of the Article 21-A of the Constitution of India which guarantees to provide free and compulsory elementary education to all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 equips every child with a right to full time elementary education of satisfactory and equitable quality in a formal school.

The National Commission for Protection of Child Rights (NCPDR), under Section 31 of the Right of Children to Free and Compulsory Education: (RTE-Act, 2009) and under Section 13 (i) (a) & (k) of Commission for Protection of Child Rights (CPCR Act, 2005), has been mandated to monitor, examine and review the safeguards provided for protection of the rights of children and make recommendations in the best interest of child.

The Commission is of the view that such an amendment will also facilitate increased interaction of the contesting candidates with schools thereby enabling them to understand the issues faced by the schools. Hence, it is requested that appropriate amendment in the Panchayati Raj Act may be made soon in this regard and consequently all the concerned be notified regarding the same. This exercise will help in enhancing the awareness generation and seriousness regarding free and compulsory education to be made available to every child as his/her constitutionally guaranteed fundamental right.

With Regards

For Kind Information of HMHRD

OSD to Shri Narendra Singh Tomar,
Hon'ble Minister of Panchayati Raj,
Krishi Bhawan, Dr. Rajendra Prasad Road,
New Delhi, 110001

Yours sincerely,

(Priyank Kanoongo)

01
22/9/16

द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
IInd Floor, Chandernok Building, 36, Janpath, New Delhi - 110001



प्रियंक कानूंगो
Priyank Kanoongo
सदस्य
Member

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



D.O.No. AP: 78468/2016-17/Edu
Dt. 28/03/2017

34
53221
53230

Subject: Advisory for Precautions Regarding Functioning of Schools during the Heat Waves in Summer Months.

Dear Madam/Sir,

The National Commission for Protection of Child Rights (NCPDR) was set up in March 2007 under the Commission for Protection of Child Rights (CPCR) Act, 2005, an Act of Parliament (December 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.

The Commission visualizes a rights-based perspective flowing into Policies, Programmes and activities of the Governments at the centre and the States. The issues of safety and security of children in the school is one of the areas of grave concerns for the Commission. Accordingly, Commission is undertaking several initiatives including framing of a Guidelines on Safety Security of children in the Schools.

The Commission has observed that, despite high temperature in the summer months starting from March; there are several schools under private managements and schools under State Boards are functional in the summer months like late March and April. It is noted that the temperature in Southern and Eastern India is hovering around 40 degree. Therefore, children being tender need proper care especially during the summer season because of the heat. Much care is needed when they are in school and during their travel.

Therefore, the Commission advises the State Governments and the private managements to refrain from opening the schools during the heat waves in the summer. This may cause children suffer dehydration, heat cramps, heat exhaustion and/or heat

द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001

stroke. Therefore, it may be treated as warning for none of the child should suffer in the school or while returning from the school due to the decision of the Board/School Management for running the schools during harsh summer.

35

Yours faithfully


(Priyank Kanoongo)

To

- 1) Shri Aditya Nath Das, Principal Secretary to Government, AP Secretariat, Room No. 267, 1st Floor, 4th Block, Velagapudi Amaravathi, Andhra Pradesh
Phone: 0863- 2444237.
- 2) Smt. Ranjeev R. Acharya, Pr.Secretary, School Education, Government of Telengana
Kahiratabad,Hyderabad,Tel:040-23459287,Fax: 23459297,
prlsecyedu@telangana.gov.in
- 3) Thiru T. Udhayachandran, Secretary to Government, School Education, Government of Tamilnadu, Secretariat, Chennai, Phone :25672790(O) E-Mail : [schsec\(at\)tn.gov.in](mailto:schsec(at)tn.gov.in)
- 4) Smt. Sowjanya , Commissioner for Public Instruction , Government of Karnataka, N.T. Road, Bengaluru Tel: 080-22214350, Fax:080-22212137 email:cpi.edu.sgkar@kar.nic.in
- 5) Dr.Usha Titus, Secretary, Education , Government of Kerala, Thiruvananthapuram
secy.gedu@kerala.gov.in, secy@education.kerala.gov.in, 0471-2331509, 2518997

Copy to :

- 1) Andhra Pradesh State Commission for Protection of Child Rights (APSCPCR)
- 2) Telengana State Commission for Protection of Child Rights (TSCPCR)
- 3) Tamil Nadu State Commission for Protection of Child Rights (TNSCPCR)
- 4) Karnataka State Commission for Protection of Child Rights (KTSCPCR)
- 5) Kerala State Commission for Protection of Child Rights (KSCPCR)

OK
29/2/17



प्रियंक कानूंगो
Priyank Kanoonga
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



NCPCR

D.O.No. AP: 78468/2016-17/Edu / 535 Y
Dt. 05/04/2017

Subject: Advisory for Precautions Regarding Functioning of Schools during the Heat Waves in Summer Months.

Dear Madam/Sir,

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission for Protection of Child Rights (CPCR) Act, 2005, an Act of Parliament (December 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.

The Commission visualizes a rights-based perspective flowing into Policies, Programmes and activities of the Governments at the centre and the States. The issues of safety and security of children in the school is one of the areas of grave concerns for the Commission. Accordingly, Commission is undertaking several initiatives including framing of a Guidelines on Safety Security of children in the Schools.

The Commission has observed that, despite high temperature in the summer months starting from March; there are several schools under private managements and schools under State Boards are functional in the summer months like late March and April. It is noted that the temperature in many of the South, Eastern, Central, Western and North Indian States is hovering around 40 degree. Therefore, children being tender need proper care especially during the summer season because of the heat. Much care is needed when they are in school and during their travel.

off
P.S.
14/17

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दूरभाष /Ph. :011-23478251, फैक्स /Fax: 011-23724028

Therefore, the Commission advises the State Governments and the private managements to refrain from opening the schools during the heat waves in the summer. This may cause children suffer dehydration, heat cramps, heat exhaustion and/or heat stroke. Therefore, it may be treated as warning for none of the child should suffer in the school or while returning from the school due to the decision of the Board/School Management for running the schools during harsh summer.

Yours faithfully


(Priyank Kanoongo)

To

1. Shri P.K.Das , Additional Chief Secretary to Government of Haryana School Education Department, Directorate of School Education Plot No. 1/B, Shiksha Sadan, Sector-5, Panchkula (India) Tel: 0172-2560269, Fax: 0172-2560264
dasspk[at]hry[dot]nic[dot]in , Email: edusecondaryhry@gmail.com
2. Shri Ajay Kumar Singh, (Basic Education) Govt. of Uttar Pradesh, Room No.224-25, Babu Bhawan UP Secretariat, Lucknow : 226 001 Off. 0522-2237157 secup.edupri@nic.in 5358
3. Smt. Deepti Gaur Mukharjee , Secretary, School Education , Government of Madhya Pradesh , Mantralaya, Vallabh Bhawan , Bhopal , Madhya Pradesh - 462004 Phone No : 0755- 2575641 Fax No : 0755- 2570214 53587
4. Shri Naresh Pal Ganwar , Secretary Primary Secondary Education Department Govt. of Rajasthan Secretariat Jaipur -302005 Rajasthan , Tel : 0141-2227389 53588
5. Shri Vikash Sheel , IAS , Secretary, Government of Chhattisgarh, Department of School Education, Naya Mantralaya, Room No.153, Maha Nadi Bhavan, Raipur - 492001, Chhattisgarh, Phone No : 0771 - 2510945 , Fax No : 2221275 53589
6. Ms.Aradhana Patnaik , Secretary (MHRD), Primary Secondary & Higher Education, MDI Building, Dhurwa, Ranchi - 834001, JHARKHAND Tel : 0651-2400797(O), 0651-2440797, sec_hrd@jhr.nic.in 53590
7. Ms. Ranjana Chopra, Principal Secretary Government of Odisha, Department of School & Mass Education, Secretariat Bhubaneshwar-(0674)2536631/2322732 (0674)2536755 secysme@gmail.com 53591

8 Ms. Sunaina Tomar, Principal Secretary (Primary Education), Block No. 5, 7th Floor, New Sachivalaya Sachivalaya, Gandhinagar, 079-23251301-303 , 079-23251305
– Fax Email: secedu@gujarat.gov.in

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9. Shri Nand Kumar , Principal Secretary, School Education Sports Department, Government of Maharashtra, R.N. 424 Mantralaya Annexure , Mumbai-400 032. Phone : 022-22025292/ 022-22024243 Ext. 3563/3876

53593

Copy to :

- 1) Haryana State Commission for Protection of Child Rights (HSCPCR)
- 2) Uttar Pradesh State Commission for Protection of Child Rights (UPSCPCR)
- 3) Madhya Pradesh State Commission for Protection of Child Rights (MPSCPCR)
- 4) Rajasthan State Commission for Protection of Child Rights (RSCPCR)
- 5) Chhattisgarh State Commission for Protection of Child Rights (CSCPCR)
- 6) Jharkhand State Commission for Protection of Child Rights (JSCPCR)
- 7) Odisha State Commission for Protection of Child Rights (OSCPCR)
- 8) Gujarat State Commission for Protection of Child Rights (GSCPCR)
- 9) Maharashtra State Commission for Protection of Child Rights (MSCPCR)


(Priyank Kanoongo)
(Member NCPCR)



प्रियंक कानूंगो
Priyank Kanoongo
सदस्य
Member

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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. 2501/08/72415/2016/NCPCR-RTE/41434

Date: 26/05/2016

Respected Mam

This is to invite your kind attention towards the issue of non-enrollment of children in primary schools which forms a major part of out-of-school children. Despite numerous efforts by the State education departments and as suggested by different government reports/surveys, not all children have been included in the formal education system. As per Census 2011 data, more than half of the children aged 6 years have never attended any educational institution and 3.2 million children have attended before but are not a part of any education institution.

Since, the ICDS programme under Ministry of Women and Child Development caters to the needs of early years; it provides the children their first experience in a protective and enabling environment. Also, the Anganwaadi Centres (AWCs) cater to the educational aspect in early years.

Hence to facilitate and contribute towards realizing the goal of universalisation of elementary education, AWCs can play an important role in bridging the gap between pre-primary and primary levels of education thus bringing all children to school and ensuring that no child is excluded from the education system.

It is, therefore, humbly submitted that MWCD, through the State Departments of Women and Child Development, may recommend that all children in pre-primary education after attaining 6 years of age do not drop out and become a part of primary education system.

with warm regards

Yours' Sincerely


(Priyank Kanoongo)

Smt. Maneka Sanjay Gandhi Ji
Hon'ble Minister of Women & Child Development
Shastri Bhawan
New Delhi-110001

PRIYANK KANOONGO
Member, NCPCR

नूतन विश्वास
NUTAN GUHA BISWAS
असिचिव
Additional Secretary



भारत सरकार
महिला एवं बाल विकास मंत्रालय
शास्त्री भवन, नई दिल्ली - 110001
Government of India
Ministry of Women & Child Development
Shastri Bhawan, New Delhi-110001
E-mail : nutan.guha@gov.in
Tel. : 011-2338 6227, Fax : 011-2338 1800

D.O. No.ECCE-13/11/2016-ECCE

28th June, 2016

Dear

The Resolution of National Early Childhood Care and Education Policy states that the State Department of Women and Child Development will institute a mechanism to facilitate the convergence so as to ensure continuity and inter-linkage of centre based ECCE and school-age provisions with specific reference to Section 11 of the Right to Education Act, 2010.

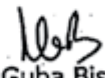
2. Early Childhood Care and Education (ECCE) is one of the six services of Integrated Child Development Service (ICDS) Schemes and is delivered at Anganwadi Centers by Anganwadi Workers under ICDS by Ministry of Women and Child Development. Anganwadi Centres have an important to play role in bridging the gap between pre-primary and primary levels of education.

3. National Commission for Protection of Child Rights, vide their letter No. 2501/08/72415/2016NCPCR-RTE/41434 dated 26.05.2016 has recently raised concern on the issue of non-enrollment of children in primary schools which forms a major part of out-of-school children.

4. I, therefore, request you to direct the concerned officers of the States/UTs Department of Women and Child Development and to mobilize the grass root functionaries to take necessary actions for sensitizing the parents and Anganwadi Workers who can work in convergence with primary school teachers for enrollment of children in primary school at the age of 6 years. This will go a long way to ensure that children attending the Anganwadi Centres, attaining 6 years of age, do not drop out and become a part of primary education system.

With regards,

Yours sincerely,


(Nutan Guha Biswas)

All Principal Secretaries / Secretaries of States / UTs dealing with ICDS Scheme

All Directors in States/ UTs dealing with ICDS (ECCE)



नूतन गुहा विश्वास
NU TAN GUHA BISWAS
 सचिव
 Additional Secretary



भारत सरकार
 महिला एवं बाल विकास मंत्रालय
 शास्त्री भवन, नई दिल्ली - 110001
 Government of India
 Ministry of Women & Child Development
 Shastri Bhawan, New Delhi-110001
 E-mail : nutan.guha@gov.in
 Tel. : 011-2338 6227, Fax : 011-2338 1800

D.O. No.ECCE-13/11/2016-ECCE

28th June, 2016

Dear *Dr. Khuntia,*

Early Childhood Care and Education (ECCE) is one of the six services of Integrated Child Development Service (ICDS) Schemes and is delivered at Anganwadi Centres by Anganwadi Workers under ICDS by Ministry of Women and Child Development. Anganwadi Centres have an important to play role in bridging the gap between pre-primary and primary levels of education.

2. Para 9.3 of Resolution of National Early Childhood Care and Education Policy state that the State Department of Women and Child Development will institute a mechanism to facilitate the convergence so as to ensure continuity and inter-linkage of centre based ECCE and school-age provisions with specific reference to Section 11 of the Right to Education Act, 2010.

3. National Commission for Protection of Child Rights, vide their letter No. 2501/08/72415/2016NCPCR-RTE/41434 dated 26.05.2016 has recently raised concern on the issue of non-enrollment of children in primary schools which forms a major part of out-of-school children.

4. It would be appreciated if necessary instructions are issued to concerned officers of the Department of Education in the States/UTs so that Anganwadi Workers and primary school teachers can work in close coordination to ensure that children attending the Anganwadi Centres, attaining 6 years of age, do not drop out, but become a part of the primary education system.

With regards,

Yours sincerely,

(Nutan Guha Biswas)

Dr. Subhash Chandra Khuntia,
 Secretary,
 Ministry of Human Resource Development,
 Department of School Education & Literacy,
 Shastri Bhavan
 New Delhi-110001.



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

सत्यमेव जयते

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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. MP-69467/2015-16/SMCOMP/41792

Date: 07/06/2016

To,

Sh. Sanjay Awasthi
Member Secretary,
National Council for Teacher Education (NCTE),
Hans Bhawan, Wing II,
1, Bahadur Shah Zafar Marg,
New Delhi – 110 002

Subject: Regarding including child rights in teacher training curriculum

Sir,

This is in continuation with the meeting held on "Review of Guidelines on Safety and Security of Children in School" in NCPDR on 10.05.2016. Discussing the said issue with Dr. Anil Shukla, Deputy Secretary, NCTE, it was observed that important laws related to children have specified certain roles and responsibilities of teachers towards proper implementation of the Acts. For instance, teachers also have the responsibility of reporting any matter of abuse in their knowledge under Section 19(1) POCSO (Act), 2012 failing which they will be liable to punishment under Section 21 (1) and 21(2).

Hence, it is important to educate teachers about different child rights which will not only help in creating awareness among teachers about child rights and their roles/responsibilities but also in turn educate children about the same.

Realizing the importance of child rights education, National Curriculum Framework for Teacher Education (NCFTE) developed by NCTE observed that critical awareness of child rights equips the teacher with a proactive perspective and a sense of agency. However, a perusal of the 'curriculum framework' for two-year B.Ed. and M.Ed. programme drafted by NCTE suggests that child rights have not been incorporated as a part of core curricular areas.

It was also decided during the discussion that the suggestions given by the Commission for inclusion of child rights in teacher training curriculum will be considered to be added in the curriculum.

NCPDR under section 13 of PCR Act, 2005 recommends NCTE, to include child rights as a curriculum course under the broader curricular areas in all teacher training courses and also notify all Universities to include a section in the teacher training curriculum based on those guidelines. A note on suggestive outline of the course content that should form a part of the curriculum is enclosed for your perusal.

Kindly apprise the Commission about the action taken in this regard.

Encl: As above

O/C issued
7/6/16

Yours' sincerely

प्रियंक कानूनगो/PRIYANK KANOON
सदस्य/Member
राष्ट्रीय बाल अधिकार संरक्षण आयोग
National Commission for Protection of Child RI
महिला एवं बाल विकास विभाग
Ministry of Women & Child Development

5वां तल. चन्द्रलोक बिल्डिंग. 36 जनपथ नई दिल्ली 110 001



प्रियंक कानूंगो
Priyank Kanoongo
सदस्य
Member

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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.2501/09/2016-Y7/NCPCR/Policy Matter

Dated: 16/06/2016

Dear *Sh. Gulati*

As you may be aware that consumption of food high in fat, salt and sugar (HFSS) has been found to be rampant amongst school children leading to many health hazards and diseases viz. type 2 diabetes, hypertension, dyslipidemia, chronic inflammation and hyperinsulinemia with a risk of cardiovascular diseases in later life. These diseases and childhood obesity have been reportedly found to affect the cognitive and physical development of children adversely, causing an irreparable loss to the society.

In this regard, 'Food Safety and Standards Authority of India', FSSAI has framed guidelines on 'Making Available Wholesome, Nutritious, Safe and Hygienic Food to School Children in India' to promote healthy lifestyles, good health, physical fitness and reduce risk for diseases. The details of these guidelines are available at the web link mentioned below;
(http://www.fssai.gov.in/Portals/0/pdf/Order_Draft_Guidelines_School_Children.pdf)

The Commission has taken cognizance of this matter under Section 13 (1) (f) and (k) of the CPCRA Act, 2005. Since this is a serious issue of concern with regards to health of children consuming such food, it is required that undertaking be sought from all private schools (CBSE affiliated and State Boards affiliated) declaring that Junk Food/ Food High in Fat, Salt and Sugar (HFSS) are not provided in their schools.

The Commission recommends that;

- CBSE should ensure that compliance to its circular vide No. Acad-02/2016 dated January 6, 2016 on "Promotion of Healthy Snacks is strictly adhered to and follow up action on quarterly basis is done regarding the same.
- State Education Boards (Non CBSE) should issue a similar circular as CBSE for adhering to the afore-mentioned guidelines framed by FSSAI. And a review of compliance of the same be undertaken on quarterly basis.

A detailed report containing the strategy adopted by the State/UT and action taken thereof in this matter be shared with the Commission within 15 days of receipt of this letter

With regards,

Yours sincerely,
Priyank Kanoongo
(Priyank Kanoongo)

Shri Surjit Gulati
Additional Chief Secretary, Primary Education
Government of Gujarat, Department of Education,
New Sachivalaya, F
Gandhinagar - 382010, GUJARAT
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16/6

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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. 2201/03/2016-Child Health/NCPDR

Date: 20.06.2016

Dear *Shri Aloria,*

As you are aware, Ministry of Women and Child Development (MWCD) is currently implementing two important schemes-Beti Bachao Beti Padhao (BBBP) and SABLA- for survival, education and empowerment of girl child. The overall objective of the schemes is to ensure the survival, education, protection, participation and empowerment of the girl child.

However, under BBBP scheme (based on the information received from Ministry of Health & Family Welfare, HMIS Data), 42 districts in 19 States have shown decline in Sex Ratio at Birth (SRB) even after one year of implementation of the program (as enclosed). Further, under SABLA program (MWCD data, 2012-13) there has been underachievement on different indicators across States in terms of reaching out to the targeted beneficiaries (as enclosed).

Also for encouraging adoption under the JJ Act 2015, as per the information received from Childline Foundation, more than 4000 adoptable children residing in different CCIs on all India basis. It is important that these children are swiftly declared legally free by CWCs and entered in the CARINGS website.

Hence, National Commission for Protection of Child Rights (NCPDR) has decided to undertake periodical review of these schemes to ensure their effective implementation in the best interest of the child. I would be grateful if you could monitor the situation personally. I would like to inform you that a team from NCPDR headed by Member, NCPDR will visit your State shortly to monitor the progress of these schemes. The visit schedule will be intimated to you in the due course.

With regards,

Yours sincerely,

Stuti Kacker

Stuti Kacker

Shri Ganga Ram Aloria,
Chief Secretary,
Government of Gujarat New Sachivalaya
Gandhinagar-382010
Gujarat



प्रियंक कानूंगो
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



D.O. 25019/03/2016-17/NCPCR

45877

Dear Sir

Date: 20/09/2016

As you may be aware that the Right to Education Act, 2009 makes education a fundamental right of every child between the age of 6 and 14 years and entrusts the appropriate government with the responsibility to pay any kind of expenses which may prevent the child from pursuing and completing elementary education.

As per section 12 of RTE Act, 2009, the private unaided schools have to admit at least 25 percent of children belonging to socially disadvantaged groups or weaker sections at the entry level. However, certain incidents have come to the notice of the Commission wherein the children face problem in continuing their studies in case of death of the earning member of the family. This is significant but often overlooked reason for drop out of children from schools.

Hence, to prevent the children from discontinuing their studies due to financial crisis, it is recommended that children of such families who lost their earning member, studying in private schools should be notified under EWS category as per section 2(d) and 2(e) of RTE Act, 2009. The provision should also be extended to children of deceased soldiers of defence forces.

Section 2(d) states that a 'child belonging to disadvantaged group meansa child belonging to such other group having disadvantage owing to social, cultural, economic, geographical, linguistic, gender or any such factor may be specified by the appropriate government by notification'. Also, section 2(e) of the said Act defines 'child belonging to weaker section as a child belonging to such parent or guardian whose annual income is lower than the minimum limit specified by the appropriate government, by notification'.

Looking forward to a prompt affirmative action towards securing the future of our children in need.

With warm regards,

Yours Faithfully

(Priyank Kanoongo)

Dr. Rajiv Sharma,,
Chief Secretary,,
Telangana,
Government of Telangana

OK
21/9/16

द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
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प्रियंक कानूंगो
Priyank Kanoongo
सदस्य
Member

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राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
NEW DELHI-110 001



D.O. No. 25019/05/2016-17/NCPDR/48065

Date: November 15, 2016

Sir,

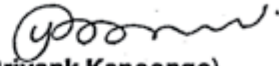
As you may be aware, National Commission for Protection of Child Rights (NCPDR) is mandated under CPCRA Act, 2005, to examine factors that inhibit the enjoyment of rights of children and recommend appropriate remedial measures.

Regarding the current initiative of demonetising the existing high-value currency notes in India, it is recommended that school fees from parents be accepted in old denominations till the period prescribed by the Government for paying other utility Bills such as hospital bills, household bills etc.

For this, an early intervention on your part is requested.

With regards

Yours sincerely,


(Priyank Kanoongo)

Shri Shaktikanta Das,
Secretary (Economic Affairs),
Department of Economic Affairs,
Ministry of Finance
130-North Block,
New Delhi - 110001

द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001

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

State-wise distribution of complaints for the year 2016-17

States/UTs	2016-17 (Till 31.03.2017)					
	Carried Forward	New Complaint Received	Cases Received (From Grievance Cell)	Total Complaint	Total Closed	Balance
A and N Islands	0	1	0	1	1	0
Andhra Pradesh	456	4	1	461	50	411
Arunachal Pradesh	1	0	0	1	1	0
Assam	1	3	1	5	2	3
Bihar	60	11	0	71	40	31
Chandigarh	0	5	0	5	2	3
Chhattisgarh	1	6	1	8	2	6
Dadra and Nagar Haveli	0	0	0	0	0	0
Daman and Diu	0	0	0	0	0	0
Delhi	59	68	9	136	55	81
Goa	0	1	0	1	0	1
Gujarat	3	5	0	8	3	5
Haryana	12	31	0	43	8	35
Himachal Pradesh	1	2	0	3	3	0
Jammu and Kashmir	0	2	0	2	1	1
Jharkhand	34	13	4	51	5	46
Karnataka	5	8	1	14	6	8
Kerala	4	6	3	13	6	7
Lakshadweep	0	0	0	0	0	0
Madhya Pradesh	58	34	4	96	19	77
Maharashtra	6	14	11	31	10	21
Manipur	13	3	3	19	1	18
Meghalaya	1	1	0	2	2	0
Mizoram	2	1	0	3	0	3
Nagaland	1	0	0	1	0	1
Orissa	4	11	6	21	6	15
Puducherry	0	0	1	1	0	1
Punjab	3	6	0	9	4	5
Rajasthan	82	7	2	91	52	39
Sikkim	1	0	0	1	1	0
Tamil Nadu	102	19	21	142	65	77
Telangana	3	15	0	18	4	14
Tripura	0	0	0	0	0	0
Uttar Pradesh	74	93	22	189	39	150
Uttarakhand	3	8	1	12	5	7
West Bengal	4	14	0	18	4	14
Total	994	392	91	1477	397	1080



Stuti Kacker
अध्यक्ष
Chairperson

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



DO No.2401/01/2016-NCPCR-JJ
Dated: 10th October 2016

41173,
46674

Dear

As you are aware that under Section 109 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the NCPCR and SCPCRs have been mandated to monitor the implementation of provisions of the Act.

2. In pursuance of Section 110 of the Juvenile Justice Act, 2015, the Central Government has framed and notified model Juvenile Justice Rules 2016 on 21st September 2016. These Rules are available on the website of the Ministry of Women and Child Development as well as on website of the NCPCR (www.ncpcr.gov.in). Section 110 of the Juvenile Justice Act, 2015 stipulates that the State Government shall make Rules to carry out the purposes of this Act.

3. In order to implement the provisions of the Juvenile Justice Act, 2015, it is imperative that copy of the Model Juvenile Justice Rules, 2016 is made available to all the stakeholders till the States formulate their own Rules. The sensitization and training programme of all stakeholders may be carried out as per the Rules so notified.

4. I shall be grateful if you could issue necessary directions to concerned Departments to adopt the Model Juvenile Justice Rules, 2016 and take other necessary steps to implement the provisions of the Juvenile Justice Act, 2015 till your State formulates and notify its own Rules. I shall appreciate if an action taken report is intimated to this Commission by 10th November 2016.

With regards,

Yours sincerely,

Sd/-
(Stuti Kacker)

Shri Anthony De Sa
Chief Secretary,
State Government of Madhya Pradesh,
Secretariat, Bhopal.

011
12/10/16

Copy to:

Dr. Raghvendra Sharma, Chairperson, Madhya Pradesh State Commission for Protection of Child Rights (SCPCR) 59, Narmada Bhawan, 4th Floor, jail Road, Arera Hills, Bhopal-462002- with the request to follow up with State Government for effective monitoring of the JJ Act.

Stuti Kacker
(Stuti Kacker)

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स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

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नई दिल्ली-110 001
New Delhi-110 001



4354

D.O. No. RJ-72244/2016-2017/Health/SM/NCPCR

Date: 26/07/2016

Dear *Dr. Meena*

National Commission for Protection of Child Rights (NCPCR) has been constituted by Government of India, as a Statutory Body under Section 3 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No 4 of 2006) for dealing with protection of child rights and related matters.

One of the various functions assigned to the Commission under Section 13(1) (j) of the CPCR Act, 2005, inquire into complaints and take *suo motu* notice of matters relating to (i) deprivation and violation of child rights and (ii) non-implementation of laws providing for protection and development of children.

The Commission had taken suo-motu cognizance of the newspaper reports on the incidence of a number of newborn deaths reported in Jawaharlal Nehru Hospital, Ajmer, Rajasthan. Accordingly a team from the Commission comprising of the following visited Ajmer from 24th to 26th May 2016 to inquire into the matter:-

- (i) Mrs Rupa Kapoor, Member, NCPCR
- (ii) Shri. S.P.Singh, Member RSCPCR
- (iii) Ms. Priyanka Singh, JTE, NCPCR
- (iv) Dr.Satish Kumar Meena, Assistant Professor, Department of Pediatrics, Safdarjung Hospital, New Delhi

The Commission recommends the State Government and District Administration to initiate immediate action on the issues listed below in order to ensure protection of the rights and entitlements of children. The following recommendations arise from the visit for action at the District and State level:

OK
26/7/16

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Infrastructure

- i. The Administration to take steps for upgrading the Department of Pediatrics and adding manpower on a war footing.
- ii. There is impending high risk involved in infants catching up with infections with such a large number of parents / attendants present in the infant ward. Administration needs to create or identify space for waiting room so that they can wait outside the ward and allow the Doctors and Nursing staff to take care of children.
- iii. Ensure upgradation of NICU/SNCU at the medical colleges/tertiary care facilities to provide referral services for advanced newborn care support and to strengthen linkages with SNCUs and NBSUs.
- iv. Ensure fully functional Pediatric Department with the requisite and also scale up pediatric unit/wards.
- v. Establishment of Help Desk at the entry point in the hospital for guidance and information. The Help Desk may include members, like counselor, nurse and receptionist.
- vi. There is a need to increase the bed occupancy. There were two-three patients on one bed at the time of inspection.
- vii. Ensure availability and proper usage of breastfeeding support system like breast pump for mothers having difficulty in breastfeeding. Ensure exclusive room or space for breastfeeding in hospital.
- viii. Administration to ensure that the minimum standard of care to be followed by hospital staff:
 - ✓ Usage of gloves, masks and head cover
 - ✓ Usage of hand sanitizer
 - ✓ Proper cleanliness in the NICU, PICU and other pediatric wards
 - ✓ Usage of clean bed sheets and towels in the ICU
 - ✓ Usage of mosquitoes/flies control techniques.
 - ✓ Functional toilet facility
 - ✓ Functional AC to be placed in NICU/PICU/SNCUs/emergency wards/children's ward.
Regulate temperature in room for children.
 - ✓ Proper ventilation
 - ✓ Availability and usage of gown for NICU/PICU visitors.

Staff

- ix. The number of senior residents in the Department were not enough to run ICU/emergency cases. Senior doctors need to be appointed immediately for improving the condition of Pediatric Department. It is suggested that senior doctors can be called on hour basis from Private hospitals etc.
- x. Ensure dietician/nutritionist for pediatric department who can understand the requirement of pediatric patients and individual diet can be planned to ensure betterment of children. It is recommended to engage student volunteers who could help as nutritionist, counselors and social workers etc.

Hygiene & Sanitation


- xi. Arrangements to be made to keep the entire hospital premises in a clean and hygienic condition. Also the entry and exit points should have security to regulate the attendant traffic into the wards. Installation of CCTV cameras for easy monitoring and supervision.

Outreach & Awareness

- xii. Administration to conduct outreach awareness camps to identify those areas where more underweight babies are born. It is important to create awareness on community level on malnutrition as a preventive step to stop child death.

Other

- xiii. Administration to take measures for a periodic review of neo-natal care and neonatal deaths. Administration to conduct regular quality audits of facilities including death audits.
- xiv. Follow up of all sick/high-risk newborns discharged from the SNCU for a period of one year.
- xv. Administration to operationalize SNCU monitoring software across all SNCUs / NICUs. Feedback form system can be initiated for easy monitoring.
- xvi. Ensure mechanisms for timely procurement and supply chain management of equipment, drugs, and laboratory reagents as per the defined norms and technical specifications.

- 
- xvii. Develop Quality Assurance mechanisms/cells to ensure compliance with norms for quality of care for small and sick newborns, including tools for adherence to admission and discharge criteria.
- xviii. Availability of 24 hour toll free number for patient so that they can contact the on duty doctor when in need, especially during night hours or residing in a remote area. This will help in creating intra-departmental as well as inter-departmental communication in case of emergency.
- xix. Strengthening referral transport is very important. Ensure 24 hour ambulance facility in the hospital for referral. The referral transport should have basic facilities and also trained mobile health team who can take care of the baby so that the crucial time for patient management is utilized.
- xx. There is an urgent need to monitor PHCs/CHCs to function as a linkage organization to peripheral facilities. It will lessen the burden at district level and eventually build the capacities of the tiered facilities so that children may receive better care along the spectrum of services and not have to travel long distances to tertiary facilities for conditions that could be managed at a lower level.

You are requested to submit a detailed action taken report on the action taken in each of the above.

With regards,

Yours sincerely,



(Stuti Kacker)

Shri Om Prakash Meena
Chief Secretary
Government of Rajasthan
Secretariat Jaipur, Rajasthan



स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

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



D.O.WB-76621/2016-17/COMP/File-2/49312

Date: 11/12/2016

Dear *Mr. Banerjee*,

National Commission for Protection of Child Rights (NCPCR) has been constituted by Government of India, as a Statutory Body under Section 3 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No. 4 of 2006) for dealing with protection of child rights and related matters.

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The Commission had taken suo-motu cognizance of the newspaper reports on the incidence of Child Trafficking and Adoption racket in Kolkata, West Bengal. Accordingly, Ms Rupa Kapoor, Member NCPCR visited Kolkata from 28th to 30th November 2016 to inquire into the matter.

The Commission recommends to the State Government and District Administration to initiate immediate action on the issues listed below in order to ensure protection of the rights and entitlements of children. The following recommendations arise from the visit for action at the State and District level:

- **Registration of CCIs:** The concerned authority to ensure mapping and registration of all the Child Care Institutions (CCIs) in the District especially NGO run homes under JJ Act 2015, and conduct inspection periodically to ensure protection of children against any child rights violations, deprivations or subject to any kind of physical or sexual abuse.

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- **Registration of all Hospitals/Nursing Home/Clinics:** The concerned authority to ensure mapping and registration of all the Hospitals/Nursing Homes/Clinics etc under The West Bengal Clinical Establishments (Registration and Regulation) Act, 2010, and also conduct inspection periodic to ensure protection of children against any child rights violations, deprivations or subject to any kind of abuse.
- Ensure registration of all Doctors under the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 and if there is any misconduct or violation of the Regulation is found the doctors should be immediately punished under the provisions of the Act.
- Ensure background verification of all medical, non medical and subordinate staff in hospitals, nursing homes etc.
- Display Boards in all Nursing Homes/ PHC and Panchayat stating that severe punishment will be meted out to those who undertake any role in illegal abortions/ selling of babies/ child trafficking/illegal adoptions.
- Immediate installation of CCTV cameras in all such neonatal /pediatric wards to prevent occurrences of baby theft.
- The entry of the Pediatric Ward/ Neo-natal Ward of hospitals needs to be guarded for regulating the entry to curb child trafficking cases.
- Ensure periodic surprise inspections/ raids by Police /Health Deptt/ CARA & SARA officials.
- immediate identification and registration of all pregnant women in the District through health check up camps or regular visits of ANM/ASHA/AWW workers.
- Ensure early identification of all malnourished children especially severe malnourished children and timely admission of these children into nearest NRC.
- Administration to take measures for a periodic review of neo-natal care and neo-natal deaths. Administration to conduct regular quality audits of facilities including death audits.
- Ensure formation of Village Child Protection Committee/Ward Child Protection Committee and orient them on monitoring & supervision of all child based organization in their areas.
- Ensure regular awareness campaign in the community on safe delivery/ legal methods of abortion/ adoption needs. Asha/ ANM/ AWW can create awareness on such illegal practices

in the community along with understanding the Adoption laws, so that if anyone wants to give their child for adoption they understand the legal procedure.

- District Administration to work in joint collaboration with NGOs, to initiate sensitization/orientation programmes for officers of various Departments, the Police Force as well as the concerned administrative officials in field areas on issues concerning child rights especially child trafficking.
- The West Bengal State Government to duly orient the Village Level Cops, (under the process of recruitment), on the child right issues, to keep a check on possible cases of trafficking.
- Ensure Anti Human Trafficking Cell is formed and trained to prevent incidences of trafficking in the District.

You are requested to immediately submit a detailed action taken report on the measures taken by the Government to address the child trafficking and adoption racket in Kolkata, West Bengal alongwith the CID report in the current matter. You are also requested to implement the recommendations given by NCPCR at the earliest to prevent any violation of child right in the State.

With regards,

Best wishes for the NEW Year.

Yours sincerely,

Stuti Kacker
(Stuti Kacker)

Encl: Copy of Tour Report

Shri Basudeb Banerjee,
Chief Secretary,
Government of West Bengal,
Secretariat Headquarter,
NABANNA HRBC Building, 325,
Sarat Chatterjee Road, Howrah – 711 102
Email: cs-westbengal@nic.in



स्तुति कक्कर
Stuti Kacker
अध्यक्ष
Chairperson

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



D.O. No. OR-73858/2016-2017/C-Health

Date: 26/09/2016

Dear

National Commission for Protection of Child Rights (NCPCR) has been constituted by Government of India, as a Statutory Body under Section 3 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No 4 of 2006) for dealing with protection of child rights and related matters.

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The Commission had taken suo-motu cognizance of newspaper reports on the incident of death of 12 children in Nagada village, located in the forests of Odisha's Jajpur District. Accordingly a team from the Commission comprising of the following visited Deogaon and Ashokjhar from 9th to 10th May 2016 to inquire into the matter:-

- (i) Mrs Rupa Kapoor, Member, NCPCR
- (ii) Ms Sandhyabati Pradhan, Member OSC/CK
- (iii) Ms. Priyanka Singh, JTE, NCPCR
- (iv) Mr. Manoj Tripathy, Program Manager, State Child Protection Council (SCPC)

The Commission recommends to the State Government and District Administration to initiate immediate action on the issues listed below in order to ensure protection of the rights and entitlements of children. The following recommendations arise from the visit for action at the District and State level:

Infrastructure

- Establishment of one PHC/Medical unit in Ashokjhar, Nagada and Deogaon. In tribal region among Primitive Tribal Groups where infant/children's death is due to malnutrition and hunger with lack of medical accessibility and facilities.
- Establishment of Nutrition Rehabilitation Centre (NRC) in Ashokjhar, Nagada and Deogaon.

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- Establishment of Mini Anganwadi Centre in Ashokjhar, Nagada and Deogaon villages. The State Govt. should open a special ICDS centre in the village with appointment of all staff and availability of all facilities. A trained Anganwadi worker must be appointed to take special care of Juang children.
- The State Government should ensure road connectivity to the villages like Ashokjhar and Nagada. Due to lack of road facility, the Govt. facilities/schemes/programs could not reach to the beneficiaries in the village.
- The district administration should ensure allocation of pucca house to all Juang families and other tribes under Indira Awas Yojana and Biju Pucca house Yojana.
- Setting up a permanent school in Ashokjhar and Nagada village with proper implementation of RTE Act. If possible, there can be an exclusive Ashram School opened in Nagada village to provide education to all the children of Juang tribe.
- Establishment of solar electrification and drinking water facilities through setting up of tube-well on war footing in the village.
- Distribution of mid-day meal to all children under the mid-day meal scheme. At present children are coming to Deogaon for schooling which is the only school they have, leading to dropouts because the distance is too much and due to lack of road connectivity it is not possible for them to come daily.
- Benefits of Mamata Yojna to be provided to pregnant women and lactating mothers, in which a monetary support to pregnant and lactating women is given to enable them to seek improved nutrition and promote health seeking behavior
- As Antodaya Anna Yojana, all Juang families are entitled to get 35 kg rice per month. In Nagada and nearby village, most of the Juang families have been deprived of it on a regular basis. Responsibility must be fixed on the officials responsible. The State Govt. must ensure distribution of 35 kg rice to each family of Nagada village.
- The State Govt. should start NREGA work immediately in order to provide employment to people living in Nagada village, as they do not get employment for their livelihood.
- Ensure 100 per cent coverage of Adhar Card for people living in Nagada village and other tribal areas.
- The State government should facilitate tribal people for opening up of bank accounts to avail the benefits provided by Government.

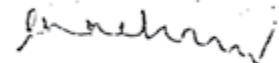
Others

- Ensure responsibility of officials responsible for implementation and monitoring of development projects and food security programme in this Gram Panchayat.
- The State Govt. must go for complete assessment of the situation and status of implementation of all development work in all tribal districts. This can be the opportunity for the State to enhance its administrative capacity to enforce implementation of its plan and programme meant for tribals across the state.
- Juang Tribes should not be displaced and rehabilitated in another locality. They are accustomed with their environment and cultural habits. Displacing them to other areas is not the solution to address their problem. So, the implementation of all the development projects under Tribal Sub-plan scheme and Juang Development sub-plan scheme and food security programme, ICDS scheme and various activities under Agricultural and Horticultural scheme will no doubt enhance their livelihood and capacity to survive and grow more to compete with modern world and should reach them.

You are requested to submit a detailed action taken report on the action taken in each of the above.

With regards,

Yours sincerely,


(Stuti Kacker)

Encl: Copy of Tour Report

Shri Aditya Prasad Padhi, IAS
Chief Secretary,
Government of Odisha
Secretariat, Bhubaneswar – 751001
E-mail: csori@nic.in

Copy to: Chairperson, OR State Commission for Protection of Child rights, Odisha Quarter No. 1, Type--A, Unit- V, Bhubaneswar – 751001. Fax: 0674-2394043, Tel: 0674-2394041 Email: ospcpr.od@nic.in, - for follow action please



स्तुति कक्कड़
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. 74504/2016-17/SM/Health
Date: 28/09/2016

Dear

National Commission for Protection of Child Rights (NCPCR) has been constituted by Government of India, as a Statutory Body under Section 3 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No 4 of 2006) for dealing with protection of child rights and related matters.

One of the various functions assigned to the Commission under Section 13(1) (j) of the CPCR Act, 2005 is to inquire into complaints and take *suo motu* notice of matters relating to (i) deprivation and violation of child rights and (ii) non-implementation of laws providing for protection and development of children.

The Commission had taken suo-motu cognizance of newspaper reports on the incident of death of 26 school children in government run tribal residential school since 2014 in Telangana. Accordingly a team from the Commission comprising of the following visited Khammam district from 24th to 25th August 2016 to inquire into the matter:-

- (i) Mrs Rupa Kapoor, Member, NCPCR
- (ii) Shri Pochampally Achyuta Rao, Member TSCPCR
- (iii) Ms. Priyanka Singh, JTE, NCPCR

The Commission recommends to the State Government and District Administration to initiate immediate action on the issues listed below in order to ensure protection of the rights and entitlements of children. The following recommendations arise from the visit for action at the District and State level:

Health:

- Immediate transfer of children from girl's hostel to bigger facility so that basic rights are ensured.
- Intervention to stop the deaths and for prevention of such fatal diseases in government run Tribal Residential Schools.
- Access to adequate nutritious food on a regular basis, both the quantity and quality of food emerged as an issue in Ashram schools. Monitoring and ensuring provisions for adequate food, vegetables, milk and eggs as part of the diet should be done on regular basis.
- 24 hour ambulance facility in the hostels along with appointment of dedicated in house doctor in all the tribal residential schools in Khammam district on hour basis.

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Web : www.ncpcr.gov.in

- Periodic health check-ups of all children and a visit by the nearest PHC doctor at least once every week;
- Improvement of water and sanitation facilities on priority basis.

Infrastructure

- Repairing/reconstruction of buildings of all ashram schools/tribal residential schools in Khammam District. Constitute committee comprising District Administration and BDOs or BEOs, representatives of Zila Parishad, Block Panchayats, Bal Bandhu (BB) resource persons to conduct audit of these schools. Proper indicators with a base line of health and nutritional status, and educational/scholastic level for audit be developed and provided to all committee members. The exercise is to be repeated every six months.
- During the Member's visit, it was found that there were inadequacies related to the hostel building, bedding, clothing, furniture, study materials and functioning of Tribal Hostel. Hence availability of facilities as per the norms to the children on priority basis may be ensured.
- Creation of infrastructural facilities for classrooms, toilets, storage, bathrooms, board, kitchen, school uniforms, soaps and other supplies in all other Ashram Shalas in the district;

Staff

- Appointment of staff in every Ashram Shala against sanctioned posts. It will be help to ensure quality learning.
- Regular training/orientation for headmasters and wardens on RTE Act/POCSO/JJ Act.
- Appointment of female warden at Ashram School and a helper to assist young children in all ashram schools on priority basis.
- Review of existing protocols for safety and security of children to see whether they are being followed or not. No male staff to be posted in the girls' schools. Full time warden, counsellors should be appointed on priority basis.
- There should be continuous monitoring by social worker in the schools who are trained in the child rights issues. Stern action must be taken on officials responsible for such a bad condition in the schools. Steps must be taken to make the schools child friendly.
- A special drive must be carried out in regard of mapping of the other tribal residential schools and ensure proper monitoring to be done on regular basis covering education, health and others facilities. The Gram Panchayats, Project Officer and the Tribal Development Department to monitor teacher's regularity and conditions of the ashram shalas.

- Strengthening of coordination between the Education Department and the Department of Tribal Affairs is requested to be ensured by the concerned District Magistrate.
- **Availability of extracurricular activities:** The Commission recommends introduction of children to other extracurricular activities like such as yoga, music, dance, self-defence training or children's parliament etc. The Commission recommends introduction of appropriate recreational and sports activities for children in hostels.
- Establishment of a complaint box in schools for children's grievances including complaints of corporal punishment and abuse. It will be important to highlight the grievance redressal mechanism for children.

You are requested to submit a detailed action taken report on the action taken in each of the above.

With regards,

Yours sincerely,

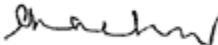
Sd/-

(Stuti Kacker)

Encl: Copy of Tour Report

Dr. Rajiv Sharma,
Chief Secretary,
Government of Telangana,
Hyderabad, AP

Copy to: Chairperson, Telangana State Commission for Protection of Child rights,
Integrated Child Protection Scheme (ICPS), Dept. Of Women Development &
Child Welfare Government of Telangana, II Floor, Swarna Jayanthi Complex,
Beside Maithri Vanam Complex, Ameerpet, Hyderabad – 500038, Tel: 040-
23733665


(Stuti Kacker)



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.: 3501/02/2016-Visit/NCPCR/4174
Date: 06/06/2016

Dear

As you are aware, the National Commission for Protection of Child Rights (NCPCR) is a statutory body constituted under Section 3 of the Commission of the Commission of Child Rights (CPCR) Act, 2005 (No.4 of 2006) for dealing with child rights and related matters.

Member NCPCR Smt. Rupa Kapoor had visited Varanasi District in Uttar Pradesh from 4th to 7th May, 2016 to monitor different government programmes and schemes running in the district, with regard to children's health, nutrition, education and welfare (report attached). The Commission recommends the State Government and District administration arising from her visit to initiate immediate action on the issues and concerns listed below in order to ensure the rights and entitlements of children:

RECOMMENDATIONS

1. AWCs/ICDS

- i. Status of Hot Cooked Meal: During the visit, it was found that children are only getting dry supplementary nutrition. Hot cooked meal is distributed only for 5 months in a year. The Commission requires to know the current status of hot cooked meals distributed in AWCs.
- ii. Growth Monitoring/Weighing Machines: The Commission takes very serious cognizance of the fact that there is no weighing machines/growth charts or non functional weighing machine available in AWCs that the team visited. This is of grave concern to the Commission as it is clear that in absence of proper growth monitoring, identification of malnourished children/SAM children would not be possible. The Commission directs the State to provide a report on the current status on functional status of weighing machines in the AWCs of the State and its plan to ensure each AWW has a functional weighing machine.
- iii. Nutrition Rehabilitation Centre: The Commission takes very serious cognizance of the fact that there are only 10 beds in Nutrition Rehabilitation Centre in Varanasi District. The Commission requires to know the status of NRC and what measures are being taken for severe malnourished children when NRC is fully occupied. The Commission recommends increase in beds in NRC and also initiate mobile medical services so that medical facilities can be reached out to the children in rural areas.
- iv. Availability of Staff: It was observed that there is a huge gap in the supervisor grade (MS) in AWCs. The Commission directs State to provide data on staffing gaps currently existing in the supervisory and CDPO cadre and plan to fill these gaps.

o/c issued

7/6/16

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- v. **Capacity building of AWWs:** It was observed that there were lack of information and awareness among AWWs/Supervisors/CDPOs regarding their job responsibility. The Commission requires to know the current status of training of AWWs/Supervisors/CDPOs.
- vi. **Malnutrition:** The Commission would like information on any programmes being designed for Community Based Management of Malnutrition in Uttar Pradesh.
- vii. **Infrastructure of AWCs:** During the visit, it was found that AWC (Bazardiha Village) do not have their own building and it had been running from rented place. The Commission requires to know the current infrastructural status of AWCs alongwith plans of improvement with time lines.
- viii. **Rent:** At one AWC (Bazardiha, Varanasi), where AWC did not have their own building, some discrepancy regarding receiving rent was observed. The AWW of AWC who had been running the AWC from rented place, claimed that she had not been receiving rent for the past years. The Commission recommends an enquiry into the matter and also expediting payment of rent to the AWC concerned.

2. CCIs/ICPS

- i. **Availability of CCIs for girls:** Government must ensure one Children Home for girls in Varanasi District with immediate effect and till it is actualized, the same may be assigned to an appropriate organisation after due verification, as a stop gap arrangement.
- ii. **Availability of Staff in Children Home:** It was observed that there were lack of staff in Government Children Home for boys, Ramnagar. Children were cooking meals and also cleaning toilets and bathrooms on regular basis. The Commission directs to provide data on staffing gaps currently existing in the home and plans to fill these gaps.
- iii. **The Commission takes very serious cognizance of the fact that there is no immediate medical facility available for survivors of sexual abuse. Commission directs District Administration for immediate intervention to identify and appoint one hospital to assist survivors of sexual abuse for their medical and counseling services.**
- iv. **Monitoring of CCIs:** The Commission recommends concerned authority to monitor the CCIs regularly so that the irregularities can be checked and if they do not follow the norms they need to be closed down. The Commission desires a status report on the same.
- v. **Rehabilitation of Children in CCIs:** During interaction with some children it was observed that there was delay in restoration/transfer of juvenile due to non-availability of escorts by the Home. It was noted that some of the children who are willing to go back to their parents and were aware of their address/contact details were found staying in the children home. Commission directs District Administration for immediate intervention for their restoration and desires a status report on the same.
- vi. **Child Abuse in Children Home for boys:** During interaction with some children it was observed that there were complaints of physical abuse by the staff of home. Commission directs District Administration for immediate action in any kind of physical or sexual

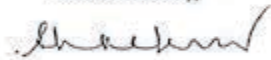
abuse with children in CCIs as this is an extremely serious offence and the guilty need to be punished.

- vii. Vocational Training: During the visit, it was found that the vocational trainings available in the CCIs were outdated useless for gainful employment. The Commission recommends concerned authority to introduce those vocations which have subsequent employment opportunities for children in CCIs. The Commission desires a status report on the same.
- viii. Availability of ICPS Staff: State to provide data on staffing gaps currently existing in the ICPS and its plans to fill these gaps.
- ix. Training of ICPS Staff/SJPU: It was observed that there were lack of information and awareness among ICPS staff. The Commission requires to know the current status of training of ICPS staff/SJPUs.
- x. Registration of CCIs: The concerned authority to do mapping of all the Child Care Institutions (CCIs) in the district and ensure their registration especially NGO run homes under JJ ACT, and also submission of inspection reports to ensure protection of children against any child rights violations, deprivations or subject to any kind of physical or sexual abuse.
- xi. The Commission recommends District Administration to coordinate with the railway authority in curbing the trafficking of children at the source point while boarding the trains.

You are requested to submit a detailed action taken report on the action taken in each of the above.

With regards,

Yours sincerely,



(Stuti Kacker)

✓ Shri Alok Ranjan,
Chief Secretary,
State Government of Uttar Pradesh,
Secretariat, Lucknow.



स्तुति कक्कड़
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. NCPCR/1301/01/2016/Child Health/45793
Date: 20/08/2016

Dear Mr Tucker,

As you are aware, the National Commission for Protection of Child Rights (NCPCR) is a statutory body constituted under Section 3 of the Commission of the Commission of Child Rights (CPCR) Act, 2005 (No.4 of 2006) for dealing with child rights and related matters.

Member NCPCR Smt. Rupa Kapoor had visited Vishakhapatnam District on 6th August, 2016 to monitor different government programmes and schemes running in the district, with regard to children's health, nutrition, education and welfare (report attached). The Commission recommends the State Government and District administration arising from her visit to initiate immediate action on the issues and concerns listed below in order to ensure the rights and entitlements of children:

RECOMMENDATIONS

- i. **Availability of Staff in Children Home:** It was observed that there was lack of Counselor in Government run Special Home cum Children's Home and Observation Home for girls. **The Commission directs to fill these gaps in staffing at the earliest and District Administration for immediate intervention to identify and appoint one counselor to assist girls living in CCIs.**
- ii. The Commission observes that there is lack of basic facilities in the Home, like lack of beds, mattress and maintenance of the premise. **Commission therefore, directs District Administration for immediate intervention.**
- iii. **Rehabilitation of Children In CCIs:** During interaction with children it was observed that there was delay in restoration/transfer of juveniles. It was noted that some of the children who are willing to go back to their parents and were aware of their address /contact details were also found staying in the Children's Home. **Commission directs District Administration to arrange for immediate restoration after following due procedure and desires a status report on the same especially restoration of children belonging to Odisha State should be done on priority.**
- iv. **Availability of Recreational Facilities:** During the Member's visit, it was found that the recreational facilities available in the CCIs were inadequate for children. The Commission recommends introduction of appropriate recreational and sports activities for children in CCIs.

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Web : www.ncpcr.gov.in

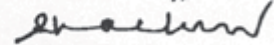
- v. **Maintenance of Records:** During the Member's visit, it was found that records were not properly maintained in the CCIs. **Commission directs District Administration to instruct ICPS staff and CCIs staff to maintain records on regular basis and also instruct them to prepare the individual care plan of all children in the Home.**
- vi. **Infrastructure of CCIs:** During the visit, it was found that Observation Home for boys and girls does not have proper classroom setting and teaching materials. The living space was also less in proportion to the strength of children in home. **The Commission directs that the needful is done. Further the children living in CCIs / Observation Home especially should also be segregated according to their age.**

You are requested to submit a detailed action taken report on the actions taken in each of the above mentioned issues.

With regards,

Encl: Copy of Tour Report

Yours sincerely,



(Stuti Kacker)

✓ Sri Satya Prakash Tucker, I.A.S
Chief Secretary,
Government of Andhra Pradesh,
Secretariat Office: L Block, 5th Floor, Room no-506
Phone: 23456026, 23456604
Fax: 23451861
Email: sptucker@ap.gov.in



स्तुति कक्कड़
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. NCPCR/3501/04/2016-Assam
Date: 21/09/2016

45927
45927

Dear *Sri Pipenderia,*


The National Commission for Protection of Child Rights (NCPCR) was constituted under section 3 of the Commission for Protection of child Right Act 2005. One of the major function of the Commission under section 13(1) (a) is to examine and reviewed the safe guards 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.

2. To assess the situation of children in Child Care Institutions and in remote areas of Assam, a team led by Ms. Rupa Kapoor, Member, with SCPCR, Assam made a visit to Observation Homes and Children Homes, Assam from 18th July to 22nd July 2016.(copy of report attached).
- 3.- Besides inspecting the Homes, the team from NCPCR interacted with district officials of Sonitpur to discuss the issue of rights of children in tea gardens. A meeting with officials from various departments and civil societies was also held to discuss the issues of child rights and entitlements viz: Right to Education, child labour, child trafficking, health and nutrition of children etc. We invite your kind attention to the gaps observed and recorded by the NCPCR team during their visit to children homes, observation homes and a remote village of Assam.
4. In view of the broad observation made by the team, the Commission recommends the following actions by concerned department of the State. An action taken report may kindly be furnished to this Commission within 15 days.

1. **Women and Child Development**

1. To adopt a robust mechanism of monitoring and inspection of Children Homes and Observation Homes and regular submission of inspection reports to ensure protection of children against any child right violations, deprivations or subject to any kind of physical or sexual abuse.
2. Mapping of all the Child Care Institutions by Department of Women and Child Development, Assam.
3. The State run home for women and children at Jhalukbari needs to be improved as it was found by the team, that inner compound of the home was filled with the stagnant water breeding mosquitoes, (ii) the case records of women suffering from mental health disturbances were not filled properly. Commission has suggested for free legal aid to women at Jalukbari home through DLSA and State Commission for Women, Assam.

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4. Child Welfare Committees to be strengthened and inspections should be done by Child Welfare Committees. Social Investigation Reports (SIR) to be submitted by CWC members of each child living in Children Home.
 5. Experts must be involved by the District authority to assess on the basis of modern IQ and aptitude tests about the way, in which such Children can be mainstreamed.
 6. Provisions should be made for medical care in the Children Home and arrangement for regular medical checkup with a doctor or at least a nurse. Also the child/woman should be medically examined thoroughly and her medical chart should be maintained and if any such disease is diagnosed then it should be treated properly.
 7. Members of CWC should inspect these Homes once in every fortnight and a report should be submitted to the D.P.O of the same. Similarly the D.P.O. should also visit these homes periodically.
 8. All the places where these children are kept should be inspected routinely by the district administration and it should be seen whether the children living in these homes are in a healthy state or not. Also it should be seen whether the place is hygienic and is fit in the best interest of children.
 9. Advanced Skill Development programme for children in child care institutions should be introduced. Make available specially trained teachers for handling the differently-abled children and women of Jalukbari home, particularly the children with intellectual impairment. Effort may be made to make appropriate arrangement for children with special needs.
 10. Appointment of Computer Instructor, Music teacher and Librarian for children living in all the Children Home especially in Children Home, Jalukbari, and observation home for boys Boko, as it was observed by the team, that children were interested in learning skilling activities.
 11. Nutritious food should be provided to all children living in Children Homes and children should be involved in deciding the Weekly Menu of food, as it was shared with the team that in children are not being involved in deciding the menu.

II. Labour Department

1. Labor Department, Assam should map the tea garden areas to ensure no child labour. A thorough search should be conducted over the whole district, for detecting cases of child labor and immediate rescue, restoration and rehabilitation of such children should be done. Education facility should be provided to all the rescued children under NCLP.
2. Crèches for children of tea garden workers should be established.
3. Training and orientation of officials mainly Child Welfare Committees with regard to child rights issues should be conducted on a regular basis.

III. Education Department

Team visited Narayanpur Tea Estate at Sonitpur District. The team members interacted with the children and their parents. Local inhabitants dwell upon various problems being faced by the children in their effort to get better education, health facilities, eradicate social problems, hygienic environment etc. Most of the lower primary schools are functioning in a single hall wherein all students from different classes sit together without any partition. Poor infrastructure- no toilets, no desk and benches were also some of the major issues.

The team also visited a remote village of Kokrajhar, pre dominantly a minority area, where a relief camp after the 1993 ethnic violence was set up. Children from villages such as Jamalguri, Maliouta, Beltoli etc. come there for education

1. Mapping of drop out students should be done by the Education Department and efforts should be made to enroll them in age appropriate classes through special coaching under RTE Act.
2. Distribution of Mid- Day Meal should be ensured, safe drinking water should be made available to all the students and separate toilets for male and female should be made available in every school, as it was reported to the State Commission that there are no separate toilets available for the girls in schools.
3. Special Educators and School Counselors to be appointed in all the schools of the State.
4. Department of Education to conduct sensitization programme on Corporal Punishment across the state to educate and sensitize the School authorities/SMCs/Teachers/Education Officers to prevent the incidents of Corporal Punishment.

IV. Home Department

1. Training of all the Officials, CWCs, JJBs, Police, in dealing with children of sexual offences under POCSO Act 2012. Sensitization programmes for Police personnel as children of Observation Home, Boko reported incidences of torture by police.
2. Establishment of special Courts under POCSO Act needs to done early.
3. Principal Secretary, Home to review the status of missing children at least once in a quarter if it is not on monthly basis.

With regards,


Ends: Tour report of Member NCPCR.

Yours sincerely,



(Stuti Kacker)

Shri Vinod Kumar Pipersenia
Chief Secretary
Government of Assam
Assam Sachivalaya, Block C,
3rd Floor, Dispur, Guwahati-781006



Copy to:

Chairperson.
State Commission for Protection of Child Rights, Assam,
Jayanagar, Six mile, Guwahati (Assam),
P.O. Khanapara, Guwahati-32,
Fax: 0361-2220283, 2733892, Tel: 0361-2638654 .
Email: ascpcr@rediffmail.com



स्तुति कक्कर
Stuti Kacker
अध्यक्ष
Chairperson

भारत सरकार
GOVERNMENT OF INDIA
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NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
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New Delhi-110 001



D.O.No.72044/2016-17/11/ 40926
Date: 9th May, 2016

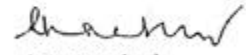
Dear Alok,

Please refer to the news report appeared in "Rashtriya Sahara" Delhi Edition dated 4.5.2016 relating to serious breach of security etc. in Government Observation Home situated at Suraj Kund, Meerut in Uttar Pradesh. As per the news report; two groups of inmates of the Observation Home had quarreled and in this situation, the staff of the home ran away from their duty. It was also mentioned that the inmates threw stones on the Police and Administrative Officers who reached there after receiving the information of the incident. Taking advantage of the situation 13 of them escaped from there but were later on brought back to the Observation Home.

2. The news report mentioned also about the unrest among the inmates on account of mismanagement of the home and poor quality of food given to them.
3. Taking cognizance of the news report, it was decided that a team of NCPCR shall visit the Observation Home and conducted an enquiry on the spot. Accordingly, a team of NCPCR visited the Observation Home on 4/5/2016. During the visit the team interacted with the inmates and also the officers present there. A group of local people, including ladies, residing near the Observation Home also approached the team and apprised the team members about their version of the problem.
4. The observations and recommendations of the NCPCR team are enclosed.
5. You are requested to send an action taken report on the recommendations of NCPCR within 30 days of receipt of this letter.

With regards,

Your sincerely,


(Stuti Kacker)

Shri Alok Ranjan
Chief Secretary
State Government of Uttar Pradesh,
Secretariat,
Lucknow, UP

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Observations and Recommendations of NCPDR team which visited Government
Observation Home at Surajkund, Meerut on 4.5.2016

OBSERVATIONS:

The Observation Home has got very poor infrastructure and is situated in a disadvantageous location both from the point of view of the inmates as well as the common people residing nearby.

In October, 2015 also a complaint was received in the Commission about four inmates escaping from this very Observation Home and no report from the District Magistrate has been received till date on that incident. Thus, frequent incidents of such a serious nature prove that there is a regular system failure which allows such incidents to happen again and again.


(ii) After talking to the 48 inmates present at the Home at the time of team's visit, it was clear that there is a strong undercurrent of dissatisfaction and frustration among the inmates arising out of many unsolved issues like poor quality food supplied to them, unreasonable space for their normal activities, indifferent and unsympathetic behavior of the staff, inadequate bedding etc.

(iii) During the visit, it was very visible that the supervision of the home is really poor and attitude is indifferent. Superintendent Incharge, Mr. Mithilesh Kumar appeared to be at loss for answer when asked about the various problems highlighted by the inmates. The incident which triggered virtual revolt of the inmates was, acute sickness of one inmate named Master Shivam and the totally indifferent attitude of the staff on arranging for required medical relief including ambulance etc. when other juvenile inmates approached them for the same. One juvenile named Master Sagar even told that the reply of the Superintendent was "*marta hai to mare*". When we confronted the Superintendent about this, he turned to some other inmates who replied that the medical relief was provided on time. It is clear that there are two groups among the inmates who have got some issues between them and fight frequently. Some inmates even told that some of them had got supply of liquor and drugs.

(iv) When we specifically asked about the sanctioned strength of the staff and about those who are presently posted, it was informed that against the sanctioned strength of 18, only 11 are in place. The crucial post of one Asstt. Superintendent, one Case Worker and three posts of Care Taker are lying vacant. The insufficient and visibly inefficient staff coupled with poor infrastructure, and poor quality of food are in itself potent and consistent triggers for any such unrest any day. A very important point to note is that most of the inmates are there in connection with heinous crimes. During our visit, some of the inmates appeared to be beyond 18 years. Some of the inmates complained about non permission to them to appear for school examinations in their respective districts.

(v) Some inmates did have lot of frustration arising out of the delay in decision on their cases and also complained of corruption among the Police Officials who allow them to meet their family members only after receiving some bribe.

(vi) It was clear after talking to the inmates that the desired medical facilities at the Observation home like regular visit of the doctors are not at the level recommended for



Homes. On being confronted for answers on this issue, the Superintendent was at a loss for relevant records of regular medical check up of the inmates and simply mentioned that the records may be with the Nurse. This also shows that inefficiency of the officers incharge of the home is one problem triggering such incidents, absence of monitoring / supervision by their superior officers adds to the problem.

(vii) The continuous hostility between the inmates inside the Observation home and the residents of the nearby houses is a big and serious issue. Considering the frequent breach of security by the inmates and the reported indecent behaviour of the inmates towards the residents of the nearby homes (the complaints of residents were very specific and serious in this regard) any day a serious and law & order situation can arise.

In view of the above observations, the team strongly feel that the following recommendations may be conveyed to the Government of Uttar Pradesh as preventive and corrective measures for not allowing such incidents to happen in future.

RECOMMENDATIONS.

(I) The inmates of the home or the home itself needs to be shifted immediately to a safer, cleaner and well managed premises which should be away from the residential area. Till it is done, a small police force needs to be posted right in front of the Observation home on a regular basis so as to prevent recurrence of such incidents as well as any possible confrontation between the inmates and residents of surroundings area. Also, the sanctioned strength of the staff should be immediately made available to the home for day as well as night duty. The Superintendent incharge should be replaced by an efficient person.

(II) Poor quality of food, poor bedding, no space/facility for any creative pursuit and poor medical facility have to be viewed seriously for corrective measures otherwise in future the inmates can repeat such unruly behaviour.

(i) Considering frequent incidents of inmates escaping from this home and reported law and order situation triggered by such incidents, the higher authorities concerned with supervision of such homes have to monitor the situation on regular basis and they need to form a review team which should visit such homes regularly and submit quarterly reports on all issues including the facilities which should be there as per the law and the ground level situation against each of those facilities. Sensitization in new JJ Act is important in case of all the functionaries incharge of the home.



शिवत जैन
Yashwant Jain
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: WB- 79449/2016-2017/JJ

52708

Date: 17/03/2017

To,

Secretary
Women and child Development
Secretariat Headquarter at
"NABANNA" HRBC Building,
325, Sarat Chatterjee Road,
Howrah - 711 102, West Bengal
Phone: 23341563
e-mail: secwcdsw@wb.gov.in

Subject: Irregularities found at Korok Observation and Juvenile Home for Boys, Jalpaigudi, Darjelling and Coochberg during the visit of the Hon'ble Member Shri Yashwant Jain

Madam,

National Commission for Protection of Child Rights (NCPCR) has been constituted under the provisions of the Commissions for Protection of Child Rights (CPCR) Act, 2005 for protection of child rights and other related matters. One of the functions assigned to the Commission under Section 13 (1)(j) of CPCR Act is to inquire into complaints and suo motu cognizance in relation to deprivation and violation of child rights.

2. The team from NCPCR led by Shri Yashwant Jain visited Korok Observation and Juvenile Home for Boys for Distt. Jalpaigudi, Darjelling and Coochbehar on 07.03.2017. Children Home, Juvenile Home and Special Home are running in the same premises. Exit, dining area are the same for all the children. One male of 23 yrs of age was also found in the Observation Home who got entered when minor. There are chances that the children who are in need of care and protection and JCLs can interact with each other.

3. After perusing the complaint, the Commission has taken cognizance of the matter and directed that the matter be referred to you for investigation/inquiry and take further necessary action. A factual report, along with authenticated copies of the relevant documents, be sent to the Commission within 30 days of issue of this letter. The Report should indicate inter-alia the information on the following points:


Yashwant Jain

द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001

11th Floor, Chandernlok Building, 36, Janpath, New Delhi-110 001

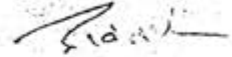
दूरभाष /Ph. :011-23478261, फैक्स /Fax: 011-23724028

ई-मेल-E-mail : yashwant.ncpcr@gov.in

- 
- i. CNCP, JCL and the children living in Special Home should be kept in separate buildings
 - ii. Separate arrangement for dining area/exit for the children.
 - iii. Whether any certification being provided by the govt. as on observation home?
4. In case, any other Commission duly constituted under any law, has also taken up this matter with you or any other authority, a copy of their communication may also be furnished.
 5. Please quote the number and date of this letter mentioned at the top while responding.

Encl: As above

Yours faithfully,



(Yashwant Jain)
Member



यशवंत जैन
Yashwant Jain
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



मिसिल संख्या: WB-79450/2016-17/Comp

दिनांक: 17/1/2017

प्रति,

जिला अधिकारी
जिलाधिकारी कार्यालय,
जिला-जलपाईगुडी, पश्चिम बंगाल

विषय: संघमित्रा आश्रम, गाँव-दोमोही में चलाये जा रहे गैर-कानूनी हॉस्टल/गृह को बंद करने के सम्बन्ध में।

महोदया,

आयोग अधिनियम 2005 सेक्शन 14 के अंतर्गत न्यायालयीय अधिकारों से संपन्न है और किसी भी शिकायत को याचिका के रूप में लेकर उसे 1908 के सिविल प्रोसिजर कोड के अंतर्गत न्यायालयीय प्रक्रिया द्वारा सुनकर निर्णय दे सकता है।

दिनांक 08 मार्च 2017 को आयोग द्वारा उक्त हॉस्टल का औचक दौरा किया गया तथा यह पाया गया कि संघमित्रा आश्रम नामक संस्था द्वारा गाँव-दोमोही, पी.एस.-मैनागुडी, जिला-जलपाईगुडी में रेलवे के जर्जर भवन संख्या डी. एवं एस. में चलाये जा रहे हॉस्टल/गृह में किसी भी प्रकार का गृह/हॉस्टल चलाये जाने बाबत उचित जगह एवं सुविधाएं नहीं हैं। इस भवन की जर्जर स्थिति किसी भी व्यक्ति के जीवन के लिए घातक है, अतः आयोग इस बात की अनुशंसा करता है कि उक्त भवनों में संचालित किसी भी प्रकार का बाल गृह/हॉस्टल तुरंत बंद किये जाने सम्बन्धी कार्रवाई अविलम्ब करते हुए आयोग को 10 दिनों के भीतर सूचित करें।

17/1/17

भवदीय,
(यशवंत जैन)

द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001

IInd Floor, Chandertok Building, 36, Janpath, New Delhi - 110001

दूरभाष/Ph. : 011-23478252 फैक्स/Fax : 011-23724028

ई-मेल/E-mail : yashwant.ncpcr@gov.in

Web : www.ncpcr.gov.in Lodge your complaint at www.ebaalindian.nic.in



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



D.O No:1601/05/2016-Child Labour/43335

Date:19-07-2016

Dear श्री केवल कुमार जी

Delhi's culture has been influenced by its lengthy history and historic association as the capital of India. The sad plight is that when the tourist are wondering across Delhi, they come across beggars who are trained to become persistent while begging and one is bound to give them money. This is showing the poverty of our country building a negative image about India. It requires an urgent legal and Social approach to address this issue.

u/s 13(1) (j) of the Commission of Protection of Child Rights Act 2005, the commission inquires into the complaints received and registered by it regarding the violation of child rights. Besides u/s 109 of the Juvenile Justice (Care and Protection) Act, 2015 (JJ Act, 2015) the commission is mandated to monitor its implementation.

The attention of the commission has been drawn by various complaints and through the representation by civil society organization towards the issue of Child begging in Delhi. The commission organize a series of meetings with various stakeholders including Childline, Delhi Legal service authority, members of CWC, Delhi Police and women & Child Department Government of Delhi to discuss this issue.

During the course of discussion it was noted that the begging by children on the streets of Delhi is a violation of child rights. The children should have been in the schools rather than on the streets soliciting or receiving alms under any pretence. It is the duty of the state to ensure that all the children goes to the school and live in the safe environment rather than sound begging on the streets. Further it was also noted that many children in Delhi are working as a Child Labour in various establishment interfering with their ability to attend regular schools and effecting their physical and mental growth. Needless to mention that many of these children are working in the hazardous conditions.

In this regard the commission has directed the following measures to be taken by Government of Delhi to prevent Children from begging and Child labour:


1. There is a need to rescue the Children from the undesirable condition of begging And child labour on the street. The Government of NCT of Delhi to make an action plan at all the three levels namely pre- rescue, rescue and after-rescue of the children.

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001

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Web : www.ncpcr.gov.in, Lodge your complaint at: www.ebaalnidan.nic.in

- 
2. As you may be aware that Child Begging and Child labour are prohibited u/s 76 and u/s 79 respectively of the JJ Act 2015. Further you may be aware that Child cruelty is a punishable offence u/s 75 of the said Act. However the commission has been informed that till date no case has been registered since the coming into the force of JJ Act 2015. As such there is a need to have an Inter Departmental Coordination among the various departments of Delhi. In this regard a copy of the "Action plans for abolition for child labour in Delhi 2010" is enclosed which could be used as a model for inter Departmental coordination.
 3. In this regard list of areas where children are found begging is enclosed for your ready reference.
 4. The Government of Delhi to ensure regular Raid, Rescue and Rehabilitation of Children found begging on the street.

It is required to send a report of action taken to the commission at the earliest within 1 month.

With regards

Your sincerely



(Yashwant Jain)

Shri Kewal Kumar Sharma,
Chief Secretary, Govt. of NCT of Delhi
A-Wing, 5th Floor, Delhi Secretariat,
New Delhi-110113



यशवंत जैन
Yashwant J
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



D.O No: 1601/05/2016-Child labour

Date: 22.7.2016

43514

Your Excellency,

Delhi's culture has been influenced by its lengthy history and historic association as the capital of India. The sad plight is that when the tourist are wondering across Delhi, they come across beggars who are trained to become persistent while begging and one is bound to give them money. This is showing the poverty of our country building a negative image about India. It requires an urgent legal and social approach to address this issue.

u/s 13(c) of the Commission of Protection of Child Rights Act 2005, the commission inquires into the complaints received and registered by it regarding the violation of child rights. Besides u/s 109 of the Juvenile Justice (Care and Protection) Act, 2015 the commission is mandated to monitor its implementation.

The attention of the commission has been drawn by various complaints and through the representation by civil society organization towards the issue of Child begging in Delhi. The commission organized a series of meetings with various stakeholders including Childline, Delhi Legal service authority, members of CWC, Delhi Police and women & Child Department Government of Delhi to discuss this issue.

During the course of discussion it was noted that the begging by children on the streets of Delhi is a violation of child rights. The children should have been in the schools rather than on the streets soliciting or receiving alms under any pretence. It is the duty of the state to ensure that all the children goes to the school and live in the safe environment rather than sound begging on the streets. Further it was also noted that many children in Delhi are working as a Child Labour in various establishment interfering with their ability to attend regular schools and effecting their physical and mental growth. Needless to mention that many of these children are working in the hazardous conditions.

In this regard the commission has directed the following measures to be taken by Government of Delhi to prevent Children from begging and Child labour:

1. There is a need to rescue the Children from the undesirable condition of begging And child labour on the street. The Government of NCT of Delhi to make an action plan at all the three levels namely pre-rescue, rescue and after-rescue of the children.

o/c
[Signature]

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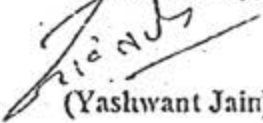
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3. A list of areas in Delhi where children are found begging is enclosed for your ready reference.

It is requested that His Excellency may direct Government of Delhi and Delhi Police to ensure regular Raid, Rescue and Rehabilitation of Children found begging on the street.

With regards,

Yours sincerely,


(Yashwant Jain)

H.E. Najeeb Jung,
Lt. Governor,
Lt. Governor's Secretariat, Raj Niwas,
Raj Niwas marg, Delhi, Pin - 110054
: Ph. 23945971, 23965022, 23978089, Fax: N23945010, 23937099

011
25/7/16

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