



सत्यमेव जयते



NCPCR

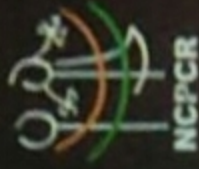
स्नेह, शिक्षा,  
स्वास्थ्य  
और सुरक्षा  
करो बाल्य  
की रक्षा







# बच्चे हाथ कलम के साथ



# Annual Report

**2013-14**

**NATIONAL COMMISSION FOR PROTECTION OF  
CHILD RIGHTS**



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# List of Abbreviations

AES	Acute Encephalitis Syndrome	CMM	Chief Metropolitan Magistrate
AHTU	Anti-Human Trafficking Unit	CMO	Chief Medical Officer
AIIMS	All India Institute of Medical Sciences	CPCR	Commissions for Protection of Child Rights
ANM	Auxiliary Nurse Midwife	CSEI	Centre for Social Equity & Inclusion
AOR	Advocate on Record	CSO	Civil Society Organizations
ASCI	Administrative Staff College of India	CWC	Child Welfare Committees
ASHA	Accredited Social Health Activist	CWO	Child Welfare Officer
ASCPCR	Assam State Commission for Protection of Child Rights	CWSN	Children With Special Needs
ATR	Action Taken Report	DAC	Dept. of AIDS Control
AWC	Anganwadi Centre	DCPCR	Delhi Commission for Protection of Child Rights
AWW	Anganwadi Worker	DCPU	Delhi Child Protection Units
BDO	Block Development Officer	DDC	District Development Committee
BEO	Block Education Officer	DIET	District Institute of Education and Training
BPL	Below Poverty Line	DISE	District Information System for Education
BTAD	Bodoland Territorial Area District	DGP	Director General of Police
CABE	Central Advisory Board of Education	DLSA	Delhi Legal Service Authority
CBOR	Child Bed Occupancy Rates	DONER	Development of North Eastern Region
CCE	Continuous and Comprehensive Evaluation	DOTS	Directly Observed Treatment, Short Course
CDPO	Child Development Project Officer	DSWO	District Social Welfare Officer
CEO	Chief Education Officer	ECCE	Early Childhood Care and Education
CHC	Community Health Centre	EWS	Economically Weaker Section
CJM	Chief Judicial Magistrate		
CLPRA	Child Labour (Prohibition & Regulation) Act		



EID	Education Infrastructural Development	KSPCR	Karnataka State Commission for Protection of Child Rights
FAQ	Frequently Asked Questions	MBPDF	Mizoram BRU Displaced People's Forum
FIR	First Information Report	MCD	Municipal Corporation of Delhi
GF	Growth Faltering	MDM	Mid Day Meal
GNCT	Government of National Capital Territory of Delhi	MHA	Ministry of Home Affairs
GRM	Grievance Redressal Mechanism	MHRD	Ministry of Human Resource Development
GRP	Government Railway Police	MPLSSM	Madhya Pradesh Lok Sangharsh Sajha Manch
HCM	Hot Cooked Meals	MSO	Multi-service Operators
HFW	Health and Family Welfare	MWCD	Ministry of Women & Child Development
HRNL	Human Rights Law Network	NAC	National Advisory Council
HRW	Human Rights Watch	NACP	National AIDS Control Programme
IEC	Information, Education and Communication	NALSA	National Legal Services Authority
IBF	International Bridges for Justice	NCC	National Cadet Corps
IMM	Integrated Management of Malnutrition	NCLP	National Child Labour Project
ICDS	Integrated Child Development Services	NCPCR	National Commission for Protection of Child Rights
ICPS	Integrated Child Protection Scheme	NCRB	National Crime Records Bureau
ILO	International Labour Organization	NCT	National Capital Territory
JE	Japanese Encephalitis	NDMJ	National Dalit Movement for Justice
JJA	Juvenile Justice Act	NFSB	National Food Security Bill
JJB	Juvenile Justice Board	NHRC	National Human Rights Commission
JJS	Juvenile Justice System	NHSRC	National Health Systems Resource Centre
JNV	Jawahar Navodaya Vidyalayas	NGO	Non-Governmental Organization
JWO	Juvenile Welfare Officer		
KSCH	Kalawati Saran Children's Hospital		
KGBV	Kasturba Gandhi Ballika Vidyalaya		
KSCCW	Kerala State Council of Child Welfare		



NIPCCD	National Institute of Public Cooperation and Child Development	SDP	School Development Plan
NRC	Nutrition Rehabilitation Centre	SHP	School Health Programme
NRHM	National Rural Health Mission	SJPU	Special Juvenile Police Unit
NSS	Nation Service Scheme	SJW	Social Justice and Welfare
NTTTR	National Institute of Technical Training and Research	SMC	School Management Committees
NVBDCP	National Vector Borne Disease Control Programme	SMCU	Special Medical Care Unit
OST	Opioid Substitution Therapy	SNP	Supplementary Nutrition Programme
PCTC	Pregnancy and Child Tracking system	SOP	Standard Operating Procedures
PDS	Public Distribution System	SPO	Special Police Officer
RBC	Residential Bridge Course	SSA	Sarva Shiksha Abhiyan
REPA	Rules for Educator Preparation and Accountability	THR	Target Heart Rate
RPF	Railway Protection Force	THR	Take Home Ration
RTE	Right To Education	TISS	Tata Institute of Social Sciences
RTI	Right To Information Act	UNICEF	United Nations Children's Fund
SAA	Specialized Adoption Agency	UNCRC	United Nations Convention on the Rights of the Child
SCERT	State Council for Education, Research & Training	UOI	Union of India
SAM	Severely Acute Malnourished	UT	Union Territory
SCPCR	State Commissions for Protection of Child Rights	VCS	Victim Compensation Scheme
SCRB	State Crime Record Bureau	VEC	Village Education Committee
		VCDC	Village Child Development Centre
		WCD	Women and Child Development
		YASHDA	Yashwantrao Chavan Academy of Development Administration



# Preface

The period of 2013-14 covers another milestone for the National Commission for Protection of Child Rights as it continues its march towards protecting the rights of the children against all forms of violations and abuse. The year began with grappling the tragedy of Uttarakhand floods in June 2013 resulting in loss of lives and livelihoods, damages to infrastructure causing hardships for inhabitants particularly children. The Commission was prompt in its response by visiting the flood affected areas and recommending to the State Government to take necessary action pertaining to the safety of children and also ensuring that children's rights towards education, shelter, health and nutrition are adequately taken care of.

In June 2013, the Commission along with UNICEF and ILO commemorated the World Day Against Child Labour in New Delhi. Taking forward this year's theme of Domestic Child Labour, the Commission with UNICEF and ILO issued the joined declaration, to abolish the practice of domestic child labour who are normally migrants or trafficked from other States or countries into major cities of India.

The Commission, continued its endeavour to disseminate and monitor the implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012 which is important as it defines child as a person below the age - group of 18 and provides stringent punishment against all types of sexual offences and abuses. Towards this end, as part of its ceaseless IEC efforts, the Commission developed 6 pamphlets on POCSO and prepared Guidelines for Police, Special Courts and Special Public Prosecutors, in addition to the guidelines for child Welfare Committees, Support Persons and Health professionals.

On the subject of missing children, the Commission has recommended in October 2013 to the State Commissions of Protection for Child Rights to constitute a 'State/UT Level Task Force on Missing Children' in their respective States/UTs. In addition, the Commission has been compiling data on missing children from States in India and pressing for coordination of State Level (SCRB) data with NCRB data.

Right to Free and Compulsory Education for all children was another concurrent effort of the Commission towards which, as mandated by the Right to Education Act (RTE) of 2009, several activities were carried out by the Commission. For instance, the Commission, in July 2013, developed School Audit tool kit, held several meetings with Ministry of Human Resource Development to strengthen implementation of RTE in various States and by undertaking monitoring visits. Most importantly, the Commission organized a National Convention on "3 Years of implementation of Education (RTE) during 14th to 15th January 2014 to take stock of the implementation since 1st April 2010. In addition, two Public hearings were conducted in November 2013, one in Haryana and another in Jharkhand, which were organized by the Commission paving for speedy grievance redressal of complaints

pertaining to RTE. To boost the strengthening of SCPCRs two meetings were also held by NCPCR with Chairpersons of various SCPCRs, in August and in October 2013, respectively to evolve a common understanding on various Child Rights issues including monitoring of the RTE Act.

On the subject of Child health, the Commission organized a Public Hearing at Gorakhpur on 11<sup>th</sup>-12<sup>th</sup> Sept., 2013 on the issue of Japanese encephalitis (JE)/ Acute Encephalitis Syndrome (AES). The Commission also intervened in strengthening the health services in Kalawati Saran Children's Hospital by having review meeting with the hospital authorities and Ministry of Health.

An assessment of child rights in the riot hit Muzaffarnagar Uttar Pradesh, was made by visits of the Commission, in relief camps in October 2013 wherein meetings were held with the District Administration to highlight the immediate needs of the affected population especially young children. The recommendations were conveyed as concrete steps pertaining to long term rehabilitation keeping in mind the welfare of the Children.

The year ended with the Commission launching a year-long "Street to School" campaign in collaboration with NGOs, civil society and various Govt. stakeholders. The year-long campaign has been aimed to address the problem of children on streets in a realistic and concretely targeted manner. During the launch of the campaign, 53 street children got their Aadhar made during the programme, which is another sub-initiative of the campaign. On the same day an Online Complaint Management System (e-Baalnidan) was also launched to pave the way for a transparent and user friendly online system of complaints.



# NCPCR-An Overview

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission for Protection of Child Rights 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 and also the UN CRC.

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

## 1.1 Functions of NCPCR:

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

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



- v. Look into matters relating to children in need of special care and protection, including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures
- vi. Study treaties and other international instruments and undertake periodic review of existing policies, programmes, and other activities on child rights and make recommendations for their effective implementation in the best interest of children.
- vii. Undertake and promote research in the field of child rights
- viii. Spread child rights literacy among various sections of society and promote awareness of the safeguards available for protection of these rights through publications, media, seminars and other available means.
- ix. Inspect or cause to be inspected any juvenile custodial home or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority including any institution run by a social organization, where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary.
- x. Inquire into complaints and take suo moto notice of matters related to: Deprivation and violation of child rights; Non implementation of laws providing for protection and development of children; Non compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children or take up the issues arising out of such matters with appropriate authorities;
- xi. Such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above function.

Besides the above, the functions of the Commission have also been specifically laid down in the POSCO Act 2012 and RTE Act 2009. The Commission in the year 2013-14 under the chairperson and with five members till November 2013 had dealt the several thematic areas which includes education, child health, care, welfare; juvenile justice or care of neglected or marginalized children or children with disabilities; elimination of child labour or children in distress; child psychology or sociology; and Laws relating to children. After November 2013, under the guidance of the Chairperson, the officials of the Commission continued to discharge the responsibilities and mandate of NCPCR.

## 1.2 Strategies adopted for major interventions:

- i) **State visits:** Periodic state visit 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, department meetings etc.
- ii) **Recommendations and Directives:** one of the important prerogatives of the Commission is to monitor and send appropriate recommendations/directives to the State 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 discussion 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 through which momentum can be generated on various child rights issues. In addition working groups and committees are constituted for technical support and advice on specific issues of children.
- vi) **Complaint management system & Summons:** One of the primary activities of NCPCR is taking 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 function of SCPCRs:** The year started with 21 number of functioning SCPCRs. However, by 31<sup>st</sup> March 2014, due to the focus of the NCPCR in strengthening the SCPCRs, 31 number of SCPCR were constituted as fully functional.



# 2

## Child and Law

Under section 13 (1) (a), the Commission has been mandated to 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. During the reporting period, the Commission has reviewed the following laws relating to children:

### 2.1 Draft Assisted Reproductive Technology Bill, 2013 (ART Bill)

The Commission has been concerned regarding the lack of regulations in commercialization of surrogacy and rights of child. In this regard, the Commission received a draft Assisted Reproductive Technology Bill, 2013 (ART Bill) prepared by Indian Council of Medical Research (ICMR). The Commission reviewed the said Bill and formulated its comments thereon. These includes issues relating to commercialization of surrogacy, effect of surrogacy on child rights including child's right to Identity, nationality, citizenship, right to health, right to parenthood, complaint redressal mechanism, periodic reports, evaluation of performance of the clinics etc. The Commission on 10 December 2013 had sent its comments on ART Bill to the Ministry of Health and Family Welfare and the Planning Commission of India. The Commission was of the view that the legal issues relating to surrogacy are very complex and therefore required to be addressed by a comprehensive legislation. As such there is a need to review this bill by multi-sectoral groups of experts.

### 2.2 Laws relating to 'sale of children':

The Commission had received representation dated 22.10.2013 from Karnataka State Council of Child Welfare drawing attention to the issue of sale and trafficking of babies in the context of adoption and lack of stringent provisions in the existing legislations to prevent this practice in the country. The Commission examined the matter and prepared a note on the lacunae in the laws relating to issue of sale of babies. The Commission recommended that the existing provision under section 372 and 373 of IPC be suitably amended to incorporate the definition of "sale of child" as defined under UNCRC Optional Protocol on Sale of Children, 2002. It was also suggested that as recommended in the 146<sup>th</sup> Report of Law Commission of India, a new section 373-A with certain modifications be



incorporated for protection of child rights. The Commission in this regard also recommended reviewing and carrying out suitable corresponding amendments in the JJ Act 2000 and Hindu Adoption and Maintenance Act 1956.

The Commission forwarded its note and recommendations to the Secretary of MWCD on 10<sup>th</sup> December 2013 highlighting the need to hold wider consultation with concerned ministries to address the problem of lack of legal provisions for sale of babies for adoption. The response of the Ministry is awaited.



# 3

## Representation in Courts

The activities of NCPCR pertaining to some important court matters during 2013-14 are mentioned below:-

### 3.1 In the matter of 'Exploitation of Children in Orphanage in the State of Tamil Nadu vs. UOI and Ors., Criminal Writ Petition No. 102/2007' before the Hon'ble Supreme Court of India

- Hon'ble Supreme Court had in 2007 taken suo moto cognizance of some news reports reporting alleged trafficking of children from North Eastern States to the State of Tamil Nadu (TN hereinafter); the children were found to be languishing in orphanage in question in inhuman conditions. Notice to the State of TN was sent and with regard to the specific incident of transportation of children in question.
- Hon'ble Supreme Court in its order dated 31.03.2010 noticed that there was an allegation that large scale transportation of children from North-Eastern States were still going on and, therefore, an inquiry needs to be conducted. For the said purpose, NCPCR was directed to conduct the said inquiry with liberty to take assistance of an expert. Consequently NCPCR, after conducting a detailed inquiry, submitted its inquiry report to the Hon'ble Supreme Court on 15.07.2010.
- Hon'ble Supreme Court vide order dated 7.02.2013 granted three months time to all the States/UTs for taking action towards, - constitution of SCPCRs, - completion of all formalities towards implementation of CPCR Act, 2005, RTE Act and framing and notifying rules there under, - making functional the State Commissions if respective States/UTs had 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 conditions 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.; number of children homes etc. those which are registered

and which are not registered under JJ Act; protective action taken or to be taken in cases of unregistered CCIs to prevent abuse of inmates in those unregistered CCIs; measures taken towards implementation of RTE Act, towards eradicating child trafficking; towards setting up of Special Courts under POCSO Act. As per the Hon'ble Court said status report shall also indicate the capacity of the children homes, separately for boys and girls, and whether the standard with regard to the nutrition and hygiene are being maintained.

During the period under review, the following developments took place in this matter:

- The matter was listed for three times till 11.07.2013 when it was further adjourned for eight more weeks. All this while no satisfactory compliances were made by majority of the States/UTs.
- On 11.11.2013 kind attention of the Hon'ble Court was drawn by NCPCR towards its directions issued on 07.02.2013 and towards the fact that some of the States had not till date given the status report; that the State of UP had not framed the CPCR Rules. Hon'ble Court, however, granted further liberty to the non-compliant States/UTs to do the needful and furthermore sought status report from NCPCR and the Amicus Curiae.
- On 11.12.2013, the Hon'ble Court heard detailed representations from the amicus curiae, NCPCR and UOI and posted the matter for 16.12.2013 for passing of an order; the Hon'ble Court sought draft order from the amicus curiae, NCPCR and UOI.
- On 16.12.2013, Hon'ble Court issued mandatory directions to the Chief Secretaries of all the States and the UTs to file an affidavit containing relevant information with regard to the aspects as to constitution of State Child Rights Commission, appointment of Chairpersons and Members thereto, making them functional, framing Rules under the CPCR Act; designating Special Courts under section 28 of the POCSO Act and appointment of Special Public Prosecutors under section 32 of the POCSO Act; Framing respective State Rules under the RTE Act; status of registration of Child Care Institutions under JJ Act and those who are not registered, within a period of eight weeks. The Hon'ble Supreme Court had observed that it had sufficient justification to take a serious view in the matter and initiate appropriate proceedings for contempt of Court against the defaulting States/UTs.
- Now the Hon'ble Supreme Court is receiving the requisite affidavits from the States and UTs and matter is now posted for July, 2014.

### **3.2 'Budhadev Karmaskar vs. State of West Bengal, Crl. Appeal No. 135/2010' before the Hon'ble Supreme Court of India**

- Pursuant to filing of a criminal appeal by a life convict, who was convicted for murdering a sex worker, the Hon'ble Supreme Court upheld the concurrent judgements of the Courts below awarding conviction and life imprisonment and thereafter, suo moto converted the appeal into a PIL in order to address problems of sex workers in the country, and sought detailed reports from all the States and UTs and the Central Government. Supreme Court by its order also constituted a panel headed by Mr. Pradip Ghosh, Senior Advocate as its Chairperson with members named therein. In this matter, 8 reports were filed from time to time before the Hon'ble court giving details of the actions taken by the respective authorities.



During the period under review, the following developments took place in this matter:

- The Hon'ble Supreme Court vide its order dated 09.05.2013, was pleased to observe that in total Twelve Interim Reports were submitted by the Panel; but the Chairperson of the Panel had laid emphasis on the 7<sup>th</sup> Interim Report and suggested that same may be accepted, with directions to the Union and the State Govts. to implement the recommendations made therein. The Hon'ble Supreme Court accepted the said suggestion of the Chairperson of the Panel and formally accepted the 7<sup>th</sup> Interim Report; accordingly directions to the Union and States were issued to take action upon the 7<sup>th</sup> Report. Matter was posted to 15-07-2013.
- On 15-07-2013 Mr. Pradip Ghosh, the Chairperson of the Panel informed the Hon'ble Supreme Court that most of the States have not sent any feedback with regard to the implementation of the 7<sup>th</sup> Interim Report. Noticing same the Hon'ble Court granted four weeks time to the non-complying States. The Hon'ble Supreme Court was further pleased to direct that a copy of the Report to be submitted each month should also be endorsed to the Committee in the name of its Chairperson and the also the AOR for the UOI, which shall also file a report in terms of instant order. Matter was than posted for 12-08-2013. The Hon'ble Bench of the Supreme Court dealing with the instant case before relieving themselves from the instant case put in words of appreciation for the assistance given by the Committee Head, Mr. Pradip Ghosh, Senior Advocate, representatives of the NCW, NGOs, Counsels for the States/UTs and NCPCR.
- So the Hon'ble Supreme Court has adopted the 7<sup>th</sup> Interim Report which is now to be implemented by the States and the Union. Now at this stage the Hon'ble Supreme Court is monitoring the implementation of Seventh Interim Report.
- After 18.12.2013 no further orders are passed by the Hon'ble Supreme Court.

### **3.3 'Sampurna Behrua vs. Union of India, W.P.(C) No. 473/2005' before the Hon'ble Supreme Court of India**

- Petitioner was working with the Child Rights Unit of HRLN, New Delhi, at the time when instant petition was moved. Petitioner travelled 12 States, conducted and documented several cases to examine the implementation of the JJ Act. Outcome of the study was a dismal picture. Some States were applying JJ Act of 1986. Petitioner essentially prayed for the overall implementation of the JJ Act throughout the country by seeking writ of mandamus.

During the period under review, the following developments took place in this matter:

- During the period from the time of when this petition was filed, a no. of affidavits were filed by different States regarding progress achieved by different States and no order was passed in between.
- On 10/9/2013, the Hon'ble Court found that the following nine States/UTs had not constituted JJBs and CWCs in all the districts. The Court also sought up-to- date status from States/UTs mentioned below as to constitution of JJBs and CWCs, and sought compliance to fill the gap by the next date of hearing i.e. 17/9/2013. The details of these States are given below: (in order of Districts/CWCs/JJBs)

1. Andaman & Nicobar (3/1/1)
2. Arunachal Pradesh (17/16/16)
3. Bihar (38/32/38)
4. Chattisgarh (27/26/17)
5. Delhi (9/7/2)
6. Jharkhand (24/24/21)
7. Puducherry (4/3/4)
8. Tripura (8/4/4)
9. Uttar Pradesh (75/72/72)

- No further progress was achieved in this matter thereafter.

### **3.4 'Court on its Own Motion Through Mr. Ananta Kumar Asthana vs. Union of India', W.P. (C) No. 787/2012' before the Hon'ble High Court of Delhi**

- This case was taken up by the Hon'ble Delhi High Court wherein the attention of the Court was drawn towards the ongoing media reports about the two year old baby girl Falak admitted in AIIMS and another 15 year old minor girl who had allegedly brought the baby girl at AIIMS. The issue raised was about the reports appearing in the media with the name of both the children in violation of provisions of section 21 of J.J. Act 2000. Reference was also made to Article 16 of the UNs Convention on the Rights of the Child, 1989.
- The petitioner prayed for framing of guidelines by the Govt. to regulate media reporting and disclosure of details relating to children. Hon'ble High Court directed constitution of a Committee with the following members as its constituents:
  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 the children.
  4. One person from media.
  5. Nominee of the Press Council of India.
  6. Ms. Meena Kabir, Child Right Activist.
  7. Ms. Deepa Dixit, NCPCR.

During the period under review, the following developments took place in this matter:

- The Committee sought time from the Hon'ble High Court on other aspects of the Media Guidelines, which was duly granted. Other aspects were Doctors/Hospitals, JJBs and CWCs under the JJ Act and the Courts in general.
- The media guidelines for doctors/hospitals, JJBs and CWCs under JJ Act, and the Courts in general have also been finalized. Guidelines in so far as the 'Police' and 'Advocates' are concerned are now being actively taken up.

### 3.5 'Ayub Khan vs. Government of NCT of Delhi & Ors. W.P.(Crl) No. 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 the part of the various authorities as mentioned.
- The matter is listed for final arguments.

### 3.6 'Brindavan Sharma vs. State, Crl Appeal No. 927 of 2002 before the Hon'ble High Court of Delhi

- This is a case where one Brindavan Sharma was convicted for murder and the Delhi High Court upheld the conviction. However, the Court observed that the convict had three children and there was nobody to look after them, and was pleased to look into the aspect of well being of the three children of the convict. The Court issued notices to all the stakeholders for the purpose of formulating a scheme/guideline towards welfare of Children of Prisoners.
- NCPCR filed an affidavit with guidelines viz. 'NCPCR Guidelines on Care and Protection of Children of Prisoners Living Outside Prison', alongwith recommendations. Pursuant to information received by NCPCR, a report viz., 'Compiling State Information on Schemes/Programmes and their Allocation/Expenditure per Child during 2006-07/2007-08' was prepared and thereupon filed its counter affidavit.

During the period under review, the following developments took place in this matter:

- Various meetings were held regarding the revision of draft scheme viz. 'Protection Assistance to the Children of Incarcerated Earning Parents, 2013' and 'After Care Rehabilitation Grant, 2013' wherein NCPCR was a party.
- Final approval and notification of the said Final Draft Scheme is expected shortly.

### 3.7 'Amardeep Malik vs. State Government of NCT of Delhi & Ors. W.P. (Crl.) No. 694 of 2012' before the Hon'ble High Court of Delhi

- The present writ petition was for the production of the writ petitioner's son. Due to matrimonial dispute, the child was ordered by the CWC, Chairman of the Dilshad Garden CWC, to be handed over to the 'Apna Ghar' shelter home, recognized by the Govt of NCT of Delhi under the JJ Act. The Hon'ble Court directed immediate restoration of the child to the petitioner/husband.
- The Court, after examining the records of CWC, observed that the same portrayed a very dismal picture. The petitioner/husband also apprised the Court about the conditions in which the orphanage 'Apna Ghar' was being managed.

During the period under review, the following developments took place in this matter:

- Thereafter, seven Inspection Teams were constituted for the inspection of children homes, reports whereof were prepared and filed before the Hon'ble Court.

- Vide this order of 28.03.2014, the Court, considering the developments that have taken place in the instant proceedings since the beginning of the case, opined that it would now be not useful to continue with the present proceedings; accordingly instant petition was disposed of with a clarification that in the event NCPCR or the Court appointed Committee wish to seek any further directions, it shall approach the Hon'ble Court in WP(C) 9680 of 2009.

### 3.8 'Court on its Own Motion vs. Department of Women and Child Development W.P. (C) 8889/2011' before the Hon'ble High Court of Delhi

- This matter revolved around the issue of subjecting the Juveniles In Conflict With Law to Adult Criminal Justice System by putting them under regular criminal trial and subjecting them to incarceration in violation to the legal and constitutional rights of said Juveniles; all that in view of blatant and gross negligence of authorities, both the Police and the Magistracy, in following the Legal Mandate as to procedure and substance.

During the period under review, the following developments took place in this matter:

- The Court vide its order dated 01.08.2013, impleaded the Registrar General (Births and Deaths); and notice was issued to the said office.
- With regard to the continuing monthly jail visits, DSLSA had supplied its detailed report covering Jail Visits till December 2013, to NCPCR. An analysis of the said report shows the following results:

That, an analysis of the status of children in jail based on the status report of outcome of age enquiries provided by DSLSA, is as under:

STATUS OF INMATES IDENTIFIED by JAIL VISIT PANEL	NUMBER
Inmates declared to be Juvenile after age enquiry by concerned Courts/JJBs.	198
Inmates declared to be Adult after age enquiry by concerned Courts/JJBs.	873
Inmates released in regular course from Jail without age enquiry/determination.	355
Inmates whose age enquiry is ongoing and report is awaited.	1247
<b>Total</b>	<b>2673</b>

- Vide order dated 21.01.2014, the issue of Age Memo was raised by NCPCR and the Court directed the parties to make further suggestions for fool-proof implementation of the directions regarding preparation of age memo.
- The Court observed that the subject of registration of births and deaths is under the Concurrent List of the Constitution of India and for a direction in that regard to be issued for the entire country, further deliberations were required.
- No orders/directions were issued till 31.03.2014 as to the aspect of non-implementation of Age Memo and registration of birth of juveniles without Birth Certificate.



# 4

## Right to Education

### 4.1. Introduction

**4.1.1.** National Commission for Protection of Child Rights has been mandated under Section 31 of the Right of Children to Free and Compulsory Education Act, 2009

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

Towards this end, the Commission has undertaken a series of measures, initiatives and activities.

**4.1.2.** Building upon the functions assigned under Section 13, 14 and 15 of the CPCRA Act, 2005, the Commission has been monitoring the implementation of the children's Right to Education by, conducting fact finding enquiries, organizing public hearings, commissioning research studies, inquiring into complaints received and taking suo motu cognizance of complaints, undertaking field visits and policy interventions with the Ministry of Human Resource Development (MHRD).

**4.1.3.** The Commission identifies the Best Practices by the State Governments including their RTE rules, notifications, guidelines etc. It has organized consultations and meetings at the national, regional and state level to strengthen convergence and coordination between the SCPCRs with other allied departments of the Government. It has facilitated participation of civil society organizations and experts in the effort to build a platform to engage on and upscale the implementation of Right to Education Act, 2009.



## 4.2. Enquiries conducted by the Commission

### 4.2.1 Complaint related to Uttarakhand

The Commission received three complaints of suicide by students of Jawahar Navodaya Vidyalayas (JNV) across Uttarakhand. The Commission expressing its dissatisfaction and displeasure with the inadequate measures taken by JNV sought a personal appearance of Commissioner, Navodaya Vidyalaya Samiti on 29 October 2013. On analysis and observation of the documents produced by the school officials it was seen that there were serious anomalies in the findings presented by the Commissioner on the cases. Subsequently recommendation was sent to the Secretary (Elementary Education), Ministry of Human Resource Development seeking details of functioning of JNV's, on action taken on the suicide cases and grievance redressal mechanisms adopted by JNV schools across India.

In response MHRD informed that an ex-gratia was awarded (Rs.50,000/- given to the families in each case) to the families in the three cases taken up by the Commission.

Mechanism adopted by JNV towards 'Zero' suicidal deaths were shared with the Commission. The following is the mechanism adopted by JNV:-

- i) To provide support to the Vidyalaya Administration to seek professional intervention in identified cases, Principals of all JNV's have been authorised to engage the services of a professional counselor/psychiatrist from a Government Hospital to provide guidance and support to such students who are identified to be suffering from depression, abnormal behaviour or any such symptoms which can compel them to take any extreme step. Such counselor can be paid Rs.1500/per visit.
- ii) Staff nurses and Physical Education Teachers of JNV's are being provided training in emergency lifesaving skills through structured programmes through professional agencies. During the last three years, 709 staff nurses and physical education teachers have been provided training in emergency Lifesaving skills.
- iii) The existing House systems and safety instructions issued by the Samiti are being reviewed to strengthen and institutionalize the systems and re-enforce accountability.

Mechanism of JNV to prohibit and redress the suicide, corporal punishment and sexual abuse at the central and regional levels:-

- i) During the current year Samiti has initiated a special project for creating awareness in the areas of gender sensitization and developing counseling skills through a Professional Agency in this field. Under the project a one day workshop of all principals has been conducted and 160 Principals and 160 Vice Principals have undergone four days programme. This programme has been made an essential component of all service training programs for teachers in the future. These programmes are being taken up further to develop their own teachers as teacher counselors.
- ii) An expert Committee constitute under the Chairmanship of Commissioner, NVS to examine the issue regarding sexual harassment of children in schools and to recommend measures to prevent instance of abuse of girl child in boarding schools. On the suggestion of this Expert Committee,

detailed guidelines have been issued by the Samiti in June 2013 for strict compliance of all employees of JNV.

Apart from these some other steps taken by the Samiti for support of students (as shared with the Commission) are:-

- i) Engagement of part-time doctors on daily basis in Vidyalayas located in hard and difficult areas and Vidyalayas which are located at a distance of more than 10 KMs from Tehsil HQ's.
- ii) To provide personal case and guidance to girl children, it has been decided to provide two posts of female Matron for Girl's dormitories. One post to be provided in Class-Vi and second post of matron is to be sanctioned when strength of girl students reaches 125.

#### **4.2.2 Public Hearing – Haryana (7<sup>th</sup> November 2013)**

A Public Hearing was organised by the Commission with the support of Haryana SCPCR at MCF Auditorium, Faridabad, Haryana on 7<sup>th</sup> November 2013 wherein 18 complaints including 14 pertaining to violation of RTE and education were heard. Out of 14 RTE cases, 09 were old cases and 5 new cases. The issues raised through the complaints were mostly related to lack of infrastructure; denial of entitlements; lack of teachers; screening test; admission and expulsion under EWS category etc.

The Commission through its letter dated 4<sup>th</sup> February 2014 requested the Chief Secretary, Haryana to ensure urgent action on the recommendations given by the Bench and to send the action taken report to the Haryana SCPCR under intimation to NCPCR. The grid of complaints heard during the Public Hearing alongwith the recommendations given by the Bench was also shared. There has been regular follow up of the complaints for redressal by the Commission.

#### **4.2.3 Public Hearing – Jharkhand (11<sup>th</sup> November 2013)**

The Commission organized the Public hearing with the support of the Jharkhand SCPCR in Ranchi, Jharkhand. On 11<sup>th</sup> November 2013. A total of 45 cases including 18 complaints of RTE and Education were heard and discussed as part of Public Hearing. The nature of complaints heard includes issues related to corporal punishment, infrastructure, lack of teachers, MDM, capitation fee charged under EWS admission etc.

The Commission through its letter dated 9<sup>th</sup> January 2014 requested the Chief Secretary, Jharkhand to ensure urgent action on the recommendations given by the Bench and to send the action taken report to the Jharkhand SCPCR under intimation to NCPCR.

### **4.3. State Visits**

#### **4.3.1. Uttar Pradesh – Lucknow, 15<sup>th</sup> April, 2013**

Member, NCPCR visited Lucknow on 15<sup>th</sup> April, 2013 to discuss the Lalitpur Fact Finding report with Principal Secretary (Basic Education) and other senior officials of the State Government.

The Fact Finding Visit was undertaken in the previous financial year in light of issues observed by the former State Representatives (of NCPCR) during the social audit exercise. The issues pertained to the gross violations and non-compliance to the RTE Act such as:- issues of closed or non-functional schools

for long period in remote areas rampant teacher absenteeism and use of proxy teachers; discrepancies/irregularities in MDM including poor quality of food and non-availability in many schools; ineffective SMC.

During the follow up meeting, the finding report was shared; discussions were carried out on two major aspects i.e. the compliance status of observations made by fact finding team during the visit and the current status of RTE implementation at State level. Further the following points/issues were also discussed:- i) training of SMCs; filling up 3 lakh vacancies of teachers, requirement of adequate Shiksha Mitra's as Assistant teachers, and appointments in physical education; monitoring helpline-child helpline to be initiated in collaboration with NIC (UP); regular school monitoring by officials at block and district level; dealing with corporal punishment cases; by constitution of SMC's and their training.

## 4.4 Conferences, Workshops and Meetings

### 4.4.1 Meeting with MHRD on 17<sup>th</sup> September 2013:

The Chairperson along with Member, NCPCR met Secretary, Department of School Education and Literacy, MHRD, New Delhi on 17<sup>th</sup> September 2013. The meeting was held to deliberate and discuss the issues related to RTE that the Commission had observed that required to be taken up by the MHRD. The meeting brought out some key areas that required to be taken up/addressed by MHRD, includes:-

1. Decentralization of Grievance Redressal Mechanism that requires a gradual incremental approach to lay appropriate standards within the States administrative set up. To track the actual working of GRM in States and to follow up on constitution of SCPCRs and REPAs in States and Union Territories.
2. Facts/information to be brought out on the issue of Migrant children and Ashramshalas, especially status of Ashramshalas with respect to RTE compliance; and to include a special component in the generic district planning to ensure that all OoSC are mainstreamed in the elementary education system.
3. Monitor the implementation of 25% admission of Economically Weaker Sections in all States. NCPCR shared that the entry level criteria for 25% EWS reservation need not be restricted to class 1 and that it should be extended up-to class VIII in order to prevent the reduction of children in EWS categories following dropouts. NCPCR requested MHRD to look into the issue.
4. Need to consider the extension of RTE to include ECCE and coverage upto Class XII was highlighted.
5. Orientation of all teachers on children with disability (CWD) is required and schools to provide data on number of teachers required for children with disability/children with special needs.

In addition, a copy of the analysis of the State Rules was shared with the MHRD for circulation to the State Governments/Union Territories along with appropriate instructions to ensure consonance with the RTE Act, 2009. MHRD through a letter (file no.19-1/2013.EE-14) dated 30<sup>th</sup> October 2013 provided certain clarification which were discussed in NCPCR.

#### 4.4.2 Monitoring the implementation of 25% quota for EWS and Disadvantaged Group.

- i) In order to facilitate the implementation of the provision for admission of children belonging to the economically weaker section and disadvantaged groups, the Commission through a letter dated 12<sup>th</sup> March 2014 sought the following information from MHRD (Department of School Education and Literacy):-
- ii) Information on whether all the States /UTs have framed the rules/guidelines on reimbursement of fees to the private schools for students admitted under the EWS and Disadvantaged category;
- iii) Information on whether all the States are reimbursing the amount incurred by, the schools for children admitted under EWS and Disadvantaged category;
- iv) Information on guidelines if any, issued by the MHRD on entitlements e.g. payment for textbooks, uniforms etc. apart from reimbursement of fees under the rules framed under the RTE Act 2009.

The response of the Ministry was awaited.

#### 4.4.3 Workshop on 'Developing the School Audit Toolkit'

Over the years, the Commission in its process to monitor the implementation of the RTE Act observed need to develop a set of tools (specific to schools) to strengthen the monitoring process. The Commission therefore initiated the development of a simple and comprehensive School Audit /Monitoring Toolkit to conduct a decentralized audit of the provisions and entitlements under the RTE Act at a school level.

The need to develop School Audit Tools emerged out of the nature of complaints received at the Commission; social audits previously conducted by various organizations in 12 states with the support of NCPCR; views shared during meetings and public hearings; and reviewing of reports of governmental agencies and civil society organizations. The Commission created a platform and adopted a cohesive approach to bring together the experiences of government and civil society organizations; and cull out common tools to adopt/replicate at a national level by the Ministry of Human Resource Development. Some of the key objectives to develop a School Audit Toolkit were i) To record and examine the status and trends of the various entitlements and indicators specified under the RTE Act 2009; ii) Identify areas/issues which have not been audited or accounted in the previous years, such as amenities for children with disabilities, strategies to bring back dropout children to school etc.; iii) Identify the schools/areas/states which have been able to overcome the impediments in the implementation of RTE Act and recognize the same as best practice; iv) Build the School Audit Toolkit as a middle link between the pre and post process to monitor and evaluate the actualization of educational rights provided to the children of our Nation.

The Commission organised a workshop on 17<sup>th</sup> July 2013 at NACO Conference Room, 9<sup>th</sup> Floor, Chanderlok Building, Janpath, New Delhi on 'Developing the School Audit Toolkit' with the purpose of putting forth the aim and objectives of developing such a toolkit before the State Commissions of Child Rights (SCPCRs) and civil society organisations who are working in the field of education (and those who have previously conducted audits centered around education). The idea was to enhance the ambit of understanding of how a school audit toolkit should be; the aspects that are to be covered; collating experiences from the field; challenges faced during audits; personnel to be involved during audit; the

ways to make the procedure of audit transparent and participatory. The Commission compiled the School Monitoring Toolkit for the purpose of real time monitoring in schools. The copy of the same was sent to MHRD on 4 November 2013 for comments. Further response was received from MHRD on 14<sup>th</sup> February 2014 stating suggestions on the toolkit. The Commission intend to pursue this issue.

#### **4.4.4 Thematic Consultation on the Right of Children with Disability to Inclusive Education, 5<sup>th</sup> September, 2013:**

The Commission organized a thematic consultation on RTE and the Right of Children with Disability to inclusive Education on 5th September 2013 at Vigyan Bhawan, New Delhi. The consultation was attended by representatives of various organizations working in the field of disability and education.

The objective of consultation was to understand the status of inclusive education with specific reference to children with disabilities and the barriers being faced by them in their full and meaningful participation in education.

The Consultation was divided in four sessions. The section 1 and section 2 were devoted to overview and requirement of children with disabilities for inclusive education. Session 3 focused on grievance redressal mechanisms and session 4 on teachers training for inclusive education. The Consultation assisted in identifying good practices and strategies that needs to be adopted for inclusive education for children with disabilities.

#### **4.4.5 First Meeting of the Reconstituted Advisory Committee on Monitoring of Children's Rights to Education**

The Commission reconstituted an Advisory Committee (i)to examine and review the existing records/reports/data prepared by Central and State Governments for effective implementation of RTE Act(2009); (ii)to test the accuracy of data of Central and State Governments through random checks at field level; (iii)to review the status of grievance redressal mechanism assess their efficacy; (iv)to develop strategy and action plan for capacity enhancement of local authorities and SCPCRs for strengthening of grievance redressal mechanism; (v)to analyse the efficacy of existing capacity building modules of SMCs by the States; (vi)to devise mechanism for enhancing the capacity of SMCs to conduct social audit; and (vii)to develop a real time monitoring mechanism for performance assessment of school management committees. The said Committee was reconstituted on 22<sup>nd</sup> November, 2013.

The reconstituted Advisory Committee included members from Union Ministries, SCPCRs, Academics and representative of NGOs.

The first meeting of the reconstituted Advisory Committee was held under the Chairpersonship of the Chairperson, NCPCR on 18<sup>th</sup> December, 2013 at New Delhi. The deliberations during the meeting included key points related to school audit toolkit; research studies; monitoring issues as per the Annual Work Plan; review of State Rules etc.

After detailed deliberation in the meeting, the following key actionable points emerged, this includes-

- i) The School Audit Toolkit to be simplified and some issues identified for issue based audits. The formats to be culled from the school audit toolkit.



- ii) MHRD to share the school audit tool kit as an exemplar with the States.
- iii) NCPCR to work on the attitudinal barriers in private schools with respect to children from the EWS and disadvantaged groups. In addition, NCPCR to seek legal advice in respect of reservation of seats for the EWS in private schools.
- iv) More issue based consultations to be taken forward by NCPCR.
- v) State level review meetings on RTE compliance to be taken forward by NCPCR.
- vi) NCPCR to fully engage on the Quality aspect of the Right to Education.

#### 4.4.6 National Convention on '3 Years of Implementation of The Right to Education (RTE)

The Commission in collaboration with UNICEF organized a National Convention on 14-15 January 2014 at New Delhi. The objective of the convention was to take stock of the implementation of RTE Act since it came into force on 1<sup>st</sup> April 2010. The Minister for Women & Child Development (IC), Secretary, Department of School Education and Literacy, MHRD, GOI, Member, Planning Commission, Country Representative, UNICEF, officials from the Government of India, State Governments and District administrations and civil society members, SMC's and parents took part in the Convention. The main Objectives of the National Convention was to collectively:- (i) Take stock of the progress made in implementing the RTE Act from April 1, 2010 up until 2013 and get a correct perspective on the achievements made; (ii) To share and learn from good practices, and to identify challenges in implementation of the Act; (iii) To provide recommendations for time bound realization of the Right to Free and Compulsory Education Act for all children, especially those from disadvantaged groups.

The plenary and thematic working sessions revolved around the following key topics that are on a) Access, Infrastructure, and Other Entitlements of Children; b) Learning Outcomes & Teaching-Learning Processes; c) Inclusive Education ; d) Governance and Grievance Redress Mechanism

The major recommendations emanated out of the Convention are as follows:

- i. **Wider coverage under RTE Act:** Early childhood education should be integral to the RTE Act. Similarly, the Act should be applicable to all children up to the age of 18 years.
- ii. **Inclusive education:** 25% reservation for the children from EWS families is restricted to admissions in private schools at the entry point only. The convention felt that the scope of this Act should be widened by providing reservation not just at the entry level but making sure that these 25% children are retained during the entire period of elementary education up to the completion of Class 8.
- iii. **Eliminating discrimination:** It was emphasized by the convention to focus our attention towards not just ensuring inclusive education in actual practice but also eliminating any form of discrimination with children.
- iv. **Elaboration of RTE Norms on Infrastructure entitlements and environment norms:** The RTE Act, its Schedule and Rules, lay down specific norms in regard to a number of parameters on infrastructure entitlements for all children. The norms need to be further elaborated. especially in respect of parameters for sanitation and water; school kitchen and library space.

- v. **Elaboration of barrier free access and environment norms:** The Schedule to the RTE Act at present only requires all buildings of the school having, inter alia, barrier free access. In view of the fact that children with special needs are one of the most important focus group of the RTE Act, the Convention recommended that the norms for physical barrier free access like proper signage, use of sign language for hearing impaired and Braille for the visually impaired etc. should be fully spelt out, in addition to a barrier free communication and learning and teaching environment for all children.
- vi. **Quality of Education:** The Convention felt that it is relatively easy to lay down specific norms in the RTE Act & Rules in relation to the tangible parameters like physical facilities, qualification of teachers, number of SMC meetings, etc. But for a school to be really effective, it is very important that the key quality aspect like the Teaching-Learning process inclusive of assessment is effective and conducive for children's education. The Convention recommended that the centrality of the teaching learning process be clearly spelt out and The DISE modified to include qualitative data.
- vii. **Professional development of teachers:** Professional development of teachers, must become long term planned capacity development programs through various means and extensive use of technology. Training needs should be identified from the field and not decided at any top institutional level. The Convention felt that today the need looks more around bringing about attitudinal change in teachers, developing understanding of the curriculum, assessment objectives and classroom processes. Quality of Trainings needs to be thoroughly professional. A platform for regular discussions on classroom transactions to improve skills is very important since one time trainings cannot be enough. Non teaching duties which take away substantial time of the teachers should be done away with completely.
- viii. **Strengthening of School Management Committees (SMCs):** SMC's have a pivotal role in the RTE Act implementation. Their orientation and training was emphasised. In addition it was suggested that SMC's should be assigned the job of mapping Children with Special Needs (CWSN) in the locality and include their requirement in School development Plans (SDP). There is need for convergence of panchayati Raj institutions/local bodies with the SMCs too for effective monitoring.
- ix. **Rigorous monitoring and follow up of the implementation:** There was an underlying emphasis on rigorous monitoring of the implementation of ALL aspects of the Act. The infrastructure norms need to be monitored to ensure that these are complied with in each school. For example, it is not enough to have a DISE data saying that x number of schools have separate toilet for girls and boys. It is equally necessary to monitor and ensure that there are enough number of toilets vis-a-vis the strength of school, and that they are functional, that water is available all through the school hours, it is accessible to disabled children, that the doors can be latched from inside, proper drains are constructed and that cleanliness is maintained every day. Today, if monitoring indicators include quality and functionality of all entitlements of schools, tangible or otherwise like the learning achievements, very few schools will fall in the category of being RTE Act compliant. The most urgent need is to elaborate norms for monitoring of all entitlements under the RTE Act, its Schedule and Rules.
- x. **Special efforts for children of migrant labour:** The convention recommended that there was a need to focus on the educational requirements of children of migrant labour who are the most

disadvantaged. When such children move from one region to another, efforts should be made to provide elementary education in their mother tongue and not in the regional language which may be alien to them.

- xi. **Awareness Building:** There is need for greater awareness on various issues related to elimination of corporal punishment, non-detention policy, continuous and comprehensive evaluation (CCE), learning outcomes, and learning indicators.
- xii. **Convergence:** The Convention emphasized that while the Education Department of the MHRD is a central nodal agency for the implementation of the RTE Act, its effective implementation requires coordinated and convergent efforts of a large number of departments like, Women and Child Development (WCD), Social Justice and Welfare (SJM), Health, Tribal Welfare, Minorities, etc. Thus, it is important that effective mechanisms are established at block, district, state, and national level to see that all departments and agencies play their due role and do not pass the buck only to the nodal agency. For e.g.: While the Special Schools for CWSN are run by NGOs and funded by the WCD, the academic monitoring and support must be done by Education department.

#### 4.4.7 Meeting with Chairpersons of State Commission for Protection of Child Rights (SCPCRs)

The Commission organized a meeting of Chairpersons of all SCPCR on 6 August 2013 at New Delhi. The meeting was chaired by the Chairperson, NCPCR. The meeting was attended by 16 Chairperson /Members of SCPCRs. During course of discussions Chairperson/Members of SCPCRs made presentations on the activities being conducted by their respective Commissions. The other issues discussed during the meeting includes trafficking monitoring of RTE Act and POCSO Act, missing children etc.

#### 4.4.8 Training Workshop for SCPCR's in collaboration with NIPCCD

A two-day workshop was organized by the Commission in collaboration with National Institute of Public Cooperation and Child Development (NIPCCD) at NIPCCD Complex, New Delhi on 24-25 October 2013 on Child Rights for Chairpersons and Members of State Commissions for Protection of Child Rights. The main objective of the workshop was to further strengthen the understanding on child rights, developmental policies and provisions of law to protect children and prevent child abuse. One of the key themes/session of the workshop was on Right to Free and Compulsory Education (RTE) Act, 2009 that highlighted legislative interventions and ground realities. The workshop was facilitated by eminent resource persons from the various ministries, including MHRD. The workshop saw an active participation and deliberations between State Chairpersons, Resource Persons and NCPCR.

### 4.5. Information Education and Communication (IEC) Activities

- 4.5.1 The Commission has developed Guidelines on 'Eliminating Corporal Punishment in schools'. The MHRD on the basis of the which adopted and issued 'Advisory/Guidelines dated 26<sup>th</sup> March 2014 under Section 35 (1) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009 for elimination of Corporal Punishment in Schools.
- 4.5.2 The RTE Division revised the Frequently Asked Questions (FAQs) on RTE Act in Hindi and English to be circulated as part of sensitization and awareness on RTE related issues.

# Juvenile Justice System

## Introduction:

The Government of India is a State Party to the Convention on the Rights of the Child ("CRC") and obliged to fulfill the duties set out in this international instruments as well as various other rules and guidelines on children's rights. 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, 2000 (JJ Act) was enacted as a response to the UN CRC, ratified by India in 1992. However, India has a progressive record of legislating laws relating to Child Rights and Child Protection. The JJ Amendment Act of 2006 and central Model Rules 2007 have further strengthened the JJ system.

The major functions of NCPCR with regard to the Juvenile Justice system are to look into matters relating to:

1. children in need of special care and protection, children in conflict with law, juveniles and children without family;
2. examine all factors that inhibit the enjoyment of rights of most vulnerable children and children in need of special care and protection;
3. undertake periodical review of existing policies, programmes and other activities on child rights and make recommendation for their effective implementation in the best interest of children;
4. inspect any juvenile custodial home, or any other place of residence or institution meant for children for the purpose of treatment, reformation or protection
5. research studies undertaken or awarded
6. publication of reports;
7. measures undertaken to spread child rights literacy;

The activities undertaken by the Commission pertaining to Juvenile Justice system for the reporting period has been as follow:

## **5.1 Activities undertaken by the Commission for Children in Need of Care and Protection, Children in Conflict with Law,**

**5.1.1** Member, NCPCR visited Maharashtra on 2<sup>nd</sup> April 2013 and held discussion to review the status of implementation of the Juvenile Justice Act and the Integrated Child Protection Scheme in the State. The observation and recommendations were forwarded to the State Government on 16.05.2013.

**5.1.2** Member, NCPCR, visited State of Manipur on 5<sup>th</sup>-8<sup>th</sup> June 2013 and held discussion with the State Government, Civil Society organization on child protection measures in the State and status of implementation of the ICPC Scheme and JJ Act. Concerns based on the discussion and visit to Ukhrul district and recommendation were forwarded to the State Government on 10.07.2013 for implementation.

**5.1.3** Member, NCPCR visited Gujarat (Surat and Ahmadabad) from 15 to 18 July 2013 to review the status of the implementation of JJ Act, ICPS, POCSO Act and other child rights issues in the State. Based on the observations made during the visit, it was recommended to the State Government to make all the 26 DCPU's fully functional with complete recruitment, appointments to SARA and ACA (Adoption Coordinating Agency), appointment of Selection Committee for appointment of JJB and CWC members, strengthening of child protection policy, etc.

**5.1.4** Member, (NCPCR) visited Tamil Nadu from 18 to 23 September 2013 to attend the Consultation in Chennai on the implementation status of JJ Act and ICPS, organized by an NGO. The members also attended a State Level Consultation on Drafting Action Plan for setting up of Monitoring Mechanism for Child Care Institutions and draft report on TN care Standards for children in Tamil Nadu, organized by Child Rights Observatory and UNICEF, Tamil Nadu and Andhra Pradesh on 20-21 September 2013.

During her visit to the State, the Member met the Principal Secretary, Department of Social Welfare and Nutritious Meal Programme, Government of Tamil Nadu on 23<sup>rd</sup> September 2013 and urged the Government to set up of a Working Group to liaison with Government for taking forward the draft report and Action Plan for setting up Monitoring Mechanisms for Child Care Institution. It was recommended to the State Government for merging of inspection responsibilities of Department of Social Welfare and Social Defense. It was also recommended to set up of working committee with representative from Govt. and NGO to finalize draft policy document on monitoring mechanism and setting standards for children in residential care services, notification of the same, among others.

**5.1.5** Raising concerns on the functioning of Central Adoption Resource Authority (CARA), a detailed note with specific recommendations was addressed to CARA on 16.06.2013. In order to review the recommendations of the Commission, a meeting was held with CARA on 14.10.2013. The discussion at the meeting culminated that as a first step to reinvigorate CARA's functioning, an action plan must be prepared with focus on:

- i) Diversifying the adoption programmes to the grassroots level.
- ii) Investing in training and capacity building of all stakeholders.



- iii) Using media and communication to facilitate the progress.
- iv) Mobilising the support of civil society organization and adoptive parents groups.

The above recommendations were forwarded to CARA on 01.11.2013.

### **5.1.6 Activities undertaken by the Commission for Safeguarding the Rights of Children Coming in Contact with the Railways**

In light of court matter [Civil Writ Petition 'Khushboo Jain vs. Ministry of Railways & Others [No.5365/2012] filed before the High Court of Delhi], NCPCR constituted a Working Group to review the existing guidelines and develop a Standard Operating Procedure (SOP) for all stakeholders interacting with children on Railway platforms for safe repatriation/ integration of rescued children. The court matter was disposed of on 13.02.2013 with certain directions to the Ministry of Railways for safeguarding the rights of the children. In the meantime, the Commission drafted Standard Operating Procedures (SOP) which was shared with the Ministry of Railways.

Further, NCPCR constituted a Working Group, vide office order dated 11.3.2014, for developing guidelines on National Policy towards safeguarding the rights of children in contact with Railways. The Working Group comprised of experts from government, institutions, organizations and individuals.

## **5.2 Activities undertaken for Inspection of any Juvenile Custodial Home, or any other Place of Residence or Institution Meant for Children for the Purpose of Treatment, Reformation or Protection;**

### **5.2.1 Inspection of Child Care Institutions**

- i) The Member, NCPCR visited Bhopal, Madhya Pradesh to attend a Consultation at National Judicial Academy Bhopal (from 5-8 September 2013). During the visit, she conducted on inspection visits to the Observation Home, Special Adoption Agency and Government Children's Home (Girls) in Bhopal, on 6<sup>th</sup> and 7<sup>th</sup> September 2013 to examine the standards of care and services for children in the institutions. The observations/recommendations were conveyed to the state government on 4.11.2013.
- ii) Member, NCPCR, visited Lucknow, Uttar Pradesh on 20<sup>th</sup>-22<sup>nd</sup> August 2013 to review the status of implement of the Juvenile Justice Act in the State. During her visit, the Member conducted inspection of three of Observation Home, Government Children Home, and Special Adoption Agency to examine the standard of care and serves for children in the institution. The observations and recommendations were forwarded to the State Government on 15.10.2013.

## **5.3 Inspection of Delhi Jails by the Commission to Identify Probable Juveniles**

- 5.3.1 Pursuant to the Court Order dated 08.02.2012 and 21.03.2012 in the matter of "Court on its Own Motion Vs. Department of WCD, Government of NCT of Delhi and Ors." (Civil Writ Petition No. 8889/2011) before the Hon'ble High Court of Delhi regarding preparation of guidelines for conducting enquiries about finding out the number of juveniles in jails in Delhi, the National Commission for

Protection of Child Rights (NCPCR) convened several consultations with Delhi State Legal Services Authorities [DSLISA], Delhi Police, Tihar Jail Authorities, Representatives of the Government of NCT of Delhi and other concerned parties and prepared guidelines to eliminate incarceration of children in jails in Delhi.

- 5.3.2** The Court passed an order on 11.05.2012 directing NCPCR to constitute a panel of experts to make visits to various jails in Delhi in order to find out if there are any persons lodged in such jails who should have been the beneficiaries of the JJ Act. Members of such panel may visit various jail.
- 5.3.3** As per the above directions the panel constituted by the Commission visited the Delhi Jails 11 times from April 2013 to March 2014 to identify the probable juveniles.
- 5.3.4** During the visits the Jail Visit Panel identified 970 inmates as probable juvenile. The reports of the visit have been submitted to the concerned agencies, i.e., Delhi Legal Services Authorities, Juvenile Justice Boards and Jail Authorities as directed by the Hon'ble High Court of Delhi.

## **5.4 Research Studies Undertaken or Awarded**

- 5.4.1** As part of a Result Framework Document item during the year 2012-13, the National Commission for Protection of Child Rights (NCPCR) undertook a desk study 'Child Welfare Committees in India: A comprehensive analysis aimed at strengthening the Juvenile Justice System for children in need of care and protection. The key aim of this study was to come out with evidence based policy research which would strengthen the whole mechanism of Child Welfare Committees (CWCs) and their overall functioning. The study was conducted in partnership with NGO Child Rights and You (CRY).
- 5.4.2** The study intended qualitative analysis of the functioning of the CWCs in India, based on the existing State-level Studies undertaken by various organization.
- 5.4.3** NCPCR organized a one-day Consultation on 15<sup>th</sup> November 2013 to share this comprehensive study with key stakeholders from the Central Ministries, State Government Departments, State Commissions for Protection of Child Rights (SCPCR), CWCs and civil society groups and final report was prepared after incorporating the feedbacks from the stakeholders.
- 5.4.4** Major findings of the study included:
- Inadequate number of Child Welfare Committees and support bodies
  - Irregularities in CWC composition and member selection, delay in constitution and poor attendance
  - Poor infrastructure and improperly managed CWC sittings
  - Issue surrounding decision making by the CWC
  - Absence of urgently required guidelines
  - Poor case management and follow up, poor case data records and reporting practices inadequate personnel support,

- Unavailability of CWCs during non-sitting hours
- Absence/inadequate monitoring activates by CWCs
- Poor efforts towards stakeholder convergence and networking
- Inadequate legal awareness and role clarity
- Inadequate efforts towards capacity building of CWC
- Absence of monitoring leading to several inconsistencies in the function of WCC.

## 5.5 Recommendations and Communications

- 5.5.1** Member NCPCR vide letter dated 22.11.2013 urged Director General of Prisons of all States/UTs articulating the need for State/UT for care and protection of children (0-18 years) prisoners living outside the prisons. A questionnaire was also sent for monitoring implementation of Supreme Court directions in the matter of R.D UpadhyayVs. State of A.P. and Others across States/UTs for children of prisoners whor are under 6 years of age.
- 5.5.2** Taking cognizance of experience gained by visiting jails in Delhi and few other places and finding the probable juveniles admitted in jails due to wrong recording during investigation, a letter was addressed by the Chairperson, NCPCR to Chief Secretaries of all States/UTs on 02.08.2013 to issue directions to concerned authorities to conduct inspections of the jails to detect such inmates. Response from 20 States/UTs has been received informing that appropriate action in the matter is being taken.
- 5.5.3** The Member , NCPCR vide letter dated 30.10.2013 to Press Council of India, sought intervention of the Council against media for irresponsible reporting and disparaging the image of the juvenile involved in the 16<sup>th</sup> December 2012 gang rape matter.

## 5.6 Activities undertaken for Missing Children

- 5.6.1** NCPCR has been monitoring the missing children matter since 2008. NCPCR is doing so with reference to the Report of the NHRC Committee on Missing Children, 2007 which recommended to the State Police Headquarters to evolve a system of mandatory reporting where by all incidents of missing children across the country are reported to NCPCR within 24 hours of occurrence. The NHRC recommendations further stated that failure to report promptly would give rise to the presumption that there was an attempt to suppress the incident.
- 5.6.2** NCPCR has been receiving information on missing children the various States/UTs. Concerned with large number of children going missing and not being reported, the Chairperson wrote letters to SCPCR of all States/UTs on 21.10.2013 recommending setting up of State level Task Force on Missing Children for monitoring the missing children matter in respective States/UTs. A reminder was sent to all SCPCR on 5.12.2013.



# 6

## Protection of Children from Sexual Offences (POCSO)

### 6.1 Introduction:

- 6.1.1** Article 39 (e) of the Constitution of India, part of Directive Principles of State Policy, inter alia, provides that the State shall, in particular, direct the policy towards securing that the tender age of children shall not be abused. As per the UN Convention on the Rights of Children (CRC), ratified by India on 11<sup>th</sup> December, 1992, and its Optional Protocol, the State has to give primary consideration to the best interest of the child as well as to protect – all children from all forms of sexual abuse and exploitation.

On 16 Aug 2005, the Government of India ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Under this protocol the state parties are required to ensure that sexual exploitation of the children are fully covered under its criminal or penal law.

- 6.1.2** The Protection of Children from Sexual Offence Act in 2012 was enacted to provide for protection of children from the offences of sexual assault, sexual harassment and pornography, incorporating child-friendly procedures for reporting, recording of evidences, investigation and trial of offences.
- 6.1.3** Under section 44 of the POCSO Act, National Commission for Protection of Child Rights (NCPCR) and the State Commissions for Protection of Child Rights (SCPCRs) are mandated to monitor the implementation of provisions of the Act.

### 6.2 Monitoring the implementation of provisions of POCSO Act

- 6.2.1** After enactment of the Act in November, 2012, NCPCR initiated processes to monitor the implementation of the provisions of the Act, as mandated under Section 44 of the Act read with Rule 6 of POCSO Rules, which included meeting of the Statutory Committee to work out the modalities of implementation of provisions of POCSO Act.

**6.2.2** In the first phase of implementation of POCSO Act, the provisions laid down in Rule 6 of POCSO Rules 2012 were taken up which includes the status of the designation of Special Courts (Section 28 of the Act), appointment of Special Public Prosecutors (Section 32), number of functional Child Welfare Committees (CWCs), number of functional District Child Protection Units (DCPUs) formulation of Guidelines for stake-holders responsible for implementation of POCSO Act (Section 39), designing and implementation of Training Modules for Police, spreading of awareness as well as formulation of Special Juvenile Police Unit (As per Sec. 63 of the Juvenile Justice Act, 2000) and notification of Victim Compensation Scheme in the States and Union Territories. The Commission periodically followed-up with the States/UTs to ensure compliances with the provisions including setting up of above-mentioned institutional mechanism in States/UTs, training of stakeholders and creating awareness on the provision of the Act etc.

### **6.3 Status of Special Courts and Special Public Prosecutors**

**6.3.1** As per Section 28 and 32 of the POCSO Act, the State Governments are required to designate a Special Court for each district for the purpose of providing a speedy trial in offences under the Act and appoint Special Public Persecutor for every special court for conducting cases only under the provision of the Act. Information about the status of setting of special courts and appointment of special prosecutors was sought from States/UTs by NCPCR.

**6.3.2** As per information provided by the States/UTs, 404 Special Courts had been designated and 303 Special Public Persecutors were appointed in States/UTs as of 31<sup>st</sup> March 2014.

### **6.4 Status of Formulation of Guidelines for use of NGOs/GOs and Experts**

**6.4.1** Section 39 of the POCSO Act requires the State Governments to prepare guidelines for use of NGOs, professional and experts or persons to be associated with the pre-trial and trial stage to assist the child. As on 31<sup>st</sup> March 2014, States of Meghalaya, Manipur, Maharashtra, Tamil Nadu and Uttar Pradesh informed that such Guidelines have been developed or action has been initiated to develop such guidelines.

### **6.5 Status of Training Imparted to Concerned Persons (Including Police Officers) and Measures for Public Awareness**

**6.5.1** Under Section 43 of the POCSO Act, the State Governments are required to take all measures to ensure that the provisions of the Act are given wide publicity in order to make the general public, children as well as their parents and guardians aware about the provision of the Act. Similarly, the officials of the Central Government, State Governments and other concerned persons including the Police officers are imparted training to implement the Act effectively.

**6.5.2** According to the information provided by the States/UTs to the Commission, 7 States/UTs namely Andaman Nicobar, Chandigarh, Gujarat, Kerala, Meghalaya, Rajasthan and Uttarakhand have conducted Police training on the provisions of the POCSO Act and 4 States/UTs namely Andhra Pradesh, Chandigarh, Punjab and Uttar Pradesh had developed IEC material during 2013-14.



## 6.6 Status of Cases of Child Sexual Abuse

**6.6.1** The POCSO Act incorporates child friendly procedures for reporting, recording of evidence, investigation and trial of offences. In order to ensure such procedures, provisions have been made in the Act that cases should be handled by the Special Juvenile Police Units set up under the provisions of the Juvenile Justice Act, 2000. With a view to monitor the implementation of such provisions, information regarding the status and function of SJPU was obtained from the States/UTs which include status of Special Juvenile Police Units (SJPU) in the States/UTs and number of available female staff above the rank of Sub-Inspector, number of FIRs registered under the Act, charge-sheets filed, number of cases referred to special court, number of cases disposed with acquittals and convictions and number of cases in which compensation was granted to the victim etc. during the period from 14<sup>th</sup> November 2012 to 30<sup>th</sup> June 2013.

**6.6.2** Information received from office of the Director General of Police of the States/UTs is given in the following table:

Sr. No	States/UTs	Total No. of SJPU functional	Total No. of female police on and above the rank of S.I	No of FIRs Registered	No. of Cases disposed off		No. of cases Courts referred to Special	Total No. of Charge Sheets filed	No. of cases in which interim compensation awarded	No. of cases final compensation awarded
					Acquitted	Convicted				
1.	Andhra Pradesh	33	69	69	0	0	20	34	0	0
2.	Arunachal Pradesh	67	21	15	0	0	1 to Session Court	6	0	0
3.	Assam	30	117	59	0	0	3	29	0	0
4.	Bihar	44	Not indicated	27	0	0	12	20	5	0
5.	Chhattisgarh	Not provided	42	226	23	3	47	180	6	3
6.	Goa	1	5	25	0	0	11	11	0	0
7.	Gujarat	28	129	16	0	0	1	16	0	0
8.	Himachal Pradesh	14	35	68	0	1	44	44	0	0
9.	Haryana	23	102	540	142	46	203	491	2	0
10.	Jharkhand	26	35	19	0	0	0	12	0	0
11.	Karnataka	40	172	221	13	3	71	185	3	0
12.	Kerala	118	62	596	3	0	202	415	9	0
13.	Maharashtra	735	331	926	13	5	437	675	2	2
14.	Meghalaya	11	46	62	0	0	24	14	0	0
15.	Manipur	9	83	0	0	0	0	0	0	0
16.	Madhya Pradesh	Info. not provided	Info. not provided	829	133	65	540	969	47	27

contd...

Sr. No	States/UTs	Total No. of SJPU's functional	Total No. of female police on and above the rank of S.I	No of FIRs Registered	No. of Cases disposed off		No. of cases Courts referred to Special	Total No. of Charge Sheets filed	No. of cases in which interim compensation awarded	No. of cases final compensation awarded
					Acquitted	Convicted				
17.	Mizoram	26	17	2	0	2	0	2	0	0
18.	Nagaland	11	58	0	0	0	0	0	0	0
19.	Odisha	36	506	436	8	0	262	376	3	3
20.	Punjab	20	105	107	24	29	33	97	0	0
21.	Rajasthan	Information not provided		526	26	5	88	781	5	9
22.	Sikkim	All police station	48	2	0	0	1	1	0	0
23.	Tamil Nadu	40	122	250	0	0	22	121	1	0
24.	Tripura	9	23	10	0		3	9	0	0
25.	Uttarakhand	112	128	23	0	2	0	17	0	0
26.	Uttar Pradesh	75	149	869	1	1	140	692	7	6
27.	A & N Islands	1	20	6	0	0	0	6	0	0
28.	Chandigarh	0	11	21	0	2	0	14	0	0
29.	Daman and Diu	2	0	0	0	0	0	0	0	0
30.	NCT of Delhi	13	185	251	1	1	18	176	0	0
31.	D & N Haveli	1	2	1	0	0	0	0	0	0
32.	Lakshadweep	0	1	1	0	0	0	0	0	0
33.	Puducherry	0	14	12	0	0	0	4	0	0

## 6.7 Status of POCSO cases referred to Child Welfare Committees

**6.7.1** The POCSO Act envisages important role of the Child Welfare Committee (CWC) in providing support, care, protection and rehabilitation to the victims of child sexual abuse. Provisions have been laid down in the Act to report every case of child sexual abuse to CWC by Police within 24 hours of recording of complaint. In receiving such report, the CWC should examine the case and provided required care, protection and support to the child, nominate with the consent of the child parent / guardian / other person who the child trusts, a support person to assist the child during the investigation and trial of the case.

In order to monitor the implementation of above provisions, the Commission sought information from the State Governments on the number and status of cases of child sexual abuse referred to the CWCs for care and protection and the nature of welfare order passed by CWCs during the period of 14<sup>th</sup> November 2012 to 30<sup>th</sup> June 2013. State/UT-wise information provided by the States/UTs is given in the following table:

Sr. No.	State/UT	Number of cases referred to CWCs	Number of cases referred for:			
			Medical care and support	Mental health support	Protection/ Shelter	Sponsorship services
1.	Andhra Pradesh	49	38	7	13	5
2.	Arunachal Pradesh	0	0	0	0	0
3.	Assam	13	7	6	13	0
4.	Bihar	42	25	22	22	0
5.	Chhattisgarh	1	24	0	0	0
6.	Goa	6	3	3	2	0
7.	Gujarat	11	7	0	9	0
8.	Himachal Pradesh	3	1	0	1	0
9.	Haryana	21	14	7	10	6
10.	Jharkhand	39	39	4	12	0
11.	Karnataka	116	70	55	69	18
12.	Kerala	616	162	188	262	1
13.	Meghalaya	27	24	8	5	0
14.	Manipur	5	4	2	2	1
15.	Madhya Pradesh	20	4	2	14	0
16.	Mizoram	30	0	0	0	0
17.	Nagaland	13	3	1	2	73
18.	Odisha	76	46	29	57	0
19.	Punjab	22	0	0	0	0
20.	Rajasthan	76	16	11	28	9
21.	Sikkim	2	2	2	2	0
22.	Tamil Nadu	80	73	65	38	6
23.	Tripura	6	4	4	6	4
UTs						

Contd...

Sr. No.	State/UT	Number of cases referred to CWCs	Number of cases referred for:			
			Medical care and support	Mental health support	Protection/ Shelter	Sponsorship services
24.	Andaman & Nicobar Island	3	POCSO Act not implemented due to want of delegation of power to the Administration.			
25.	Chandigarh	12	12	0	12	12
26.	Daman and Diu	0	0	0	0	0
27.	Dadra & Nagar Haveli	0	0	0	0	0
28.	Lakshadweep	0	0	0	0	0
29.	Puducherry	7	7	7	0	0

## 6.8 Developing Guidelines, Awareness Materials:

**6.8.1** The POCSO Act is a new Legislation, having both substantive and procedural aspects for stakeholders to implement the same in the best interest of the child. NCPCR realizing the need for understanding the role of the Commission developed the following guidelines in consultation with Lawyers Collective and UNICEF and forwarded the same to SCPCR's.

Monitoring Guidelines for NCPCR/SCPCR's for role and functions of:

- a) Police, Special Courts and Special Public Prosecutors.
- b) Child Welfare Committees, Support Persons and Health professionals.

The above guidelines have been uploaded in the NCPCR web portal.

**6.8.2** To spread the awareness regarding the roles of different stake-holders under the POCSO Act, the Commission developed the following six pamphlets for spreading the awareness, namely POCSO made easy series 1 to 6 and forwarded the same to SCPCR's.

- 1) POCSO Made Simple-Series 1
- 2) Know Your Rights- Series 2
- 3) Child Victim Charter- Series 3
- 4) Inquiry into Cases- Series 4
- 5) Role of Police- Series 5
- 6) Child Friendly Trial- Series 6



# 7

## Child Labour & Children in Distress

Child Labour is a practice that deprives children of their childhood, and is harmful to their physical and mental development. According to the Child Labour (Prohibition and Regulation) Act, 1986 (CLPRA) "No child who has not completed 14 years of age shall be employed or permitted to work in any of the eighteen hazardous occupations set forth in Part A of the Schedule or in any of the sixty five hazardous processes set forth in Part B of the Schedule is carried on. In addition, On October 16, 2006 important notifications to the existing CLPRA came into effect, banning the employment of children below the age of 14 years of age as domestic servants and also in the hospitality trade, such as in roadside dhabas, restaurants, hotels, motels and spas.

7.1 One of the primary mandates of the Commission is to protect and safeguard the rights of the children, involved in various hazardous occupations and processes prohibited by CLPRA. In this regard, the Commission undertook a study on Child Labour in Indian Beedi Industry with the objectives to: understand the dynamics of child labour in Indian Beedi industry; know the factors that lead to prevalence of child labour in various stages of Beedi work; and analyze the initiatives and welfare schemes pertaining to Beedi Industry and its impact on child labour.

7.1.1 The main findings and recommendations in brief are as follows:

### Findings

- i) Gender bias exist in beedi industry as beedi work is predominantly a home based work, where girls and women are preferred in addition to other domestic chores which can be done within confines of their homes.
- ii) Beedi rollers experience an exacerbation of asthma, anemia, giddiness, postural and eye problems, and gynecological difficulties which are serious occupational hazardous the endangering the lives of girl child labour.

- iii) Beedi industry remains 'invisible' and therefore Beedi Workers Welfare Fund does not cover the unregistered workers who are in abundance.
- iv) Universalisation of Primary Education for all children envisaged through Right to Education Act is the most effective strategy to bring all the working girls from their homes into schools.

## Recommendations

- i. **Survey and registration:** Undertake a detailed survey of the beedi workers in various states and compulsory registration of all beedi workers and ID cards to all beedi workers.
- ii. **Enhancing health facilities:** Extend all the health facilities to the workers of beedi industry and organize regular medical checkup and camps for beedi workers and their children to detect occupational diseases like Tuber-culosis, Asthma, skin ailments, postural difficulties etc. Strengthening coverage of Anganwadi's system in beedi workers' areas to ensure quality nutrition care for the children of the beedi workers.
- iii. **Provision of Welfare Schemes:** Strict implementation of minimum wages and social security benefits to the workers particularly women. Ensure that welfare schemes for Tribal communities are disseminated and availed in beedi work areas.
- iv. **Strict implementation RTE Act:** Adherence of stipulation of RTE Act pertaining to infrastructure facilities, creation of new schools and other mandatory provisions to enhance quality education and to retain children who are dropping out of school due to the lack of these facilities. Extending Kasturba Gandhi Balika Vidyalaya scheme which provides residential schools for upper primary school girls.
- v. **Ensuring convergence:** to ensure inter-departmental coordination and convergence such as the facilities like health, education, housing and social security available for the beedi workers.

The Commission undertook cognizance of the issue of child labour in beedi industry after studying the various issues confronting children in beedi work which is prohibited under the Child Labour (Prohibition & Regulation) Act of 1986 and forwarded recommendations to the Ministry of Labour & Employment, GoI and to the Chief Secretaries of the States of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Tamilnadu and Odisha for necessary action. The report was also placed on the website of NCPCR.

## 7.2 State Visits

**7.2.1.** The Member of the National Commission for Protection of Child Rights visited Pithoragarh, Uttarakhand from 30<sup>th</sup> July to 2<sup>nd</sup> August 2013 with an objective to review the child rights scenario, rescue, relief and rehabilitation initiatives undertaken by the local administration, state government, civil societies and others. The major recommendations emanating out of the visit are as follows;

- i. Shifting affected families from tents to structured relief camps
- ii. Supply of warm clothes, shoes and socks to children in relief camps
- iii. Repairing of all damaged anganwadi's; all the anganwadis must have a working weighing machine;

provisions of toys and books for all the children attending the anganwadi centre and nutritious food for children.

- iv. Repair of damage in all the 31 affected schools.
- v. The labour department to develop an Action Plan on campaign against Child Labour and Child Trafficking for elimination of child labour/trafficking in Pithoragarh district.
- vi. The Labour department shall take adequate measures to deliver best through the National Child Labour Project (NCLP) schools under Right to Free and Compulsory Education (RTE) Act 2009 ambit.
- vii. Build the human resource to tackle any disaster by training the NGOs, NSS, NCC, Home Guards, members of Nehru Yuva Kendra, Anganwadi workers, ASHA workers and ANMs.
- viii. Provision of five ambulances catering to the medical needs & care of families residing in relief camps.

**7.2.2.** The Member of National Commission for Protection of Child Rights (NCPCR) visited Muzaffarnagar and Shamli districts On 27th August 2013 with an objective to take stock of situation in the outbreak of communal clashes districts, taking a serious note on the instances of deaths, destruction of property, displacement of people and vulnerability of children during the communal riots and to check the relief measures that have been made by district administration. The major recommendations emanating out of the visit are as follows;

- i. Providing warm clothes such as sweaters, blankets, socks etc., to protect the displaced people especially the children from winter cold.
- ii. Protection of rights of the children and vulnerable groups such as orphans, women, disabled and elderly persons affected by communal violence by providing security personnel in camps.
- iii. Enrolment of all children in nearby schools must be done in order to ensure that no children miss out education in the camps. For this relaxation of education norms in terms of transfer certificate etc., must be made.
- iv. Safety and Security to be provided to safeguard the houses /property left behind the victims of riots.
- v. Repairing and renovation of tents, which have got damaged, for protection of displaced people from rains and cold.
- vi. Periodic monitoring of diseases and ailment that affect the children and adults in the camp. Detailed health report and Individual health profile must be done to ensure that there is a tracking of health issues prevailing in the camp.
- vii. Counselors skilled in mental health care should be made available to provide the necessary psycho-socio care and support for displaced population especially children as they are still in trauma.

**7.2.3** NCPCR team accompanied by the Members from the Ministry of Health and Ministry of Minority Affairs visited the relief camps of Muzzafarnagar and Shamli districts of Uttar Pradesh and a representative from



RML Hospital, New Delhi on 11 December 2013 to review the relief measures undertaken by the District Administration. The major recommendations emanating out of the visit are as follows;

- i. Ensure availability of vaccinations to all residents of the camp for common diseases like Tetanus, Typhoid and viral illness like Japanese Encephalitis etc., besides hygienic and Medical steps needs to be taken thereon.
- ii. Shortage of doctors in the districts of Shamli & Muzaffarnagar, especially lady doctors needs to be addressed.
- iii. Death figures of children, as reported in the media and the figures accepted by the local administration needs further enquiry as death figures of 25 (Malakpur camp). 02 (Idgah Kanshla Camp) and 10 children in (Loi Camp) dying due to respiratory sickness (ARI)/pneumonia i.e., a total of 37 deaths, as intimated to the Committee, needs explanation & reconciling from the State Government.
- iv. Warmer clothing/blankets, though seen in various camps, need strengthening in view of advancing winter.
- v. Early tracing out of 3 missing children as mentioned in Muzaffarnagar Administrative Report.

### 7.3 World Day against Child Labour

Like every year this year also the Commission organized the World Day against Child Labour in collaboration with International Labour Organization (ILO) and UNICEF on 12<sup>th</sup> June, 2013 at Vigyan Bhawan, New Delhi, wherein the Hon'ble Minister of State (IC) for Women & Child Development was the Chief Guest. The Minister highlighted the ongoing efforts of the Government to counter child labour, especially domestic child labour. The Conference was attended by more than 600 participants from various Govt. Departments, Chairpersons of SCPCRs, International Organizations, Stakeholders, representatives of various Resident Welfare Associations and children. A joint statement from NCPCR, ILO and UNICEF brought commendable attention to plight of millions of children around the world who are exploited as child labour, including those in domestic work.



# 8

## Child Health & Nurtition

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

### 8.1 State Visits

#### 8.1.1 Bihar (Patna and Gaya)

Member, NCPCR visited Patna and Gaya districts of Bihar during 9th-11th May, 2013 to review health and nutrition services and other services for children in the state. Facilities visited included Anganwadi Centre (AWCs), health facilities including Primary Health Centre (PHC), Mohanpur Block, Gaya Jayprakash Narayan Hospital (Dist. Hospital) Gaya and Nutritional Rehabilitative Centre (NRC) at Prabhavati Hospital, Gaya and 'Paryavakshan Grih' Observation Home, at Gaya alongwith Primary school at Kahudag, Barachatti Block, Gaya.

During the visit, a very poor status of the ICDS in the districts was observed, with shortage of materials, irregular attendance of staff, poor record keeping etc. Serious cognizance was taken of the fact that facilities and materials for growth monitoring were not available in almost all AWCS that the team visited with AWCs having no weighing machines and no Salter scales. This was of grave concern as it is clear that in the absence of growth monitoring, identification of malnourished children/SAM children would not be possible. A primary objective of the AWC/ICDS is thus, not being fulfilled. Member (Child Health), NCPCR directed the concerned authorities to urgently look into the matter and report to the Commission with a plan for reestablishment of growth monitoring.

It was also observed that the PHC at Mohanpur Block, Gaya was in a very poor state and that the staff quarters at PHC Mohanpur Block was at the time occupied by security personnel. It was recommended that the CMO take immediate action to improve the condition and services at the PHC as well as remove security forces from quarters meant for the PHC doctors.

The Commission during the visit to Aganwadis did not find aganwadi workers, it was recommended to take appropriate disciplinary action against the workers and concerned supervisors along with general instructions to all supervisors to ensure daily opening of the aganwadis for the prescribed period.

The Commission directed the concerned authorities to expedite the appointment of required number of teachers at Primary school at Kahudag which had 700 students and only four teachers. Also supply of textbooks and copies and uniforms to all the schools.

Visit reports along with detailed recommendations were sent to the Secretary, Department of Social Welfare, Government of Bihar vide Commission's letter dated 5<sup>th</sup> June, 2013.

### **Other recommendations:**

- State to provide a report on the current status of functional status of weighing machines in the state and plans to ensure each AWW has a functional weighing machine.
- Status report on the material provided to the Aganwadis in the state.
- A notification to be sent to all NRCs for ensuring that children are not being discharge while still in a critical state even they have been admitted for customary 21 days.

A follow up visit to Patna Bihar was made by the same Member, NCPCR on 13th Nov, 2013 to review programme of child health and nutrition in the state. Inputs for "Bihar State Nutrition Strategy 2010-2020" and "Constitution of a Nutrition Authority/Commission of Bihar" were given by the Member, NPCR to Secretary, Department of Social Welfare, Government of Bihar vide letter dated 19<sup>th</sup> November, 2013.

## **8.2. Examination and Review of Child Health Care Policies:**

### **8.2.1 Utilization of Free Medical Services by Children Belonging to the Economically Weaker Sections (EWS) in Private Hospitals in New Delhi (2012-13): A Rapid Appraisal**

The Commission had undertaken a process of rapid appraisal of select medical services (public and private) for children in Delhi between September 2012 and November 2012. The objective of the appraisal was to see how free beds in private institutions are being utilized for providing medical services to children in particular in order to get a broad, rapid basic and preliminary understanding of the current situation so that policy issues can be highlighted for further in-depth study and analysis.

All private hospitals registered under the Govt. of Delhi and listed by the Delhi Govt. as being mandated to provide free treatment to the poor/EWS in Delhi, were contacted as part of the process. Additionally, Apollo Hospital and two large government hospitals catering to children Kalawati Saran Children's Hospital( KSCH) (Central government); a special hospital for children, and Lok Nayak Jai Prakash Narayan Hospital (LNJPNH); a general hospital offering pediatric care (Delhi government) were also similarly appraised in order to make comparisons.

The survey found that very few children are utilizing the availability of EWS beds in private hospitals in New Delhi. The major findings of the report were as follows:

- The number of children admitted under EWS in the last year in the private hospitals (the 24 who responded) was 1218; Number admitted in Govt hospitals: 27,123 (KSCH) and 8231 (LNJP) and Apollo had only 252.
- It was also seen that Child Bed Occupancy Rates calculated as  $[(\text{No. of children admitted} * \text{Avg. days of stay}) / \text{bed-days}] * 100\%$ , was also found to be very low in private hospitals, with Fortis Hospital at the highest of 25.61%. Out of the 16 hospitals who responded to this question, 14 hospitals had CBOR under 10%. Compared to this, Govt. hospitals had a 100% CBOR, and going up to 150% at certain periods of time.

The report was sent to all stake holders including Planning Commission, Ministry of Health and all the major hospitals of Delhi in September 2013.

### 8.2.2 Strengthening of Services in Kalawati Saran Children's Hospital (KSCH)

The Commission had undertaken a process of inspecting medical services available to children in Delhi. In this regard the Commission visited Kalawati Saran Hospital (KSCH) on 18.10.12. During the visit, it was observed that the hospital has been suffering from a drastic shortage of staff at all levels other than the medical staff which is just adequate, resulting in critical failure to achieve quality of care by any standards. The hospital was found to have a bed occupancy rate of almost 150%. The Hospital was found struggling in its efforts at providing quality care and saving the lives of thousands of children. The Commission deeply concerned with the situation at the Hospital and responding to reports in the media, decided on taking suo moto cognizance of the matters related to KSCH, and aimed at following up the issue with concerned agencies on the same.

During the reporting period, a review meeting in matters was held on 18.06.2013 in the Commission. The meeting was attended by representatives of M/o Health and Family Welfare and Kalawati Saran Hospital. In this meeting various issues including additional beds for the hospital, management of structure of KSCH were discussed.

As a follow up, a visit to KSCH was undertaken on 27.06.2013 to assess improvement in facilities for shelter for attendants of patients. The major observations of the Commission are as under:

- The temporary shelter was enclosed on four sides, as per the Commission's recommendations.
- Provisions for washing and bathing had been made, more space for resting/ sleeping had also been provided.
- The number of fans at the shelter had also been increased. On the whole, improvement in the existing facility for shelter for attendants of patients was observed.
- Subsequently, the Commission convened a meeting between concerned officials of MOHFW, Lady Harding Medical College, Kalawati Saran Children's Hospital, Land & Development Office and Director General of Health Services on 14.11.2013 to discuss matters relating to Kalawati Saran Children's Hospital.

The Commission has been informed that the hospital has submitted a proposal to MOHFW for expansion of beds along with proposal for expansion of KSCH as a 1000 bedded Hospital... The

Commission had recommended that a dedicated Medical Superintendent (MS) post be created for the hospital. The proposal for the same has been forwarded to the concerned Ministry by the hospital.

A report on the Commission's interventions in strengthening of services in Kalawati Saran Children's Hospital was prepared in November 2013.

### **8.2.3 The Commission prepared a report titled "Towards Integrated Management of Malnutrition:**

NCPCR Interventions – August, 2012-October, 2013". This report is based upon the work of the Commission on the grave issue of malnutrition among children, particularly less than 3 years of age, which has entailed detailed field observations, case-by-case investigations of deaths due to malnutrition, programmatic analysis, and policy and legal analysis. These processes have resulted in specific recommendations to Centre, States and Districts with a view to monitoring and improving services for children with malnutrition. The report has been placed on NCPCR's website.

## **8.3 Public Hearings and Enquiries:**

### **8.3.1 Public Hearing for strengthening of Public Health Services in Gorakhpur region for children with JE/AES**

As noted earlier, the Commission having expressed concern over large scale deaths of children due to Japanese Encephalitis and Acute Encephalitis Syndrome (JE/AES) in the Gorakhpur region in Uttar Pradesh had taken cognizance of the matter. In this regard, repeated visits were made by the Commission to the region to assess ground situation. The Commission had also summoned concerned officials of the State Government for a hearing in the matter on 3<sup>rd</sup> Oct, 2012.

In continuation with matters related to JE/AES, and subsequent to the meeting with Secretary, MOHFW, the Member, NCPCR held a meeting on 2<sup>nd</sup> April 2013 in the Commission with concerned officers of MoHFW, GOI, National Vector Borne Disease Control Programme (NVBDCP), as well as Govt. of UP, to discuss an Action Plan to arrive at a time-bound coverage of all un-immunized children under the age of 15 years with reference to JE.

The JE/AES matter, in particular the lack of coordination between concerned authorities of various relevant agencies with regards to immunization, was also discussed with Pr. Secy, Health, Govt. of UP at a meeting held on 15.04.2013 at Lucknow. The Principle Secretary (Health), Govt. of UP noted that he would look into the matter and call for a meeting with concerned officials soon.

Following the Public Hearing, a report on the public hearing was prepared and circulated by the Commission. The report was an amalgamation of issues raised at the Hearing and the Commission's recommendations on issues brought forth. Amongst the major recommendations of the Commission, were improvement in water and sanitation facilities, increase in immunization coverage for JE/AES, better coordination amongst health centers at all levels in dealing with the disease, better facilities for disabled children ensuring rehabilitative and educational facilities, financial assistance to children disabled as a result of the JE/AES and also continuation of compensation scheme for JE/AES deaths as well as survivors.

## **Actions taken on the Commission's recommendations in the matter:**

- i. The Department of Disability Affairs and Department of Basic Education of Uttar Pradesh are working towards providing rehabilitation, education and training, care givers and counseling to guardians of affected children. As a consequence of the Public Hearing organized by the Commission a single window counter opened for JE/AES affected children and their families at the BRD Medical College for a week. The counter provided services such as conducting checkups of disabled children suffering from JE/AES, providing disability certificates to JE/AES survivors with residual disabilities and provision of death certificates for pending cases.
- ii. The Commission's continuous interventions at state and centre level resulted in increase in vaccination coverage from 78.4% to 97.8% in the Gorakhpur region, as on 29 March 2013; and also 78% coverage in installation of India Mark II hand pumps, as per data provided on September 2013.
- iii. The Commission has also played an active role to ensure strengthening of local health infrastructure and that of BRD Medical College in terms of provision of Human Resource drugs etc; and has contributed in converging the efforts of various departments to address the issues that surround JE/AES.

A report as culmination of the works and the monitoring actions taken by the Commission to improve the JE/AES situation in the Gorakhpur region was sent to the Chief Minister, Government of Uttar Pradesh and other concerned Ministries like, Ministry of Health and Family Welfare, Department of Disability Affairs, Ministry of Social Justice and Empowerment by Chairperson, NCPCR on 15<sup>th</sup> October, 2013.

Subsequently, the Commission had summoned concerned officials while holding the JE/AES Public Hearing at Gorakhpur on 11<sup>th</sup>-12<sup>th</sup> Sept, 2013. The D.C. ensured that appropriate disability certificate is issued to the child immediately and that all entitlements under relevant schemes are provided to the child on proactive basis.

## **8.4 Complaints Redressed and Summon Hearing:**

### **8.4.1 Jharkhand**

In complaint matter of illegal sterilization operation of 16 years old boy at Kanke Primary Health center summons hearing was held on 21.05.2013. As updated report of the matter was not received, the Commission decided to summon the concerned officer in the matter. Summons hearing was held on 19.07.2013 and Principal Secretary, Dept. of Health and Medical Education, Government of Jharkhand appeared for the summon hearing. The Commission after hearing the depositions and after going through reports was of the opinion that they was serious laps on part of the official and doctors posted at health center, Kanke and also by the doctor to perform the sterilization surgery. The Commission directed the principal secretary to sent a compliance report to the commissions immediately. Copy of the order was sent to the chief secretary, govt. of Jharkhand vide commissions letter dated 19.09.2013 and action taken report was received from the principal secretary, and as per

the report the concerned authority was directed to take decision for payment of compensation. The Commission recommended disciplinary proceedings against the officers responsible for this act.

#### **8.4.2 Maharashtra**

The Commission summoned the following concerned officials of Government of Maharashtra to appear before it on 3<sup>rd</sup> October, 2013 failing to respond to Commission's enquiry pertaining to issues of child health and nutrition observed during the Commission's visit to the Melghat region, Amravati District in October 2012:

- i.) Joint Commissioner, ICDS, Govt. of Maharashtra,
- ii.) Commissioner (FW) & Director NRHM, Maharashtra and
- iii.) Chief Executive Officer Zilla Parishad, Amravati

Despite numerous reminders and even after almost a year of the visit, the Commission had not received suitable and adequate Action Taken Report (ATR) from the CEO, Amravati Zilla Parishad with regard to detailed nutritional status reports of children found to be severely malnourished. The Commission had also sought an enquiry into the death of one of these children which has not been forthcoming. The Commission had noted that the Nutrition Rehabilitation Centre (NRC) at Melghat was failing to show significant impact and had sought for an enquiry followed by corrective action.

#### **Recommendations given by the Bench:**

In case of one of the severe malnourished child in Melghat region of Amravati District, it was recommended by the Bench that disciplinary action against must be taken against the erring doctors and VCDC supervisors for failing to adhere to protocols with respect to non response to efforts to manage severe acute malnutrition to the said child. The necessary capacity building must be done to ensure that doctors and health workers are aware of what steps to be taken in the case of non response to management.





# 9

## Other Issues

### 9.1 Complaints of Child Rights Violations

Under section 13 of the Commission for Protection of Child Rights, Act 2005, the Commission has been mandated to enquire into complaints related to the violation of child rights. Besides, the Commission has taken suo-moto cognizance of media reports of cases of violation of child rights. The Commission has also been mandated under Section 31 of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act, 2009) to inquire into complaints relating to violations of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act, 2009).

On 5 March 2014, the Commission has launched a website 'eBaalnidan' an online Complaint Management System to efficiently address the complaints received by it. Under this system, the Commission will be receiving online complaints and also sending communication to the concerned authorities in the State/UT. It aims to bring efficiency and transparency in redressal of child rights related complaints received by the Commission.

During the year 2013-14, the National Commission for Protection of Child Rights dealt with **1267** non-RTE complaints relating to child abuse, child health, juvenile justice, police atrocities, malnutrition etc. The subject-wise, state-wise status of non-RTE complaints received by NCPCR in 2013-14 is at Table 1 and Table 2 respectively. The highest numbers of complaints were from the state of Uttar Pradesh, followed by Delhi. The total number of Non-RTE complaints dealt by Commission during the years 2007 to 2014 is at Table-3.

During the year 2013-14, the RTE Division of the Commission dealt with **297** cases of violation of RTE Act 2009. Delhi and Uttar Pradesh had the highest number of complaints. The Maximum number of cases related to infrastructural issues, admissions in school and corporal punishment. The Subject wise status of complaints is at Table-4, the State wise breakdown of complaints is at Table -5. The total number of RTE complaints dealt by Commission during the years 2010 to 2014 is at Table -6.

Table -1

<b>Subject-wise number of non-RTE complaints/suo moto cases dealt by NCPCR during the year 2013-2014</b>	
<b>Subject Wise</b>	<b>No. of complaints</b>
Police and Other Authorities	61
Jail and Custody	16
Child Health	66
Child Labour	57
Minorities/Tribals/Weaker Sections	5
Physically/ Mentally Weak Children	7
School	111
Girl Child	539
Aganwadi Center	10
Adoption	9
Missing Children	37
Displaced Children	2
Legal Matter	10
Child Abuse	181
Custody	16
Financial Assistance	1
Miscellaneous	88
JJ/Shelter/Observation Homes	32
Child Welfare	5
Education	6
Child Harassment	8
TV/Reality Show	0
<b>Total</b>	<b>1267</b>

Table- 2

Non-RTE state-wise number of complaints/suo moto cases dealt by NCPCR during the year 2013-14					
State	No. of Complaints pending as on 1 April 2013	No. of Complaints received during the period 1 April 2013 to 31 March 2014	Total number of Complaints requiring action during 2013-14	No. of complaints disposed off during the period 1 April 2013 to 31 March 2014	No. of complaints pending as on 31 March 2014
Andaman and Nicobar Islands	1	0	1	0	1
Andhra Pradesh	51	15	66	29	37
Arunachal Pradesh	2	1	3	2	1
Assam	7	15	22	6	16
Bihar	71	27	98	61	37
Chandigarh	4	5	9	5	4
Chhattisgarh	17	6	23	16	7
Dadra and Nagar Haveli	0	0	0	0	0
Daman and Diu	0	0	0	0	0
Delhi	353	129	482	101	381
Goa	4	2	6	2	4
Gujarat	6	6	12	12	0
Haryana	109	77	186	21	165
Himachal Pradesh	11	2	13	1	12
Jammu and Kashmir	0	0	0	0	0
Jharkhand	27	26	53	0	53
Karnataka	59	17	76	48	28
Kerala	18	6	24	0	24
Lakshadweep	0	0	0	0	0
Madhya Pradesh	102	35	137	5	132
Maharashtra	61	23	84	3	81
Manipur	16	10	26	7	19
Meghalaya	8	3	11	2	9
Mizoram	0	1	1	0	1
Nagaland	3	0	3	0	3
Orissa	80	22	102	2	100
Puducherry	2	0	2	0	2
Punjab	28	21	49	30	19
Rajasthan	0	53	53	53	0
Sikkim	1	0	1	1	0

Contd....

State	No. of Complaints pending as on 1 April 2013	No. of Complaints received during the period 1 April 2013 to 31 March 2014	Total number of Complaints requiring action during 2013-14	No. of complaints disposed off during the period 1 April 2013 to 31 March 2014	No. of complaints pending as on 31 March 2014
Tamil Nadu	68	14	82	48	34
Tripura	3	2	5	1	4
Uttar Pradesh	803	670	1473	317	1156
Uttarakhand	9	20	29	8	21
West Bengal	90	59	149	20	129
<b>Total</b>	<b>2014</b>	<b>1267</b>	<b>3281</b>	<b>801</b>	<b>2480</b>

Table -3

Non-RTE state-wise number of complaints/suo moto cases dealt by NCPDR from inception to 31 March 2014			
State Name	Grand Total of Total cases received during the period 2007 -31 March 2014	Grand Total of Total cases disposed off during the period 2007 -31 March 2014	Number of cases pending as on 31 March 2014
Andaman and Nicobar Islands	5	4	1
Andhra Pradesh	207	170	37
Arunachal Pradesh	7	6	1
Assam	37	21	16
Bihar	188	151	37
Chandigarh	14	10	4
Chhattisgarh	54	47	7
Dadra and Nagar Haveli	0	0	0
Daman and Diu	0	0	0
Delhi	648	267	381
Goa	9	5	4
Gujarat	46	46	0
Haryana	243	78	165
Himachal Pradesh	26	14	12
Jammu and Kashmir	0	0	0
Jharkhand	98	45	53
Karnataka	124	96	28
Kerala	34	10	24

Contd....

State Name	Grand Total of Total cases received during the period 2007 -31 March 2014	Grand Total of Total cases disposed off during the period 2007 -31 March 2014	Number of cases pending as on 31 March 2014
Lakshadweep	0	0	0
Madhya Pradesh	266	134	132
Maharashtra	169	88	81
Manipur	36	17	19
Meghalaya	17	8	9
Mizoram	4	3	1
Nagaland	6	3	3
Orissa	197	97	100
Puducherry	8	6	2
Punjab	129	110	19
Rajasthan	165	165	0
Sikkim	1	1	0
Tamil Nadu	175	141	34
Tripura	9	5	4
Uttar Pradesh	1834	678	1156
Uttarakhand	63	42	21
West Bengal	204	75	129
<b>Total</b>	<b>5023</b>	<b>2543</b>	<b>2480</b>

Table -4

Subject-wise number of RTE complaints/suo moto cases dealt by NCPCR during the year 2013-14

S. No.	Major Head	No. of Complaints Received
1	Admission	33
2	Corporal Punishment	40
3	Discrimination	6
4	Denial of Entitlement	34
5	Systemic Issues	66
6	Conflict Areas	0
7	Infrastructure	46
8	Head Master and Teacher	22
9	Authority	0
10	Curriculum and Evaluation	6
11	Miscellaneous	19
12	Private Schools	25
	<b>Total</b>	<b>297</b>

Table- 5

RTE state- wise number of complaints/suo moto cases dealt by NCPCR during the year 2013-14					
State Name	No. of Complaints pending as on 1st April 2013	No. of Complaints received during the period 1 April 2013 to 31 March 2014	Total number of Complaints requiring action during 2013-14	No. of complaints disposed off during the period 1 April 2013 to 31 March 2014	No. of complaints pending as on 31 March 2014
Andaman and Nicobar Islands	0	0	0	0	0
Andhra Pradesh	937	5	942	89	853
Arunachal Pradesh	3	0	3	1	2
Assam	22	0	22	0	22
Bihar	32	30	62	0	62
Chandigarh	0	0	0	0	0
Chhattisgarh	6	3	9	3	6
Dadra and Nagar Haveli	0	0	0	0	0
Daman and Diu	0	0	0	0	0
Delhi	740	26	766	130	636
Goa	1	0	1	0	1
Gujarat	7	3	10	4	6
Haryana	131	19	150	23	127
Himachal Pradesh	6	0	6	1	5
Jammu and Kashmir	1	1	2	1	1
Jharkhand	39	9	48	8	40
Karnataka	8	4	12	1	11
Kerala	3	3	6	1	5
Lakshadweep	0	0	0	0	0
Madhya Pradesh	51	8	59	3	56
Maharashtra	66	22	88	23	65
Manipur	18	1	19	0	19
Meghalaya	0	0	0	0	0
Mizoram	1	1	2	0	2
Nagaland	1	0	1	0	1
Orissa	34	10	44	32	12
Puducherry	0	1	1	0	1
Punjab	5	1	6	0	6

Contd....



State Name	No. of Complaints pending as on 1st April 2013	No. of Complaints received during the period 1 April 2013 to 31 March 2014	Total number of Complaints requiring action during 2013-14	No. of complaints disposed off during the period 1 April 2013 to 31 March 2014	No. of complaints pending as on 31 March 2014
Rajasthan	270	41	311	0	311
Sikkim	1	0	1	0	1
Tamil Nadu	129	3	132	1	131
Tripura	0	0	0	0	0
Uttar Pradesh	165	54	219	133	86
Uttarakhand	11	41	52	7	45
West Bengal	21	11	32	4	28
<b>Total</b>	<b>2709</b>	<b>297</b>	<b>3006</b>	<b>465</b>	<b>2541</b>

Table - 6

State-wise number of complaints/suo moto cases dealt by NCPCR during the period 2010 – 31 March 2014			
State Name	Grand Total of Total cases received during the period 2010 -31 March 2014	Grand Total of Total cases disposed off during the period 2010 -31 March 2014	Number of cases pending as on 31 March 2014
Andaman and Nicobar Islands	0	0	0
Andhra Pradesh	989	136	853
Arunachal Pradesh	5	3	2
Assam	29	7	22
Bihar	70	8	62
Chandigarh	0	0	0
Chhattisgarh	12	6	6
Dadra and Nagar Haveli	0	0	0
Daman and Diu	0	0	0
Delhi	1105	469	636
Goa	2	1	1
Gujarat	19	13	6
Haryana	172	45	127
Himachal Pradesh	9	4	5
Jammu and Kashmir	5	4	1

Contd....



State Name	Grand Total of Total cases received during the period 2010 -31 March 2014	Grand Total of Total cases disposed off during the period 2010 -31 March 2014	Number of cases pending as on 31 March 2014
Jharkhand	63	23	40
Karnataka	19	8	11
Kerala	9	4	5
Lakshadweep	0	0	0
Madhya Pradesh	91	35	56
Maharashtra	193	128	65
Manipur	30	11	19
Meghalaya	0	0	0
Mizoram	2	0	2
Nagaland	1	0	1
Orissa	67	55	12
Puducherry	2	1	1
Punjab	24	18	6
Rajasthan	907	596	311
Sikkim	2	1	1
Tamil Nadu	166	35	131
Tripura	0	0	0
Uttar Pradesh	311	225	86
Uttarakhand	59	14	45
West Bengal	79	51	28
<b>Total</b>	<b>4442</b>	<b>1901</b>	<b>2541</b>

## 9.2 Few cases of successful intervention by the Commission:

### 9.2.1 RJ-11013/48121/2013-2014/COMP

#### Gang Sexual assault of a minor in Rajasthan

A complaint was received in the Commission on 10 July, 2013 regarding gang sexual assault of a minor girl and police inaction from Jaisalmer, Rajasthan. It was also stated in the complaint that out of two culprits' police had booked only one and second one was not charged. It was also found that police did not comply with the provisions of Protection of Children from Sexual offences (POCSO) Act 2012. The District Magistrate, Jaisalmer was asked to take immediate action and submit a report of the action taken. Consequently, an action taken report was received from District Magistrate. The Commission noted The Commission, therefore, directed three fold action 1) to take action on the second culprit, 2) comply with the POCSO Act, 2012, 3) Counseling services & compensation as per POCSO Act.

Owing to NCPCR intervention, both the accused were booked under different provisions of POCSO Act, 2012 and a compensation of Rs. 1.00 Lakh was paid to the victim.

### **9.2.2 BR-19022/45547/2013-14/Comp**

#### **Kidnapping of 11 year old girl from Devdha Village, Madhubani District, Bihar**

The Commission took cognizance on the petition dated 09/04/2013 in the case the petitioner alleged that a 11 year old girl was kidnapped from her cousin brother's house in Madhubani, Bihar by three accused in a well planned manner. The Commission asked DCP, South West District, Anti Kidnapping Section, Delhi Police to take action as it was informed by the complainant that the girl is in Delhi. Letter was also written to Special Commissioner of Police, Crime Branch, New Delhi to locate the minor. The Commission also wrote letters to District Magistrate and Superintendent of Police in Madhubani on 09/05/2013, for speedy investigation in the case. The Commission was informed by the Addl. Commissioner of Police, Crime, Delhi about the investigation and raids conducted by them in this matter on 15/05/2013. The police team from Devdha, Madhubani, Bihar also joined the operation in Delhi. The police followed the mobile numbers provided by the father and brother of victim but no fruitful result could be yielded. The Commission again wrote to the IG( Weaker Section) & Nodal Police Officer for AHTU, in Patna, Bihar on 04/06/2013 for a report. The Commission was informed on 11/07/2013 about a call made on the victim's father's mobile Number on 06/07/2013. The Commission immediately asked the Sr. Superintendent of Police in Ghaziabad, U.P. to trace the mobile call and the abducted girl. The Commission received a report about the recovery of the girl on 25/07/2013 from Kotgaon Fatak area of Ghaziabad. She was handed over to child line, Ghaziabad and later produced before the CWC, U.P. Subsequently she was restored to her father. The girl's medical examination was done and her statement was recorded before Hon'ble Court u/s 164 of CrPC. The girl herself desired to go with her father back to Nepal. During investigation the accused surrendered himself before the Court and was sent to judicial custody. The case is pending for decision in the Court.

### **9.2.3. HR-18021/46922/2013-14/Comps**

#### **Child abused; school maids sent to judicial custody.**

The commission took suo moto cognizance of a news item published in the Times of India dated 23 May 2013 titled as Child abuse; school maids sent to judicial custody. After taking cognizance a report was called form DGP Haryana and recommended for victim medical care, treatment and counseling. Commission also recommended for invoking of POCSO Act 2012 in the case and free legal aid to victim. A report was received in the matter from Commissioner of Police Gurgaon and as per the report accused were arrested under relevant section of IPC and POCSO Act 2012. The Victim was provided with free legal services and counseling.

### **9.2.4 DL-14018/50876/2013-14**

#### **The Commission took Suo-moto cognizance of media report titled "savagely scared maid rescued from Vasant Kunj, Delhi".**

The Commission constituted a team to inquire into the matter and to assess the medical condition of the victim girl to was admitted in the Safderjang Hospital in Delhi. As per the report a girl from Jharkhand was kept as bonded labour and was subjected to severe physical and mental abuse by her female

employer at her home in Delhi. The victim girl was rescued by the Delhi Police and NGO. The victim girl was admitted to Government Hospital in Delhi and medical treatment was given to her. The Commission gave directions to the Medical Superintendent for her treatment and care. CWC Chairperson was also called there for necessary action. After examining it was found that the girl was minor when she was employed as a maid. The sections of SC/ST Act, Child Labour, Juvenile Justice, Bonded labour System (Abolition) Act 1976 incorporated in the FIR. Rehabilitation grant of rupees 20,000/- has been granted to the girl. The girl has been repatriated to her family at Jharkhand.

#### **9.2.5 HR-11013/50953/2013-14/COMP**

##### **Kidnapping of a minor.**

Compliant was received regarding kidnapping of complainant 16 years old girl by a person from Bihar. As per the complaint the complainant also received ransom call asking for Rs. 1,00,000/- . The Commission sent a letter to the DGP, Haryana with copy to DC, Gurgaon, Commissioner of Police Gurgaon and Principal Secretary, WCD, Haryana for lodging FIR in the case. Subsequently, the matter was also taken up at the Public hearing held at Faridabad on 7 Nov 2013 considering the severity of the case. The Commission was informed that the girl has been restored to the parents and the accused was apprehended. It was also informed by the complainant at the public hearing that their daughter had been retrieved and that they were satisfied with the action taken.

#### **9.2.6 HR-19034/48184/2013-14**

##### **Kidnapping and Sexual assault of a minor girl.**

A complaint was received by the Commission regarding sexual assault and kidnapping of complainant minor daughter, it was also stated by the complainant that two of the accused have been apprehended by the police but the other two are not being apprehended and the complainant was pressurized to withdraw the case. A letter was sent to DGP, Haryana with copies to DC, Mewat, CWC, to send a report in the matter. The case was also taken up during the public hearing held on 7 Nov 2013. On the intermission of the Commission an interim compensation amounting to Rs. 60,000/- was given to the victim. The Commission also recommended that the complainant be given free legal aid by the District Legal Service Authority (DLSA).

#### **9.2.7 WB/11015/45130/2013-14/Comp**

##### **Harassment of verbal abuse and restriction of from their right to play**

The Commission received a complaint regarding harassment of verbal abuse and restriction on children from the right to play in their common area of housing complex, Kolkata. The Commission after taking cognizance of the matter asked for a report from DM Kolkata. A report was received from DM, South 24 Parganas and as per the report an inquiry was conducted by DCPO and matter was shorted out. The Commission after considering the report decided to issue guidelines/recommendation to urban development department Govt. of West Bengal to ensure its proper implementation while granting permission for the construction of residential /housing complex in the state of West Bengal. The recommendations/guidelines issued have been well accepted by the Urban Development Department, Government of West Bengal and have also had meeting of the concerned State Administrations and Authorities, local bodies concerned for implementation within the state of West Bengal.

**9.2.8 UP/26012/47635/2013-2014/COMP****Kidnapping and sexual assault of minor girl in district Lalitpur**

A complaint was received by the Commission regarding kidnapping and sexual assault of a minor girl of the complaint from District Lalitpur, Uttar Pradesh as per the complaint the girl was thrown into a well with the intention of murdering her, but she swam and rescued herself. She was admitted to District Hospital, Lalitpur. The case was registered at the Police Station u/s 376. It was stated that family was pressurize for settlement and threaten with the dire consequences of acid attack on the victim. Commission immediately sent a letter Superintendent of Police recommending to record the statement of the victim u/s 164 Cr.Pc. A report was received in the matter and as per the report both the accused were arrested and sent to jail. Charge sheet was filed and the matter is subjudice in the Court.

**9.3 Few cases of successful intervention by the Commission related to complaints on violation of RTE Act****9.3.1 File No. UK-1101/42788,42650,38069/2013-14/RTE****Suicide of Children across various Jawahar Navadaya Vidyalayas**

The Commission had received three complaints pertaining to Suicide of Children across various Jawahar Navadaya Vidyalayas in Uttarakhand. The Commission took cognizance of these complaints and raised pertinent policy level questions seeking information from MHRD to ensure that such incidences do not occur in the future and that children are receiving regular counselling support, workshops are conducted for the children on areas of mental health and adolescent issues. As reported by the Ministry, these aspects have been included in the Annual training Program of the Samiti for the year 2014-15 and the same will be conducted through professional agencies in the field identified by CBSE Board.

**9.3.2 KL-101/46126/2013-2014/RTE****'Denial of admission'**

The complaint was pertaining to 'Denial of admission' to a child studying in Class 1 in St. Pauls Public School, Kuriachira, Thirssur, Kerala was received by the Commission on 18.04.2013. The District Education Officer and School Principal were contacted by the Commission. They were apprised with various provisions of the RTE Act, 2009. The school principal agreed to follow the norms and provisions of the Act and assured timely action.

**9.4 Children's Right to Play**

Commission had engaged in reviewing the condition of Neighbourhood Park as play spaces for Children in Delhi in the previous year and had constituted a committee to look into the development of Bal Vatika programme (dedicated areas for recreation of children in parks) and monitor its implementation in Delhi. On 16<sup>th</sup> of April 2013, the Commission held a meeting on development of Bal Vatika.

The issue of Children's Right to Play in the high residential buildings/housing complex have been take up by the Commission while processing a complaint from West Bengal and issued a ten point

recommendation to the Urban Development department Govt of West Bengal (dated 23. 7. 2013) for implementation while granting permission/sanction for construction of high rise residential building/housing complex in the State of West Bengal.

Underlining the importance of shrinking livable spaces in the Urban and Metro centres which is not confined to the State of West Bengal alone the Commission, wrote letters to all Chief Secretaries of the States/UTs (dated 29. 11.2013) requiring the State Development Authority, Housing Board, Corporations, Local bodies etc., responsible for allotting sanction to high rise residential buildings/housing complexes to ensure "Children's Right to Play" by implementing the recommendations of the Commission.

It is to be noted, that the Commission has been engaged in reviewing the condition of Neighbourhood Park as play spaces for Children in Delhi in the previous year and had constituted a committee to look into the development of Bal Vatika programme (dedicated areas for recreation of children in parks) and monitor its implementation in Delhi.

## **9.5 Protection of children in the areas of civil unrest**

The Supreme Court has delivered directions on protecting the rights of children in the country the naxal affected areas and the areas of Civil Unrest. Keeping this in mind the Commission has written in 20.01.2014 to Secretary of the Ministry of Home Affairs, New Delhi to ensure that rights of the children are upheld while executing security operations in the areas of civil strife. The Commission also pointed out that institutions like schools, hospitals and children's homes are not to be requisitioned by the security forces in these areas which can affect the lives of the children.

## **9.6 Use of children by political parties during election campaigns:**

The Commission strongly voiced its dissent over the issue of children being used in the election campaign in any form whatsoever, either for distribution of posters/pamphlets or to participate in slogan shouting, campaign rallies, election meetings etc. A communication in this regard was sent in 14.03.2014 to all political parties seeking their support in including a chapter in their parties manifesto for promoting and protecting the rights of the children.

## **9.7 Information, Education and Communication (IEC) Efforts**

### **9.7.1 Exhibitions of Government Schemes**

NCPCR participated in the 9<sup>th</sup> Food & Technology Expo-2013 Exhibition in Pragati Maidan on 26<sup>th</sup> to 28<sup>th</sup> June 2013. NCPCR distributed educative and informative material on the child rights issues like corporal punishment, RTE, Positive Parenting, Coping with stress, FAQs on POCSO Act, Substance Abuse, Child Labour and other related issues. Children also participated in drawing, slogan writings and role plays. Information regarding "Child Rights and various related issues" was also provided to the people visiting the expo. NCPCR won the first prize in promoting Child Rights.

### **9.7.2 Vatsalaya Mela**

Like every year this year also the Ministry of Women & Child Development, GOI organized Vatsalaya Mela 2013 as an outreach programme intended to give necessary boost to the existing schemes and

programmes of the Ministry to enhance the awareness of the common people. Vatsalaya Mela 2013 was organized by the Ministry at two places in Delhi, at Delhi Haat, INA and Delhi Haat, Pitampura from 14<sup>th</sup> -30<sup>th</sup> November, 2013.

The Commission participated in the Vatsalaya Mela on all the days and installed stalls at both the places to create awareness among the general public about the child rights as well as activities of the NCPCR towards safeguarding the rights of the children. At the stalls the educative and informative material on subjects like RTE Act, POCSO Act, Child Labour, Substance Abuse among children, Coping with stress, Positive Parenting and other issues related to children, hand outs and publications and other material of NCPCR were displayed and distributed among the people free of cost to generate awareness regarding various issues related to child rights.

The Commission also organized programmes and activities through partner NGOs in the form of folk dance, play and songs, street play, group dance, skits etc. on the themes covering right to education, child labour, health and hygiene etc. which were appreciated by the children and general public.

### 9.7.3 Foundation Day

The Commission was established by the Government of India as an Independent body on 5<sup>th</sup> March, 2007 under the Commissions for Protection of Child Rights ,(CPCR) Act 2005 primarily to monitor the rights guaranteed to children by the Constitution of India and by the UN Convention on the Rights of the Child (UNCRC).The Commission celebrated its Foundation Day at Siri Fort Auditorium, New Delhi on 5<sup>th</sup> March, 2014. On the occasion, a yearlong



campaign from 'Street to School' was launched. The occasion was blessed by Shri Najeeb Jung, Hon'ble Lt. Governor of Delhi as chief guest. Secretary, MWCD, Member, Planning Commission and Commissioner of Police, Delhi were among the main guest on the occasion. SCPCRs, representatives of various Govt Departments and International Organizations like UNICEF, Save the Children participated in the programme. More than 500 street children from various states participated in the programme. People sitting in the auditorium were amazed by the excellent performances made by the children like: dance, singing songs, skits, playing music with stones and mono acting. Children from streets as successful personalities were also felicitated during the programme. 53 street children got their Aadhaar Card made during the programme on an initiative of NCPCR. A copy of the Action Plan prepared by NCPCR to generate awareness on issues/plight and struggle of the street children and to ensure their inclusion in the formal education system is annexed.

### 9.7.4 Development and Distribution of IEC material and Awareness Campaigns

NCPCR prepared and got printed the Child Rights pictorial Booklet of 20 pages in english with key CRC provisions, Role and Function of NCPCR under CPCR Act 2005, Monitoring role under POCSO Act 2012 and RTE Act 2009 for wider dissemination.

NCPCR prepared Awareness material on

- i) Frequently Asked Questions (FAQ) on Substance Abuse in Children
- ii) Frequently Asked Questions (FAQ) on Right to Free and Compulsory Education Act (RTE) 2009.
- iii) Frequently Asked Questions (FAQs) on Protection of children from sexual offences (POCSO Act, 2012)
- iv) Frequently Asked Questions (FAQs) on Children with Disabilities
- iv) Brochures on How to identify common signs of STRESS
- v) Brochures on Positive Parenting

The material got printed and was widely circulated among stakeholders.

NCPCR prepared 'POCSO Made Simple Series 1-6' for creating awareness about the POCSO Act and Rules and distributed to State Commissions for Protection of Child Rights (SCPCRs) for further distribution among stakeholders.

An awareness campaign was initiated in the District of Rewari in collaboration with the Haryana State Commission for Protection of Child Rights on 08<sup>th</sup> August, 2013, which involved the DC, SP, CWC, and Society Organizations, NGOs, Local Administration and Children of Higher Secondary School. The pamphlets on Frequently Asked Questions (FAQs) on POCSO Act, 2012, Substance Abuse, Child Mental Health Issues were distributed to all present.

### 9.7.5 Workshops and Seminars

The Commission organized **twelve** one day state level workshops, to sensitize teachers on issues relating to child rights and child protection, in the states of Assam, Bihar, Chhattisgarh, Delhi, Goa, Haryana, Jharkhand, Manipur, Odisha and Tamil Nadu through SCPCRs in coordination with the Education Department of the State Governments

A State Level workshop on **“Substance Abuse among Children and other issues related to Child Rights”** was organized on 22-23 August, 2013 in Manipur in collaboration with Dept. of Social Welfare, Govt. of Manipur. The workshop was attended by multiple stakeholders with Hon'ble Chief Minister, Manipur as Chief Guest. Officials from Central Govt., State Govt. of Manipur, Civil Society Networks, and others participated in the said workshop. The workshop had four technical sessions followed by open house discussions and finally recommendations were made for the State.

International seminar on **“Institutionalized Children: Seminar on Standards of Care and Mental Health”** was organized by Udayan Care, an NGO working on mental health services, education of children, in collaboration with NCPCR on 14<sup>th</sup> and 15<sup>th</sup> March, 2014 at Amity University, NOIDA.

The seminar discussed relevant aspects related to mental health of children staying in institutions and critically evaluated challenges being faced in institutional care set-up to come up with solutions and standardized norms for care giving.

National Seminar on **“Children in Media: Issues & Perspectives”** organized by Gujarat SCPCR in collaboration with NCPCR at M.S. University of Baroda, Vadodara, Gujarat on 26-27<sup>th</sup> March, 2014.





# 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 2014

		(Amount in Rs.)	
<u>CORPUS/CAPITAL FUND AND LIABILITIES</u>	Schedule	Current Year	Previous Year
<b>CORPUS/CAPITAL FUND</b>	1	59,818,700.66	42,220,270.12
<b>RESERVES AND SURPLUS</b>	2	-	-
<b>EARMARKED/ENDOWMENT FUNDS</b>	3	198,000.00	1,678,155.00
<b>SECURED LOANS AND BORROWINGS</b>	4	-	-
<b>UNSECURED LOANS AND BORROWINGS</b>	5	-	-
<b>DEFERRED CREDIT LIABILITIES</b>	6	-	-
<b>CURRENT LIABILITIES AND PROVISIONS</b>	7	2,768,656.75	5,178,548.00
<b>TOTAL</b>		<b>62,785,357.41</b>	<b>49,076,973.12</b>
<b><u>ASSETS</u></b>			
<b>FIXED ASSETS</b>	8	7,710,067.44	8,118,639.00
<b>INVESTMENTS - FROM EARMARKED FUNDS</b>	9	-	-
<b>INVESTMENTS - OTHERS</b>	10	-	-
<b>CURRENT ASSETS, LOANS, ADVANCES ETC.</b>	11	55,075,289.97	40,958,334.12
<b>MISCELLANEOUS EXPENDITURE</b>		-	-
(to the extent not written off or adjusted)			
<b>TOTAL</b>		<b>62,785,357.41</b>	<b>49,076,973.12</b>
<b>SIGNIFICANT ACCOUNTING POLICIES</b>	24		
<b>AND NOTES ON ACCOUNTS</b>	25		

## INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31ST MARCH, 2014

		(Amount in Rs.)	
INCOME	Schedule	Current Year	Previous Year
Income from Sales / Services	12	-	-
Grants / Subsidies	13	151,985,529.00	127,093,069.00
Fees/ Subscriptions	14	-	-
Income from Investments (Income on Invest from earmarked Funds transferred to Funds)	15	-	-
Income from Royalty, Publication etc.	16	-	-
Interest Earned	17	1,283,293.00	2,060,350.00
Other Income	18	270,215.75	330,383.00
Increase/(decrease) in stock of Finished goods and works-in-progress	19	-	-
<b>TOTAL (A)</b>		<b>153,539,037.75</b>	<b>129,483,802.00</b>
<b>EXPENDITURE</b>			
Establishment Expenses	20	25,466,865.00	41,775,709.00
Office & Other Administrative Expenses etc.	21	108,982,295.70	95,553,873.25
Expenditure on Grants, Subsidies etc.	22	-	11,269,421.00
Interest	23	-	-
Depreciation (Net Total at the year-end) (Corresponding to Schedule 8)		1,491,446.71	1,847,750.00
<b>TOTAL (B)</b>		<b>135,940,607.41</b>	<b>150,446,753.25</b>
Balance being excess of Income/(Expenses) over Expenditure/Income (A-B)		17,598,430.34	(20,962,951.25)
Transfer to Special Reserve (Specify each)			
Transfer to / from General Reserve			
<b>BALANCE BEING SURPLUS/(DEFICIT) CARRIED TO CORPUS / CAPITAL FUND</b>		<b>17,598,430.34</b>	<b>(20,962,951.25)</b>
<b>SIGNIFICANT ACCOUNTING POLICIES AND NOTES ON ACCOUNTS</b>	24		
	25		

Receipts and Payments for the year ended 31<sup>st</sup> March, 2014

(Amount in Rs.)

Receipts	Current year	Previous year	Payments	Current Year	Previous year
			<b>(1) Expenses:</b>		
(I) Opening balances:		a)	Establishment expenses	25,270,945.00	41,904,914.00
a) Cash in hand (Including Imprest)	-	60,821.00	b) Office & other Administration Expenses	109,890,128.00	90,758,539.05
b) Bank Balances		c)	Expenses on Grant & Subsidies etc.	0	11269421
(i) In current accounts (unspent bal.)			d) TDS & other payable amount of last year	201,447.00	713,303.00
(ii) In deposited account					
(iii) Saving accounts	28,059,111.62	44,654,381.17	<b>(II) Payments made against funds for various projects :</b>		
Adjustment of previous year advance			Out of earmarked/ Endowments funds		
(II) Grants Received :			(Unicef India)	644,832.00	218,000.00
a) From Government of India :-			Naxal Management Division	412,000.00	-
From Capital & Revenue Expenses	155,459,000.00	127,093,069.00	MHA (Grant for Kokrajhar & Chirang)	563,155.00	738,845.00
b) From State Government			Grant Refund to Government of India	3,473,471.00	-
c) From other sources (Unicef India)	139,832.00				
From Naxal Management Division	-	368,000.00	<b>(III) Investments and deposit Made:</b>		
e) MHA (Grant for Kokrajhar & Chirang)		-	a) Out of Earmarked/Endowment funds	0	0
(III) Income on Investments from:		1,500,000.00	Out of own funds (investment-others)	0	0
a) Earmarked/Endow. Funds	-				
b) Own Funds (0 <sup>th</sup> Investment)	-	-	<b>(IV) Expenditure on Fixed Assets &amp; Capital work-in-Progress:</b>		
			Purchase of fixed Assets	1,082,876.00	1,277,150.00
			b) Exp. On Capital Work-in-progress	0	0

Contd...

(Amount in Rs.)

Receipts	Current year	Previous year	Payments	Current Year	Previous year
			(V) Loans & Advances:		
(IV) Interest Received:			a) To the Government of India	0	0
a) On Bank deposits	1,283,293.00	2,057,420.00	b) To the State Government	0	0
b) Loans, Advances etc.	-	2,930.00	c) To others	9,374,665.00	831,125.00
		d)	Recovered & Paid to Parent office		
			(VI) Finance Charges (interest):		
(V) Other Income (Specify):					
RTI Fee Received	1,085.00	1,535.00	(VII) Other Payments (Specify):		
Sale of Old News papers and Magazines	7,959.00	8,899.00	Payment for State Cheque		4192
Tender Money	-	-	Security Money Refunded		49,200.00
Security Money Received	-	-	Sundry Creditors		47,250.00
Security Deposit (Phone) Return	-	-	NCPCR	18400.00	189750
Refund of Grant		319,949.00	Other payables		
Core Activities for State Representative	261,171.75		(VIII) Closing Balances:		
(VI) Amount Borrowed:	-	-	a) Cash in hand (Including Imprest)	-	-
NCPCR	174,335.00		Bank Balances:-		
	-	-	(i) In current accounts		
(VII) Other Receipts			(ii) In deposit accounts		
Advances recovered	116,417.00	(iv)	Savings accounts	34,574.276.37	28,059,112.12
Receipts from state cheque	4,000.00				
<b>Total</b>	<b>185,506,204.37</b>	<b>176,067,004.17</b>	<b>Total</b>	<b>185,506,204.37</b>	<b>176,067,004.17</b>

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# **Audit Certificate**

## **for the Financial year 2013-14**

**Separate Audit Report of the Comptroller & Auditor General Of India on the Accounts of National Commission for protection of Child Rights, New Delhi for the Year ended 31 March 2014**

1. We Have audited the attached Balance sheet of National Commission for Protection of Child Rights (NCPCR), New Delhi as at 31 March 2014, Income & Expenditure Account and Receipts & payment Account for the year ended on that date under section 19 (2) of the comptroller & Auditor General's (Duties, Powers & Conditions of Services) Act, 1971 read with section 29(2) of the Commission for Protection of Child Rights Act, 2005. These Financial Statements are the responsibility of the Management of NCPCR. Our responsibility is to express an opinion on these financial statement based on our audit.
2. This Separate Audit Report (SAR) 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 & Regulation (propriety and Regularity) and Efficiency-cum-performance aspects, etc., if any, 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 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 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 and Receipts & Payment Account dealt with by this report have been drawn up in the Uniform format of accounts as prescribed by the Ministry of Finances.
- (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 Assets

#### A.1.1 Current Assets, Loans, Advances-Rs.5.51 Crore (Schedule 11)

**A.1.1.1** Closing Stock of stationery valuing Rs. 2.49 lakh was not depicted in Current Assets under Inventories in schedule 11 of balance-sheet. This has resulted in understatement of current issue and understatement of expenditure by Rs. 2.49 lakh.

### A.2 Liabilities

#### A.2.1 Corpus/Capital Fund (Schedule 1) Rs. 5.98 Crore.

**A.2.1.1** The excess of income over expenditure relating to 'Right to Education Scheme' amounting to Rs. 1.52 Crore was transferred to the Capital Fund (Schedule-1) instead of earmarked fund (Schedule 3). This has resulted in overstatement of Capital fund and understatement of Earmarked funds by the like amount.

#### A.2.2 Current liabilities and Provisions (Schedule)-7 Rs. 27.69 Lakh]

**A.2.2.1** Pay and allowances for the month of March 2014 payable in April 2014 have not been shown under current liabilities. Although 12 months salary was booked in the accounting policy being adopted by NCPCR.

## B. General

**B.1** The Commission for Protection of child Rights Act, 2005 vide which NCPCR was constituted did not clearly identify the authority competent to approve its annual accounts. Para 29 (1) of the Act states that the commissions shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India. However, that act is silent about the body/ authority competent to approve the annual account.

This required an amendment/ notification to specifically designate authority to approve accounts. This was also pointed out in previous year's report, however, no action has been taken by NCPCR.

## C. Grants-in-aid

C.1 At the end of the year 2013-14, the position of grants-in-aid received, utilized and unspent by the NCPCR was as under:

Scheme	GIA received during 2013-14	Unspent Balance of Previous year	Internal receipts	Total Funds available	Utilization of funds	Unspent funds
General Grant NCPCR	985.11	67.49	4.93	1057.53	857.67	199.86
RTE	518.08	135.31	8.62	662.01	534.58	127.43
Bal Bandhu Scheme (BBS)	Nil	13.70	3.28	16.98	16.98	Nil
Protection of Child Rights (PCR)	Nil	51.43	1.66	53.09	53.09	Nil
North Eastern Region (NER)	51.40	7.61	Nil	59.01	40.39	18.62
<b>Total</b>	<b>1554.59</b>	<b>275.54</b>	<b>18.49</b>	<b>1848.62</b>	<b>1502.71</b>	<b>345.91</b>

Including refund of Rs. 34.73 lakh to the Govt. of India.

C.2 During the year 2013-14, NCPCR had an unspent balance of Rs. 5.05 Lakh under UNICEF for internship. It received 1.40 lakh from UNICEF during the year. Out of total funds of Rs. 6.45 lakh, it utilized the entire funds during the year leaving no unspent balance.

## D. Management letter:

Deficiencies which have not been included in the audit report have been brought to the notice of the NCPCR through a management letter issued separately for remedial/ corrective action.

(V) Subject to our observations in the preceding paragraphs, we report that the Balance sheet, income & Expenditure Account and Receipts & Payments Accounts 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 statement read together with the Accounting Policies and Notes on Accounts and subject to the significant matters stated about and other matters mentioned in Annexure to this Separate Audit Report, give a fair view in conformity with accounting principles generally accepted in India.

- a. In so far as it relates to the Balance Sheet, of the state of affairs of National Commission of Protection of Child Rights as at 31 March 2014; and
- b. 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  
Director General of Audit Central Expenditure

Place : New Delhi

Date: 11.12.2014

# Annexure

## **National Commission for Protection of Child Rights**

### **CAMPAIGN “FROM STREET TO SCHOOL”**

#### **Background**

The National Commission for Protection of Child Rights (NCPCR) has been constituted under the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No.4 of 2006) by Government of India to protect, promote and defend child rights in the country. The Commission is also mandated to monitor implementation of the Right to Education (RTE) Act, and the Protection of Children from Sexual Offences (POCSO) Act. NCPCR will be completing seven years of its existence on 5<sup>th</sup> March, 2014, a day celebrated every year as the NCPCR Foundation Day.

This year on its seventh foundation day, the NCPCR has decided to focus on children living on and off the streets without safe shelter, access to education, healthcare, leisure, and sports. An Action Plan has been prepared to generate awareness on issues, plight and struggle of this marginalized and vulnerable groups and ensure their inclusion in the formal education system.

**Period: One Year (5th March, 2014 – 4th March, 2015)**

**Coverage: All States/UTs**

#### **Plan**

1. The Ministry of Women and Child Development shall be requested to give directions to the State Governments to constitute a Committee headed by the Principal Secretary in charge of Child Development. The Committee may have representation from the following:
  - The State Education Department;
  - State Project Director, Sarva Siksha Abhiyan (SSA);



- Police Officers in-Charge of Child Protection and Welfare;
- Divisional Railway Managers;
- Representative (s) from local Municipal Corporation (s);
- Representative from Child Line India Foundation (CIF);
- Prominent NGOs working in the city in the field of rescue of street children.

The Committee to be responsible for:

- Ensuring that the objectives of ICPS are fulfilled and the activities for street children are appropriately implemented;
  - Bringing to the knowledge of SCPCR, any shortcomings in the implementation of ICPS;
  - Ensuring that children living on and off the streets are provided Aadhar Card;
  - Ensuring that Children living on and off the streets are enrolled in schools.
2. All SCPCRs will be requested to monitor the progress on regular basis:
  3. NCPCR will monitor the progress in major cities.

The Action Plan shall be implemented by accelerating the educational coverage of the target group identified under ICPS programme through the existing government programmes for the rescue and rehabilitation of street children with the resources available under ICPS, SSA, Social Welfare department and other Government organizations. NGOs working with street children will also be involved in activities including the following:

- **Enumeration of pockets** with high concentration of out-of-school children involved in beggary, street and working children, rag pickers, small vendors, street performers, orphans, deserted, trafficked and run away children who are in need of care and protection.
- **Registration** by the local Govt. machinery and identified NGOs.
- **Enrolment & segregation:** The children so registered shall be segregated in different categories according to their needs and requirements.
  - ✓ In case of trafficked and runaway children, efforts would be made to integrate them with their families to provide them further support for school education.
  - ✓ For the children who are orphans, deserted and without families and are involved in beggary, rag picking and victim of drug & substance abuse, various alternatives would be explored in terms of providing shelter, place for education, play and extra-curricular activities. This may include:
  - ✓ The vacant/abandoned locations available with the government, semi-government, local bodies;

- ✓ Off time available space in the schools running in single shift and Colleges during their off times; and
- ✓ Spaces available in Dharamshala, mutts, religious places, etc.
- NGOs may be identified for using the space for education, play and extracurricular activities of such children. The NGOs will be made responsible to be guardians of such children and for executing the proposed actions plan.
- The provision of books, food, clothes, play material etc. will be worked through the existing programmes under SSA and ICPS.
- Special attention will be made to counsel and motivate such children for school participation as well as their overall development as per the steps suggested below:

### Monitoring of 'transition' from Street to School

- **Orientation towards age appropriate classes**, identification of talent and promotion of their skills through appropriate mechanism, showcasing/sharing good practices, identification of role models from street children category- through coordination with SSA/Social Welfare.
- **Orientation of local schools** to accommodate identified children in age appropriate classes
- **Mainstreaming of street children to the formal day schools** in coordination with local schools and local bodies
- **Regular monitoring and follow up** of the children admitted in schools, motivation and their counseling so as to make them comfortable in school atmosphere, interaction with teachers on regular basis for giving special attention to such children.
- **Documenting of the process and outcome** and reporting the same to NCPCR through CIF.

### Role of NCPCR

- ✓ Write to Secretaries of concerned Central Departments of Government of India /Chief Secretaries of State Governments/Chairpersons of SCPCRs to initiate action in their respective States;
- ✓ To carry out monitoring and regular follow up of the campaign activities being carried out in States;
- ✓ Facilitate issue of Aadhar Card to street children;
- ✓ Generate awareness on the issues and concerns of street children;
- ✓ Create Webpage on street children;
- ✓ Organise panel discussions on the needs of street children
- ✓ Prepare a compendium on good practices relating to street children carried out by State Governments and NGOs.



**NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS**

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