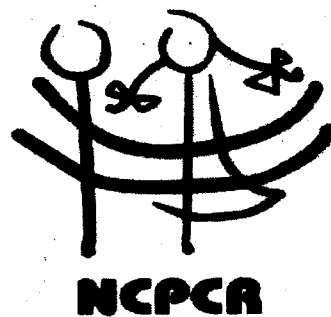


**NATIONAL COMMISSION FOR PROTECTION OF
CHILD RIGHTS**

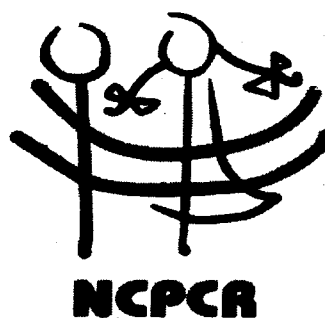
ANNUAL REPORT 2012-13



“If we are to reach
real peace in this
world and if we are
to carry on a real
war against war, we
shall have to begin
with children”.

**Mahatma Gandhi in
'INDIA OF MY DREAMS'**

**National Commission for
Protection of Child Rights
(NCPCR)
Annual Report
2012-2013**



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List of Abbreviations

AHTU	Anti-Human Trafficking Unit
ANM	Auxiliary Nurse Midwife
ATR	Action Taken Report
AWC	Anganwadi Centre
AWW	Anganwadi Worker
BB	Bal Bandhu
BBS	Bal Bandhu Scheme
BEO	Block Education Officer
CDPO	Child Development Project Officer
CHC	Community Health Centre
CJM	Chief Judicial Magistrate
CMM	Chief Metropolitan Magistrate
COFI	Cable Operators Federation of India
CWC	Child Welfare Committee
CWO	Child Welfare Officer
DGP	Director General of Police
DM	District Magistrate
DSWO	District Social Welfare Officer
ECCE	Early Childhood Care and Education
FIR	First Information Report
GOI	Government of India
GRP	Government Railway Police
ICDS	Integrated Child Development Services

ICPS	Integrated Child Protection Scheme
JJA	Juvenile Justice Act
JJB	Juvenile Justice Board
JWO	Juvenile Welfare Officer
KGBV	Kasturba Gandhi Balika Vidyalaya
MDM	Mid-Day Meal
MDONER	Ministry of Development of North Eastern Region
MHA	Ministry of Home Affairs
MHRD	Ministry of Human Resource Development
MSO	Multi-Service Operators
MWCD	Ministry of Women and Child Development
NAC	National Advisory Council
NCLP	National Child Labour Project
NCPCR	National Commission for Protection of Child Rights
NGO	Non-Governmental Organization
NRC	Nutrition Rehabilitation Centre
NRHM	National Rural Health Mission
PDS	Public Distribution System
RBC	Residential Bridge Course
REPA	Right to Education Protection Authority
SAA	Specialized Adoption Agency
SAM	Severe Acute Malnutrition
SAM	Severely Acute Malnourished
SCPCR	State Commissions for Protection of Child Rights
SHP	School Health Programme

SJPU	Special Juvenile Police Unit
SMC	School Management Committees
SOP	Standard Operating Procedures
SPO	Special Police Officer
SSA	Sarva Shiksha Abhiyaan
THR	Take Home Ration
UNICEF	United Nations Children's Fund
UNCRC	United Nations Convention on the Rights of the Child
UT	Union Territory
VCDC	Village Child Development Centre
VHND	Village Health Nutrition Day
WCD	Women and Child Development

Chapter 1

INTRODUCTION

The National Commission for Protection of Child Rights (hereinafter referred to as NCPCR or the Commission) was set up by the **Ministry of Women and Child Development** as a statutory body of Government of India (GOI) in March 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005 to protect, promote and defend child rights in the country.

1.1 Mandate

The Commission has been mandated to perform all or any of the following functions:

- a. 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.
- b. Present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards.
- c. Inquire into violation of child rights and recommend initiation of proceedings in such cases.
- d. Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography, and prostitution and recommend appropriate remedial measures.
- e. Look into matters relating to children in need of special care and protection, including, children in distress, marginalised and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures.
- f. 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;
- g. Undertake and promote research in the field of child rights.
- h. 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.
- i. 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.
- j. Inquire into complaints and take *suo motu* notice of matters related to:
 - i. Deprivation and violation of child rights.
 - ii. Non-implementation of laws providing for protection and development of children.

iii. 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.

k. Such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

2. The Commission has been designated as the monitoring agency under the Right to Education (RTE) Act and the Protection of Children from Sexual Offences (POCSO) Act.

3. The Commission shall not inquire into any matter which is pending before a State Commission, or any other Commission, duly constituted under any law for the time being in force.

1.2 Composition of the NCPCR

The Commission comprises of the following Members, namely:-

- (i) a Chairperson who, is a person of eminence and has done outstanding work for promoting the welfare of children; and
- (ii) Six members (out of which at least two shall be women) from the following fields, to be appointed by the Central Government from amongst persons of eminence, ability, integrity, standing and experience in:-
 - a. Education;
 - b. Child health, care, welfare or child development;
 - c. Juvenile justice or care of neglected or marginalised children or children with disabilities;
 - d. Elimination of child labour or children in distress;
 - e. Child psychology or sociology; and
 - f. Laws relating to children.

The Commission had a chairperson and five members in place during the reporting year. The Secretariat of the Commission comprises of 36 officials and staff with a Member Secretary (in the rank of Joint Secretary or Additional Secretary) as its head. NCPCR also engaged consultants and contractual/outsourced staff to carry out its activities in furtherance of its mandate.

1.3 Interventions made by the Commission

The monitoring interventions made by the Commission extended to most States. The interventions included policy and legislative interventions, dealing with complaints, monitoring the RTE Act including the functioning of schools, Anganwadi Centres, homes set up under the Juvenile Justice Act, *ashram shalas*, and so on. Based on its past experience, the Commission evolved an understanding of the core principles that have to be adhered to in formulating policies and delivering services, adjudication of justice for children, as well as legislative interventions for children. Five essential core management principles viz: decentralisation, flexibility,

institution-building processes, convergence and listening to the voices of children guided the interventions by the Commission.

- a. Principle of decentralisation and devolution of authority to the local bodies: All the three functions of planning, implementation and monitoring should invariably enable an active role for the *gram panchayats* (local bodies) or municipalities. Local community associations such as women's groups, youth groups, child rights protection groups and also local functionaries of various departments should consult the local bodies in a systematic manner. The plans should flow from the gram panchayats (local bodies) to the cluster level and be consolidated at the block level. The role of District and the State is to respond to the demands from the field level. It is necessary to have a shorter cycle of planning as far as children are concerned. The current long cycle of planning, based on a centralised annual plan fails to deliver the entitled and much-needed benefits to the children.
- b. Second, the method through which the goals are to be attained should be flexible. This would necessitate responsiveness and an organic process of decision making at the level of the local bodies, which in the long run would foster new traditions and culture of caring for children and their protection in an appropriate and sustainable manner.
- c. Thirdly, all endeavours should be towards strong institution-building processes where there is predictability and continuity in services, flow of funds and technical support.
- d. Fourthly, there is a need for interlinkages and convergence between all the relevant departments particularly Women and Child Development, Education, Health, Social Welfare, Rural Development, Panchayati Raj, Water and Sanitation, Civil Supplies etc.. Protecting the rights of children can happen only with the coming together of all relevant functionaries across all departments at every level.
- e. Finally, there have to be forums where voices of children are heard, their views taken seriously and children enabled to exercise access to their rights and entitlements and protection against any form of violence, abuse, exploitation, harassment and punishment.

Children would need special measures at every stage of the process of justice. This would require the introduction of child jurisprudence, a child focused procedure code, a cadre of the judiciary well trained on child rights, and adequate space and opportunity for children to seek justice under humane and "child friendly" circumstances.

During the reporting year, there has been a further consolidation of the Integrated Child Protection Scheme (ICPS) in most States. Although much needs to be done in terms of institutionalizing the ICPS scheme, the programme holds a radical departure as it is envisaged as an important facility to bring all services and departments close to children in favour of their rights.

The third year of the Right to Education Act has also generated a groundswell of support and parental demand for educating their children. The challenge is in response to the enormous demand for compliance of the provisions in the RTE Act, including towards maintaining the

mandated teacher pupil ratio of 1:30 at the primary school level and 1:35 at the upper primary school level, with subject-wise trained teachers, playground, library and other facilities; special training for older children; more inclusive education, admission in the EWS category etc. The RTE Act was amended on 19th June, 2012 to clarify the applicability, definition portion and inserting of a new section 39 on powers of Central Government to remove difficulties.

The issue of malnutrition remains a challenge. It is hoped that a revised ICDS programme would entail greater decentralization, better physical infrastructure, additional Anganwadi workers, greater role for community and local bodies and more investments. This, in turn, would shift the trend of hunger and malnourishment, to correcting the health and nutrition deficit of children in India.

The year witnessed the enactment of Protection of Children from Sexual Offences (POCSO) Act, 2012 which came into force on 14 November 2012. Under Sec. 44(1) of the said Act, the Commission has been mandated to monitor its implementation. The Commission has constituted a Cell to closely monitor the implementation of the Act.

Chapter 2

LAWS, POLICIES AND GUIDELINES

The Commission has made inputs into several draft policies and legislations, prepared guidelines and made submissions before Commissions. Some of these are detailed below:

2.1 The National Food Security Bill (NFSB), 2011

The Commission has made detailed inputs into the Food Security Bill with respect to Children's Rights to Food. It has also made submissions on the norms and standards of the Anganwadi Centres, role of local bodies, children with disabilities and sick children, school children, adolescent children, maternity benefits, and grievance redress procedures, to the Parliamentary Standing Committee on Food, Consumer Affairs and Public Distribution on 7th March, 2012 and on 19th April, 2012 as detailed below. Subsequently the Chairperson and two Members of NCPCR also presented views/suggestions of the Commission on the National Food Security Bill at the hearing before the Parliamentary Standing Committee on 19th October, 2012.

Submissions made by the Commission on National Food Security Bill, 2011

1 Norms and Standards of the Anganwadi Centres(AWC)

1.1 Every Anganwadi Centre (AWC) shall fulfill the norms and standards as specified in the table below:

Norms and Standards for Anganwadi Centres (0-6 years)

Sl.No	Item	Norms and Standards	
1.	Number of Anganwadi Workers (AWW) and Anganwadi Helpers (AWH) for food and nutritional care*	Admitted children	No. of AWW/AWH
		Up to 20	1 AWW 1 AWH
		Between 21-40	2 AWW 2 AWH
		Between 41-60	3 AWW 3 AWH
2.	Qualification of AWW	At least class 10, from local community and must have undergone prescribed training by the DWCD.	
3.	Trainings	Once in a year refresher course	

4.	Food and Nutrition Material in AWC	Supply of one month's consumption of food as specified under the Act must always be available in the AWC. Supply of the Supplementary Nutrition Package(SNP) has to be made available one month in advance based on the estimates
5.	NRC	Travel allowance for parents/guardians for their stay at the NRC is to be made available
6.	Building	One room for a group of 20 children; storage space for food supplies, equipment and materials; clean drinking water and toilets; kitchen; play ground

* In habitations less than 300 persons ICDS services should be provided through extension services or mini-Anganwadi Centres linked to the nearest Anganwadi Centre.

(Source: Table based on recommendations made by NAC, Right to Food Campaign for the Restructuring of ICDS)

- 1.2 Wherever an Anganwadi Centre established before the commencement of the Act does not fulfill the norms and standards specified in the Schedule, the appropriate government shall take steps to fulfill such norms and standards within a period of one year from the date of such commencement.
- 1.3 There shall be provision for an Anganwadi Centre on demand in accordance with the Supreme Court orders, and this shall be verified by the Gram Panchayat (GP). Once the certification of the GP is received, an Anganwadi Centre is to be provided for within a period of 60 days by the Government.
- 1.4 The malnourished children identified through AWCs, who have not regained normalcy, should be entitled to their nutritional standards specified in Schedule II (800 Kcal and 20-25 g Proteins) to the National Food Security Bill attached at the end of the Chapter.
- 1.5 For the purposes of treating children suffering from 'severe acute malnutrition' (SAM), nutrition rehabilitation centres (NRC's) should be set up in every primary health centre. All SAM children should be entitled for treatment for as long as necessary to restore them to good health. Uncomplicated cases of SAM that do not require NRC based treatment after due examination by medical staff, should be treated with community based management using locally produced therapeutic foods.

2 Role of Local Bodies

- 2.1 For an effective implementation of the provisions in the -“NFSB’ the **principle of decentralization** and devolution of authority to the local bodies is to be adhered to. All the three functions of planning, implementation and assessment/monitoring of the program should devolve at the local level enabling community ownership and responsibility for the program. Thus plans should flow from the Gram Panchayats to block level and above. The role of the District and the State is to respond to the demands from the local bodies i.e. Gram Panchayats and Zila Parishads.
- 2.2 Thus the local body shall raise a demand to the appropriate government to be informed about the requirement for Anganwadi Centre and, or supplies of food and other materials as per the Schedule attached to which the government has to respond within 30 days of its receipt.
- 2.3 In difficult terrains where there are risks of landslides, floods, lack of roads and in general risks for young children to approach the nearest Anganwadi Centre from their homes, the appropriate government shall locate the Anganwadi Centre or make adequate arrangements for allowance to the Anganwadi worker to travel, stay in the habitation, even if the numbers of children/population in such habitations are less.
- 2.4 The local body shall ensure that access of children to food is not hindered by bringing to the notice of the appropriate government the status of all children and their entitlements to food.

3 Children with disabilities and sick children

- 3.1 Special attention should be paid to make arrangements for supply of food and nutrition to all children with physical disabilities, children suffering from chronic illness and undergoing treatment such as HIV and AIDS, TB, cancer etc.
- 3.2 Older children in the age group of 6-18 years who are disabled and sick shall get the benefit of entitlements of take home ration (THR) from the Anganwadi Centres along with the mid day meal programme.

4 School Children

- 4.1 There has to be a monitoring of nutritional status of children facilitated and designed by the CDPO in respect of every child attending school and make appropriate recommendations for each child depending upon their nutritional status and needs.
- 4.2 Based on the recommendations, double ration, nutritional supplements are to be provided for along with the mid day meal.
- 4.3 It is suggested that in schools mainly catering to children of priority households, there should be a provision of providing meals/take home ration/raw food material during the long school holidays (like 2 months summer holidays).

This section is significant in non-inclusion of one of the most vulnerable population segments i.e. adolescence (14-18 years). Almost one-fifth of the population comprises of adolescents. This age group, because of the biological changes and sudden growth spurts, needs extra nutritional support. The exclusion of adolescents especially the adolescent girls will add to the intergenerational cycle of malnutrition.

5 Adolescent children

- 5.1 There is a prevalence of anemia, stunting and wasting in the growth of adolescent children, especially girls. Surveys show that there are gaps in the intake of food of both boys and girls in 10-17 years age group as given below:

Group	Ref wt	Recommended Dietary Allowances (RDA)	Actual intake	Gap
Boys				
10-12 yrs	34.3	2190	1473	717
13-15yrs	47.6	2750	1645	1105
16-17 yrs	55.4	3020	1913	1107
Girls				
10-12 yrs	35	2010	1384	626
13-15 yrs	46.6	2330	1566	764
16-17yrs	52.1	2440	1630	

(Source: Nutrient Requirements and Recommended Dietary Allowances For Indians: A Report of the Expert Group of the Indian Council of Medical Research, National Institute of Nutrition 2009 as quoted by P. Ramachandran in Indian Journal of Med Res 138, September, 2013(pp 373-382).

Data shows that anaemia affects 3/4ths of school children due to low intake of iron and folic acid.

- 5.2 Adolescence is the period of growth spurt yet the gap between the requirement and actual intake is the highest in adolescents.
- 5.3 Therefore, there has to be an extension of mid day meal(MDM) to the entire period of schooling and all such children who are undernourished have to be given double portion of food.
- 5.4 MDM should include nutrients, greens and vegetables.
- 5.5 The direction of Hon'ble Supreme Court for provisioning of supplementary nutrition for adolescent girls should be complied with.
- 5.6 Support for at least one cook and helper should be provided for cooking MDM and they should be paid at least minimum wages or as applicable to the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) workers.

6 Maternity Benefits

- 6.1 While no conditionality has been attached to maternity benefits, these need to be linked to minimum wages in the interests of parity with other policies on maternity entitlements. In particular, the benefit should apply irrespective of the place of birth (institutional or non-institutional deliveries), age of mother, or number of children.
- 6.2 There should be a provision for 'crèche on demand' where there is such demand from at least fifteen children under six in a habitation. An age appropriate and nutritious morning snack and evening snack, over and above a mid day meal should be provided for all children in the crèches/day care centres.

7 Protection of Right of Children to Food and Nutrition

- 7.1 The National Commission for Protection of Child Rights (NCPCR) and the State Commissions for Protection of Child Rights (SCPCRs) are already examining the issues of access of entitlements to food, health and other related issues.
- 7.2 For continuity and to avoid overlap in functions, NCPCR and SCPCRs are to be entrusted with the task of monitoring children's access to food under the Food Security Bill. They shall be mandated to do the following:
- (a) Examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
 - (b) Inquire into complaints relating to child's right to food entitlements.
 - (c) Take necessary steps as provided under sections 15 and 24 of the Commissions for Protection of Child Rights Act.
 - (d) The said Commissions shall, while enquiring into any matters relating to child's right to food, have the same powers as assigned to them respectively under sections 14 and 24 of the Commissions for Protection of Child Rights Act.
 - (e) The SCPCRs shall be the appellate authority to receive appeals from aggrieved persons, who would prefer such appeals, when their grievances relating to children's right to food are not redressed by the designated local authorities.

8 Grievance Redress

- 8.1 The State governments shall identify and notify the local authority at the Gram Panchayat, block/mandal and district level which shall perform the function of grievance authority.
- 8.2 It shall prepare a list of legal entitlements of a child guaranteed under the Act and make this information widely available.
- 8.3 Every notified local authority shall maintain a record of grievances filed and decisions taken by it and submit a periodic report to the State government.
- 8.4 Any person aggrieved by a decision or direction of the notified authority may file an appeal to SCPCR.

2.2 Criminal Law (Amendment) Bill, 2013

The Commission made the following recommendations to the Government on 27.02.2013 relating to the Criminal Law (Amendment) Bill, 2013:

- (a) Section 29 of the Criminal Law (Amendment) Bill which changes the definition of a 'CHILD' by bringing down the age from 18 years to 16 years in the POCSO Act, should be deleted as this Section as drafted, does not address the protection measures guaranteed under the POCSO Act.
- (b) The existing definition of 'CHILD' under Section 2(1)(d) of the POCSO Act may be retained at 18 years of age. This would be in harmony with the Juvenile Justice Act, 2000 and India's commitments under the UN Convention on the Rights of the Child. It would also give all the protection measures provided for in POCSO Act for children up to 18 years of age who are allegedly victims of sexual assault. NCPCR is not in favour of reduction of age for the purpose of 'consent' as against general reduction of age for overall application of POCSO Act.
- (c) Appropriate provisions need to be incorporated as an exception under the POCSO Act to avoid criminalization of consensual sexual acts between children in 16-18 years of age. Therefore, the POCSO Act shall introduce an exception clause to declare unlawful sexual acts only when such acts are committed without consent/ or in circumstances where consent is obtained through force, coercion, threat, impersonation, mistake, intoxication/drugging, undue advantage; or when the child is asleep or unconscious, between children in the age group of 16-18 years of age or when there is more than three years of proximity between the child and the adult.

2.3 NCPCR's submissions to Justice Verma Committee

NCPCR made submissions before the Justice Verma Committee on 20.01.2013 in the context of the debate on lowering the age of a child to 16 years, and exposing a large number of children to the adult criminal justice system.

(a) Context

- (i)** There has been an outcry that the juvenile involved in the alleged rape and murder of our “Brave heart” on the 16th of December, 2012 at Delhi should not be allowed to get away with a light punishment under JJ Act 2000.
- (ii)** Changing the application of adult laws to children, among others, was coordinated by the UNO and drafted into an international treaty called the United Nations Convention on the Rights of Children (CRC) which is today the most widely ratified treaty in the world. The Juvenile Justice Act 2000(which was further amended in 2006) is the law which looks after such cases including children in need of care and protection and in conflict with law.

(b) Children in need of Care and Protection – Services

- (i)** Section 2(d) of JJ Act, 2000, defines children who are considered children in need of care and protection
- (ii)** The failure of the system to reach out to such vulnerable children and to prevent the consequent risks has unfortunately resulted in a small percentage of the larger universe of 170 million children in need of care and protection taking to violence in varying degrees. (Source: Annual Report 2012-13 of MWCD, Ch. 4, pg-65; ICPS, ch.1 pg. 7).
- (iii)** There are approximately 32,000 children in a year at any point of time as ‘Children in conflict with the Law’. (Source: Sub-Group Report-Child Protection in 11th Five Year Plan (2007-2012). Within this smaller universe, looking at the National Crime Record Bureau (NCRB) data for 2011, it was found that 7537 children were apprehended for murder, rape and theft which are about 22% and this number would slide further if we are to consider that a large percentage of those accused of rape of minor girls are juveniles.

(c) Relevant Provisions of Law and related Government Schemes

- (i)** The Constitution has, in several provisions, including Clause (3) of article 15, Clauses (e) and (f) of Article 39, Articles 45 and 47, imposed on the State a primary responsibility of ensuring that all the needs of children are met and that their basic human rights are fully protected.

- (ii) On 11th December, 1992, India ratified the United Nations Convention on the Rights of the Child which has prescribed a set of standards to be adhered to in securing the best interest of the child.
 - (iii) A closer reading of the Article 37 and 40 of the UN CRC throws light on the mode of treatment of juvenile offenders. Article 37 (a) requires that 'No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen year of age' while Article 37(b) states that 'No child shall be deprived of his or her liberty unlawfully or arbitrarily.
 - (iv) Article 40 requires that 'States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society'.
 - (v) Hon'ble Supreme Court and High Court judgments have held that juvenile legislation shall reign supreme in juvenile cases no matter what the offence.
- (d) Juvenile Justice Act 2000 as amended in 2006

The Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act, amended in 2006, read with the JJ Rules, 2007) is a law to consolidate and amend the legal framework relating to children in conflict with law and children in need of care and protection. The JJ Act draws its basis from the national and internal legal instruments like (1) UN Convention on the Rights of the Child, 1989; (2)The Constitution of India; (3) UN Standard Minimum Rules for Administration of Juvenile Justice, 1985(Beijing Rules); (4) UN Rules for Protection of Juveniles Deprived of their Liberty, 1990;(5) UN Guidelines for Prevention of Juvenile Delinquency, 1990 (the Riyadh Guidelines);(6) UN Standard Minimum Rules for Non-Custodial Measures, 1990(Tokyo Rules); and (7) Other International Conventions/Treaties.

- The Preamble of the JJ Act, 2000 reads as:-

“An Act to consolidate and amend existing law relating to juveniles in conflict with law and children in need of care and protection, by providing proper care, protection and treatment by catering to their development needs and by adopting a child friendly approach in the adjudication and disposition of matters in the best interests of children and for their ultimate rehabilitation.....”

- Children in conflict with the law are covered under Section 1(4) of JJ Act as under:

“Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to all cases involving detention, prosecution, penalty or sentence of imprisonment of juveniles in conflict with law.”

- With the passing of this Act, there has been a change in perspective and appreciation of the needs and relevant policies for children who are in need of care and protection and those in conflict with law.
- However there have been gross failures in the JJ System predominantly not because of the law, but in its implementation.
- Local Police, a key stakeholder under the JJ Act has its role and functions defined under Section 63 for the prevention of juvenile crime or handling of juveniles or children to perform their functions more effectively.
- Child Welfare Committees and Juvenile Justice Boards are yet to get the infrastructure they require to function optimally and structures such as Observation Homes and Special Homes are not yet established in several districts.
- It is necessary not only to improve the institutions and structures provided in the JJ System but to also strengthen the organization and management of the system in a meaningful manner.

(e) Definition of child as 0-18 years or lowering of age

- i) The current debate on lowering the age of a child to 16 years, and exposing a large number of children to the adult criminal justice system has to be seen in the above context.
- ii) As stated, children in need of care and protection do not enjoy equal rights to survival, protection, development and participation and when they are not covered by effective outreach, protection and rehabilitation services such children are at risk of becoming offenders.
- iii) Even younger children(10-15 years) could commit serious offenses for survival;
- iv) On the other hand the criteria for defining a child should be based on the period for which a person would require full support of the State for his/her care, protection and developments in all respects.
- v) Children including juveniles between the age group of 16-18 years are still physically, cognitively, socially, emotionally and legally minors. Hence imposition of death penalty on juveniles is deemed to be immoral and contrary to norms of civilized society.
- vi) There is a need to amend more laws to cover all children up to 18 years. This means child labour must be banned up to 18 years and free and compulsory education must be provided beyond 14 years.
- vii) The inconsistency in arguments given to increase or reduce age when it comes to applying the relevant law to children needs to be highlighted. A child attains majority only at 18 years when he becomes eligible to vote, sign an affidavit and represent himself. Marriage age for men stands at 21 years.
- viii) Experts reiterate that for children, 10 to 18 years is the formative stage and the inputs and exposure that a child experiences in these years, would instruct his/her personality development in due course. The Beijing Rules provides guidance as to the grounds for deciding the age adding that "the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity".

- ix) Finally, if youth/adolescents do not possess the same capacities as adults, should they be held responsible for their behavior in the same way as adults?

(f) Provisions under JJ Act, 2000

- i) Section 15 of the JJ Act provides for a range of options for the JJB to pass such as counseling, bail, community service, supervision, probation and other fine provisions and sending the juvenile to be housed in a special home.
- ii) Any child is to serve the maximum three years sentence if the JJB so decides and during this period he/she is to be given support for reformation and skills to be mainstreamed. Subsequently, the child should be followed up closely through the CWC and given all facilities to be reintegrated.
- iii) The reformative approach to juveniles in conflict with the law rests upon the growing body of research on the brain developments which indicate that as compared to adult brains adolescent brains do not fully develop until about age 25.

(g) Prevention and Rehabilitation

- i) The focus is to be on improvements in outreach, protection and rehabilitation services for all children below 18 years.
- ii) There is a need to have a reliable system to reach out to a child. Children leave their parents and live on the streets without any care or opportunity to know about what it means to be a good citizen. Only a proper schooling system can provide this. A better educated child alone can access better values and develop with a healthy mental attitude towards girls and women.
- iii) There is all the more a reason for making education compulsory for all children up to 18 years of age and providing them all support of affirmative action such as free education, scholarships, free supply of text books and educational material, hostels etc. A child after completing 12 years of school education is in a better intellectual position both in terms of reasoning and decision making to choose the right part in his/her career.

- iv) The use of education as a means for not only enabling a child to grow to his/her full potential, but also as a means to realize other rights and address child rights violations is a well-established idea. However, the system has failed in this area, leading to many juveniles and children getting discharged from the system without any real education that could empower them to live with dignity away from a life of crime. In fact children in need of care and protection who are not effectively rehabilitated also enter into the cycle of crime, more in order to survive.

Justice Verma Committee in its Report (Chapter 9, Para 54) has taken a view that the age of 'Juveniles' ought not to be reduced to 16 years. Justice Verma Committee has also noted in its Report (in chapter seven, between para 11 in chapter 7) the interventions of NCPCR in the child abuse cases in the ApnaGhar in Rohtak, Haryana. NCPCR has also highlighted the issues relating to special Juvenile Police units (SJPU), CWCs, JJBs and Observation Homes in its oral submissions to the Committee.

2.4 The Child Labour (Prohibition and Regulation) Amendment Bills, 2012

The Commission vide its letter dated 27.02.2013 addressed to the Chairman, Committee on Labour & Employment, furnished the following comments/views regarding the Child Labour (Prohibition and Regulation) Amendment Bill, 2012 (Bill No.LXII of 2012) to amend the Child Labour (Prohibition and Regulation) Act, 1986, as introduced in the Rajya Sabha:

Section	Clause as in the Bill	Comments
5.	For section 3 of the principal Act, the following section shall be substituted, namely: "3. No child shall be employed or permitted to work in any occupation or process: Provided that nothing in this section shall apply where the	It is felt that in legally permitting certain exceptions for such work, in terms of the proviso to Section 3 of the Act, a child could be exploited within the family itself to work in family based units/occupations, such as carpets, glass, lock, embroidery, bidi rolling, on piece rate basis. This would defeat the very purpose of abolishing all forms of child labour by law. The Act should only enable, by way of exception to the general rule set out in Section 3 of the Act, school participation, where children are engaged in activities

	<p>child helps his family after his school hours or helps his family in fields, home-based work, forest gathering or attends technical institutions during vacations for the purpose of learning, but does not include any help or attending technical institutions where there is subordinate relationship of labour or work which are outsourced and carried out in home.”</p>	<p>before and after school hours that fosters their active participation in school as a student.</p> <p>Consequently, it is submitted that the proposed proviso to Section 3 may even be dropped.</p> <p>In view of the proposed amendment:</p> <p>a) insertion of the definitions of “Employer”, “Child Labour” and “Child Labour Prohibition Officer” in the statute book;</p>
<p>6 and the Schedule</p>	<p>“3A. No adolescent shall be employed or permitted to work in any of the hazardous occupations or processes set forth in the Schedule.”</p> <p>“THE SCHEDULE (See section 3A) (1) Mines. (2) Inflammable substances or explosives. (3) Hazardous process. <i>Explanation.</i>—For the purposes of this</p>	<p>There has been an insertion of new Section 3A by the Bill, prohibiting employment of adolescents in certain hazardous occupations and processes, as set out in the Schedule proposed in the Bill.</p> <p>The Schedule adopts by reference the definition of “hazardous process”, as defined in clause (cb) of the Factories Act, 1948, for its definition of hazardous process.</p> <p>The Schedule, as now envisaged, has very limited scope and application, as it does not cover the innumerable occupations and processes, wherein adolescent children are engaged/employed, especially in the informal sector. Consequently, it is</p>

	<p>Schedule, "hazardous process" has the meaning assigned to it in clause (cb) of the Factories Act, 1948.'</p>	<p>submitted that all occupations and processes, which currently stand prohibited in terms of the existing Schedule to the Child Labour (Prohibition and Regulation) Act, 1986, should also be prohibited in respect of adolescent children under the Bill.</p>
		<p>Adolescent Child Labour Committee to examine petitions for including lists of occupation and processes that are to be prohibited. This Committee must have officials from WCD, Social Justice, Labour and Education departments including representatives from reputed NGO's.</p>
		<p>Labour Inspectors and their powers are to be specifically spelled out.</p>
		<p>To appoint/designate Child Labour Prohibition Officers from the existing Labour Officers.</p>
		<p>Procedures relating to offences.</p> <p>In this regard, amendment to Section 16 of the Act is proposed:</p> <p>"16. Procedure relating to offences –</p> <p>(1) Any person, including a social organization, Child Labour Prohibition Officer or Inspector, as the case may be, may file a complaint of the commission of an offence under the Act in any court of competent jurisdiction.</p> <p>(2) Every certificate as to the age of a child granted as per Section 9 shall, for the purposes of the Act, be conclusive evidence as to the age of the child to whom it relates.</p> <p>(3) No court inferior to that of a Metropolitan</p>

		<p>Magistrate or a Magistrate of the First Class shall try any offence under the Act. The Magistrate shall have summary trial of the cases of offences under the Act for expeditious disposal of cases.</p> <p>(4) The traffickers, middlemen, agents, etc. shall also be liable for prosecution for aiding and abetting the procurement/trafficking of children for child labour and shall be punishable as per the provisions under Section 14(IB).</p> <p>(5) Special courts, in such number as deemed necessary for speedy trial of cases, shall be set up by the Appropriate Government, within 120 days from the commencement of the Amendment Act, for trying cases relating to violation of the provisions of the Act, for having expeditious disposal of cases.</p> <p>(6) The burden of disproving that a child was working in an establishment in bondage condition, shall lie on the employer.</p>
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2.5 National Child Labour Programme (NCLP) for 12th Plan 2012-17

The National Commission for Protection of Child Rights (NCPCR) submitted to the Ministry of Labour & Employment a proposal for consideration of the Government for certain amendments in National Child Labour Programme during 12th Plan period. NCPCR emphasized the need for the amendment in the programme in the light of emerging needs. A note on the 'Critique of the National Child Labour Project (NCLP) Scheme' of the Ministry of Labour and Employment was also submitted to the Planning Commission for the Twelfth Five-Year Plan.

1. NCLP Project Society at District level

Each district would continue to have a District Child Labour Project Society under the NCLP program with the District Collector as its Chairperson and a Committee that assists and advises the staff. It would have to however expand its operations to going beyond running of special schools and focus much more on enforcement of all the relevant laws for elimination of child labour. It should have a component of social mobilisation through the social mobilisers to assist the labour department in identifying child labourers and enforce the laws. In fact NCLP special schools are in violation of the RTE Act and they would now have to be modified to act as Transitional Centers where rescued child labourers are sheltered till such time they are repatriated to their homes and get absorbed into schools and RBCs run by SSA.

2. Social Mobilisation

Given that eradication of child labour is not an easy task, preventive strategies are more sustainable in the long run. One of the major preventive strategies is the role of social mobilization and community participation. If children can be prevented from joining the workforce through the counselling of parents, children and the employers, much of the task of various government departments and ministries would be reduced. It is vital to ensure that children stay at home and go to formal government schools rather than leave home to work full time. Since the prevailing social norm justifies the working of children using the 'poverty argument', sustained social mobilization is required to change this societal norm. It is also necessary to involve the Gram Panchayats to monitor child labour and child trafficking.

To invoke public interest and large-scale awareness on this issue, there is a need for an extensive awareness generation campaign launched over a period of time at the Centre and State on a sustained basis. Required budgetary provisions for such a mass campaign must be provided for in 12th Plan.

3. Social Mobilizers

A cadre of 'Social Mobilizers' will identify child labour, monitor school dropouts and children with irregularity of attendance in schools. It is understood that if such children are not tracked they would join the labour force as child labour. They would assist the labour department in enforcement of the law by:

- Identifying and establishing contact with child labourers
- Motivating parents not to send their children to work but to school
- Informing labour department about existence of child labour and assisting them in enforcement of law.
- Liaisoning with local officials in the education, labour, police and social welfare departments in the process of rescue and rehabilitation.
- Assisting local elected bodies to be vigilant about children's rights to monitor and review the prevalence of child labour in their areas.
- Bringing rescued children to Transitional Centres from where they can be mainstreamed into the formal school system.

4. Changes in NCLP/arrangements for migrant children/monitoring and review of the programme:

(i) The NCLP should no longer run special schools for small numbers of children, which has a limited utility. Running of schools should be the responsibility of the education department. NCLP schools must be converted into Transitional Centres (TCs) which are of residential nature.

(ii) For migrant children, the Commission recommended that the NCLP needs to recognize the special situation of migrant child labourers. These could be children who have run away from home or children who migrate seasonally with their families. Given the extent of intra-state and inter-state migration, additional Transitional Centres (TCs) must be set up in States/Districts from where families migrate and linkages must be established with local schools so that children have a residential facility when their parents move out for work. This should be the joint responsibility of the labour, education and the Panchayati Raj departments. In tribal areas, the Tribal Welfare Department should also be involved in running these TCs.

(iii) In order to monitor and review the measure for enforcement, rescue and rehabilitation of child labour, there has to be an Inter-Ministerial Committee steered by the Ministry of Labour. This Committee would have Secretaries of concerned ministries/departments such as MHRD, Social Justice, Women and Child Development, Health, Home and Civil Supplies and the National Commission for Protection of Child Rights.

2.6 The Commission prepared a document on '**Education as Emergency Relief**' as an action plan for ensuring that children are not drawn into paths of labour, early marriage, trafficking or recruitment into armed conflict with emphasis on education as both a preventive measure as well as that of rehabilitation and relief.

2.7 The Commission has prepared **Protocols for Police and Armed Forces in Contact with Children in Areas of Civil Unrest** which was approved by the Commission in its 25th Statutory Meeting of the Commission on 15.01.2013 and Standard Operating Procedures to protect children against arrest, detention, torture, rape in custody and encounter deaths at the hands of armed forces and other law enforcement agencies. Consequently, the Standard Operating Procedures aim to: (i) Establish a perspective on children who come in contact with law in areas of civil strife as described in this document; (ii) Establish preventive measures, as well as protocols and procedures, to be followed in relation to a child who comes in contact with armed forces and other enforcement agencies in Disturbed Areas under allegedly suspicious circumstances; and (iii) Enquire into complaints and/or allegations of arrest, detention, torture, death of children in police/judicial custody or in the custody of armed forces, death in encounter and custodial rape. NCPCR has prepared a report '**Bal Bandhu - In Defense of Child Rights**' that gives details of the social mobilization processes adopted under the Bal Bandhu Scheme.

2.8 NCPCR prepared a Roadmap on '**Child Participation**' in the affairs concerning them and submitted to the Ministry of Women and Child Development on 12.07.2012 in FY 2012-13.

2.9 NCPCR provided comments to the '**National Policy on Children (2012)**' which formed the Ministry's policy document on National Policy on Children (2013). As per the NCPCR's draft, the current National Policy for Children, 2012 affirms the State's commitment to the rights based approach, to ensure that all children grow in an environment with respect for their dignity and are free from any discrimination, violence, exploitation, exclusion and have equal opportunities for developing to their fullest potential.

2.10 NCPCR has prepared an **Approach Paper on Legislative Reform for Children** to guide the direction in which a rights-based perspective should govern all law making for children in the country. In the first phase of the legislative reform exercise, the paper recommended that central laws that directly impact child well-being are to be examined and amended, from a child rights perspective with focus on child jurisprudence.

2.11 The Commission prepared a policy document on Status of Children in 14-18 years titled '**Review of Policy, Programme and Legislative Framework (2012-2013)**'. This policy document focuses entirely on the rights and entitlements of adolescent children (14-18 years) by examining their precarious conditions with respect to child labour, child marriage, teenage pregnancy, child birth and rearing, malnutrition, and trafficking for exploitation. It recommends the need to weave in the element of education to the schemes, policies and programs for adolescent children as an indispensable component for their empowerment. It was ratified in Statutory Meeting of the Commission & placed on the NCPCR's Website.

2.12 The Commission prepared **Standard Operating Procedures on Adoption for Specialised Adoption Agencies** through field visits and secondary data sources in collaboration with the Department of Social Justice and Empowerment, Govt. of Rajasthan and Rajasthan State Commission for Protection of Child Rights.

SCHEDULE II to the National Food Security Bill

[sections 4(a), 5(I) and 6]

NUTRITIONAL STANDARDS

Nutritional standards: The nutritional standards for children in the age group of 6 months to 3 years, 3 to 6 years and pregnant and lactating women required to be met by providing 'Take Home Rations' ¹ or nutritious hot cooked meal or ready to eat meal in accordance with the Integrated Child Development Services Scheme and nutritional standards for children in lower and upper primary classes under the Mid Day Meal Scheme are as follows:

Sl. No.	Category	Type of meal ²	Calories (Kcal)	Protein (g)
1	Children (6 months to 3 Years)	Take Home Ration	500	12-15
2	Children (3 to 6 years)	Morning Snack and Hot Cooked Meal	500	12-15
3	Children (6 months to 6 years) who are Malnourished	Take Home Ration	800	20-25
4	Lower primary classes	Hot Cooked Meal	450	12
5	Upper primary classes	Hot Cooked Meal	700	20
6	Pregnant and Lactating Women	Take Home Ration	600	18-20

Note: 1. – Energy Dense Food fortified with micronutrients as per 50 per cent of Recommended Dietary Allowance

Note: 2 – The provisions of the Food Safety and Standards Act, 2006 and any other law for the time being in force shall apply to Meals referred to in this Schedule.

NB: Nutritional standards are notified to provide balanced diet and nutritious foods in terms of the calorie counts, protein value and micronutrients specified.

Chapter 3

REPRESENTATION IN COURTS

3.1 In the matter of Hemanti Mallick vs. UOI and Others (Criminal Writ Petition No. 1437 of 2010) before the Hon'ble High Court of Delhi relating to trafficking of children by placement agencies

Pursuant to Court Orders from time to time, the Commission submitted its initial observations and recommendations. Thereafter it made the following submissions/recommendations in the matter on 29.05.2012:

- a. A ban on recruitment agencies by whatever name called from recruiting and placing children below the age of 18 for domestic work and such recruitment and placement be declared as trafficking in children.
- b. That no recruitment agency which recruits children and offers them employment be provided registration under any law for the time being in force including the Delhi Shops and Establishments Act, 1954.
- c. That all contracts or arrangements between parents and recruitment agencies be declared null and void. No parent is allowed to deliver a child below 18 years to a recruitment agency.
- d. That a child who has been given for recruitment to a recruitment agency by parents be deemed to be abandoned under Rule 2(a) of the Juvenile Justice (Care and Protection of Children) Rules, 2007 and therefore, treated as a child in need of care under Section 2(d) of the JJ Act and dealt with by the Child Welfare Committee in accordance with the said Act and Rules.
- e. That before passing orders for restoration and/or rehabilitation, the Child Welfare Committee must hear and consult the child, on whether s/he wishes to be restored to her/his parents/family. If such child wishes to be so restored, then there must be a guarantee that the child will not be revictimised and offered for labour by the parents.
- f. That such abandoned children who do not wish to be restored or rehabilitated, be provided with education in a school in the neighborhood where such child is found.

- g. That all children below the age of 14 years must be provided with the right to education in a school in their neighborhood in accordance with the Right of Children to Free and Compulsory Education Act, 2009.

In the Commission's affidavit, the role of Delhi Police and Odisha Police was made clear which was taken on record by the Hon'ble Court.

3.2 In the matter of Court on its Own Motion Vs. Department of WCD, GNCTD (Civil Writ Petition No. 8889/2011) before the Hon'ble High Court of Delhi relating to survey of all jails in Delhi to find out juveniles, if any.

The Court directed the NCPCR, vide its order dated 08.02.2012, to conduct an enquiry in the jails in Delhi in order to find out as to whether there are inmates who might be beneficiaries of the Juvenile Justice (Care & Protection of Children) Act, 2000. Accordingly, the Commission initiated the following:

- (i) Constituted a panel for visits to Tihar Jail and Rohini Jail and held meetings with the Panel Members;
- (ii) Organised consultations for Effective Linkage of Birth Registration System with Juvenile Justice System on 04.02.2013 in Pursuance of the direction of the Hon'ble High Court of Delhi vide Order dated 18/07/2012. The report of NCPCR based on the recommendations of the consultation has been filed in the High Court.
- (iii) Has visited Delhi Jails a number of times. The data collected during jail visits has been forwarded to Delhi Legal Services Authority, Prisons Directorate and Juvenile Justice Boards.
- (iv) In pursuance of the directions of the Hon'ble High Court dated 11/05/2012, NCPCR has constituted the panel and visits to Tihar Jails have been organized periodically. The data collected during visits to jails in January 2013 has been sent to Delhi State Legal Service Authority (DSLISA). The Panel has been visiting jails every month on the third Saturday.

3.3 Amardeep Malik Vs. State Govt. of NCT of Delhi and ORS. W.P. (Crl.) 694/2012, CRL. M.A. 6000 and 60001/2012, before the High Court of Delhi.

Pursuant to the directions of the Hon'ble High Court vide Order dated 01.06.2012 in the above matter, the Commission carried out inspections of seven Children Homes (both

Government and NGO-run) between 14th and 26th June 2012 to review the infrastructure and standards. The reports on the same were shared with the Government of NCT of Delhi and filed in the High Court through an affidavit dated 22.08.2012 for remedial measures. Thereafter 15 more Homes have been inspected between 7th and 8th November 2012.

3.4 Brindavan Sharma Vs. the State of GNCTD, Crl. A. No. 927/2002, before the High Court of Delhi.

The Hon'ble Delhi High Court in the above matter issued notices to all the stakeholders viz., the State Govt., the DSLSA and the NCPCR for the purpose of formulating a scheme towards welfare of Children of Prisoners.

Delhi Govt. admitted before the Court that there was no Scheme in place for children of incarcerated parent(s); and the Court issued direction to the Delhi Govt. to formulate a Draft Scheme in that regard and to place the same before the Court with advance copies supplied to the rest of the stakeholders including the NCPCR. NCPCR was directed to give its inputs. The Draft Scheme framed by the Delhi Govt. with inputs from NCPCR and others was not approved by the Court. On 21.03.2013 the Delhi Govt. formulated 2nd Draft Scheme viz. 'Protection Aid to the Children of Incarcerated Parents and After Care Rehabilitation Grant, 2013'.

3.5 Naryanan Vs. State Govt. of Tamil Nadu, W.P. No.: 18556/ 2012 in the matter of incidence of child trafficking from Odisha to Tamil Nadu, before the High Court of Madras.

In the above said matter the reported incidents of alleged child trafficking into the State of TN, resulting in serious violations of child rights came to light, wherefrom, the petitioner sought to convey likelihood of organised inter-State child trafficking in the State of TN from the north eastern States and certain other States.

In this petition NCPCR is respondent no. 3 and no direction has been given to NCPCR by the Hon'ble Madras High Court. Since the matter of 'Exploitation of Children in Orphanage of Tamil Nadu, WP(Crl.) 102/2007' before the Hon'ble Supreme Court is closely connected with instant petition, and the Hon'ble Supreme Court has passed an order on 16.12.2013 in pursuance whereof all the States and UTs including the State of Tamil Nadu have been asked to file compliance affidavits, NCPCR proposed to share the outcome of this Hon'ble Supreme Court matter before the Hon'ble Madras High Court at the opportune time.

The Hon'ble Madras High Court ordered CBI investigation, vide its order dated 05.02.2013, and issued direction to the CBI (Respondent no. 5) to file a status report of the investigation by 15.02.2013. On 15.02.2013 the Hon'ble High Court further directed the Public Prosecutor to file a comprehensive affidavit stating out the current stage of the investigation and also the number of persons arrested; till 31.03.2013 there was no update as to the status of the CBI investigation.

The Hon'ble High Court had in its order dated 08.03.2013 directed Govt. of Tamil Nadu through its Chief Secretary, to issue suitable instructions to the District Collectors of all the districts of the State in order that the DCs can authorize the responsible officer to inspect the child welfare homes to find out as to whether the homes are recognized or unrecognized in order to file a statement containing number of children available in each home in each district and the steps taken for their rehabilitation etc.; and Govt. of Tamil Nadu was further directed to issue communication and file a consolidated report to that effect.

3.6 Budhadev Karmaskar vs. State of West Bengal (Crl.) Appeal No.: 135/2010, before the Supreme Court of India.

For the purpose to look into the aspect of well being of the sex workers throughout the country, the Hon'ble Supreme Court in the above matter constituted a panel on Sex Workers headed by a Senior Advocate as the Panel's Chairperson with due liberty to the said Panel that it may invite feedback and suggestions from the public at large and all the stakeholders. The Panel had in total submitted eleven interim reports and the seventh Interim Report was accepted by the Hon'ble Supreme Court as the Final Report. Prof. Shantha Sinha and Ms. Dipa Dixit had attended meetings convened by the Sex Panel and shared the perspective of the children who are with the sex workers on the basis of their field experiences acquired during their visits to brothels like G.B. Road of Delhi and others. The NCPCR, therefore, had played a big role in formulation of the Seventh Interim Report dated 10.07.2012 of the Panel on Sex Workers by bringing in the perspective of the Children of Sex Workers.

3.7 In the matter of Missing Children; WP (Civil) No. 473, 2005 in Sampurna Behura V/s. Union of India

NCPCR's has sent letter to the Chief Secretaries of all States/ UTs regarding tracing and finding matching of missing children.

3.8 Criminal Misc. Writ Petition No. 20737/ 2011 in the matter of Rajkiya Bal Grih, Varanasi and Criminal Writ (PIL) No.4207 of 2012 in the matter of Government Children's Home at Shivkuti, Allahabad

The Commission has provided inputs through affidavit filed dated 24.09.2012. Direction has been passed in the matter on 14.02.2012, 21.05.2012 and 16.07.2012.

3.9 Khushboo Jain v/s. Ministry of Railways & ORS. Writ Petition (C) No.5365/ 2012, before the High Court of Delhi.

NCPCR constituted a small Working Group of leading NGO representatives to review the existing guidelines and develop a protocol for all Stakeholders interacting with children on Railway Platforms for safe repatriation/ integration of rescued children, in the light of the Khusboo Jain vs. Ministry of Railways matter. The Working Group developed a draft Standard Operation Procedure (SOP) for various stakeholders mandated to be engaged with children in and around railway stations. The draft SOP is expected to protect the rights of these most vulnerable children, if it was adopted and implemented truly.

A Civil Writ Petition (No. 5365/2012) '*Khushboo Jain vs. Ministry of Railways & Others*' was filed before the High Court of Delhi, seeking enforcement of the said recommendations. The Ministry of Railways, Ministry of Women and Child Development and Department of Women and Child Development, NCT Delhi was made respondents in the matter. The petitioner also sought a direction for NCPCR (Respondent No. 4) to make an annual audit of the implementation of its recommendations and requested the Hon'ble Court to pass any other directions.

While disposing of the *Khushboo Jain vs. Ministry of Railways and Others* [Civil Writ Petition (No.5365/2012)] matter, the Hon'ble High Court of Delhi passed directions on 13.02.2013 to the Ministry of Railways to implement the NCPCR guidelines for safeguarding the rights of Children coming in contact with Railways.

Chapter 4

RIGHT TO EDUCATION

4.1 Introduction

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 (RTE Act, 2009) to examine and review the safeguards for rights provided under the Act and recommend measures for their effective implementation; to inquire into complaints relating to child's right to free and compulsory education and to take necessary steps as provided under Sections 15 and 24 of the said Commissions for Protection of Child Rights Act, 2005(CPCR Act,2005). Towards this end the Commission has undertaken varied activities.

Building upon the functions assigned under Section 13, 14 and 15 of the CPCR Act, 2005, the Right to Education Division of the Commission has been monitoring the implementation of the children's right to education by, conducting fact finding enquiries, organizing public hearings, inquiring into and taking suo-motu cognizance of complaints, undertaking field visits and taking up issues which require policy interventions with the Ministry of Human Resource Development (MHRD)and commissioning research studies. The Commission is also in the process of identifying the Best Practices by the State Governments including their RTE rules, notifications, guidelines etc. It has also endeavored to organize consultations and meetings at the national, regional and state level, strengthen convergence and coordination between the SCPCRs as also with other allied departments of the government. It has been facilitating participation of civil society organizations, State Representatives and Social Audit Groups in the effort to build a platform to engage on and upscale the implementation of Right to Education Act, 2009.

4.2 Public Hearings

NCPCR organizes Public hearings to realize the Principle of Natural Justice of "Right to be Heard" and to ensure transparency and accountability for good governance by bridging the gap between the complainants, state officials and authorities and civil society organizations. It aims to monitor the efficacious implementation of RTE Act 2009 by addressing and redressing various child rights violations, identifying the systematic administrative challenges and other

emerging sectoral and thematic issues thus making a way for strong policy intervention and requisite changes for effective child rights implementation.

During 2012-2013 three Public Hearings were organized in Andhra Pradesh (12th July 2012), Tamil Nadu (17th-18th October 2012) and Bihar (30-31st January 2013).

4.3. (i) Andhra Pradesh Public Hearing

On 12th July, 2012, a one-day Public Hearing was organized at Vishakhapatnam wherein 15 RTE related cases were heard by the Commission related to teacher's absenteeism, lack of neighborhood schools, corporal punishment, lack of infrastructure, caste discrimination, lack of safety measures for school children and denial of education rights to children with special needs. The public hearing was followed by a press conference to interact with the local press.

4.3. (ii) Tamil Nadu Public Hearing

A two day Public Hearing was held on 17th and 18th October, 2012 at Chennai wherein 64 cases were heard relating to violation of child rights and violation of RTE provisions that included corporal punishment and other forms of torture in schools and hostels, molestation and sexual abuse, child labour, bonded labour, migrant labour, discrimination and degrading treatment to dalit children, denial of right to education, non-compliance of human rights standards and discrimination in Anganwadis /ICDS Centres, denial of health care and nutritious food, lack of human rights standards in juvenile homes, child trafficking, child victims of displacement and eviction and cases of child marriage.

4.3. (iii) Bihar Public Hearing

The Commission organized a public hearing at Patna on 30th and 31st January, 2013 wherein 43 cases of child rights violations and denial of children's right to education were heard. After hearing the following issues were highlighted and Policy level Interventions were suggested to be taken up by the State Government:-

The need for a Grievance Redress Mechanism to determine a timeline for registration and disposal of cases was stressed as also mentioning the authorities concerned in the resolving of cases.

To comply with the 31st March 2013 deadline for the construction of toilets in all districts.

To look into irregularity and non-distribution of Mid Day Meal in schools, non-payment of honorarium to cooks and non-compliance of the Mid Day Meal menu.

Non constitution of School Management Committee was a major factor for lack of an active monitoring mechanism to ensure all the entitlements and provisions as per RTE Act.

Increase in teacher's absenteeism and the case of proxy teachers was found rampant in West Champaran.

Existence of single teacher schools was found prevalent and thus the need to ensure redeployment and rationalization of teachers as per the pupil teacher ratio mentioned in the Act.

To upgrade the capacity of the District Education Officers in carrying out monitoring teacher's attendance in school and inspections periodically.

Need to strengthen the capacity of the Panchayat for their role and responsibility in the appointments of teachers.

Prohibition of discrimination against the Dalit children

Denial in giving admission to the Economically and Weaker Section children under Section 12(1)(c) of the RTE by Private Schools in Patna.

4.4 Communication with the States and MHRD

To redress the large number of complaints received at the Commission regarding teachers remaining away from school during teaching hours for regular electoral roll revision work as BLO (Booth Level Officer); NCPCR wrote to the State Governments to abstain from the practice of engaging teachers as booth level officers in the States. In the communication it was emphasized that as provided under the RTE Act minimum numbers of working days/instructional hours i.e. two hundred working days for first class to fifth class for primary school and two hundred and twenty working days for sixth class to eighth class for upper primary school to be adhered to by the States. In addition, Ministry of Human Resource Development (MHRD) was also communicated to reiterate their guidelines requesting State Governments/UTs to ensure that teachers do not remain away on routine election work during school hours on working days. In this regard it was recommended that States may be requested

to adopt the suggestions of Election Commission for recruitment of majority of the BLOs from other non teaching staff.

4.5 Workshop on Right to Education

A day long workshop on RTE Act, 2009 was organized on 13th August, 2012 at India International Centre, New Delhi to orient the staff of RTE Division on various provisions and entitlements provided under the RTE Act, 2009 and to make them well conversant with the issues especially strengthening of Grievance Redressal Mechanism (GRM), role of social audit, corporal punishment, role of school management committees etc.

During the day long deliberation, various issues emerged that require programmatic interventions for effective implementation of the Act. These are: creating awareness on various provisions and entitlements provided under the Act, a systematic approach to reach out to the children who are out of school, capacity building of the stake holders especially school management, principals and teachers, need of a creation of a punishment free school environment, protocol for reservation of 25 % children in the private schools, need of community action & engagement with the schools, to ensure the inclusion of children from disadvantaged groups into the school and a robust grievance redressal mechanism and concurrent monitoring of the implementation of the RTE Act.

Several initiatives of RTE Division like; social audit of the Act, engagement of State Representatives, guidelines on corporal punishment free school were also shared with the participants.

As a result of the day long workshop, the participants could gain in-depth knowledge on RTE Act, 2009 which would in turn help in dealing with RTE related complaints. In addition, they could identify legal gaps, gaps in programmatic interventions and the policy issues thereon.

4.6 Regional Cluster Meeting

On 13th March, 2013, NCPCR organized a North India Regional Meet with the Government of Haryana, comprising of States of Delhi, Haryana, Punjab, Chandigarh, Rajasthan and Himachal Pradesh that included participation from the Director/ Commissioner Elementary Education Departments of the respective States, State Project Directors SSA, Director SCERTs, State Representatives of NCPCR, social audit partners of NCPCR, SCPCRs /REPAs and

representatives from National Advisory Council. The cluster meet aimed to provide a participatory platform and strengthen convergence between State Governments and enable sharing their initiatives and good practices in the implementation of RTE. In addition, following issues were also discussed:

Constitution of School Management Committees and its visibility in the School.

Capacity building of SMC members and their performance.

Improvement in Infrastructure during the three years of RTE Act

Efforts to maintain Pupil-Teacher Ratio in the States

Efforts to eradicate Corporal Punishment.

4.7 Social Audit Documentation and Review

Social audits were initiated with the support from NCPCR in selected blocks of 10 States on a pilot basis during 2010-2011, 2011-2012 and 2012-2013 for community based monitoring of RTE implementation at school, Panchayat, block and district levels.

4.8 8th Expert Review Meet

8th Expert Group meet was conducted by National Commission for Protection of Child Rights in New Delhi on 8th March, 2013, with eminent personalities to seek advice on the important issues pertaining to Right to Education.

The major recommendations by the Experts were: having in place a monitoring mechanism at the local level as well as for operationalization of all SCPCRs; a high level forum like National Advisory Council to deliberate and recommend policy actions cutting across ministries and departments; a periodic review mission consisting of members representing legislature, executive, judiciary, SCPCRs, NCPCR and civil society to review the status of RTE implementation and submit its report to Parliament while sharing it with other institutions; NCPCR should continue with some field based pilot projects (social audit) and keep transferring the experience to build the capacity of the SCPCRs so that the same could be carried by them; strong MIS system is required to integrate and triangulate the data and provide trends/ actionable points; High level meeting should be held periodically to see the data trend and study actionable points; NCPCR should come up with an Annual Report to the nation on status of RTE implementation.

4.9 Consultation with SCPCRs

National Commission for Protection of Child Rights organized a consultation with SCPCRs of 6 states namely Gujarat, Rajasthan, Delhi, Jharkhand, Odisha and Chhattisgarh on 7th March 2013 in New Delhi, in collaboration with UNICEF. The objective of the consultation was to understand the capacity building needs of the State Commissions and evolve a training module thereafter that will strengthen the role of State Commissions as monitoring bodies in the implementation of the RTE Act as mandated under section 31 of the RTE Act 2009 at the State level. It aimed at fostering better coordination, cooperation and consultation between National Commission and State Commissions.

Chapter 5

JUVENILE JUSTICE SYSTEM

5.1 The Government of India is a State Party to the UN Convention on the Rights of the Child (“UNCRC”) 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.

As per the National Crime Record Bureau (NCRB) Report there were 27936 incidents of Juvenile Crimes during 2012. Percentage of Juvenile Crimes to total Crimes was 1.2 per cent and the rate of Crime by Juveniles was 2.3 per cent. There is, however, no specific information in regard to cases of children in need of care & protection (CNCP). The children who are out of the safety net i.e. outside the schooling, child care institutions, parental/family care, abandoned, beggars, trafficked for various purposes form the CNCP.

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. India has a progressive record on legislations relating to Child Rights and Child Protection. The JJ Amendment Act of 2006 and central Model Rules 2007 have further strengthened the JJ process as has the setting up of the National Commission for Protection of Child Rights (NCPCR) in March 2007.

5.2 State Visits

5.2. (i) Visit to Bhubaneswar, Odisha

The NCPCR visited Bhubaneswar, Odisha during 25 & 26 September 2012 and held meetings with Departments of Home and WCD on the issues of implementation of JJ Act, ICPS and functioning of Anti-Human Trafficking Units (AHTUs). A meeting was also organized with the Task Force on Non-Institutional Care. The team also visited Jharpoda Jail and had a meeting with Hon’ble Chief Justice of Odisha to discuss the issue of protection of child rights.

As a follow up of the visit, the Commission recommended to the Department of Home, on 25.10.2012, to set up dedicated AHTU units, convergence of AHTUs with other stakeholders, ensure dedicated personnel at SJPU, analyse cases of missing children and efforts to trace them. The Department of Women and Child Development was asked to take steps for setting up of District Child Protection Units (DCPUs) in every district, capacity building of Child Welfare Committees (CWCs) and members of Juvenile Justice Boards (JJBs) including the Principal Magistrates. It was also recommended that the adoption programme be extended to all districts, functioning of State Adoption Resource Agency (SARA) ensured and capacity building of the ICPS undertaken through appropriate IEC material, pending cases of JJB cleared through Lokadalats with the help of High Court, Probation Officers and CWC members capacitated to prepare care plans for the inmates of JJ Homes, campaigns against child trafficking and child labour, etc. initiated.

In response an action taken report (ATR) was received from the Department of Women and Child Development, Govt. of Odisha dated 02.02.2013. The ATR states that Odisha has taken initiative to create Victims Compensation Scheme and Special Juvenile Police Units are notified in all districts. Further, the notification of Home Department states that 20 Children's Courts have been in place for the 30 districts of the State in exercise of powers conferred u/s 25 of CPC Act, 2005 for speedy trial of the offences as well as violation of child rights.

5.2. (ii) Visit to Sarahana Drop-In Center

Inquiry visit to 'Sarahana Drop-In Center' were made on 26 .11.2012 to review programme for children of sex workers at G.B. Road, New Delhi. It was observed that around 34-38 children in the age group 2 plus years to 9 years attend the night drop-in service. At the time of the visit there were 37 children sitting in the two small rooms, some of them were engaged in drawing, coloring activities and others were playing with some toys. The space in which the Centre functions is by any standards very cramped due to lack of space, dilapidated, unsafe, poorly lit to serve as a class room, tuition room, play room, dining place, sleeping space , counseling centre, vocational training unit etc. For lack of storage space, the childrens jhollas (bags) with their belongings were seen hung all over the walls.

Based on the inquiry visit, the following was recommended:

I. Recommendations to MCD

- i) To complete the survey of G.B. Road to ascertain the number of women in prostitution who want to leave the profession and to provide them the benefits of various schemes which are implemented by the govt. for the empowerment of this vulnerable category of women and their children in a time bound manner with the support of professionals with experience of working with women in sex work and their children.
- ii) To submit its interim report with details of services extended to the women who have left the profession of sex work within a period of three months and the number of women with children who continue to engage in sex work.
- iii) Based on survey report and the number of children of sex workers living with their mothers on G.B. Road to make provisions under the ICDS to recognize the Sarahana Drop-In Centre as a Mini-Anganwadi Centre and provide all components of services under the ICDS to children and mothers living in the area.
- iv) To provide recognition to the Sarahana Drop-In Centre as an Open Shelter under the ICPS so that financial and other support services are made available to the older children who access its services.
- v) To set up a counseling centre on G.B. Road and forward the number of victims who have accessed for counseling and health services for the last three months.
- vi) To submit particulars of the Scheme for the Rehabilitation of Sex Workers and details of the awareness programme about the Scheme spread among the sex workers on G.B Road.

II. Commissioner, Municipal Corporation of Delhi

- i) To allot four additional rooms of the adjoining vacant school building with access to the Centre from the main gate and use of the playground for the children of the Centre
- ii) Free supply of running water and electricity.

III. Recommendations to Sarahana Drop-in Centre

- i. To submit its proposal to the Dept. of WCD under the ICDS to recognize its Centre as a mini-Anganwadi Centre so that all the provisions of the ICDS will be made accessible to the children below six years enrolled in the Centre and to children below 3 years who live with their mothers in the locality.
- ii. To submit its proposal to the Dept. of WCD under the ICPS to recognize its Centre as an Open Shelter under the ICPS.

5.2 (iii) Visit to Goa

Member, NCPCR visited Goa during 12-14 December 2012 to participate as a resource person in the consultation organized by Children's Rights in Goa. During the visit she met the representatives of Goa State Commission for Protection of Child Rights (GSCPCR) and CWC members. A meeting was held with the Secretaries (Depts. of Social Welfare, Home & WCD, Govt. of Goa) to review the implementation of the Juvenile Justice Act and the ICPS and Anti-Trafficking Units. The member also visited ApnaGhar and El Shaddai Homes, Goa Prison at Sada, ARZs Swift Wash Unit- a rehabilitation Centre for Rescued Victims of Trafficking. Based on the observation made during the visit, the Department of Women and Child Development, vide letter dated 01.01.2013, recommended inclusion of operationalization of the ICPS; strengthening the JJ System in compliance with directions of Hon'ble High Court of Goa in WP-2/2010; infrastructure for CWC; capacity building of CWC Members, Superintendent and Probation Officers; registration of Child Homes under JJ Act and its monitoring; infrastructure and additional staff for ApnaGhar and NGO run Homes; promote adoption of abandoned, orphaned and surrendered children; notification of Foster Care Scheme-ASARA; notification of Prabhat Scheme for the rehabilitation of sex workers; operationalizing the Victim Assistance Units; review pendency of cases at CWC and JJBs; strengthening collaboration with police and civil society groups; strengthening SCPCR for more outreach; etc.

Recommendations made to the Department of Home, vide letter dated 01.01.2013, sought information on convergence of AHTUs with other stakeholders and institutionalization of coordination mechanism; ensure dedicated personnel at SJPU; fast track the investigation of

ITPA cases, ensure medical care/services to the victims; set up dedicated interactive website on children; ensure daily hearings at the Children's Courts among others.

The Department of Women and Child Development, Government of Goa in their action taken report stated that State Child Protection Committee (SCPC) has been constituted to monitor the implementation of ICPS; directions of Hon'ble High Court of Goa in WP-2/2010 has been complied with for strengthening the JJ System in the State; both the CWCs are placed at Apna Ghar and are provided adequate staff and infrastructure; efforts are made to build the capacity of CWC and JJB members, Superintendent and Probation Officers; Child Homes are registered under Goa Children Act, 2000; the Homes for children in need of care and protection and children in conflict with law are segregated, infrastructure is developed and additional staff deputed for Apna Ghar; promoting adoption of abandoned, orphaned and surrendered children to be taken up under ICPS; notification of Foster Care Scheme-ASARA, Prabhat Scheme and Victim Assistance Units are under process; pending cases of CWCs and JJBs are reviewed; collaboration with police has been strengthened by setting up of Child Abuse Investigation Teams (CAIT) and POs are nominated as Nodal Officers for AHTUs; the role of civil society groups in rehabilitation of children is acknowledged and encouraged and all required support extended to strengthen the SCPCR so as to enable it to fulfill its given mandate.

5.2 (iv) Visit to Shimla, Himachal Pradesh

NCPCR visited Shimla, Himachal Pradesh during 03- 05 January 2013 for an interface with the Hon'ble Justices of High Court on the matter of promoting child protection measures particularly the implementation of JJ Act and the ICPS in the State. Meetings were held with Secretaries of Depts. of Home & WCD, Govt. of Himachal Pradesh regarding implementation of the Juvenile Justice Act and the ICPS and Anti-Trafficking Units. Consultation with the district level NGOs and partners of Childline at the office of H.P. Voluntary Health Association were also held. Besides, Member, NCPCR visited SJPU, AHTU, the Women's Cell for Shimla District, and SAA run by H.P. ICCW.

During interaction with CWC members, local NGOs, review of the order in W.P. No. CWP 6313/2010 by the High Court of H.P., ICPS – PAB report and discussions with the WCD officials, it was observed that Himachal Pradesh has a long way to go in effectively implementing the JJ Act and the ICPS. The MOU between Government of India and

Government of H.P. for implementation of ICPS was signed on 27.01.2011 however the systems and structures had not been institutionalized. While welcoming the setting up of a separate Department for Women and Child Development very recently, NCPCR made recommendations to the Department of Social Justice and Empowerment, *vide letter dated 08.02.2013*, to comply with the directions of the Hon'ble High Court on Balika Ashrams; setting up of Child Welfare Committees in remaining six districts; licensing of Child Care Institutions; setting up of Observation Homes and Open Shelters in all districts; setting up of the State Commission for Protection of Child Rights; strengthening the Adoption Programme; establishing CHILDLINE Services in all districts and creating awareness; ensuring clearance of pending cases in JJBs; promoting Sponsorship and non-institutional alternatives for children; bringing Balika Ashrams and Bal Ashrams under the purview of RTE Act; orientation on ICPS and capacity building of CWCs and DPOs, strengthening the collaboration with the police; and implementation of the provisions in the POCSO Act, 2012.

Recommendations were made to the Department of Home, to make the AHTUs function as dedicated units and convergence in working of the AHTUs with other stakeholders; ensuring closer collaboration with the WCD department, village, taluk and district Vigilance Committees, Childline services, District Legal Services Authority, CWCs and the civil society networks; ensuring dedicated personnel at SJPU; setting up of Child Help Desks at all police stations; setting up of dedicated interactive website on children; analyzing missing children cases; among others.

5.2 (v) Visit to Chennai

A team of the Commission visited Chennai, during 27-30 January 2013. During the visit the Member delivered keynote address at a seminar on issues and concerns of children of migrant labour, organized by the Unorganised Workers Federation and also visited the construction worksites at Loyola-ICAM College of Engineering and Technology and Chemmencherry resettlement Colony and held meetings with the Chairperson, Tamil Nadu State Commission for Protection of Child Rights and the UNICEF officials to review the child rights issues. A meeting with the Principal Secretary, Department of School Education was held to review action taken on issues raised during the NCPCR's Public Hearing on 17-18 Oct. 2012. Further, a meeting with Dept. of Health and Family Welfare, Govt. of T.N. was held to review the working conditions and provision for providing basic facilities to the children of migrant workers at construction

sites. Meeting with the Principal Secretary, Dept. of Social Welfare and Nutritious Meal Programme, was held to review the implementation of the JJ Act, ICPS and Anti-Trafficking Programme. Besides, Member, NCPCR met the Additional Secretary, Dept. of Home to review the security of the migrant families, especially the women and children in various construction sites. Meeting with the Principal Secretary, Department of Labour and Employment was held to review the mapping of construction worksites in the State, building database of migrant workers, enforcement of various Acts meant for the migrant workers, strengthening inter-departmental coordination and setting up of Migrant Cell in Labour Department and Inter-State Coordination Committee on migrant workers and children.

Based on the observations, the following recommendations were made:

- (i) The Commission had sought a detailed report from Department of School Education on action taken on issues raised during the NCPCR Public Hearing held on 17-18 October, 2012.
- (ii) Dept. of Health and Family Welfare was asked to review the working conditions and provision for providing basic facilities to the children of migrant workers at construction sites (to review the implementation of the JJ Act, ICPS and Anti-Trafficking Programme (Dept. of Social Welfare and Nutritious Meal Programme))
- (iii) The department of Home was recommended to review the security of the migrant families, especially the women and children in various construction sites.
- (iv) The department of Labour and Employment was recommended to review the mapping of construction worksites in the State, building database of migrant workers, enforcement of various Acts meant for the migrant workers, strengthening inter-departmental coordination and setting up of Migrant Cell in Labour Department and Inter-State Coordination Committee on migrant workers and children.

Action Taken Report

- (i) A response was received from the Department of Health and Family Welfare and Department of School Education.

5.2(vi) Visit to Kolkata and Diamond Harbour, West Bengal

NCPCR visited Kolkata and Diamond Harbour, West Bengal during 01& 02 February 2013. During the visit Member, NCPCR met with Secretary, Dept. of WCD to review the implementation of JJ Act, ICPS and functioning Child Welfare Committees. Visits to Shelter Home for girls run by SANLAAP at Narendrapur, and Shelter Homes and Child Help Booth at Sealdah Railway Station run by CINI, and Jabala for interaction with rescued trafficked victims.

The Commission recommended developing a safety net for children and social integration; participation of community based organizations for strengthening the child protection services; operationalization of the ICPS; setting up of 3 more CWCs in Kolkata; registration of all Child Care Institutions; setting up of Observation Homes in every district or group of districts and segregation of Observation Homes and Children's Homes; setting up of Open Shelters in every district; social audit of all Children's Homes; establishing CHILDLINE Services in all districts and creating awareness; strengthening the Adoption Programme; orientation on ICPS and capacity building; liaison with the police; preventing domestic child labour and promoting RTE Act; setting up of State Commission for Protection of Child Rights, etc.

5.2 (vii) Visit to Noida, Uttar Pradesh

NCPCR visited Noida, Gautam Buddha Nagar, Uttar Pradesh on 27 February 2013 to review child protection services in the district through participation in a consultation on "Juvenile Justice System – A Collaborative Approach in Noida" organized by an NGO CHETNA. The consultation was attended by the representatives of district administration, Chief Development Officer, Deputy Labour Commissioner, CWC, representatives from Department of Women and Child Development, Special Juvenile Police Unit, local police, Childline and other NGOs.

NCPCR Recommendations

- Recommendations were made to the Labour Commissioner, Government of Uttar Pradesh, to undertake a survey of all construction sites to create a database of children between 0-6, 6-14 and 14-18 years engaged as labour.
- The District Magistrate was asked to hold monthly review meetings with the Chairperson and/Members of CWC, Nodal Officer of the SJPU and local NGOs including Childline. It was suggested that the District heads of Departments of WCD, Social Welfare, Labour, Education and Health to also participate in the review meeting so as to resolve the issues and concerns relating to child rights faced by the CWC, SJPU and Childline.

- The ATR received from the District Probation Officer, Gautam Buddha Nagar claimed that space has already been identified for CWC and JJB and efforts will be made to make available the vehicle for the CWC. Further the ATR claimed that the State Govt. has given additional responsibility to look into the anti-dowry and prohibition of Child Marriage Act, besides child protection, CWC and child welfare. 12 sittings in a month are arranged for the CWC in the DPO office and Childline is being supported towards transportation of children.

5.2 (viii) Visit to Mathura

(i) In June, 2012, the Commission visited the Rajkiya Bal Samprekshan Grih (Kishore), the Observation Home, Rajkiya Bal Grih (Shishu), the Children's Home and Rajkiya Bhikshuk Grih, Beggar's Home in Mathura. Based on the observations made during their visit the National Commission for Protection of Child Rights had put forward the following recommendations:

- a. The State Government should acquire bigger premises for the Observation Home as the present building was found to be severely lacking.
- b. A detailed report of the 6 children who had absconded from Rajkiya Bal Samprekshan Grih (Kishore) on the 17th of February shall be provided to the Commission.
- c. A judicial inquiry should be conducted into the death of the 11 year old in the month of March 2012 in the Rajkiya Bal Samprekshan Grih (Kishore) and stern action should be taken against the responsible officials.
- d. The matter of the 12 year old child who was apprehended on the charges of rape u/s 376 of IPC and sec 3(2) of SC/ST Act should be referred to the D.M. to take up the issue with the District Judge and it should also be ensured that appropriate action is expedited to ensure a good future for the child.
- e. Constitute a Joint task force to look into the matter of children missing from all Children Homes in Mathura.
- f. Ensure that the staff and officers dealing with children are properly trained in their work and are aware about the JJ Act (2000) and other relevant Acts related to child rights.
- g. All the children's institutions shall be inspected by Inspection Committee as mentioned in Section 35 of Juvenile Justice Act, 2000.

- h. As per Section 9 of the Juvenile Justice (Care and Protection of Children) Act 2000, a Special Home may be established by the State Govt in every District and make available specially trained teachers for handling the differently-abled children, particularly the mentally retarded.

5.2 (ix) Visit to Palamau

The Commission during its visit to Palamau in April 2012 found that there was no Children's Home, Observation Home, Special Home and Shelter Home in the District. A notification needs to be issued to open Children's Home, Observation Home, Special Home and Shelter Homes in various Districts of the State where there are no such Homes and a copy of notifications must be sent to the Commission. In addition, the Commission recommended that no male staff shall be posted in any home for the girls and the Child Welfare Committees must be strengthened and training of the Members shall be arranged.

5.2 (x) Visit to Kerala

The Commission visited Kerala in April 2012 and made the following recommendations to strengthen the Children's institutions the State.

- i. The District Social Welfare Officers of each District may visit the concerned Specialized Adoption Agency of the District on fortnightly basis, to enquire into the welfare measures taken for the maintenance of children, and report.
- ii. The District Social Welfare Officers shall visit the Anganwadi Training Centres of their District to assess the quality of the training imparted and inform all District Social Welfare Officers.
- iii. The State Government must ensure that no child in any children's institutions be involved in any activity such as cleaning of utensils.
- iv. Arrangement must be made for proper sanitation facilities in the children's institutions.
- v. If an abandoned/ run away child is found in a railway station premises, the fact must be reported to the GRP immediately, before the child is transferred to the shelter home for producing before the Child Welfare Committee. This can be intimated to all shelter homes and Child Welfare Committees and GRPs.
- vi. Ensure constitution of Special Juvenile Police Units (SJPU) under the railway police through necessary directions to the Railway Divisional Manager,

Thiruvananthapuram and Palakkad divisions in the State and to impart training to the members of the GRPs.

- vii. Furnish a report on children below 18 years residing in various children's institutions in the State. The data to be collected through the District Social Welfare Officers within two weeks. Also the figure of the children migrated from other States like Chhattisgarh, Manipur, Rajasthan, Kashmir, etc. and engaged in various economic activities to be collected. The same may be reported to the Commission.
- viii. No male staff should be posted in any home for girls.

5.2 (xi) Visit to Pune

The Commission visited Pune in May 2012 to check the condition of children's homes, observation homes, orphanages, other children's institutions & other child rights issues. The conditions of tribal children were not satisfactory and a review of functioning of welfare schemes for tribal children is needed in the division. In addition the Children's Homes and Observation Home are found to be running in the same Campus in Pune and an immediate notification needs to be issued to separate all such homes running in same campus. On the recommendation of the Commission, the Social Welfare Department is exploring the possibilities of having separate homes. In addition, information is being compiled from 19 districts where anti child labour scheme is not functioning through YASHADA, Pune. Moreover, the money collected from the owners who had employed child labour has been deposited in the child labour rehabilitation fund.

5.3 Communications Made

On the issue of registration of Child Care Institutions in States/UTs, the Commission has sent recommendations to Secretary, Ministry of Women and Child Development, Government of India regarding the withdrawal of applicability of the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 over institutions for children on 09.11.2012.

The Commission has requested the Hon'ble Chief Justice, High Court of Gujarat for intervention in the issue of huge pendency of cases in the Juvenile Justice Boards of the State. Similarly, the Commission had also requested the Hon'ble Chief Justice, High Court of Madhya

Pradesh for intervention in the huge pendency of cases in the Juvenile Justice Boards in Madhya Pradesh. The Chief Justice of Rajasthan was also requested to make intervention in the issue.

Consultation on Child Protection Policy in Sainik Schools was held on 05.02.2013 with an expert group. The consultation identified the areas of concerns and way forward to address the same, evolve redress mechanism in schools in case of violation, among others.

The expert group gave their inputs and suggestions, such as NCPCR shall share the Corporal Punishment Guidelines with Sainik Schools, efforts to crack the practice of senior student disciplining their juniors, sensitize the non-academic staff and the doctors, nurses, house masters and counselors to be tolerant of children and listen to them, provision of trained counselors and mental health professionals, timely dealing with the problems like bullying, ragging, teasing or other behavioural issues, organizing seminar on adolescence for the older students and staff.

5.4 Strengthening CWCs

The Commission visited Thiruvananthapuram District in April 2012 to review the Kerala Child Welfare Council situation after getting the information on the death of a child in the home. The following observations were made by the Commission.

- i. Ensure that the State Government directly manages all the Child Welfare Councils. For regular monitoring of such Councils, District Magistrate shall review the situation in such councils on monthly basis;
- ii. A committee shall be constituted under a retired District Judge to inquire into the deaths of children occurred till date in Child Welfare Councils and report must be sent to the Commission within 1 month;
- iii. Ensure proper sanitation and drinking water facilities to all the Child Welfare Councils, children's institutions and Anganwadi Centres;
- iv. Ensure appointment of adequate number of Ayahs to look after the children in the Child Welfare Councils. Necessary training may be imparted to the Ayahs of Child welfare Councils;
- v. The State Government shall rescue and rehabilitate all the child labourers working at restaurants, tourist places etc.

- vi. Whenever a child is found in Ammathottil (baby cradle) the information may be transferred to SJPU, District Collector and Child Welfare Committee. Such an Instruction can be given to all CWCs, SJPUs and all the 14 Government District Hospitals where Ammathottil is installed by the Kerala Child Welfare Council. As far as possible the child shall be transferred to the nearest Specialized Adoption Agency;
- vii. A monitoring committee must be formed at the District level in all the Districts to monitor child rights comprising the representative of civil society, media persons, local bodies representatives, Child Welfare Committees and concerned Government Departments;
- viii. Child Welfare Committees must be strengthened and training of the Members shall be arranged;
- ix. Notification must be issued to open Shelter Homes in the various Districts of the State where there is no such Shelter Home and a copy of notification must be sent to the Commission;
- x. Action Plan must be developed to rehabilitate the children of migrant labourers and street children and shall be shared with the Commission.

In Jabalpur the NCPCR team in December 2012 got to know that the abandoned children are not being produced before the Child Welfare Committee and directed that all the missing children or abandoned children must be produced before CWC. The team recommended furnishing of status report of the CWCs and the status of members and vacancies. Ensure that the CWCs work in coordination with the Welfare Department and are accountable to the Department on day-to-day basis.

Likewise the Commission visited the State of Maharashtra in January 2013 and held discussion with the concerned officials on formation of CWCs and also its strengthening. Moreover the members of Child Welfare Committees and Juvenile Justice Boards were asked to be trained.

5.5 The Commission has sent letters to the ADG/IG (Prison) Mumbai & Rajasthan in September 2012 with regard to children languishing in the various jails of Maharashtra & Rajasthan. The Commission highlighted that the effects of incarceration can be particularly catastrophic on children. The Commission requested a thorough inspection of all the jails of the State to identify children staying there. Likewise, the Commission also gave its recommendation after visiting the Jails in Bihar in December 2012 where the issues of juvenile was taken up with

Jail authorities and State Government and a detailed action taken report was submitted. Based on the visits several juveniles cases were re-opened in the above mentioned States and necessary action was taken.

Chapter 6

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (POCSO)

6.1 The Protection of Children from Sexual Offences (POCSO) Act 2012, came into force on **14 November 2012**. Under **Section 44(1)** of POCSO Act, the Commission has been mandated to monitor the implementation of **provisions** of this Act. Towards this end, the Commission formally set up a POCSO Cell {formerly called the Sexual Offences Monitoring Division (SOMD)}, in **December 2012**.

6.2 Key Features of POCSO, 2012

- The POCSO Act defines sexual offences broadly and not restricted to rape only. The Act is **gender neutral and** protects children of both sexes from offences of sexual assault, sexual harassment, and pornography – for example, penetration by objects, touching with sexual intent, or showing pornography to a child.
- The Act ensures effective access to justice. The Act provides for the establishment of special procedure for reporting of cases, special procedures for recording statement of a child, and Special Courts for the trial of such offences.
- The Act makes abetment of, and attempt to commit an offence under the POCSO Act, punishable.
- The Act provides for mandatory reporting (Sections 19 and 20) of sexual abuse of a child or apprehended sexual abuse of a child. Any person (including a child) who has apprehension that an offence is likely to be committed, or has knowledge that an offence has been committed shall provide such information to the Special Juvenile Police Unit or the local police.
- In case any personnel of the media or hotel, lodge, hospital, club or a studio or photographic facilities comes across any child pornography (through any medium), he shall provide such information to the Special Juvenile Police Unit or local police (section

- False complaints with the intention to humiliate, extort, or threaten or defame someone are punishable under the Act. However, person who provides information about the occurrence of a sexual offence in good faith will not incur any liability [Section 19(7)].
- Both men and women can be offenders under the Act. Offences under Sections 3 (a) and 5(j) (ii) involve penetration by penis and can be perpetrated only by men. In offences under Section 3 (a) and 5 (j) (ii), women can **also** be abettors **as per** Section 16. Moreover, in case of commission of such offences by men in conspiracy with women, Section 120-B, IPC, may be invoked to prosecute such accused women. The other clauses in Section 3 and Section 5 may be committed by women as well. Offences under Section 11 (“sexual harassment”) and Section 13 (“use of child for pornographic purposes) are gender neutral and may be committed by a man or a woman against a male or a female child.
- A child under the Act means any person below the age of eighteen years.
- For the sake of convenience, **sexual** offences may be divided into two specific categories: (i) Penetrative; and (ii) Non penetrative.
- Under the Act, certain acts committed along with penetrative sexual assault are listed as ‘aggravated’ and stricter punishment is accorded to these offences.
- Section 6 of the Code of Criminal Procedure, 1973 lays down the classes of criminal courts, specifically, (i) Courts of Session; (ii) Judicial Magistrate of the first class, and in metropolitan area, Metropolitan Magistrate, (iii) Judicial Magistrate of the second class and (iv) Executive Magistrates.
- A special court may be created to try offences under a special law and such court may also try offences under the IPC, if permissible by such special law. Normally, special courts are created to deal with special offences. For example, special courts have been set up in India to deal with sexual crimes against women, sexual abuse of children, corruption cases, atrocities against women and so on. A special court is created to

expeditiously prosecute special offences committed by any person or group of persons or specified offenders. The normal procedures provided under the provisions of the Indian Evidence Act and the Code of Criminal Procedure, 1973 (Cr. P.C) are modified to enable expeditious and early conclusion of prosecutions.

- If an offence is committed under the POCSO Act and also under the relevant provisions of the IPC, then the offender is liable for greater or higher punishment under the POCSO Act or under the IPC, as the case may be.

6.3 The Commission is monitoring implementation of the various provisions of the POCSO Act.

6.4 In March 2013, the Commission requested the then Chief Justice of India to issue an administrative order/circular to all High Courts for establishing Children's Courts U/s 25 of Commission for Protection of Child Rights, Act 2005, (CPCR Act) and Special Courts U/s 28 of Protection of Children from Sexual Offences (POCSO) Act, 2012 at the earliest. In addition, the Commission also requested the Union Ministry of Home Affairs, Government of India to issue an advisory to Director Generals of Police of all States and Union Territories to enable effective implementation of POCSO Act 2012, through well trained, sensitive and proactive Special Juvenile Police Units and Child Welfare Officers/Juvenile Welfare Officers.

6.5 In March 2013, a presentation on the role and functions of SCPCRs was made by Member, NCPCR to Chairpersons/Members from the State Commissions for Protection of Child Rights (SCPCRs) of Delhi, Rajasthan, Chhattisgarh and Odisha.

6.6 At the instance of the NCPCR, Lawyers Collective Women Rights Initiatives (LCWRI), an NGO and UNICEF entered into collaboration to bring out IEC material on the Protection of Children from Sexual Offences Act, 2012 for the NCPCR. Based on LCWRI's initial discussions with the NCPCR, it was proposed that five guidelines be developed for CWCs and Support Persons, Health Professionals, Police, Special Courts and Special Public Prosecutors. Post consultations Lawyers Collective began work on Monitoring Guidelines for NCPCR /SCPCRs for Roles and Functions of various stakeholders, Police, Special Courts and Special Public Prosecutors. With a view to strengthening the Sexual Offences Monitoring Division

(SOMD), it was also decided to appoint a task based consultant to coordinate the setting up of the Division and also appoint four legal counsels to review the complaints of child sexual abuse.

6.7 Several complaints of sexual abuse have been received by NCPCR.

6.8 Implementation of the POCSO Act has been reviewed in the following States:

S. No.	State Name	Date of Visit
1.	GOA Panjim	12 to 14.12.2012
2.	HIMACHAL PRADESH Shimla	03 to 05.01.2013
3.	TAMIL NADU Chennai	25 to 30.01.2013
4.	WEST BENGAL Kolkata	01 to 02.02.2013
5.	UTTAR PRADESH Noida	27.02.2013

Chapter 7

CHILD LABOUR & CHILDREN IN DISTRESS

I. Child Labour in Hazardous Sectors

7.1 Mining, Quarries & Brick Kilns

According to the Child Labour (Prohibition & Regulation) Act of 1986, children under 14 years of age are prohibited from working in hazardous occupations and processes listed in the schedule to the Act. Hazardous work means work which hampers the physical, mental and psychological development of children. NCPCR has worked to highlight hidden and invisible forms of Child Labour which are hazardous in nature. In this regard NCPCR has taken up the issue of Child Labour in mining quarries and brick kilns in several States of India. Adult workers and children engaged in quarrying, mining and brick kilns are much more prone to accidents and diseases like silicosis, silico-tuberculosis, asbestosis, pneumoconiosis and tuberculosis. NCPCR has constituted a working committee on abolition child labour in mining industry... The following are the main action points which will be pursued by the committee in the coming year.

- (i) Mapping of the children in the mining/quarry areas;
- (ii) Developing a child tracking system for mines and quarries;
- (iii) Organizing a series of consultations with various stakeholders including the State Governments and Central Government, for records and data related to child labour in mining and quarries;
- (iv) To review the legislation related to mining and suggest amendments, if necessary;
- (v) Shankargarh in Uttar Pradesh and Udaipur in Rajasthan to be the focus areas for any plans/pilots.
- (vii) To undertake a preliminary study of Child Labour in mining & quarries covering five States.

7.2 Strategic Approaches of the NCPCR

- i. Analyze and undertake visits to hazardous sectors to assess the children's needs and existing gaps in legislation pertaining to child labour and its enforcement.
- ii. Strengthen labour law enforcement mechanism as well as ensure quality health and nutrition services to the communities in child labour endemic areas, through coordination between the various Departments including Labour, Mines, Health & Family Welfare.
- iii. State/District level plans for elimination of child labour and RTE in child labour.
- iv. Through advocacy ensure changes in policies that affect children in hazardous sectors. To also focus on the problems of migrant children.
- v. Campaign against child labour in hazardous sectors through appropriate IEC mechanisms.

7.3 State-wise Intervention of NCPCR in the areas of Mining, Quarries & Brick Kilns

7.3 (i) Madhya Pradesh

Engagement of children in mining and quarries has been prohibited by the Mines Act of 1952 as well as the Child Labour (Prohibition & Regulation) Act of 1986, yet the practice continues in the State. Most of the mines and quarries are located in hilly areas. Sometimes, the sites are not easily accessible. Moreover, the workers engaged in it are migrants. As a result, the children who accompany their parents also sometimes get employed in mines and quarries or in some other activities. The following are the recommendations given by NCPCR team which visited the State's mining areas.

- a. The District Collector as Chairperson of the Task Force shall ensure a meeting once a month and the Deputy Labour Commissioner as Member Secretary will convene the meeting. A copy of minutes of the meeting should be circulated to all members of task force.
- b. A copy of minutes of the monthly meeting of District taskforce on child labour should be forwarded to the State Level Core Committee and NCPCR through Labour Commissioner.
- c. Whenever a mining license is given to someone the copy of such order may also be send to area office of Director General of Mines Safety in all these mining districts.

- d. All the Mines, quarries and stone crushers are registered with the concerned Panchayats so as to ensure local vigilance and participation of the community living to curb illegal activity and engagement of child labour;
- e. ICDS centres must be extended to all the mining areas and more numbers of workers should be allocated in these areas as the incidence of malnutrition is high in these areas.
- f. Special Action Plan must be developed for Kundam block of Jabalpur, Ujaira and Mahair Block of Satna district and Mazgwan block of Panna district as the number of cases of malnutrition is very high in these districts.
- g. District Pollution Control Board should check the pollution limits of all the mines active in the districts. Water sources in the mining areas should be checked on a regular basis. All the sources which are found contaminated should be marked. All the laboratories which are testing water must check the samples of mining areas on priority basis.

Outcomes

- i. Child Labour survey conducted by District Labour Department in Satna district and 1008 child labour found in the district.
- ii. District level task force constituted to stop child labour in all districts of the State.
- iii. From January 2013 NCLP would commence 33 special schools in the State and selected NGOs are assigned for operating these schools.
- iv. Public awareness workshops will be organized by NCLP in various districts where mining activities are undertaken.
- v. Proposals sent to the Ministry of Women & Child Development for opening new Anganwadi Centres near mining areas.
- vi. All eligible children are being admitted into Nutrition Rehabilitation Centres.
- vii. Child labour Core Committee constituted for reviewing guidelines on Child Labour.
- viii. Organizing regular meetings to review the development and send report to concerned departments and to the Commission.
- ix. In consonance with the directive of the Commission, water testing was carried out by the district administration in Maihar area in Satna the alkaline percentage is found to be above the normal level.

7.3 (ii) Meghalaya

The majority of the population in the State still depends on agriculture for their livelihood. However, employment in mining and quarrying is considerable and a sizable number of children are also engaged in this sector in the State especially in Jaintia hills. NCPCR team has visited the State and has given the following recommendations to the State Government.

- a. Total ban on child labour in rat-hole mining; an action plan on complete elimination of child labour and to make necessary changes in its mining policy to eliminate child labour and promote labour welfare.
- b. Mapping/survey of child labour in mining & quarries and child tracking system to be evolved in a planned manner in the State.
- c. Compliance of the Guidelines of the Supreme Court of India and Protocols of Government of India on Child Labour.
- d. Action by Jaintia Hills Coal Miners and Dealers Association to ensure that no child below 18 is employed in coal mining.
- e. Setting up of temporary help lines in all the four districts of the State till the regular child help lines are made functional.
- f. Anti-Human Trafficking Unit (AHTU) to be made operational in all the districts. The State Government to write to the Central Govt. for necessary support and assistance in order to establish these units in the remaining 7 districts as AHTU is present only in 4 districts.

Rehabilitation of child labour

14 year old Sunny (name changed) has been working in a bangle manufacturing unit for the last three years. Every morning at 7 he goes to work and is assigned the tasks that he has to complete by 11 at night. He has no days off and works 15 hours every day, for the whole year. He receives Rs.500/- monthly for his job. His employer treats him badly; he hits him if he thinks he is working slowly or if he talks to the other children. He isn't allowed to talk to his family back home. His face bears marks developed by malnutrition; he folds his hands to hide the scars left behind by the use of harmful chemicals that he used to work with. He is quite oblivious to the situation and every time he says something he adds that he wants to go to his mother. After his rescue from the employer by the Labour Department in Agra, March 2013, NCPCR ensured that he was kept in a proper shelter home with adequate counseling and other facilities and also made arrangements for his rehabilitation.

- g. Ensure that the Anti-Human Trafficking Units and police stations are sensitized, to keep a watch on the movement of labour contractors/agents and trafficking of children in the border and other geographically vulnerable areas.
- h. Ashramshalas and KGBV for girls required to be set up in all the four districts of the State.

Outcomes

- (i) State Government agreed to conduct a fresh survey on child labour in the coal mines of jaintia hills during the peak season.
- (ii) The State Government has taken up a commitment to abolish child labour in Mines & quarries by 2013.
- (iii) Steering committee and district level task force on child labour constituted in the State.
- (iv) Meeting with mines owners and dealers association are being held periodically to sensitize them on the issue of child labour.
- (v) Child Labour issues given wide publicity in mass media in order to discourage people from employing child labour in the State.
- (vi) Prevention of trafficking of children to be included as part of the action plan to be prepared by the State Government.
- (vii) More than 14 raids conducted in the coal mines of Jaintia Hills to rescue child labour in mines & quarries.
- (viii) AWCs under ICDS programme were set up for supplementary nutrition and care and support system under the Juvenile Justice Act and operationalization of the Integrated Child Protection Scheme is being taken up.

During the recent visit of the Commission to the State of Meghalaya, the team found that children are engaged in large number as child labourers in coal mines of the State. The situation

of these children is pathetic and there are many instances of violation of CLPR Act. The Commission directed the Principal Secretary Labour, Meghalaya & Director General of Mines Safety, Assam, in May 2012 to constitute a task force in cooperation of Mines department and take necessary steps to curb child labour, conduct mapping of all the illegal mines and child labour therein and ensure safety of the workers in the mines of the State.

7.3 (iii)Uttar Pradesh

The Commission visited the districts of Varanasi, Sonbhadra, Jaunpur, Agra and Allahabad where there are considerable number of children engaged in hazardous sectors such as mining, quarries and brick kilns. In addition the issue of cross border migration and trafficking of children poses severe challenges for the State to address child right violations. The following are the recommendations given by the Commission to the State administration.

- a. Undertake survey and mapping of the mining, quarries & brick kiln areas where child labour is rampant.
- b. Prevent children from being involved in illegal mining in Billi Markudi Reserve Forest, Robertsganj.
- c. Action to be taken in the areas where the stone crushers are working especially in the Dala area leading to large scale stone mining and queries due to which the entire environment was getting polluted and also posing severe health hazards.
- d. Action plan and Task force on child labour must be constituted to eradicate child labour in phased manner.
- e. Strengthen the Anti-Human Trafficking Units and ensure setting up and establishing interstate linkages and mapping of large scale trafficking routes.
- f. The rural child labour school working without grant should be granted special status.
- g. Connect male & female teachers with Siksha Mitra Plan teaching in rural child labour schools.
- h. Establish child labour welfare fund separately at state level and district level for mainstreaming child labour.

Outcomes

- i. Detail Action Plan prepared for Varanasi and Jaunpur pertaining to identification, rehabilitation, education and employment of children and their families.
- ii. Special campaign teams constituted for inspectors against employment of child labour in hazardous sectors.
- iii. Release of Child labourers in hazardous & non-hazardous sectors and cases filed against the employers and children produced before CWC.
- iv. Task Force is constituted in all child labour endemic districts of the State.
- v. Central Pollution Control Board (CPCB) constituted an Expert Committee to study the environmental problems due to stone crushers and related activities in Sonebhadra district.
- vi. 34 children aged below 14 years were admitted into the nearby schools in Varanasi.
- vii. Mass awareness campaign carried out to sensitize the public through wall posters, stickers and pamphlets.
- viii. All Labour officials are directed to identify at least 10 child labour every month.

After the visit of the Commission in July 2012 to Allahabad, the district officer had sent a letter to the Department with a proposal to open a Women Shelter Home with facilities like 3m high boundary wall, 300 sq m for recreation ground for children, separate entry gate for Rajkiya Bal Grih and Women's Shelter. Moreover a committee has been constituted to carry out periodic inspection of child & women institutions.

7.3 (iv) Rajasthan

As the State has mineral resources, the excavation and exploration processes employ a sizable proportion of workers. Child labour is on the increase in Bundi and Budhpura sandstone quarries and the major reasons for this increase are because of the low wages paid to adult workers, alcoholism amongst adult males forcing children to supplement the family income, lack of schooling facilities and increasing debt bondage. In addition, there is a concentration of child labour in Brick kilns in several districts including Bhilwara district which NCPCR team visited. The recommendations for abolishing child labour in Mining, Quarries & Brick Kilns are given below.

- a. Undertake a survey /mapping of the all the brick kilns to find the exact number of child labour.
- b. Number of brick kilns functional on agricultural land and how many are functional after conversion of the agricultural land.
- c. Details of the number of migrant workers registered in Bhilwara district; Details of the workers in the district who have been working in these brick kilns after advance was paid to them.
- d. Operationalize the Task Force and ensure repatriation of the migrant children to their States of origin after rescue, booking of employers under relevant labour laws and recovery of Rs. 20,000 from the erring employers.
- e. The Education Department shall submit the detail report of 60 schools with the enrollment details in the District within 15 days to the Commission.
- f. Letter written to the Chief Secretary of Rajasthan on 13th February 2013 to expedite the proposal regarding construction of Shelter Home & hostel in Bhilwara district.

Outcomes

- i. Additional Director General of Police of Rajasthan has directed the railway police to take all necessary actions regarding children found at railway stations.
- ii. A team of three labour inspectors was deployed to take up cases of child labour in brick kilns.
- iii. Directions have been issued for maintenance of growth charts and updating of all AWCs records.
- iv. Strengthened Growth Monitoring through field functionaries in a campaign mode.
- v. Proper storing of nutrition is being ensured and instructions given to AWWs & AWH to maintain cleanliness.
- vi. Separate register of SAM children is being maintained at all AWCs.
- vii. Gram Panchayats have been requested to undertake the maintenance of AWCs. State support for maintenance shall also be utilized.
- viii. AHTU constituted in Allahabad and convergence of departments in identifying and rehabilitating child labour.
- ix. For survey on Child labour, in Social Science Department of Allahabad University has been identified as a potential partner.

- x. In all the blocks of Allahabad, Kasturba Gandhi Balika Vidyalayas are functioning.
- xi. The Rajasthan Government issued a circular in August 2012 on the line of resolution passed in the Hyderabad meeting of NCPCR with the Bt. Cotton seeds companies which will help in curbing the child labour in the Bt. Cotton fields.

7.3 (v) Jharkhand

The Commission visited the State of Jharkhand on 17th April 2012 where the involvement of children in hazardous industries like mining, quarries, domestic work etc., is not uncommon. Lack of basic necessities compels the poor children to take up odd jobs early in life and the following recommendations were given to the State to take up various child right violations.

- a. The Labour Department should carry out a fresh survey for identification of children involved as child labour in various sectors including the hazardous occupations and processes, e.g., Mines, quarries, Dhabas, restaurants and as domestic helps.
- b. Conduct a survey of all the illegal brick kilns and quarries in the State and child labour therein.
- c. Closure of all the illegal brick kilns, quarries and mines in the State at the earliest and furnish an outcome Report to the Commission.
- d. Give a detailed report on the number of child labour rescued from brick kilns, quarries and mines in last 3 years and number of children rehabilitated in the same period.
- e. Department of Health must take full responsibility of managing children with Severely Acute Malnourishment(SAM) till the time they move out of it and they can be managed at home.
- f. Setting up of Children's Homes, Observation Homes, Special Homes and Shelter Homes in Palamau District as there are no such facilities at present.
- g. The Kasturba Gandhi Balika Vidyalaya (KGBV) which is running in a remand home must be shifted to another building and more KGBVs should be opened.
- h. Letter to the Director General of Mines Safety, Jharkhand has been sent on 22nd May 2012 for Constitution of Task Force to rescue Child Labourers and to ensure safety measures in mines.

Outcomes

- i. The State Government would undertake a child labour survey in the child labour endemic districts.
- ii. The State Government has sanctioned a new plan for rehabilitation of child labour. The plan will help to curb child labour in the State.
- iii. All Labour Commissioners in the State are instructed to constitute a raid team from various departments and this team will periodically conduct raids and rescue child labour in the State.

7.3 (vi) Extending ICDS to the mining areas in the Country

The Commission felt that there was an urgent need of extending Aanganwadis and other ICDS facilities to the mining areas. It was found that the situation of malnutrition is high in these areas and extra infrastructure and facilities are needed in these areas to curb the cases of malnutrition and increase the access of ICDS to the children of these areas. The Commission requested the Secretary, Ministry of Women and Child Development, Govt. of India in February 2013 to expand the ICDS in mining areas, strengthen ICPS structures and allocate extra funds under these schemes in mining and stone quarrying areas. Accordingly, the District Collector of Bhilwara has informed the Commission that he has instructed the concerned department to open new Anganwadi centres and immunization centres.

7.4 Child Labour in BT cotton Production Sector

NCPCR is concerned about the issue of employment of child labour in Bt. Cotton Seed Production in the States of Andhra Pradesh, Gujarat and Rajasthan and is committed to make cotton production child labour free.

Rescuing Child Labour

In response to a complaint received in the Commission that a girl child is working at a house in Noida, an e-letter was sent to the Deputy Labour Commissioner, Gautam Budh Nagar for appropriate action to rescue the girl. On receipt of the complaint a joint team of Labour officers, Anti Human Trafficking Unit and members of Child Line raided the premises and identified the working child. The child was found to be 13 years of age and was used to clean the house. The girl was produced before the CWC and later handed over to her parents. A case is been filed against the employer under the Child Labour (Prohibition & Regulation) Act of 1986. UP-14012/46141/2013-201

After the Commission's visit to Southern Rajasthan - Dungarpur, Udaipur, Banswada, etc., children were found trafficked from Rajasthan to Gujarat's northern districts like Sabarkantha, Bansakantha, Patan, etc. Based on the recommendations given by the Commission, Gujarat Government has been active in setting up check posts at entry points to stop migration from other States and has also undertaken elaborate sensitization amongst the farmers for not employing child labour. Based on the recommendations sent to the Chief Secretary of Rajasthan on 19th July 2012 for taking up child Labour in BT cotton issue in the State Government has set up task force and Anti Human Trafficking Units to prevent children going to other States to work in BT cotton sector.

The Commission is following the issue of BT cotton closely and has conducted a State-level meeting on 21-05-2012 with the 22 major BT Cotton seed companies and officials of labour department, NGOs and other stakeholders. In the meeting the following resolutions were unanimously agreed:

- a. All BT. Seed Companies shall incorporate a clause in the agreement between the contractor and the farmer that they have not engaged any child labour below the age of 14 years.
- b. The officials of Labour Department should also take necessary steps while registering the establishments to secure undertaking from the BT Cotton Seed Companies and the Contractors 'not to engage any child labour below the age of 14 years.
- c. Wherever child labour is identified by the Labour

Justice for Girl child

The Commission has taken suo moto cognizance of a complaint published in Times News Network on 20.6.2012 regarding the rape of a 13 year old girl at Firozabad, Uttar Pradesh. The matter was referred to the District Collector Firozabad to conduct an inquiry. Based on the report received from District Collector the perpetrator was arrested under concerned sections of IPC and sent to Jail. Further, the Commission inquired matters pertaining to the health, compensation and counseling of the victim girl. The District Magistrate of Firozabad informed that the accused was imprisoned for 10 years with a fine of Rs. 10000. The victim was reported to be in proper health and a compensation of Rs. 25000 was granted by the State Government to the girl's family. (UP-19023/24552/10-11)

Department, NGOs, other organizations, the children should be produced before the CWC for rehabilitation.

- d. The Seed Companies should formulate 'Vigilance Committees' at village level to monitor employment of child labour and ensure that no child below the age of 14 years is employed.
- e. The State Labour Department to initiate all measures to eliminate the child labour in coordination with line departments like Education, Social Welfare, Panchayati Raj, Police, Revenue, etc. and conduct meetings every fortnightly with line departments.
- f. Stringent action will be initiated against the farmers engaging child labour.
- g. Self-Certification should be produced by all employers declaring that child labour was not engaged.
- h. The Government line departments must work in a concerted and coordinated manner to eliminate child labour.
- i. Awareness programmes involving the CWC members and Childline may be conducted.

7.5 Child Labour Involved In Matchbox and Fireworks Production

The National Commission for Protection of Child Rights has pursued the issue of child labour in the match box & fireworks industries in the State. The Commission made recommendation on 6 October 2012, to the Principal Secretary of Labour & Employment, Govt. of Tamil Nadu, - to conduct child labour mapping/survey in this industry and give a plan of action to abolish child labour in the city. The State Government has informed the Commission that it would be undertaking a child survey soon to find out the number of children involved in hazardous and non-hazardous labour.

7.6 Child Labour in Knitwear, Woolen and Cycle Industries

The Commission visited the Ludhiana District of Punjab with regard to child labour and the condition of children of migrant labourers in knitwear, woolen and cycle industries. In the meeting with Ludhiana Labour Commissioner and concerned senior officers of the District strategies to curb child labour from the District and to review the child labour survey in addition to the issues of rehabilitation and repatriation of children after rescue were discussed. The Ludhiana administration has taken initiatives to detect the migrant child labour through specially constituted task force in knitwear, woolen and cycle Industries. The State Government is taking efforts to improve the RBCs under SSA and increase the number of RBC's in Ludhiana district

keeping in view the problem of migrant children. Fresh survey is to be conducted to determine child labour and number of differently abled children engaged in labour.

7.7 II. Protection of Rights of Children in Naxalite/Maoist Affected Areas

The Commission has written a letter to the Secretary, Ministry of Home Affairs, Govt. of India on 08th March 2013, suggesting an Action Plan for protection of rights of children in districts affected by Naxals/Maoist. The following points were sent to the Ministry for its consideration:

- i. Ensure proper functioning of various institutions, entitlements and welfare measures enshrined in the Constitution and various child specific laws for the protection of the child rights in Naxalite / Maoist affected districts.
- ii. Ensure proper implementation of RTE Act, 2009 in those districts: (a) build and protect school in these affected districts; (b) provide adequate educational infrastructure; (c) ensure safety and security of school children and teachers.
- iii. Ensure proper functioning of ICDS and PHCs in Naxalite / Maoist affected districts to address the health, nutritional and immunization issues of children.
- iv. Support timely and proper implementation of POCSO Act 2012 for protection of children, especially girl children, from sexual offences in Naxalite / Maoist affected districts.
- v. Ensure setting up and proper functioning of district Task force, CWC, JJB, special juvenile police units and district child protection societies (under ICPS) in Naxalite / Maoist affected districts.
- vi. Ensure the proper implementation of various welfare schemes of Govt. of India to strengthen the families and their children in Naxalite / Maoist affected districts.
- vii. Ensure proper adherence of protocols / guidelines while dealing with children in conflict and contact with security forces and other law enforcing agencies in these civil unrest prone areas.

7.8 Child Labour Free Districts

The National Commission for Protection of Child Rights and Uttar Pradesh Government had jointly constituted a Core Committee on Protection of Child Rights in the State of Uttar Pradesh. Six districts namely Sant Ravidas Nagar, Aligarh, Firozabad, Varanasi, Moradabad and Sonbhadra were identified as the focus districts in the State and it was decided to develop these districts as model districts and initiate child rights campaign therein. The National Commission

for Protection of Child Rights requested the Secretary, Ministry of Labour and Employment, Govt. of India & Principal Secretary (Labour) Uttar Pradesh on 06th October 2012 to provide extra support such as extra financial allocations, human and logistic resources, special welfare and social security measures, special provisions for awareness generation and IEC activities in these districts in achieving its goals to become completely child labour free.

7.9 Pollution free districts

Due to excessive mining and quarrying there is an increase in environmental pollution in Sant Ravidas Nagar and Sonbhadra Districts of Uttar Pradesh. The Commission has highlighted the problem before the Secretary, Ministry for Environment and Forest, Govt. of India in October 2012. The Commission wrote to the Pollution Control Board and other authorities of the district to address the matter on priority basis as it is affecting the health of the Children in the area. Likewise, in Madhya Pradesh, further to a recommendation by the Commission water testing was carried out by the district administration in Maihar area in Satna where the alkaline percentage was found to be above the normal level.

7.10 Strengthening of Rehabilitation of Child Labour

The Commission has found that there are many bottlenecks due to which NCLP project has not been able to achieve its goals. Therefore the following were recommended to the Secretary, Ministry of Labour & Employment, Govt. of India in November 2012. Making funds available for NCLP schools on timely basis; remuneration of the teachers needs to increase to motivate quality people to work and to ensure quality education; monitoring mechanism at State and districts level needs to be strengthened; detailed data regarding children who had been mainstreamed and their status post mainstreaming needs to be collected. A mapping of the children should be conducted at the earliest as it was found that no mapping/survey had been done for years in many States. Supreme Court directions given in M.C. Mehta vs State of Tamil Nadu Case 1996 on child labour and Protocol on Prevention, Rescue, Repatriation and Rehabilitation of child labour developed by the Ministry of Labour, may be followed in each case. The Ministry has acknowledged the recommendations of the Commission and would take up the issues highlighted.

7.11 Protocol on Prevention, Rescue, Repatriation and Rehabilitation of Trafficked and Migrant Child Labour

The Commission has suggested to the Delhi State Commission for Protection of Child Rights to establish linkages with State Government of Bihar for successful repatriation and rehabilitation of rescued children belonging to Bihar. The Commission also in turn asked the Bihar State Government to Coordinate with State Commission for Protection of Child Rights and asked that a joint Labour Commissioner is posted at Bihar Bhawan in New Delhi so that rescued children are safely and effectively rehabilitated.

7.12 Public hearing

The Commission held a meeting with the Divisional Level Officials in Varanasi in August 2012 to follow up the pending cases of the Varanasi Public Hearing conducted by NCPCR on 17 December, 2011. The concerned Department had been summoned for the meeting along with the Action Taken Report of the cases heard in the pending cases of Varanasi Public Hearing. The recommendations were not implemented by the Government of Uttar Pradesh. During this meeting with the summoned officials, spot decisions were taken and the action taken reports were collected from the officials. The reports were analysed by the Commission after which further directions were issued to the concerned officials as per the satisfaction of the complainants.

7.13 Child trafficking & Indo-Nepal Border initiatives

In view of rampant cases of child trafficking, including adolescent girls in places such as Varanasi, Mughalsarai, Bhadhoi, Meerut, Agra, Lucknow, Gorakhpur, Ghaziabad and many other cities of the State, an action taken report was asked from the Principal Secretary (Home), Govt. of Uttar Pradesh in July 2012. Accordingly the Government of Uttar Pradesh has established AHTU in several sensitive points of the State.

Every year thousands of children are trafficked via Indo-Nepal Border to different destinations in India. The Commission had participated in two stakeholders' workshops focusing on child trafficking and Child Right issues in districts of Uttar Pradesh at Indo-Nepal border. The Commission recommended in December 2012 action with regard to Sensitization Orientation Training of different Forces on Child Rights and trafficking of children; Compliance of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution; close Coordination between Government of India and Government of Nepal by establishing Joint Cross Border Committee in districts located near the border; the Anti Human

Trafficking Cell (AHTC) under the Ministry of Home Affairs (MHA) should create a National Task Force against Trafficking of Women and Children in coordination with Nepal; a National Rapporteur on Child Trafficking to conduct an investigation, monitor and report the trafficking of children; creation of Special Fund for combating Child Trafficking for launching specific programmes to curb the menace of child trafficking at Indo-Nepal Border and in States connected to Nepal. In addition the Commission suggested that the Government of India should conduct a research to assess and analyze the situation of Indian children in border districts as well as status of Nepali children in India. The Govt. of India and the State of Uttar Pradesh have taken note of the Commission's recommendation and have taken steps to strengthen the AHTC and have been focusing on the district level AHTUs.

Some Achievements of NCPCR In the area of Child Labour and Children in Distress

- ❖ *Child Labour interventions- in the form of monitoring the State actions against abolition of child labour and taking up child labour complaints against State's inaction; campaigns and advocacy in several hazardous child labour industries like carpet, beedi, mining, quarries, brick kilns and BT cotton.*
- ❖ *Recommending the State Governments for preparation of mapping of child labour, rescue and rehabilitation in seven child labour states of India including Andhra Pradesh, Uttar Pradesh, Rajasthan etc.*
- ❖ *Through direct complaints and suo moto action several sensitive cases on child labour and children in distress, dealt with.*
- ❖ *Commission rescued many children through direct action of raid and rescue and facilitated their repatriation and rehabilitation.*
- ❖ *Formation of Uttar Pradesh core committee on seven child labour endemic districts (Aligarh, Firozabad, Muradabad, Sant Ravi Das Nagar, Bhadohi, Sonebhadra and Varanasi).*
- ❖ *Recommended formation of Anti-Human Trafficking Units (AHTUs) and prevented instances of child labour at Indo-Nepal border.*
- ❖ *Supported the creation of anti-trafficking initiatives to stop child labour like formation of task force groups, raids and rescue and also rehabilitation in Rajasthan, Uttar Pradesh, Bihar and Maharashtra.*
- ❖ *Undertaken research studies on i) Child Labour in Mining & Quarries industry in India and ii) Child Labour in Indian Beedi Industry.*
- ❖ *Special cluster schools and NCLP schools on sites in vulnerable areas where child labour is found - mainly in brick kilns, mines and quarries.*
- ❖ *State Action Plan developed with Coordination of Governments of Tamil Nadu, Meghalaya, Uttar Pradesh, Andhra Pradesh and Maharashtra on elimination of Child Labour.*
- ❖ *Establishing Children's homes in States of India for needy children in States of Rajasthan and Uttar Pradesh.*
- ❖ *Recommended that the State Government of Madhya Pradesh undertake water & air testing to address the problem of pollution and mal-nutrition in mining industry of Madhya Pradesh which is a major health hazard engulfing working communities and families.*
- ❖ *On the recommendation of the Commission 5 migratory hostels have been approved for Bhitwara district.*
- ❖ *A letter of appreciation received from the His Excellency, Governor of Jharkhand appreciating NCPCR's role in securing child rights in the State.*

Chapter 8

CHILD TRAFFICKING

Trafficking is generally implied as recruitment, transportation, transfer, harbouring or receipt of person for the purpose of exploitation. It is a global phenomenon and India is not an exception to this problem. Large numbers of people (men, women, and children) in India are trafficked for forced labour, commercial sexual exploitation, organ trade, begging, forced marriage and used as armed combatants by some terrorist/insurgent groups. The victims of trafficking are deprived of their human rights and freedom, and face multi-dimensional threats including to their health, social breakdown and are also part of fueling the growth of organized crime.

The National Commission for Protection of Child Rights has been deeply concerned regarding the issue of child trafficking. Expressing concerns about the large scale trafficking of children, the Commission has significantly intervened in the matter in terms of complaints received, taking *suo-motu* cognizance and responding to the court matters relating to trafficking and missing children.

8.1 The Commission has facilitated the rescue of Trafficked Children/Child Labour as per the following details:

- (i) The Commission facilitated the rescue of three minor children of Ukhul District of Manipur from Kotlamubarakpur, Delhi; their medical check-up at AIIMS on 7th April 2012 and their restoration to the native place through the concerned NGO in Delhi and CWC in Ukhul. NCPCR facilitated presenting these children before CWC, South Delhi. Later CWC Ukhul (Manipur) came and took them back and initiated action against the traffickers.
- (ii) 31 girls from the brothels in Kabadi Bazar of Meerut were rescued on 9.8.2012 through the local police and district administration as well as concerned NGOs. NCPCR facilitated the rescue and the girls were handed over to the CWC by the police for age verification and initiating the process for repatriation. 68 girls (belonging to Chhattisgarh, Jharkhand, West Bengal, Odisha and Nepal) were rescued from the placement agencies in Shakurpur area within the Subhash Place Police Station

jurisdiction in January 2013. NCPCR facilitated the early repatriation of girls to their respective places.

- (iii) The Commission intervened and facilitated repatriating children rescued at Jaipur, Bharatpur and Agra. An NCPCR team rushed to Bharatpur on 10.03.2013 after receiving news on late evening of 9 March 2013 from the Rajasthan State Commission for Protection of Child Rights to ensure the safety of rescued children. 168 children rescued on 9th March from the Ajmer-Sealdah Express and another 43 were rescued on 10 March by the CWC Bharatpur from the same train. While 63 children were rescued at Jaipur Station by Childline and CWC, 40 children were rescued in Agra by Childline. The NCPCR team stressed the early repatriation/ restoration of the children to their home States with the district administration as well as State Government. Further, the team envisaged coordination between all departments/authorities, so as to ensure that the traffickers/middlemen are booked under the relevant provisions. The Chairperson, NCPCR wrote letters to the Chief Secretaries of Rajasthan and Bihar on 11th March, 2013. NCPCR requested the Government of Rajasthan to provide relief and counseling to the rescued children, photograph them and record the details without any time loss in a manner that could facilitate their repatriation/restoration. The NCPCR also asked that contact be established with the Resident Commissioners of respective States, a detailed care plan prepared for each child wherein the Commissioners transmit all data and information to the respective States and start contacting the parents of these children for effective repatriation. NCPCR asked that the DM issue notices of release of these children as bonded labourers to ensure that they are not re-trafficked and their parents get relief under the Bonded Labour System (Abolition) Act, 1976.

8.2 Approach Paper

An Approach paper on 'Monitoring Rights of Migrant Children' and 'Mapping of major routes of migration', an Approach Paper 'Monitoring the Rights of Vulnerable Migrant Children with Trafficking Point of View' has been prepared and placed on the NCPCR website:

<http://www.ncpcr.gov.in/Monitoring%20the%20Rights%20of%20Migrant%20Children.pdf>

The Approach Paper briefly outlines the problem pertaining to migrant children; profiles of migrant children (children accompanying families, children not accompanied by families or trafficked and children left behind at home by the migrant families); how migration impacts the

children (different impact for different age groups); the role of contractors/ middlemen in transporting or trafficking the migrant families including children; conditions of work at destination; institutional framework for the migrant families and their children, access to the policies and programmes for migrant children. Further the paper describes the role of NCPCR in monitoring the rights of children affected by migration across the country and identifies some major routes of migration / trafficking (largely for the purpose of engaging child labour in brick kilns, as domestic help, on construction sites, sweet shops and sex work).

8.3 Communications

Appreciating the proactive role played by the Jharkhand CID Team in tracking the movement of children from Jharkhand and cracking the illegally run placement agencies in Delhi, the Commission sought a detailed feedback on the repatriation and rehabilitation status of 28 children of Jharkhand and details of actions initiated for collecting wages due and other compensation in coordination with the line departments. Further the Commission directed the Labour Commissioner, Jharkhand vide letter dated 10.01.2013 to furnish information regarding child trafficking and intervention put in place. The information requested included the following:

- a) Details of Jharkhand children rescued from employment from various metropolitan cities in last two years;
- b) Status of the children rescued, repatriated and rehabilitated in terms of their enrolment into formal schools;
- c) Collection of wages due to the children for the period of their engagement;
- d) Details schemes/services made available to the parents of the rescued child labour;
- e) Details of system in place to prevent the trafficking of children, tracking and cracking down the chain of traffickers and placement agencies; and
- f) Initiatives by the Department of Labour for repatriation, rehabilitation and community awareness.

Chapter 9

CHILD HEALTH AND NUTRITION

9.1 Introduction

The right to health and nutrition is a basic, inalienable right of every child. As part of the Commission's mandate to ensure that all laws, policies, and programmes are in consonance with the child rights perspective as enshrined in the Constitution and also the UN Convention on the Rights of the Child, the Commission has been reviewing the situation of health and nutritional services for children in the country. It does so, not merely by responding to complaints received, but by periodically undertaking visits to states to assess the health, nutritional and educational services for children and recommending measures for improvement in services. Effective functioning of such services for the realization of these rights, require effective convergence between concerned departments. The Commission while monitoring the work of the concerned departments also enables convergence between them.

9.2 State Visits

During the year 2012-13, the Commission visited the following states visited:

Sr. No.	States	Dates
1.	<u>Jharkhand</u> Visit to West Singbhum District Meeting with State Officials	19 th - 21 st Sept,2012 26 th Nov,2012
2.	<u>Madhya Pradesh</u> Visit to Sheopur and Satna Districts Visit to Rewa District	24 th -27 th Sept, 2012 28 th -30 th Jan, 2013
3.	<u>Maharashtra</u> Visit to Mumbai Visit to Melghat region, Amaravati District and Meeting with State officials	21 st Aug, 2012 9 th -11 th Oct, 2012
4.	<u>Andhra Pradesh</u> Meeting with State officials	5 th Dec, 2012
5.	<u>Rajasthan</u> Visit to Bhilwara	8 th -10 th Jan, 2013

6.	<u>Puducherry</u>	14 th March, 2013
7.	<u>Tamil Nadu</u> Public Hearing on <i>Governance Issues and ICDS Scheme in Tamil Nadu</i>	15 th March 2013
8.	<u>Odisha</u> Meeting with State officials	26 th March 2013
9.	<u>Delhi</u> Public Hearing on ICDS	21 st Feb 2013 and 26 th Feb, 2013

9.2 (i) Visit to Jharkhand

A visit to West Singbhum district (Khunti and Chaibasha) of Jharkhand was undertaken in September 2012 (19th- 21st). The visit was held in response to a complaint received regarding the death of six children from Chaibasha, and to observe health, nutrition and educational services in the region. Places visited included Anganwadi Centres (AWCs), Malnutrition Treatment Centres (MTCs), Malnutrition Treatment Extension Centres (MTECs), district hospital and primary schools in order to get a comprehensive view of services for children.

A **High Level Fact Finding Team** constituted by the Commission, also visited Ranchi (2nd-5th Jan, 2013) to enquire into several complaints, reports received by the Commission relating to violations of children's rights to education and violation of norms of ICDS in the State with particular reference to incomplete coverage, poor infrastructure and huge vacancies in supervision structure.

Key Observations

Health: Shortage of space and staff was observed at both, the MTC as well as the District Hospital (DH), Khunti. While no pediatrician was available at the DH, Khunti where MTC was located, the MTC cum MTEC at Chaibasha was well supported with doctors, civil surgeons and pediatricians.

The Commission having observed that nutritional assessment of mother and sibling/child accompanying admitted child was not undertaken, recommended that it should be done at all MTCs, so that opportunities are not missed. It also recommended that MTC in charges be well

versed with protocols for babies under 6 months with SAM so that no such babies are refused admission.


Concerned with the fact that no pediatrician was available at the MTC/DH, the Commission had recommended that "Pediatric oversight to be ensured at each MTC, which can be organized by periodic visits by pediatricians allocated to the District Hospital even if no pediatricians are available at the CHC".

According to ATR (received dated 4.02.2013) these recommendations have been accepted by the State and the concerned department has issued appropriate notifications.

Education: The Commission observed that the primary schools visited had inadequate staff, as well as had shortage of classrooms. There were no toilets, no boundary walls, etc. Sanitation of surrounding areas were found lacking. The Commission had recommended that boundary walls be constructed for Tonto Village Primary School, bushes to be trimmed, garbage be removed systematically and existing classrooms to be cleared of construction material and stored MDM supplies. The Commission had also recommended that a small committee be constituted at block level so as to review the progress on AWC Centres and schools visited and to follow up the recommendations. ATR received in response, notes that a BLMC has been constituted which inspects centres monthly.

ICDS: AWC buildings were found to be in dismal condition, lacking basic infrastructure, materials and facilities including drinking water and toilet facilities. Staffing gaps were observed for instance, in one AWC no *Sevika (AWW)* had been appointed for the past 4 years. Training of *Sevika* and *Sahayika (AWW and AWH)* was not up-to-date. Supervisory personnel were also found lacking in their duty.

The Commission was concerned to note that coverage under ICDS was not universal and registration of children of migrant families was not done. In one village, Machuatola (1 km from


The Commission carried out an enquiry into the case of a 12 yr child being paralyzed after being beaten by up by Hindi teacher in Palamau district, Jharkhand.

A complaint was received on 1/02/2013, regarding the matter of a 12 year old child who was paralyzed after being beaten up by his Hindi teacher at Utkrisht Madhya Vidyalaya, Lesliganj, Palamau, Jharkhand. The Commission had directed the District Collector, Palamau to investigate/enquire into thematter and submit report, and supportive documents (videLetter (F.No:JH18013/42780/20012-2013/COMP/16661 dated 23/2/2013).

A fact finding panel, with a State Representative of NCPCR, Jharkhand and State Advisor, Supreme Court Commissioners, Jharkhand) was constituted (videF.No:JH18013/42780/20012-2013/COMP/16870dated 14.03.2013) to enquire into the matter and submit report.

Khuntpani block headquarters), malnourished children (approx. 15 all ages) were not enrolled in AWC. It was also noted that registration and nutritional assessment of children present at Village Health and nutrition Day (VHND) was not done.

Following the visit, subsequent ATR submitted have reported that registration of children of migrant families has been undertaken and instructions have been issued for a separate day for THR distribution to far flung areas. In addition, the Supervisor has been issued directions to be vigilant regarding this. With regards to the Commission's recommendation to set up a mini AWC at Machuatola, it has been reported that the proposal has already been submitted to Dept. of WCD, Govt. of Jharkhand for setting up of mini AWC at Machutola vide letter no. 75 dated 05.02.2013. In the meantime, directions have been issued to concerned AWW and Supervisor to deliver THR at Machuatola on the third Saturday of the month.

9.2 (ii) Visit to Madhya Pradesh

Two visits were made by the Commission to the State of Madhya Pradesh in the year in order to review the situation of child health and nutrition services: Tour of Sheopur and Satna districts in September, 2012 (24-27th), and tour of Jawa block of Rewa district in January, 2013 (28th-31st) followed by State level meetings held at Bhopal.

Visit to Sheopur and Satna Districts, Madhya Pradesh

Overall Observations:

The Commission noted the various recent efforts that have been made by Government of Madhya Pradesh such as the advent of the Atal Bal Mission and the 'extra meal' scheme for managing children with severe malnutrition at community level.

However, the Commission was disappointed to note the lack of preparedness and the poor quality of services persisting in tribal pockets exemplified by Veerpur village (Sheopur) which are known for an annual 'season of death' where children are concerned. Services were visibly poor, and planning and supervision particularly lacking. High levels of child death and severe under nutrition in Madhya Pradesh appear to be a function of both poor implementation of existing schemes especially the ICDS and components of the NRHM as well as gaps in programme design for community based management of malnutrition.

It was also evident that, as far as malnutrition is concerned, the investments being made at Nutritional Rehabilitation Centres (NRCs) are leading to hardly any impact on nutritional status in the absence of Community Based Management of Malnutrition. While the third meal has been announced, it is hardly to be found on the ground and growth monitoring is still weak and unable to lead to any firm action at the level of the ICDS centre and community. This observation was made in 2009 and 2010 with recommendations that still apply.

A review of the implementation of existing food security schemes in the visited areas revealed an overall failure of programme management and administration was observed to give priority to vulnerable pockets where children were known to have increased mortality. Thus, the poorest and most remote hamlets which are most urgently in need of health and nutrition services received the least with AWCs being at far-away places and/or overcrowded, vacancies in supervisory positions, poor capacity of AWWs and Supervisors, lack of growth monitoring, irregular supply of hot cooked meals and the 3rd meal, delays in MGNREGA payments or lack of work.

Visit to Rewa district, Madhya Pradesh (28th-30th Jan, 2013)

The Commission made a tour of Jawa Block, Rewa District from 28th to 30th January, 2013 followed by a State level meeting on 31st January, 2013 to discuss issues arising out of the Rewa Tour as well as other significant issues pending with the Commission relating to the State of Madhya Pradesh. The Commission was accompanied by Shri Arun Srivastava (National Health Systems Resource Centre; NHSRC), officials from Bhopal (ICDS Directorate) as well as concerned officers from Rewa District. A detailed meeting with DM and senior officers was also held in Rewa.

Widespread irregularities in services related to the MDM Scheme in the entire District were noted, with some schools not having received MDMs from 1 – 3 years. A list has been made available to concerned officers at the Bhopal Meeting; Ghonta School (Dabhaura) and Koni School are two examples. Anganwadis attached to these schools for hot cooked meals under Sanjha Chulha were also not been getting hot cooked meals for the same period.

Lack of supervision and monitoring on the part of the Supervisors and CDPOs was observed as was evident from the fact that they had not reported these gross deficiencies to the District Authorities. The Commission was also concerned with the large staffing gaps observed at

supervisory (18) and CDPO (8) levels. Also those CDPOs were spending a large amount of their time in attending to the Ladli Lakshmi Yojana, at the cost of supervising the ICDS adequately.

All the frontline workers met by us belonged to non-tribal communities, whether they are Anganwadi workers, ASHA or ANMs.

Inadequate competence in growth monitoring. We were informed by the CDPOs that there is a large gap in training of AWWs employed after 2007.

Only MUACs were being done for referral to NRCs and there was no monitoring of children who had been unable to attend NRCs or had been discharged from NRCs

Many remote tribal villages were reported which require services of an AWC but are simply attached to another AWC located many kilometers away. The Commission was given to understand that proposals have been put up for new projects and AWCs but these have been rejected by the Central Government. Thus, the principle of universalisation is far from met in Rewa District.

9.2 (iii) Visit to Maharashtra

The Commission undertook a visit to Melghat from 9th to 11th October, 2012 in order to assess the health and nutritional services available for children.

Positive Points: The Commission was pleased to note some distinct positive features, like the health system was functioning relatively well, Anganwadis were in place in every village with near universal registration of children, growth monitoring capacities were found to be adequate and growth monitoring was being done and a dedicated School Health Team was in place. Some local appropriate programmatic innovations were noted such as the existence of VCDCs, counselors at PHCs for facilitation of tribal patients, crèches, flying Squads (mobile health units) for remote areas, line listing of all children discharged from NRCs, correct calculation of bed occupancy rates at NRCs, referral slips from CDC to NRCs and assessment of all attending siblings and mother at the NRC.

Problem Areas: The following areas were noted for action to be taken:

1. Need for corroborating data on Severe Underweight and SAM: whereas government figures for Sept 2012 report Severe Underweight as 3.68% and SAM at 0.23%, this

seems to be low as compared to other data available from NGO sources which claim figures as high as 20% for SAM in certain areas. Even though the NGO data is likely to be from purposive samples and thus higher than the averages for the region, independent verifications in the past seem to have corroborated the NGO data.

Programmatic gaps in interventions for malnutrition: VCDC, CDC, NRC were found to be often running in parallel with not enough clarity amongst functionaries on which child needs to be referred to which agency at what point. Additionally, each malnutrition intervention was found to be running for fixed time durations (14 days) rather than correlated to the nutritional status of the child. As a result, children were found to be discharged from each programme regardless of weight gain and many SAM children had been discharged from all programmes in succession without any improvement in nutritional status at all. Many children were found to have stayed in the NRC but discharged without any improvement.

3. Non Responders: Currently no action is being taken for non responders even though most children at NRC were found to have gained little or no weight at discharge.
4. This requires careful tracking of children with SAM from AWC / VCDC to CTC to NRC and back. A software needs to be urgently developed to assist the district to be able to achieve this.
5. Much more monitoring and supervision needed: it is recommended that a dedicated desk be created for monitoring malnutrition in Melghat. The ADHO office may be given this charge and provided with an issue expert for nutrition.
6. Supervisory cadres for the ICDS: these need to be enhanced in terms of numbers, roles and capacities.
7. In general, nutrition counseling and specially breast feeding counseling was found to be poor at all levels (NRC, Anganwadi).
8. Remote Anganwadis: Two remote Anganwadis - one at village Bhiroja and the other at Keli village were found to be operating very irregularly or not at all, even though there was a high percentage of SAM + SUW (10%) and tribal population norms were not being followed even though over 150 children were registered. Both had non-local Anganwadi workers.
9. Anganwadi infrastructure: the allocation for building new Anganwadis is currently 4.5 lakhs which falls short by about 1 lakh due to higher cartage in difficult areas. The Commission would encourage construction of low-cost Anganwadis with better design

using local materials and involving Panchayats for their design and construction rather than contractors. Local NGOs have committed their support for facilitating such a process.

10. The Commission noted very poor state of ashram shalas.

ATR was received only from the Project officer, Tribal Development relating to Ashramshalas (as on 31st March, 2013).

9.2 (iv) Visit to Rajasthan

A visit to the brick kilns of Bhilwara was undertaken from the 8th - 9th Jan, 2013 to assess the situation of services being provided for children at the brick kilns. Statutory crèches, under the Building and Constructions Act, 1996 had not been set up in any of the brick kilns. Services related to education (under the SSA/RTE), health and nutrition (ICDS, NRHM) were also not being provided regularly at the brick kilns. Apart from the brick kilns, AWC, and CHC were also visited. Meetings with district administration as well as state officials were also held.

Key Observations

The Commission has taken cognizance of the fact that gross violations of the rights of children living in brick kilns had been continuing for a number of years and services related to education, health, nutrition and childcare had not been organized for these extremely neglected, vulnerable and marginalized children.

During the visit and ensuing discussions with officials, it was noted that while many thousand children existed within brick kilns in Bhilwara for 7 – 8 months of the year, they were not being counted in any surveys for any service delivery. It was also clear that similar numbers of children are present during the same months year after year for a number of decades. Thus it is well established that services will be required on a regular basis. It is also evident that these children are of sufficient concentration on each brick kiln (approximately 35-40 each in age groups 0-6yrs and 6-14yrs) to justify placing services such as AWCs and Schools that are dedicated to each brick kiln. Yet no efforts to organize services for them have been made. Additionally, there are many brick kilns that qualify the statutory requirements for crèches to be established on-site as per labour laws. However, it was noted that satellite schools had been started in approximately

one fourth of the brick kilns in Mandal and Asind very recently. The Commission had recommended the following:

1. Registration of all workers; male and female on brick kilns and lists of children to be organized by the labour department.
2. Additional AWCs to be placed in each brick kiln with more than 40 children under six and mini AWCs to be placed for smaller brick kilns with fewer children.
3. Schools (with MDMs) to cover all children in brick kilns for ages 6-14yrs either through schools on-site or by providing transport to nearby schools.
4. Employers to provide space and woman worker for running of crèches which could be supplemented by the ICDS programme to provide the full complement of services to children under 6 yrs.
5. ASHAs to be deployed for the population living in brick kilns as per the population norm of 1 per 1000.
6. Mobile units to provide primary health care services including curative care, immunization , ANC and other RCH services
7. Involved districts to carry a specific section on status of children on brick kilns within their District PIPs.
8. The State PIP should also have a specific section on status of children on brick kilns within the State PIP to enable planning and monitoring as well as specific budgetary allocations.

In response, the State has submitted ATRs noting some of the recommendations. For instance, directives have been issued by the Deputy Dir, ICDS, Bhilwara to all CDPOs to conduct survey of 0-6 yrs children and to submit proposals for setting up of new AWCs. Directives have also been issued by Directorate of Health services, Rajasthan for a specific section on status of children on brick kilns for inclusion in State PIP for monitoring as well as budgetary allocations (dated 30/1/13). It was noted that directives issued to carry out survey of children on brick kilns, and to make arrangements for education of all 6-14s, as also directives issued for setting up of hostels for migrant children. It was submitted that proposals to set up mobile medical units at brick kilns has been submitted to Central Govt. Such services shall commence, subject to approval received. Arrangements have been made to provide teams for health checkups every week to brick kiln areas on a rotational basis. Immunisation of children is being undertaken (Bhilwara district).

9.2. (v) Visit to Puducherry

The Commission visited Puducherry on 14th March, 2013. A review meeting for child rights with senior officials from ministries of WCD, health, labour, education and social welfare was also held.

The following key issues emerged during the discussion:

1. **ICDS:** Currently, the centres are finding a dearth of children aged 3-6 yrs since they appear to be attending preschool activities at government and private facilities. The AWWs have thus attempted to carry out centre-based ECCD activities with children aged 2-3 yrs. No / few hot cooked meals are being provided at the centres and the children aged 2-3 yrs are getting only biscuits during the four hours they spend at the centre along with THR. There is no system either to allow convergence between Education and WCD ministries to allow for comprehensive services to be made available to children 3-6 yrs attending pre schools. Data regarding the number of 3-6 years old children and whether they are receiving any services under ICDS etc. are not available. AWWs in Puducherry are full time Government employees deriving a relatively high remuneration compared to their counterparts in other States. With the dearth of centre based activities, they are currently being underutilized.
2. **Child Health and Mortality:** the State has done well with respect to Infant Mortality which is down to 19. Severe malnutrition has not been reported in Puducherry. It appears that the cause of the remaining child mortality may not be due to the common causes of pneumonia and diarrhea and there is a perception that it might be linked to congenital disorders. The State has recently launched an awareness programme for congenital heart diseases. However, there is no data on child deaths in Puducherry so as to assist further programme planning for continuing gains.

The Commission recommended that convergent activities be planned to ensure that HCMs, growth monitoring and health services are available to under threes whatever be their physical location. The ICDS should put greater focus on under threes and children of migrants, homeless children and children with disability considering that it does not seem to have onerous responsibilities of handling malnutrition or preschool activities for children of 3-6 yrs. Hot cooked meals to be made available to all children attending the AWC regardless of

their age since biscuits are not sufficient to cover a four hour period in the centre. The creation of AW-cum-Creches should be considered.

9.2 (vi) Visit to Odisha

The Commission visited Odisha on 25th-26th March 2013 to review child rights in the State. A meeting with representatives of civil society organizations was organized on 26th March 2013, for discussion on violation of child rights in the State. A meeting was organised with Secretariat, WCD, Govt. of Odisha, SCPCR Odisha and, Advisor to Supreme Court Commissioners' to review child rights in the state.

Recommendations

1. There are high numbers of severely malnourished children in the State. Some headway has been made with additional programmes in 15 high burden districts; such as for better supervision, infrastructure, distribution of hygiene kits, BCC and mobilization of women's groups etc. Additionally, the Pushtikar Diwas attempts an Integrated Management of Malnutrition (IMM) that details the components of Community Based Management of Malnutrition in addition to Facility Based Care. The Commission also notes the CMAM pilot in Kandhamal (4 blocks) and looks forward to the reports that emerge. It was suggested that some immediate actions in this regards could be to create a greater focus on growth faltering specially of the under-three children with advisories to feed THR with increased frequency and with addition of tolerable amounts of oil. Meanwhile, a state policy for IMM needs to be developed that includes the provision of extra calorie-rich high protein food for children with severe forms of malnutrition within the protocols.
2. There are many financial problems being faced by the State in its attempt to provide good quality meals to children since the costs of transportation, fuel etc. have not been separated from the food costs nor linked to inflation. Once millets are included in the PDS, they should also be available at subsidy to the programme for use in THR / HCMs.
3. Anganwadi Centres are not using appropriate storage bins for storing food grains. This has been reported by NGOs and was also observed by the Member at the AWCs visited.

9.2 (vii) Visit to Andhra Pradesh

The Commission visited Hyderabad during 5th-6th Dec, 2012 and held meetings with State officials of concerned departments to review issues pertaining to child rights in the State.

The Commission recommended regularization of contractual staff to resolve serious staffing gaps at supervisory levels in the ICDS. In response the State Government stated that it has made efforts to fill up the vacancies and for this 302 Grade – I supervisors were recruited through the Service Commission in the month of March 2012. Further the Govt. has also given permission to appoint 850 Grade-II Supervisors from the cadre of AWWs, as was submitted through ATRs. The Commission has been recommending Community Based Programmes for Management of Malnutrition in children under three years in addition to the strategy of NRCs. In response the State Govt. has submitted that field officers have been instructed to send the list of malnourished children to Medical Officer, PHC for health check –ups and to identify children who need to be referred to NRCs and who require Community Based Management. In addition the Commission's recommendation to provide Hot Cooked Meal (HCM) for attending children in the 102 projects of the Indiramma Amrutha Hastham (IAH) 'one full meal' programme to pregnant and lactating mothers has been accepted with the provision of HCM for 3-6 yrs children in these projects being implemented w.e.f March 2013.

9.3 Consolidated Policy Recommendations to States visited, for Seamless Transitions and Continuum of Care in the Context of Malnutrition

I. Health/NRHM

All children presenting with a health problem requiring transfer / referral to another facility must be registered and admitted at the presenting facility, given documented primary medical care, provided with referral slips, and free transport organized before sending out from the premises.

A. NUTRITION REHABILITATION CENTRES (NRCs)

ADMISSION

1. Children should be admitted whenever they arrive based on bed availability and the fixed day approach should be abandoned (**Jharkhand,MP**).
2. The immunisation status of the admitted and accompanying child should be checked and immunisation ensured (**Jharkhand**).

3. A notification / reminder to be sent to all MTCs to ensure that MTC in charges are aware of protocols for babies under 6 months with SAM so that no such baby is refused admission **(Jharkhand)**.

FAMILY

1. Accompanying family members (mother and other siblings) of the admitted child should be provided necessary nutrition and health services based on evaluation of nutritional status, including BMI and Hb **(Jharkhand)**.
2. Either the cheque system of compensation for daily wage loss is to be abandoned or banking services to open accounts must be provided while the child is admitted at the NRC **(MP)**.
3. All available development and welfare services should be provided to families of children admitted to NRC on a priority basis to ensure that the living conditions of the undernourished child improve **(MP)**.

DISCHARGE

1. In the absence of community based management of malnutrition, a child should be discharged only if there is shift in her nutritional status from < -3 SD to < -2 SD on indicators of underweight and wasting **(Jharkhand)**.
2. A discharged child should be provided with 100 days of iron and folic acid tablets and multivitamin tonic as well as the THR due to her from the AWC for the period that she was in the NRC **(Jharkhand)**.
3. Transportation costs should be provided for all 4 follow up visits of a discharged child **(MP)**.

NON RESPONDERS

1. Investigate why children were not gaining weight during the period of admission in the NRC **(Maharashtra)**.
2. Non-responders at the NRC must be referred for a pediatric opinion and a complete health check up should be conducted on children who do not respond to nutritional rehabilitation **(Maharashtra)**.
3. In particular, TB, Malaria, HIV and Non Communicable Diseases need to be considered and ruled out for persistent non responders.

STAFF at NRC

1. Human resource needs of the NRC need to be addressed with immediate effect. Every NRC should benefit from the advice of a Pediatrician, especially those serving vulnerable tribal areas. Special efforts should be made to ensure that NRCs in such areas are visited by a Pediatrician on at least a fortnightly basis (**Maharashtra, Jharkhand**).
2. Training of staff on specific nutritional requirements of SAM/MAM children must be ensured, so as to enable them to counsel mothers appropriately on matters regarding cooking of food, use of oil, frequency of meals etc. for such children (**Maharashtra**).
3. The NRC should be considered as a resource base for leadership & capacity building for growth monitoring at the block level (**MP**).

B. GENERAL HEALTH SERVICES

1. Clear orders to be sent out that all patients who are serious enough to be referred to a higher facility **must be first registered as in-patients and must be provided with such immediate care as is available at the facility** to which they present. It must be made very clear that simply verbally referring as an out-patient is not an acceptable course of action for a patient who cannot be taken care of at the facility to which he/she presents (**MP**).
2. It was noted that pediatric formulations of iron supplements in syrup form are not being made available to children under 6 yrs. This needs to be rectified since childhood anemia is widespread and contributes significantly to the situation of malnutrition (**AP**).
3. Delays in fund flows of the IGMSY are affecting the impact of the scheme and these needs to be taken up with the Central Government. NCPCR will meet with the concerned officers to request some streamlining of the fund-flow process (**AP**).
4. Mobile units to provide primary health care services including curative care, immunization , ANC and other RCH services where it is difficult to set up such services (**Rajasthan**).
5. ASHAs to be deployed as per the population norm of 1 per 1000 even for construction workers and migrant populations, especially where clusters of populations; like those living in brick kilns, are found (**Rajasthan**).

C. COMMUNITY BASED PROGRAMMES FOR MANAGEMENT OF MALNUTRITION

1. The Commission has been recommending Community Based Programmes for Management of Malnutrition in children under three years in addition to the strategy of NRCs since NRCs cannot be the solution to lakhs of children suffering from severe forms of malnutrition not all of whom need admission in NRCs. Many models and experiences exist in this regards and NCPCR would be facilitate the exchange of information on the same (AP).
2. **Some immediate actions in this regards could be to create a greater focus amongst ASHA and AWW on growth faltering specially of the under-three children, with advisories to feed THR with increased frequency and with addition of tolerable amounts of oil.** Meanwhile, a state policy for IMM needs to be developed that includes the provision of extra calorie-rich high protein food for children with severe forms of malnutrition within the protocols (Odisha).
3. **The programmes for Community Based Management of Malnutrition to be offered till the children with severe categories of malnutrition exist.**

II. ICDS

A. INTERVENTIONS WITHIN NUTRITIONAL PROGRAMMES

1. Reconsideration of MUAC as being the sole referral criterion for NRCs and correction of the resultant lack of focus on growth monitoring at AWC level (**General recommendation**).
2. Hot cooked meals to be made available to all children attending the AWC regardless of their age (**Puducherry**).
3. Once millets are included in the PDS, they should also be available at subsidy to the programme for use in THR / HCMs since they are high in micronutrients and proteins (**Odisha, AP**).
4. Immediate action to be taken with respect to supply of pediatric iron and folic acid at Angawadi level as well as the same (weekly dose) for adolescents at AW level (AP).

B. PLANNING AND MONITORING

1. Since many left out children, who were even more likely to require nutritional services were located in hamlets surrounding anganwadis, the Commission recommends a State-wide survey of hamlets to identify such left out children (**Jharkhand**).
2. Much more monitoring and supervision needed. Supervisory cadres for the ICDS need to be enhanced in terms of numbers, roles and capacities. **A dedicated desk with an issue expert for**

nutrition is recommended in districts with high burden of malnutrition for monitoring malnutrition (Maharashtra).

3. The highest priority should be accorded to vulnerable tribal pockets to ensure the provision of all development services and the socio-economic development of communities.

This should include (MP, Jharkhand):

- a. Mapping & microplanning for additional AWCs for tribal hamlets.
- b. Mapping & microplanning for supportive supervision for AWCs in tribal hamlets.

4. Expedite the process of building/setting up crèche facilities /palnaghars (Maharashtra).

a. Urgent establishment of ICDS cum Creche under the ICDS restructuring with special reference to habitations with high numbers of women working in the informal sector, such as brick kilns, construction sites etc (Rajasthan, Haryana).

b. In addition, the Commission recommends a focus on daycare as a strategy to provide an overall umbrella for health, nutrition and early childhood education services in areas with migrant workers. Since this is provided for in the restructured ICDS, priority may be accorded to these areas. Some plans have already been made in this direction (mobile anganwadis etc).

5. A joint survey with local NGOs is recommended for an accurate situational analysis regarding malnutrition in regions with high malnutrition so as to reconcile gaps between official data and NGO surveyed and put fears of under-reporting to rest (Maharashtra, Rajasthan).

The data of functional Anganwadis should be disaggregated to highlight Anganwadis without workers. These do not qualify as functional Anganwadis since many functions such as preschool education and growth monitoring cannot happen adequately in the absence of a regular AWW.

Joint monitoring systems between ICDS and NRHM.

C. HUMAN RESOURCES/ RECRUITMENT OF PERSONNEL

1. Human resource policies at the State level should be reformed to ensure (MP):

- a. Clear TORs for every post that specify accountability
- b. Transparent transfer & placement policy for difficult areas
- c. Incentives for difficult area postings
- d. Appropriate disciplinary action for supervisory lapses

e. **Disciplinary action needs to be taken against non attending AWWs and their supervisors. The Commission recommends adherence to norms of selecting AWW workers from same village especially in remote areas (Maharashtra).**

f. Priority is given to tribal applicants for all fresh appointments to ASHA, AWW, AWW Helper and ANM categories (MP).

D. INFRASTRUCTURE

1. General development of infrastructure at AWCs. Most were found facing severe space crunch and lacking in infrastructure including electricity, water and toilet facilities (Bihar, Gujarat). **The Commission would encourage investigation into construction of low-cost Anganwadis with better design using local materials and involving panchayats for their design and construction rather than contractors (Maharashtra).**

2. Anganwadi centres are not using appropriate storage bins for storing food grains resulting in episodes of food poisoning (Odisha).

3. There are many financial problems being faced by the State in its attempt to provide good quality meals to children since the costs of transportation, fuel etc. have not been separated from the food costs nor linked to inflation. This needs to be taken up at a policy level (Odisha).

4. Immediate action to be taken to provide rents for Anganwadis running in private premises as an interim measure, with arrears (Jharkhand).

E. CONVERGENCE BETWEEN ICDS AND NRHM, EDUCATION, LABOUR, TRIBAL WELFARE ETC

1. Joint surveys / analysis of existing data and monitoring by the ICDS and the Health Department and NRHM.

2. **Joint Tracking component within all nutritional programmes needs to be strengthened. Careful tracking of children with SAM from AWC / VCDC to CTC to NRC and back is required to tackle the issue of non-responders. A software needs to be urgently developed to assist the district to be able to achieve this (Maharashtra).**

3. Joint guidelines and trainings for all associated functionaries that deal with children with malnutrition.

4. Convergent activities be planned with Department of Education to ensure that HCMs, growth monitoring and health services are available to 3-6s whatever be their physical location; preschool or Anganwadi (**Puducherry**).

5. Formation of a Convergence Committee/ Coordination Cell with Collector, concerned officials of Education, WCD, Health, Social Justice, Labour Departments, CWC and members of Civil Society (**Haryana, Maharashtra**).

III.LABOUR

1. Registration of all workers; male and female on brick kilns, construction sites etc and lists of children to be organized by the labour department (**Rajasthan, Haryana**).

2. Employers to provide space for woman workers for running of crèches under labour laws, which could be monitored and supplemented by the ICDS programme to provide the full complement of services to children under 6 yrs (**Rajasthan**).

IV. PUBLIC DISTRIBUTION SYSTEM

1. Ration/ AAY cards to be distributed to all families of children with severe forms of malnutrition on priority basis (**Jharkhand**).

V. PANCHAYATI RAJ INSTITUTIONS

1. The Commission recommended State Governments to organise a special Annual Gram Sabha on Nutrition PDS, MDM and functioning of AWC (**Jharkhand**)

9.4 Children afflicted by JE/AES

The Commission is deeply concerned about the immensity of the human tragedy concerning children afflicted by JE/AES and observes that while desired timely and corrective/ preventive action in pursuance of the recommendations of the Commission could have been taken to mitigate the immensity of the tragedy and to save the lives of children, this has not happened so far and children continue to die even today despite the seriousness of the issue. Therefore the Commission in course of its field visit to Gorakhpur in July, 2012 has made the following recommendations:

- (i) All patients with symptoms suggestive of AES / JE have to be admitted and provided immediate medical care before referral.

(ii) All the PHCs, CHCs and DHs should be strengthened by utilizing the allocated funds in order to provide immediate medical assistance to the JE/ AES patients. The facility for admission must take charge of the referral process rather than simply asking the family to take the patient to a higher facility in a routine manner.

The Commission may be apprised of the following steps taken in this regard:

- (i) Mapping of the children who survived from JE/AES but acquired disability.
- (ii) Steps have been taken to achieve 100% coverage, considering that this is a serious and recurring problem in affected districts.
- (iii) Measure taken to create better sanitation facilities in the human habitations without functional toilets.
- (iv) Actions that have been taken to for filling up of the pits which lead to accumulation of water and eventually become breeding grounds of culex mosquitoes the carriers of JE virus.
- (v) Efforts have been made to ensure that piggeries are kept clean and to facilitate the shift of piggeries away from dense human habitations.

Outcomes of Deliberations with State and District Administration:

- i. All the PHCs and CHCs are strengthened as per the prescribed standard. As per the recommendations of the Commission Ambulance facilities have been ensured in all PHC, CHC and District Hospitals.
- ii. Citizen Charter has been displayed in all PHCs, CHCs and District Hospitals, giving details of the facilities available.
- iii. Rs.481.28 lakh has been sanctioned against the action plan towards eradication of JE/AES in 8 Districts. Rs.2301.22 lakh has been sanctioned for establishing ten-bedded ICU Ward in 10 Hospitals of 9 Districts.
- iv. Efforts are made to depute a pediatrician from other Districts of the State to the JE/AES affected Districts for 1 month on rotation basis. The Experts from national level and other States too have been visiting the affected areas and giving necessary advice from time to time.
- v. Survey of children survivors of JE/AES who are disabled is on and rehabilitation efforts would be worked out only after the survey report.
- vi. Death audit has been ensured in every District and the accountability /responsibility has been fixed.

- vii. District, Division and State level Inter-Departmental Coordination Committees are operational and meeting in every month to discuss the activities accomplished and further course of actions.
- viii. Jal Nigam has installed 3322 deep bore India Mark II Hand Pumps in the affected villages. Efforts are made to spread awareness among community to use the water of deep bore. The shallow hand pumps are identified and marked red, instructing the community not to use the same.
- ix. Training of the Trainers (TOT) for 15 districts was conducted during May and June 2012 with the support of NDMA, Govt. of India. Accordingly awareness programme and distribution of IEC material on 'Dos' and 'Don'ts' is ensured with the help of District administration. Such training is being organized continuously in 7 other Districts.
- x. Sentinel Labs' have been active in all affected Districts to examine all JE/AES related cases. The JE and Entrovirus samples have been sent to the NIV Pune's field unit at Gorakhpur.
- xi. The Commission requested the Divisional Commissioner, Gorakhpur in February 2013, to identify cases of death of children due to JE/AES from the public through public domain and print media, address compensation, identify children who become disabled due to JE/AES, ensure rehabilitation of children and their families, provide sanitation and hygiene facilities, undertake a health survey, ensure health and nutritional inputs, educational facilities for these children etc.. The Divisional Commissioners office is taking up the matter on a priority basis.

9.5 Hearing on Malnutrition

A hearing on Malnutrition in children was organized by SRF Foundation on October 2012 in Bhadohi in which the Commission took part. 50 severe cases of malnourished children were heard in the hearing. The Commission while hearing the cases pointed out that there is a need to reach out to the vulnerable communities. The Government departments and civil society should establish better coordination and effective plan for fighting malnutrition in the district. The Commission also recommended establishing three Nutrition Rehabilitation Centres with the support from concerned Government departments. The district administration has sent proposals to the State Government in this regard.

9.6 Focus on Disability

The Commission met Chancellor Shri Ramanadacharya Swami, Vice Chancellor and other Heads of Department of J.R. Handicapped University, Chitrakoot in August 2012 and explored the possible ways and means of collaborating with the University in canalizing the energies of the students in creating a general awareness on protecting and ensuring rights of the differently abled children in the Country. It was felt that the University can be of immense help in reviewing the policies and programmes in the field of disabled persons and their rehabilitation. The Commission therefore suggested the mapping of the disabled persons in the region and to promote research in Disability and Rehabilitation. University to initiate Degree/ Diploma/ Certificate course in Rehabilitation and Special Education, promote research and generate employment in Special Education, carry out social audit of the disable programmes/policies for the disabled, imparting training to the people suffering from any kind of disability and developing training modules and designing IEC campaigns. Vice Chancellor assured all possible proactive and positive approach. He also handed over a letter of support from the University to the Commission and plans are cemented in terms of focus on the differently abled children.

9.7 Meetings with various Departments of Government of India

1. Meetings with Secretary, WCD held on 21.02.2013 to discuss matters related to ICDS

- i. ICDS in draft Integrated Management of Malnutrition (IMM) guidelines: A meeting was held between NCPDR, MoHFW, MWCD
- ii. ICDS in National Food Security Bill (NFSB): MWCD has written to the Food Ministry expressing similar concerns as NCPDR.
- iii. Opening of new AWCs towards universalisation of ICDS: States have to send their demands with detailed justification regarding population norms.
- iv. Usage of AWWs in non ICDS related work (election etc): NCPDR has written to Election Commission.
- v. Mid Upper Arm Circumference (MUAC): MWCD has written to all States clarifying that growth monitoring and referrals to NRC have to continue as per present guidelines and not replaced by MUAC alone

2. Meetings with Secretary, MOHFW held on 11.03.2013

Issues discussed with Recommendations / Outcomes:

- i. Availability of pediatric drugs including iron and folic acid.

- ii. Integrated management of malnutrition: It was decided that the Commission would call a meeting of MoWCD and MoHFW to discuss the matter further.
- iii. JE vaccinations - It was decided that the Commission would call a meeting between UP health officials and GOI officials to facilitate an action plan for JE immunization, as part of its summons.
- iv. Ethical trials involving children: The Commission would submit draft guidelines / legal interventions to the ministry regarding clinical trials involving children, which the ministry is open to adapt /adopt.
- v. Kalawati Saran Hospital – Ministry noted that management and staffing issues of the Hospital need to be expedited. Subsequently a meeting was called by the Secretary with concerned officials and KSH authorities.
- vi. Thalassemia – Ministry would consider special NAAT testing for kids who are at high risk of transfusion- related HIV, after examining the option. The Commission had asked NHSRC to prepare a note on feasibility of special NAAT testing for kids for high risk thalassemic children and as a follow up has sought assistance from NHSRC for a cost-benefit analysis of the same.

9.8 Summons

Japanese Encephalitis/Acquired Encephalitis Syndrome (JE/AES)

Following repeated visits made by Members of the Commission, summons was issued to the UP Govt. on matters relating to JE/AES and a hearing was held on 3rd Oct, 2012 at NCPCR office. ATR was received on 22/1/2013, which was analyzed.

The feasibility of an Action Plan for JE/AES immunization for all unimmunized children was also discussed with Secy., and JS, MOHFW. Subsequent to communication between the Commission and MOHFW, a meeting between concerned officers of MOHFW and Govt. of UP was arranged to draw up an Action Plan to achieve time bound coverage of all unimmunized children with respect to JE.

9.9 Other Issues

1. Kalawati Saran Children's Hospital, New Delhi

As a part of a rapid appraisal of medical services (public and private) available for children in New Delhi, a visit was undertaken by the Commission to Kalawati Saran Hospital for Children on 18.10.12.

The Commission was gravely concerned at the abysmal situation in which doctors are struggling to provide medical care and children are struggling for their lives in Kalawati Saran Hospital for Children, New Delhi.

Kalawati Saran Hospital for Children is a tertiary care centre and a centre for excellence in paediatric care and research that caters entirely to children in the heart of the city of New Delhi. It is, today, a part of the Lady Hardinge Medical College & Associated Hospitals along with Smt. Sucheta Kriplani Hospital. Though it has a capacity of 375 beds in very little space, it has almost a 150% bed occupancy rate. Additionally, there is a drastic shortage of staff at all levels other than the medical staff. This has resulted in a very critical failure to achieve quality of care by any standards. There is more than one child on a bed and beds are nearly touching each other barely allowing the medical staff to move about. Parents are occupying every possible inch of floor space. Since staff is critically short, parents were seen to be doing much of the supportive paramedical care. Parents and family members were seen manually ventilating with Ambu bag, their tiny incubated babies, on a 24/7 basis. The hospital has almost no facilities for parents, with a temporary arrangement for shelter. Amidst severe shortage of space and staff at all levels especially of the supportive paramedical care, doctors are struggling to provide medical care to hundreds and thousands of children coming not only from Delhi and the NCR, but also from States like UP, Bihar and Rajasthan. Doctors are registering patients, treating patients, escorting patients to various departments for investigations and resuscitating patients without any space. There is a dire shortage of support staff for cleaning, laundry, security and social workers and technicians. The hospital was found to be lacking a functional management committee or a management having the powers and capacity to make changes in favour of quality of care.

Based on the observations during this visit, the Commission took suo motu cognizance of certain issues pertaining to staff strength and infrastructure etc. of the Hospital. In its communication dated 19.10.2012 addressed to Shri K. N. Desiraju, Special Secretary, Ministry of Health & Family Welfare, Commission made following recommendations:

1. The highest priority to be given to matters pending with the Ministry, related to increasing the staff of Kalawati Saran Hospital for Children.
2. Urgent appointment of an external Quality Assurance Team to evaluate the situation and work out a plan for decongestion.
3. Urgent institution of a committee to oversee improvement through interim arrangements.

The Hon'ble Union Minister of State (IC) for Women and Child Development, Smt. Krishna Tirath, along with members of NCPCR visited the hospital on 21st Nov, 2012. As a follow up of this visit, the Commission has been holding review meetings regularly to discuss action taken on the recommendations made by the Commission. The Commission has been actively involving the MOHFW, and all concerned authorities to play an active role in resolving specific issues related to staffing gaps, setting up of Dharmshala etc.

2. Rapid Appraisal of Hospitals to Examine Facilities for Children (ongoing)

A rapid appraisal of medical services (public and private) available to children of Economically Weaker Sections (EWS) in Delhi was undertaken by the Commission. A total of 37 hospitals – 35 private hospitals and 2 public hospitals were included in the appraisal.

3. Inspection of Creches run by Labour Welfare Board, Haryana

A surprise visit to crèches in Gurgaon and Manesar, being run by the Labour Welfare Board, Haryana was undertaken on 12.03.13 by NCPCR team. The objective of the visit was to assess the functioning of the crèches and services being delivered at the crèches. The team visited two crèches being run by the Welfare Board and one crèche outsourced to a private agency :

1. Crèche at Worker Facilitation Centre, Near Vrudha Ashram, Sikandarpur village
2. Mobile crèche, Opposite J&K Bank, Sector-44, Gurgaon
3. Crèche at Worker Facilitation Centre, Sector-8, IMT Manesar

- **Lack of convergence with WCD Dept:** At all the three crèches visited, the Commission saw no convergence with the Dept of WCD either for services available through ICDS, or for supervision, monitoring, and capacity building. None of the crèches had any tie ups

with the AWC, except for the Pulse polio programme. At the crèche at Worker Facilitation Centre, Sikandarpur, although there were two functioning AWCs near the crèche, and in spite of the fact that the crèche worker had enrolled all the children at the AWC, there was no coordination with the AWC for any of the services.

- **Training of workers:** Creche workers at all three creches had not received any training, except what was given initially. No routine periodic training was being given to the workers for skill upgradation. While the workers at crèches at Sikandarpur and Manesar had received initial training, the worker at the Mobile crèche, Gurgaon had not received any training whatsoever. The team found the crèche at Sikandarpur to be doing well and felt that it had the potential to serve as a resource centre for learning and training.
- **Lack of services for Health check up and growth monitoring:** Health check up and growth monitoring of children was not being carried out at any of the crèches, as either no doctor was currently visiting the crèches or because there was no coordination with concerned departments/ICDS. At Sikandarpur, NCPCR observed that regular health monitoring had been taking place earlier, but these had stopped since no doctor was coming for the past 4-5 months.
- **Inadequate Menu:** At the three crèches two meals were being provided to the children. However, the menu on some days, was not adequate to constitute a full meal.
- **Lack of coordination with SSA / Education Dept.:** Although at all crèches many older children were coming, there were no efforts for tie up with schools for enrolment/admission of older children.
- **Record keeping:** At all crèches, no records of food, money or expenditures were being maintained. No monthly reports, no programme focus reports were available/ maintained at the crèches.

4. Visits to Asha Kiran, Home for Mentally Challenged, under Dept. of Social Welfare, Govt. of NCTD, Rohini, Delhi:

Meetings to discuss matters related to Asha Kiran Home were held on 13th September, 19th December 2012 and 24th January, 2013 at the Commission. The Asha Kiran Complex was visited on 9th Oct, 2012 and 27th December 2012 by a team comprising NCPCR, DCPCR and SAARTHAK, an NGO, on the basis of which following recommendations were made:

Recommendations

1. Special Educators to be appointed.
2. Expert group/advisory committee to be formed to look into segregation of children based on IQ.
3. Team of experts to be constituted to develop individual care plan for all children.
4. Comprehensive health care plan for all children
5. Convergence of services with interlinkages with ICPS
6. Need for family based care to be provided.
7. Appointment of Welfare Officers at Asha Kiran to be expedited.

Chapter 10

RIGHTS OF CHILDREN IN NORTH EAST REGION

The North East Cell of NCPCR was created in the Commission w.e.f.1st December 2011 to deal with the issues concerning promoting and protecting child rights in the entire 8 States of North East region. The cell is mandated to deal with the issues concerning promotion and protection of children's rights on the following areas of child rights in the NE region (8 States).

- (i) Monitoring the constitutionally guaranteed fundamental right of all children for access to free and compulsory education under Right to Education (RTE) Act, 2009;
- (ii) Monitoring steps taken for elimination of child labour;
- (iii) Monitoring measures taken for prevention of trafficking of children from North East to other States; rescue/restoration/repatriation of the trafficked children and their rehabilitation through education, nutrition, health care and skill training etc;
- (iv) Preventing/minimizing incidence of substance abuse;
- (v) Monitoring promotion and protection of rights of all children who are infected/affected by HIV/AIDs.
- (vi) Monitoring of provisions of POCSO Act, November 2012.

10.1 Besides discharging the above mandated functions, the Cell made significant contribution in the following areas:

- (a) To monitor compliance by all the State Governments/UTs (35) with the direction issued by the Hon'ble Supreme Court in Writ petition (Crl) No 102 of 2007 Re. Exploitation of children in Orphanages in the State of Tamil Nadu since a lot of children from the North East were also being abused in these Homes.

All States/UTs were periodically reminded to act on the following issues.

- (i) Matter pertaining to right of children of 6-14 age group to free and compulsory education (RTE-2009).
- (ii) Constitution of State Commission for the Protection of Child Rights.
- (iii) Filing of an affidavit on the above matters as required by the Hon'ble Supreme Court in their order dated 19-9-11.

(b) Vacation of school buildings occupied by armed/paramilitary security forces

Correspondence on vacation of school buildings occupied by armed/paramilitary security forces was in progress with 10 states of India at the time of the formation of North East Cell. The same were followed up vigorously and it was ensured that all States certify that schools are no more being used for the purpose. This was successfully achieved.

10.2 State Visits

Special Adviser, NCPCR (NE Cell) visited the following NE States from May 2012 to October 2012

- Tripura (Agartala) from 2 to 4 May 2012
- Assam (Guwahati) from 11 to 12 May 2012
- Manipur (Imphal) 15 to 17 July 12 and
- Mizoram (Aizawl) 10 to 12 December 2012

During the said visits the action points contained in the Action Plan for Monitoring of Promotion and Protection of Child Rights in North Eastern States of NCPCR and steps taken by the State Government to ensure enrolment and retention in primary, elementary and secondary school system, elimination of child labour, prevention of trafficking, rescue / restoration / repatriation and rehabilitation of trafficked women and girls, prevention of substance abuse, prevention of HIV / AIDS, protection of rights of children who have been found to be victims of HIV / AIDS were assessed by the Commission.

10.3 Workshop at Aizawl (Mizoram) on Substance Abuse

NCPCR conducted a two day State level workshop on "Substance Abuse" amongst children at Aizawl, Mizoram on 17th and 18th December 2012, in collaboration with Department of Social Welfare, Government of Mizoram.

The said workshop was inaugurated by the Chief Secretary to Government of Mizoram while the valedictory address was delivered by Hon'ble Minister, Social Welfare.

In all representatives of 12 NGOs participated in the workshop. Additionally, there were representatives of Assam Rifles, Narcotic Control Bureau, representatives of the Ministry of Social Justice & Empowerment and representatives of Mizoram Social Defense & Rehabilitation Board. The workshop was also attended by individuals who took on to Substance use while

they were children and gradually became substance abusers, drug addicts who are recovering, trainers, counselors, medical officers of State Government.

During the 1st day of the workshop, Addl. Prof. Department of Psychiatry, All India Institute of Medical Sciences (AIIMS) and Senior Faculty member at National Drug Dependence Treatment Centre (NDDTC) shared thoughts on prevention and correction of substance abuse. Measures for prevention of recourse to drug abuse by way of supply and demand reduction as also various facets of treatment, various types of treatment providers and rehabilitation of victims of drug abuse in multiple settings were also outlined by the speakers.

Also, Associate Professor and Head of the Department Social Work, Mizoram Central University presented a background paper captioned "Substance abuse among Children: Implications for Child Protection"

There were four technical sessions held during the workshop comprising presentations made by experts, experience sharing by persons in recovery and rehabilitation from substance abuse/drug addiction. An open house discussion followed each of these sessions.

The core themes for the four technical sessions were as below;

- Technical Session I:** Magnitude of Problem Identification and enumeration of victims of substance abuse- Causes & Factors contributing to the phenomenon of substance and HIV/AIDS- consequences thereof;
- Technical Session II:** Corrective measures including treatment and rehabilitation- adequacy and effectiveness of existing arrangements and need for strengthening by way of having more RRCTs, ART Centers and Centers devoted to professional counseling.
- Technical Session III:** Content and process of preparation of IEC materials on substance abuse and HIV/AIDS for spread of awareness and prevention of their incidence as also other interventions which are needed in the area of prevention of substance abuse and HIV/AIDS.
- Technical Session IV:** Case studies on substance abuse

A brief outline of the deliberations could be broadly divided under 2 heads namely: (1) Supply related and (2) Demand related.

Conclusions and recommendations of the four technical sessions are summarized as below:

Towards the end of each technical session, certain core recommendations emerged which were eventually shared with all the concerned. Some of the salient recommendations made centered around the below mentioned viz;

- Need for provision of adolescent specific services with focus on tobacco, alcohol, pharmaceuticals and cannabis at all points covering counselling centres, drop in centres, TI centres, ART centres etc. NGOs who are implementing TI programmes should specifically address needs of IDUs less than 18 years of age. b) Target groups to be included within the MIS of NACO (DACs), c) screening and intervention of substance abuse disorders in Children's Homes and Observation Homes d) School Health Programmes to include promotion of mental health as a substance abuse prevention strategy, screening and treatment for early substance users, e) establishing linkages between various service providers to meet the needs of children/ adolescents, f) strong emphasis and focus to be laid on the preventive aspects and measures of substance/drug abuse, f) strong focus needs to be laid on capacity building of services providers, g) Situational analysis to be carried out in an objective and dispassionate manner, h) emphasis on requisite resource mobilization – both government and non-government sectors need to be mobilized, i) Infrastructural facilities for the poor, destitute, disadvantaged and orphans to be ascertained, j) OST should be used for IDUs, k) Strategic and organized IEC to be adopted with a central objective of prevention, treatment and rehabilitation of children affected by substance abuse/HIV & AIDS.

10.4 Complaints

A team comprising Member/s of the Commission visited Imphal, Manipur from 18th to 20th May, 2012 to discuss with the Chief Minister, Home Minister, Home Secretary, DG Police, DMs and SPs and other Officials about the death of children in Manipur in encounter, arrest, detention & torture in custody of armed forces & police. After the visit it was desired that guidelines on standard operating procedure be prepared.

NE Cell also prepared a **Standard Operating Procedure** for dealing with situations of illegal arrest, detention and death of children in fake encounters.

10.5 Correspondence with North East Universities.

In an effort to involve universities in NE region in collaboration with the Commission in monitoring of assisting NCPCR to implement the Rights of Children to Free and Compulsory Education Act-2009, Chairperson had addressed a D.O. letter to 7 North East Central Universities. Response was positive and all had agreed to participate in the activities of NCPCR to have their collaboration with NCPCR and execute mapping of children in various situation including dropouts, survey and various other school based surveys as and when taken up by the respective State Governments which would aid in ensuring entitlements due to children under RTE Act, 2009.

10.6 Nodal Officers dealing with Human Trafficking

Nodal Officers in each State looking after Human Trafficking, were written in December 2012 requesting to share micro level information available with them. The Commission also wrote to the Chief Ministers of all States / UTs for urgent personal attention in this regard.

10.7 Action Plan

The Action Plan covering all areas under the mandate of the NE Cell was approved and forwarded to concerned Ministries of GOI and to Chief Secretaries of NE States in the month of April, 2012.

10.8 Issues of child Labour in Coal Mining Areas of Meghalaya

A team from the NCPCR comprising two Members visited the coal mining areas of Jaintia Hills in Meghalaya during 17th May 2012 to 20th May 2012 to assess the child labour situation in coal mines and rat hole mines.

The objectives of NCPCR team was to visit the coal mines, Pits and Rat Holes for reviewing the child labour situation in the Jaintia Hill District of the State; to interact with the representatives of the civil society organizations to seek a feedback on the persisting issues for a total ban of engagement of children in the coal mines and to interact with the State Level functionaries to

work out a sustainable solution to the much discussed issues of child labour practice and its linkage with the trafficking.

With these broad objectives, the team visited the State and undertook the following activities:

1. Field visit to the Coal Depots, Mine Pits, Rat Holes to examine firsthand experience and review the child labour situation;
2. Visit the health centres and Anganwadi Centres in Jalong, Mulang, Shillong;
3. Visit the Children's Home – cum – Observation Homes for Girls in Shillong;
4. Meeting with the Chief Secretary; Principal Secretaries – Home, Labour, Social Welfare, Education; Commissioner & Secretary, Health; Director Mineral Resources and Additional Deputy Commissioner Jaintia Hills District among others; and
5. Interaction with the representatives of civil society organizations to elicit the feedback on child rights issues and also with the media to highlight the issues to attract the attention of all stakeholders.

10.9 Trafficking of Children from NE to outside.

Trafficking of innocent children being made victims of wanton cruelty, exploitation and neglect by the traffickers & other vested interests who abet such trafficking, was accorded a very high priority by this Cell. Letters to all States/UTs were sent with the details of trafficked children. All records on these trafficked children were fed in the Computer to ease monitoring. In all cases of 279 trafficked children have been processed in this Cell and out of that 150 have been rescued/restored, repatriated and rehabilitated.

The Commission visited Gorakhpur from 23 to 24 July 2012 to conduct an enquiry in connection with trafficking of children from Manipur to Shri Ram Vanvasi Chatravas, Keshavpuram, Gorakhpur.

Chapter 11

COMPLAINTS OF CHILD RIGHTS VIOLATIONS

During the year 2012-13, the National Commission for Protection of Child Rights dealt with **1162** complaints relating to violation/deprivation of child rights, child labour, child abuse, sexual abuse, corporal punishment, juvenile justice, police atrocities, child health, malnutrition etc. Some of these cases have been referred to the concerned authorities in respective States/UTs for remedial action.

11.1 The State-wise status of complaints received by NCPCR in 2012-13 is at Table 1.

The Commission has taken Suo Motu cognizance of **102** cases with concerned authorities for remedial action. The complaints, received by the Commission during the year 2012-13, include **53** cases which were taken up in Public Hearings conducted in Tamil Nadu and Bihar. The highest number of complaints was from the State of Uttar Pradesh, followed by Delhi.

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 the complaints relating to violations of the right to free and compulsory education. During the year 2012-13, the RTE Division of the Commission dealt with 740 cases of violation of RTE Act 2009. Delhi and Uttar Pradesh had the highest number of complaints. The State wise status of complaints is at Table-2.

15 cases of RTE were dealt with in a Public Hearing organized by the Commission in Andhra Pradesh, 30 RTE cases in the Public Hearing in Bihar and 18 RTE cases in the Public Hearing in Tamil Nadu.

Table 1: Complaints received and disposed off by NCPCR during 2012-13(State/UT-wise)

State/UT Name	No. of Complaints
Andaman and Nicobar Islands	5
Andhra Pradesh	37
Arunachal Pradesh	0
Assam	4
Bihar	59
Chandigarh	4

Chhattisgarh	11
Dadra and Nagar Haveli	0
Daman and Diu	0
Delhi	109
Goa	0
Gujarat	16
Haryana	69
Himachal Pradesh	7
Jammu and Kashmir	2
Jharkhand	25
Karnataka	23
Kerala	13
Lakshadweep	0
Madhya Pradesh	44
Maharashtra	22
Manipur	8
Meghalaya	3
Mizoram	0
Nagaland	0
Odisha	35
Puducherry	1
Punjab	25
Rajasthan	37
Sikkim	1
Tamil Nadu	75
Tripura	0
Uttar Pradesh	477
Uttarakhand	13
West Bengal	37
Total	1162

Table 2: Complaints dealt by the RTE Division during the year 2012-13 (State/UT wise)

Sl. No.	States/UTs	No. of Complaints received
1	Andaman and Nicobar Islands	0
2	Andhra Pradesh	39
3	Arunachal Pradesh	1
4	Assam	13
5	Bihar	29
6	Chandigarh	0
7	Chhattisgarh	5
8	Dadra and Nagar Haveli	0
9	Daman and Diu	0
10	Delhi	327
11	Goa	0
12	Gujarat	12
13	Haryana	6
14	Himachal Pradesh	2
15	Jammu and Kashmir	1
16	Jharkhand	47
17	Karnataka	7
18	Kerala	4
19	Lakshadweep	0
20	Madhya Pradesh	31
21	Maharashtra	17
22	Manipur	1
23	Meghalaya	0
24	Mizoram	0
25	Nagaland	0
26	Odisha	11
27	Puducherry	1
28	Punjab	8
29	Rajasthan	3

30	Sikkim	0
31	Tamil Nadu	43
32	Tripura	0
33	Uttar Pradesh	103
34	Uttarakhand	6
35	West Bengal	23
	Total	740

11.2 Some Important Cases of Violation of Child Rights

Suparna Ka Aangan, Gurgaon, Haryana

A case of rape and sexual abuse of minor girls in an orphanage called Suparna ka Aangan was reported to the Commission on 04/05/2012. An on-the-spot enquiry was conducted by an NCPCR team. The children were medically examined. The District Administration Gurgaon was asked to take charge of the Home immediately and to ensure that the Child Welfare Committee (CWC) recorded the statements of 48 children and prepared a social investigation report. The Home has been closed and children transferred to other Homes in Gurgaon and Faridabad and reunited with parents.

Apna Ghar of Bharat Vikas Sangh, Rohtak, Haryana

Three girls who had escaped from Apna Ghar, a home for children run by an NGO Bharat Vikas Sangh, Rohtak, reported various forms of abuse of children in the said home to the Child Welfare Committee, Nirmal Chayya Complex, Delhi on 9/05/2012. A team from the Commission visited the home for an on the spot enquiry on 9/05/2012. The District Administration, Rohtak, was asked to take charge of the Home and ensure safety of all the inmates. Officers of Rohtak Administration, Police and Haryana Government were summoned to the Commission on 14-05-2012 and 15-05-2012. The District Administration transferred 101 children to 12 different Homes in 7 Districts in the State. The accused were arrested. The investigation by CBI is continuing and the matter is being monitored by the High Court of Punjab & Haryana.

NCPCR also filed a Public Interest Litigation (PIL) in the High Court of Punjab & Haryana, seeking directions for the State of Punjab, Haryana & UT of Chandigarh to ensure positioning of statutory mechanisms such as, constitution of SCPCR, proper functioning of

Inspection Committees, CWCs and registration of all Child Care Institutions (CCIs) under section 34(3) of the JJ Act 2000.

Summon Hearings

The Commission received a complaint in October 2012 regarding *death of two Class VI girl students of Convent of Jesus & Mary School, Shimla* due to corporal punishment by their class teacher. Owing to the seriousness of the complaint the Commission decided to summon the Secretary of the concerned Department and other concerned officers of the State Government. Based on the hearing the observations & recommendations were sent to the State Government for taking necessary action.

Complaint about child labour allegedly working in a College canteen.

A petition was received on 17/06/2012 at Commission regarding a child labour named Master Rakesh (name changed) aged 13 years working in the college canteen of a reputed College in Nalgonda District, Andhra Pradesh. After taking cognizance of the matter, the Commission referred the matter to Deputy Commissioner of Labour, Nalgonda District, Andhra Pradesh to inquire into the matter and to repatriate and rehabilitate the child. On the Commission's recommendations the matter was enquired into and the child labour was rescued and repatriated. The child was also admitted to regular school at Beachpelli. Action was initiated against the employer under the Child Labour (P&R) Act 1986 and case was charge-sheeted in Court of First Class Magistrate, Bhongir for trial.

Five children allegedly working in two tyre puncture shops in Secunderabad, Andhra Pradesh.

The Commission on 27/08/2012 took cognizance on the petition regarding some children allegedly working in two tyre puncture shops in Secunderabad District, Andhra Pradesh. The Commission referred the matter to the Principal Secretary, Department of Labour & Employment Training & Factories, Government of AP and Labour Commissioner, Secunderabad. On Commission's recommendations an enquiry was conducted and an action taken report in the matter was received. The Assistant Labour Officers inspected the six cycle puncture shops and rescued two child labourers. One 13 year old minor child labour was shifted to Government Children's Home for boys at Saidabad, Hyderabad for 21 days and then it was recommended to hand over the child to his parents with proper counseling by CWC. The child

was produced before Child Welfare Committee. One major boy (18 years of age) was handed over to his biological parents. The ICPS staff visited the house of above children and informed that the minor boy is studying in 3rd Standard at Z.P. High School, Mudford. A case under Minimum Wages Act, 1948 claiming the difference of minimum wages, amounting to Rs.31,788/- has been filed against the two owners of the tyre shops.

Child labour rescued in Agra and efforts made for their repatriation and rehabilitation.

Suo motu cognizance was taken by the Commission of a news item published in all the leading newspapers of Rajasthan and Agra and on information from Childline regarding "sixty minors being clandestinely transported to Jaipur to be used as child labourers, were rescued from the Sealdah Express train at Agra Fort railway station" on 7th March 2013, jointly by GRP (General Railway Police) and Childline members, CWC members. Childline handed over the children to CWC at Panchsheel Ashray Grih, Agra. Surprisingly, the nine elders detained by the Railway police were released on personal bond. On 11th March 2013 a team led by Member NCPCR, visited Panchsheel Ashray Grih, where all 60 children were kept. Instructions were given to GRP Officials to lodge FIR against the nine persons under relevant sections of IPC, JJ Act 2000. CWC members and Childline were asked to prepare case sheets of each child and to provide counseling. Chief Medical Officer, Agra was summoned before the team of the Commission, at the home to get medical examination done of each child and issue health Cards. SDM, DPO were also instructed to issue a release certificate under Bonded Labour and to make arrangements for repatriation of the children. A meeting was held with DM, Agra, Assistant Labour Commissioner, Agra, DPO, SSP, Agra, CWC to make arrangements of repatriation and rehabilitation of the children. With Commission's intervention an FIR was lodged against the nine persons who accompanied the children under sections 375 IPC and sections 22, 23, 26 of JJ Act. A Police team was sent to Jaipur to investigate into the matter further. Medical examination of all the sixty children was carried out by the team of Doctors and their health cards were issued. Complete profile report of sixty children was prepared by the labour department and sent to labour department Jaipur for follow up the case and to track the employers and take strict action against them in accordance with the law (Minimum Wages Act and Bonded labour Act). A letter was sent by CWC, Chairperson, Agra to CWC Gaya, Bihar for identification of children belonging to their district. CWC also contacted the SJPU in Gaya to verify the names and addresses given by the children so that a clear case of parent or guardianship can be established and children can be sent to their respective homes. A letter was sent to Chief Secretary and other concerned officers to

develop a mechanism for mapping of vulnerable areas for eradication of child labour and prevention of trafficking of children and to convene a meeting with Rajasthan Government for developing a mechanism to stop such incidents in future. All children have been repatriated to their respective homes.

Torture and abuse of a child labour by a garage owner in Latur, Maharashtra.

The Commission had received a complaint regarding alleged torture and abuse of a 12 year old child labourer by a garage owner in Latur, Maharashtra. The matter was referred to the District Collector of Latur. Subsequently, the matter was enquired by the Superintendent of Police, Latur and SDO of Udgir and Assistance Commissioner, Social Welfare Latur. Cases were registered under relevant sections of the IPC, Child Labour (Prohibition & Regulation) Act 1986 as well as Protection of Civil Rights Act 1955 against the accused (owner of the garage). All the three accused have been arrested and charge sheeted. The case is pending for decision in the court. The victim has been given financial assistance under the SC & ST (Prevention of Atrocities Act) by the Assistant Commissioner, Social Welfare.

13 year old child labour died of employer's beating in Howrah.

After receiving a complaint through an e.mail, the Commission took cognizance of the matter regarding death of a 13 years old child labour due to torture by an employer at Howrah. A report was sought from Superintendent of Police, Howrah. After sending several reminders in the matter an action taken report was received from Superintendent of Police, Howrah. On Commission's recommendations a case was registered in the matter under relevant sections of IPC, the Child labour (Prohibition and Regulation) Act 1986 and Juvenile Justice (Care and Protection of Children) Act 2000. Statements were recorded and main accused was arrested and the case was forwarded to Ld.CJM Court, Howrah for final decision. On Commission's recommendations DM, Rohtas, Bihar gave compensation amount of Rs.20,000/- to the family members of the deceased child labour.

Requisition for immediate sanction of relief for raped minor victim.

A petition was received by the Commission from Dalit Stree Sakthi, Hyderabad dated 22/05/2012, regarding a minor girl aged 7 years who was allegedly raped, fell unconscious and left to die by the accused. The girl was recovered and taken to hospital and treated. The accused was arrested after being identified by the girl and FIR was registered under Cr: 70/2012 u/s 376 (F) of IPC and 3(2) (v) of SC/ST (POA) Act. The Commission sought an ATR from the

Superintendent of Police, Medak of Sangareddy District of Andhra Pradesh. Action Taken Report was received from the same on 06/09/2012 with details of inquiry report and the copy of FIR filed against the accused. The report submitted that sanction is accorded for payment of Rs.60,000/- in favour of the victim minor girl, towards monetary relief being 50% out of total relief of Rs.1,20,000/- and remaining will be paid after conviction by lower Court. The victim girl is now studying in 2nd class in R/I illapur Chinna Thanda and keeping good health. The matter was closed at Commission on 28/09/2012.

Invigilation system and oppressive and abusive frisking of children in examination halls

The Commission took cognizance on the petition from a petitioner of Andhra Pradesh, who himself is a school Assistant in Zila Parishad High School about oppressive nature of the invigilation system which was quite atrocious to school children with particular reference to SSC Exams in Andhra Pradesh and requested for Intervention of the Commission. The Commission referred the matter to The Director of Government Examinations, AP, Hyderabad recommending amendments to the rules of SSC invigilation System. The Commission received final Action Taken Report from Office of The Director of Government Examinations, AP submitting that two points have been added to the Chief Superintendent's instructions of the booklet for invigilators as (i) The invigilators on duty shall ensure that they shall not touch the private parts of the examination taking students while checking them in Examination hall whom they found indulging in malpractice.(ii)Only woman invigilators shall check the girl candidates. (iii) The above instructions shall be carried out without any exception and any violation will be viewed seriously.

Price of rape victim's honor Rs.35,000/-

Commission took suo motu cognizance of a newspaper report published in "The Tribune" and Times of India dated 15/10/2012 titled as "Price of rape victim's honor Rs.35,000". A report was called from Principal Secretary, Department of Women and Child Development, Government of Haryana. Recommendations were given to Director School Education to ensure that education of the Victim and her sister was not affected. A detailed report was received from DG, Department of WCD, Govt. of Haryana and as per Commission's recommendations the victim and her sisters are attending regular classes in school. Culprits were arrested and security was provided to the family of victim. On the recommendation of the Commission an awareness campaign was initiated on Child Protection, Child Rights and Girl Child Rights.

Dalit minor girl gang raped in Karnal, mother murdered.

Commission took suo motu cognizance of above news item published in the Karnal Edition of The Tribune dated 18/10/2012. As per news item a dalit minor girl was kidnapped on 6th August 2012 and was raped by two boys of a dominant caste. Her mother raised her voice against the two boys, who raped her minor daughter. Her mother was allegedly murdered on September 3, 2012. Two days later the Police discovered her body near Sirsa along the banks of a Canal. After taking cognizance of the same, Deputy Commissioner, Karnal was asked to inquire into the matter and take urgent action against the accused. On Commission's directions an FIR was registered on 5/09/2012 and later as Case no. 394 dated 20.09.2012, u/s 363, 365, 376(G), 506, 201, 120(B) of IPC and SC/ST Act 1989. It was recommended by the Commission to provide monetary compensation to the victim and an amount of Rs. 60,000/- (Sixty Thousand) vide Draft No.318522 dated 17.10.2012 was given to the victim. A case of murder of victim's mother sec 302 and 201 of IPC was added. An amount of Rs. Five Lacs had to be given in the case, out of which Rs.3,75,000/- was given vide Cheq No.677807 on 19.10.2012 to the victim. All the three accused have been arrested. Police protection has been provided to the victim's family as recommended by the Commission.

Two minor girls raped by Naxals and rescued by security forces from jungles of Bijapur District in Chhattisgarh.

Two minor girls were raped by suspected naxals in the jungles of Bijapur District and were reportedly rescued by security forces. The Commission took Suo motu cognizance of the matter on 07/11/2012. Both the girls 11-12 years of age were taken for medical examination and the rape was established. The Commission sought a report from the office of the Superintendent of Police and District Magistrate Bijapur district. An Action Taken report from the Office of the Superintendent of Police Bijapur District was received at Commission, dated 07/12/2012. The report provided the complete details of the incident and the Copy of FIR registered in this case. The two victims were admitted to the Bijapur Kanya Ashram for their safety, security and rehabilitation. The ATR submits that the Govt. of India, Home Ministry has released a sum of Rs. 5 lakh/- each for the two girls as compensation which has been deposited in their accounts in SBI Bijapur Branch. The main accused in this case has been arrested. The matter was closed at Commission on 21/01/2013.

Case of child trafficking from the State of Odisha.

A complaint was received from People's Watch, Tamil Nadu regarding alleged trafficking of children from the State of Odisha to Tamil Nadu. It was alleged in the complaint that 18 children (15 boys and 3 girls) between ages 4 years and 8 years were brought from Odisha by one person of the Blessing Welfare Social Trust, Coimbatore, who handed them over to one person in Kanyakumari district. After taking cognizance of the complaint, the Commission approached the Chief Secretary, Government of Odisha, requesting him to conduct an enquiry into the cases of child trafficking from the State of Odisha to various districts of Tamil Nadu with the assistance of the CBI (Anti Trafficking Unit). After Commission's intervention, all 18 children were rescued by District Social Welfare Officer, Nagarcoil from Therasa Church in Kanyakumari. The Accused were arrested and remanded. A case was registered u/s 363 of IPC and 23, 26, 27 of the Juvenile Justice Act 2000. The rescued children were handed over to the Child Welfare Committee through which all of them were repatriated to their native State. The officials from Odisha and Tamil Nadu Government played a major role in this case.

Children belonging to Motihari, Bihar were allegedly trafficked to Vidisha, Madhya Pradesh.

The Commission took cognizance of a complaint based on a newspaper report, regarding alleged trafficking of 14 children from Motihari district of Bihar who had been intercepted by the Police at Vidisha Railway Station. On 14/12/2011, NCPCR referred the matter to the Superintendent of Police, Vidisha for investigation, immediate action, repatriation and rehabilitation of children along with status report in the case. With Commission's intervention all 14 children were rescued from Vidisha Railway Station by GRP and rehabilitated. They were sent to Childline Bhopal after their medical examination and thereafter handed over to their respective parents/guardians. The traffickers were arrested under Section 3/14 of Child Labour Act. They were produced before the Court of Chief Judicial Magistrate and the case is sub-judice.

Acid attack on a 15 year old girl

The Commission received a complaint regarding alleged acid attack on a 15 year old girl by four village criminals in Village Harihans Siwan District of Bihar. It was alleged by the complainant that his niece, 15 year of age was in critical condition and fighting for her life after acid attack on her. The complainant has requested to provide the victim girl with financial and medical help. The Commission was informed that the Siwan district administration had pooled in some money to cover the initial medical costs and that the girl was first treated at District Sadar Hospital,

Siwan District, Bihar, from where she was moved to Apollo Burn Hospital, Patna and then referred to Safdarjung Hospital, Delhi. On 2/11/2012, the Commission contacted the Principal Secretary, Department of Health, Bihar and the District Magistrate, Bihar. On the same day, the Commission deputed a team to Safdarjung Hospital to visit the victim girl and found that the child had suffered complete loss of vision in her left eye, had chemical burns involving her face and neck, and various other parts of her body. The Commission was apprised of her medical treatment, the costs of which were being borne by the Hospital. Since there is no legislation which would make it mandatory for the State to step in to provide financial assistance to victims of acid attack, the Commission, on 2/11/2012, contacted the Principal Secretary Health and Family Welfare, Government of Bihar to release immediate financial assistance for the continuing treatment of the child. The Commission also contacted the District Magistrate, District Siwan, Bihar to provide a detailed factual report in the matter, along with copies of FIR registered and the medical reports of the child. A Press Release was issued in order to mobilize financial assistance for the girl. Since no financial assistance from the State was released to the girl, the Commission wrote to Chief Minister, Bihar to provide the necessary assistance to the girl and her family. The Commission was informed by the father of the child that the CM's office had approached them and asked for an estimate of medical costs required for her treatment based on which, financial help would be provided to the girl. On March 7, 2013, the Commission requested the Health Secretary, GOI and the Medical Superintendent, Safdarjung Hospital to continue the girl's treatment. The Medical Superintendent, Safdarjung Hospital, offered to bear all the costs of medicine and medical treatment for the girl.

Poverty forces mother to sell 3 children for Rs. 155.

Commission took suo motu cognizance of news item published in Hindustan Times dated 3/09/2012 titled "Bengal :Poverty forces mom to sell 3 kids for Rs. 155". As per the news item a 30 year old woman sold all three of her daughters aged between 3 and 9 for Rs.155 at Diamond Harbour railway station near Kolkata. The children were rescued at railway station. After taking cognizance of the newspaper report, details were sought from Principal Secretary, Department of Social Welfare, Govt. of West Bengal. The Commission recommended to enroll the children into a residential School and to make arrangements for their food and shelter. A report in the matter was received from District Magistrate, South 24 Parganas and action was taken on the recommendations made by the Commission. The children were rescued and produced before the Child Welfare Committee. Order was passed by CWC and at present all three girls are living at

JJ Home (for girls) at PS Mandi Bazar. Two of them were admitted to the local school and the youngest is living with her mother.

Class VIII student killed for protesting against poor quality Mid Day Meal in West Bengal.

Commission took suo motu cognizance of news item published in 'India Today' dated 4th July 2012 titled as "Class VIII student killed for protesting against poor quality Mid Day Meal in West Bengal". As per the news item a class VIII student of a school at Jhakhali, South 24 Parganas District was found hanging from a grill on the roof of his school building after he allegedly raised voice against the poor quality mid day meal served to students in his Institution. After taking cognizance of the news paper report, the District Magistrate, South 24 Parganas was asked to inquire into the matter. A detailed report was received from the District Magistrate and on Commission's direction a Committee was constituted by DM to inquire into the matter. FIR was lodged against 8 persons including the School Authority. On Commission's recommendation, regular inspections are being conducted in all Schools and Hostels in the District. Case was charge sheeted.

Children and widow who faced hunger due to death of bread earner in Odisha,

Commission took cognizance of a complaint alleging that six children of a widow were struggling with hunger and poverty due to death of their father, who had died of sickness and lack of nutritious food. Accordingly the Commission pursued the matter with the Secretary WCD, Government of Odisha. The Commission received an ATR from the Director, Social Welfare. The report informs about several measures taken by the government, namely, issuing Antyodaya Anna Yojana, issuing lease of a plot of land for homestead purpose, work order for Rs.45000/- for construction of house on the plot under "Mo Khodja" housing scheme and widow pension under Madhubabu Pension Yojana to Smt. Ghadei of Rs.300 /- per month. She has also been issued with one job card under MGNREGS.

Norway snatches Indian children from their Parents and action taken by NCPCR for protection of child rights regarding:

A complaint was brought to the notice of the Commission regarding a shocking case of violation of the rights of two minors, a little girl of one year of age and a boy of three years of age and their parents, Indian citizens, located in Norway. The children were allegedly forcibly removed from the custody of their parents and given to foster care. Mother of the children was allegedly not allowed to have access to her children who were living with their uncle after their

return from Norway. After taking cognizance of the matter, a panel of experts was constituted by the Commission to take up the matter with MEA. A team was constituted by the Commission, who visited the children on 30.07.2012 in Bardhaman, Asansol and Kolkata.

Chapter 12 OTHER ISSUES

I. Children Coming in Contact With Railways

12.1 Safeguarding the Rights of Children at Railway Platforms

As reported in the previous report of the Commission (2010-11), it has been estimated that there are 11 million street children in India. Most of them live at and around railway stations. Lack of support puts these children at risk of various forms of abuse and deprivation of rights that denies them a childhood. Concerned about the situation of children working and living at and around railway stations and about their need for care, protection, development, education and rehabilitation, the Commission developed **Guidelines/ Recommendations for “Safeguarding the Rights of Children at Railway Platforms”** through a series of consultations by a specially constituted Working Group of experts. This was formally issued on 31.03.2010 and shared with the Ministry of Railways and Ministry of Women and Child Development. The Commission with the objectives of getting these guidelines implemented, held meeting with the representatives of Delhi Commission for Protection of Child Rights (DCPCR) on 13 September 2012. A meeting was also held on 13 September 2012 with the representatives of Railway Children India, an NGO working through the partners on the issues of children in Railways, to work out a methodology for implementation of the NCPCR guidelines. The Commission convened a Consultation on 20 November 2012 of all stakeholders engaged in safeguarding the right of the children in and around railway stations, on November 20, 2012, to review the implementation of Recommendations. In this meeting it was decided to review and compile the data of civil society interventions on protecting the rights of children on Railway Platforms. A team led by the Commission and consisting of Members of DCPCR and network of 8 NGOs working on the issue of Railway Children visited the New Delhi Railway Station on 24.09.2012 to interact with various stakeholders and to gain first hand experience on the situation of the children in and around the railway station. The team interacted with the concerned SHO and officials of RPF Police Station at New Delhi Railway Station.

Further, on 5 December 2012, the Commission organized a meeting with the officials of Railway Board to discuss the implementation of the recommendations. In this meeting, the Commission emphasized the need for mutually evolving a mechanism to strengthen the coordination and exchange of information on protection of children in and around Railway platforms and requested review of the same quarterly.

12.2 Working Group

The Commission constituted a small Working Group of leading NGO representatives to review the existing Recommendations and develop a protocol for all Stakeholders interacting with children on Railway Platforms for safe repatriation/ integration of rescued children, in the light of the *Khushboo Jain vs Ministry of Railways & ORS* case. (Writ Petition (C) No.5365/2012, before the High Court of Delhi). The Working Group developed a draft Standard Operation Procedure (SOP) for various stakeholders mandated to be engaged with children in and around railway stations. The draft SOP is expected to protect the rights of these most vulnerable children, if it was adopted and implemented truly.

A Civil Writ Petition (No. 5365/2012) '*Khushboo Jain Vs. Ministry of Railways & Others*' was filed before the High Court of Delhi, seeking enforcement of the said recommendations. The Ministry of Railways, Ministry of Women and Child Development and Department of Women and Child Development, NCT Delhi was made as respondents in the matter. The petitioner also sought a direction for NCPCR (Respondent No. 4) to have an annual audit of the implementation of its recommendations and requested the Hon'ble Court to pass any other directions. While disposing of the matter, the Hon'ble High Court of Delhi passed directions on 13.02.2013 to the Ministry of Railways to implement NCPCR Guidelines for safeguarding the rights of Children coming in contact with Railways.

II Child Rights in Areas of Civil Unrest

As reported in previous years Annual reports, the Commission has been implementing the **Bal Bandhu Scheme** for Protection of Child Rights in Areas of Civil Unrest on Pilot basis for a period of three years, with the Annual Grant sanctioned by the Prime Minister's National Relief Fund.

The objectives of the scheme were as follows:

- i. To intervene in 10 districts in 5 States in areas of civil unrest with the mandate to protect children's rights, focusing attention on mobilization of communities through trained local youth volunteers or 'Bal Bandhu', who will act as child defenders;
- ii. To bring stability in the lives of children in the process of ensuring that all their entitlements to protection, health, nutrition, sanitation, education and safety are fulfilled through government action;
- iii. To enhance democracy through community participation and action and renew hope in harmonizing society and stabilizing lives while a child's well-being becomes the focus of all action in the area.

12.3 Project Area

The areas of intervention of the scheme were 9 districts of 5 States, namely, Kokrajhar and Chirang districts of Assam, Khammam district of Andhra Pradesh, Gadchiroli district of Maharashtra, Jamui, Rohtash, East Champaran and Sheohar districts of Bihar and Sukma district of Chhattisgarh.

12.4 The Scheme

Bal Bandhu Scheme for Protection of Child Rights (BBS) was introduced in all the five States as proposed in the Scheme in December, 2010.

There were around 180 Bal Bandhus (20 in each of the block) in all 9 blocks of 5 States. In addition, there were 18 Resource Persons (2 in each block/district) working to facilitate implementation of the Scheme. The Bal Bandhus were youth from the local area/community, trained in child rights perspectives and community mobilization. They were oriented on the scheme, United Nations Convention on the Rights of the Child (UNRC), all relevant Acts including "The Right of Children to Free and Compulsory Education Act" (RTE Act) and their roles and responsibilities under the Bal Bandhu Scheme, guidelines, programmes and policies on child protection. They had also been provided orientation by resource persons on community mobilization. The roles of resource persons were to monitor, provide overall supervision and facilitate implementation of the scheme at the district level. The overall coordination of the programme was done by a project coordinator located at Delhi.

The Community mobilization was central to the implementation of scheme covering 212 Panchayats and VCDCs across nine blocks/districts of 5 States. Resource Persons and Bal Bandhus were engaged with local youth, women's self-help groups, parent teachers associations, Anganwadi workers, Gram Panchayats, VCDCs and teachers. They had also been encouraged and empowered to make petition to the Government for improvement of schools, Anganwadis and health centres etc.

12.5 Activities Carried out

A. District, State and National level consultations with District Collectors

i. National Level Consultation with District Collectors:

A National Consultation on 'Education in Areas Affected by Civil Strife' was jointly organized by NCPCR, National University of Educational Planning and Administration (NUEPA) and UNICEF at the India Habitat Centre, New Delhi on 10-11, December, 2012. The consultation was inaugurated by Dr. M.M Pallam Raju, Hon'ble Minister of Human Resource Development. District Collectors from Sukma, Khamam and Dantewada and Resource Persons, BBS from East Champaran and Gadchiroli along with representative of community from East Champaran, Khammam, Gadchiroli and Sukma districts were invited and participated in the consultation.

ii. State Level Consultation with concerned District Collectors

State Level Consultations with District Collectors from civil unrest affected States held in Guwahati, on 12.05.2012, Patna, on 21.06.2012, Raipur on 06.07.2012, Hyderabad, on 13.07.2012, and Mumbai, on 21.08.2012. The above meetings were held with the Chief Secretaries of the concerned State Governments along with State Level Government Officials and District Collectors of the concerned districts.

iii. District Level consultation with concerned district Collectors

District Level consultations with concerned district Collectors from civil unrest affected States held at Sukma, (Chhattisgarh) on 23.08.2012, Gadchiroli, (Maharashtra) on 10/01/2012, East Champaran, (Bihar) on 28.01.2013, Sheohar, (Bihar) on 29/01/2013, Rohtas, (Bihar) on 31.01.2013 and Jamui, (Bihar) on 02.02.2013.

B. Other Activities Carried out

- a) More than 4000 children have been admitted to schools during the year 2012-13
- b) The district SSA expanded BBS to Chintoor mandal of Khammam district and took support of Resource Persons in rolling out the project. A taskforce had been constituted to support implementation of this.
- c) 52 children from tribal community passed tenth class examination in Gadchiroli district. These children had previously failed in tenth class and were vulnerable to being recruited in Bal Sanghams of Naxals.
- d) Construction of four schools facilitated in Rohtasgarh Panchayat in Rohtas district of Bihar. Community and the district administration came together to provide support in construction of schools that were in dilapidated condition.
- e) RTE training provided to HMs and Tola Sevaks by Bal Bandhus of Patahi block (East Champaran district, Bihar) to neighbouring blocks: Fenhara, Madhuvan, Tetriya, Dhanka, Chiraiya and Pipra.
- f) Motivated 110 school dropouts engaged as child labour to take the class 10 Board examinations and recommended to the State of Maharashtra that their exam fees are to be waived and the children were given coaching through a residential programme by the tribal department. Subsequently a second batch of 11 children underwent training under similar arrangements. Thus many youth have been prevented from being recruited by Maoists as well as being trafficked for forced labour.
- g) Over 15 Gram Panchayats in East Champaran are systematically tracking every child in the 0-18 years in their constituency enabling their access to Angangwadi Centres, schools, Ashramshalas and other educational programs.
- h) Relief work taken in Kokrajhar and Chirang affected by civil strife in the State of Assam by setting up motivation centres for children, games and play for peace, Anganwadi centres at relief camps, psycho social counseling and enabling 2500 children continue with their education.

- i) In July 2012, 49 Bal Bandhus from the districts of Sheohar, Rohtas, Jamui and East Champaran provided training in leadership.
- j) On the basis of visit of the Commission's team to review the situation of children in relief camps post the violence (status of schools and children's access to education, health and nutrition at Anganwadi Centres (AWC)'s, sanitation and drinking water facilities), in Kokrajhar, Chirag and Dhubri districts from 2nd to 5th September 2012, the team of Bal Bandhu of both districts carried out relief work in camps with the help of district administration.
- k) The assessment of the scheme has been done by the Academic Staff College of India and Jawaharlal Nehru University, New Delhi. The assessment is based on extensive field work, interaction with community, officials and Bal Bandhus in all the districts.
- l) Honorable Minister of Rural Development Shri Jairam Ramesh along with District Collectors of Rohtas in Bihar and Sukma in Chhattisgarh visited Bal Bandhu implementation blocks and interacted with School Children, Bal Bandhu and PRIs. He appreciated the hard work of Bal Bandhus in bringing community and district administration to strengthen child rights in the block.

12.6 The Present Status of the Scheme

The Bal Bandhu Scheme has since been closed from 31/03/2013, due to completion of its three financial years on 31/03/2013.

III Pilot Programme for Protection of Child Rights (PPPCR)

12.7 The Pilot Programme for Protection of Child Rights (PPPCR) is a pilot programme of the National Commission of Protection of Child Rights (NCPCR) initiated in November 2011, in Rajwar educational zone of Kupwara district and in Sumbal education zone of Bandipora district of J&K with support from the Prime Minister's Relief Fund with the objective of enabling all children in the 0-18 years of age group to access their entitlements through public institutions.

Within a short duration of its inception, 624 out of school children were enrolled into schools; 385 children under 6 were enrolled into ICDS centres; II bridge course centres were arranged for older children to get into age appropriate classes; school teachers including those who initially resisted, started to participate in the programme; medical examination was facilitated for 94 children with disabilities; 142 orphans were identified for scholarships; 23 Child recreational

clubs were set-up which were attended by more than 1320 children regularly; 12 winter schools were organized which were attended by more than 1200 children and Anganwadi workers have shown empathy and compassion for children. Community participation in the programme was institutionalized with the formation of Child Rights Protection Forums.

IV Research Study

A. Study on “An Assessment of Pattern and Correlates of Substance Abuse among Children in India”.

12.8 A study commissioned by NCPCR on “An Assessment of Pattern and Correlates of Substance Abuse among children in India” to assess the status of children under the influence of substance abuse, in collaboration with National Drug Dependence Treatment Centre, All India Institute of Medical Sciences (AIIMS), New Delhi. The study was published and sent to all the states by NCPCR. It has also been uploaded on the website of NCPCR.

The main objective of the study was to collect information on pattern of substance use and profile of children using substances and to collect information on family, peers, stress, psychological and physical health and legal aspects associated with substance use among children.

The study being the first nationwide comprehensive one to study the profile of children using substance in India included a large sample size of 4,024 with diversity of the child population in India. The sample of the study included children (boys and girls both) from all regions (north, south, east, west and north east) of the country, with a total of 29 states/UTs and 135 sites in cities and towns. The use of tobacco, alcohol, cannabis and inhalants was reported by child substance users from almost all the states/UTs covered in the study. The study is the first nationwide survey reaching out to a reasonably large sample of school going/out of school/street children across various cities and towns in India. The use of multiple sites ensured continuous coverage in all zones across the country. Considering the time frame for the study, it was decided that each site would collect data on 30 children who fulfill the inclusion and exclusion criteria. It was estimated that the total sample size will be about over 4000 children who are using substances.

The methodology of the study was developed by the working group for “Substance Abuse & Drug Addiction among children” under the National Commission for Protection of Child Rights (NCPCR).

The study assessed the patterns and correlates of substance use among children. Detailed information was collected on demographic, family and peer related, stress, physical and psychological health related variables and legal issues besides inquiring about substance use. The study did not assess the prevalence of substance use among children; rather focused on children who were using substance.

The study questionnaire was quite extensive and was translated into multiple regional languages. The translation of the questionnaire and trainings and also monitoring of data collection were done regionally by the RRTCs. The study attempted to include children using gateway substances such as alcohol and inhalants as well and did not focus exclusively on those who abused harder substances such as cannabis, opium or heroin only or used in a dependent manner only.

Chapter 13

INFORMATION, EDUCATION AND COMMUNICATION (IEC) EFFORTS

13.1 The National Commission for Protection of Child Rights is mandated to spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through production and dissemination of information through publications, media, seminar and other available means. In order to achieve the same NCPCR has undertaken extensive awareness, by involving all the stakeholders, through various programmes as briefed below:

13.2 World Day against Child Labour

The Commission organized a programme on the occasion of 'World Day against Child Labour' on 12th June, 2012 in collaboration with International Labour Organization (ILO) and UNICEF at Vigyan Bhawan, New Delhi. Secretary, Ministry of Women and Child Development was the Chief Guest for the event. In her address, she emphasized how child labour robs children of their childhood depriving them of their fundamental right of having quality education.

On the occasion, a couple of erstwhile child labourers presented their testimonies and staged a 'Nukkad Natak' to bring home the issue of child labour and need for its abolition.

The joint statement by NCPCR, ILO and UNICEF issued on the occasion called for ratification of international instruments against child labour in an unequivocal manner and renewing of existing anti-child labour legislation and policies and adapting them to the Right of Children to Free and Compulsory Education Act, 2009 and Juvenile Justice (Care and Protection) Act, 2000.

13.3 Exhibitions of Government Schemes

i. The Commission participated in 8th Food & Technology Expo - 2012 held at Pragati Maidan, New Delhi from 27-29th July, 2012. NCPCR, through its stall in the exhibition, distributed educative and informative materials on the subjects like corporal punishment, RTE Act and on other issues related to children. Handouts, bookmarks and badges with the slogans on child rights were distributed to the children and general public. Queries raised by children, guardian, public and school authorities were also entertained by the NCPCR officials.

ii. The Commission participated in the '7th Meri Delhi Utsav' organized at Punjabi Bagh, New Delhi from 3-5 November, 2012. The exhibition was organized by NNS Events & Exhibitions Pvt. Ltd. with the objective to highlight the achievements, schemes, welfare programmes and activities of various Government Departments. NCPCR installed a stall at the exhibition and created awareness among the general public about protection of child rights. The publicity material like badges and handouts covering various issues on child rights were distributed among children and general public.

13.4 Vatsalaya Mela

Vatsalaya Mela-2012 was organized by the Ministry of Women and Child Development from 14-19th November, 2012 at Dilli Haat, INA, New Delhi to showcase/publicize the activities of the Ministry, as an outreach programme organized with the purpose to give boost to its existing schemes and programmes and to create awareness among the common people.

The Commission participated in the Vatsalaya Mela and installed two stalls at the Mela for the purpose to create awareness among the general public about its activities and child rights issues. At the stalls the publications and material of NCPCR were displayed and distributed among the people free of cost. Activities like quiz competitions were organized for the children and the winners as well as participating children were provided with gifts like T-Shirts, caps, badges with slogans related to Child Rights, Pencils, Paper rulers, Chocolates etc.

The programmes were performed at the Amphitheatre by the partner NGOs of NCPCR on all the six days. The programmes were organised basically to create awareness among public about child rights and to eradicate social evils in the society through street plays, Nukkad Nataks, etc.

The general participation of the public as well as children, both at the Amphitheatre and turn out at the stalls was quite appreciative.

13.5 Field Training Programme

A field training programme on child labour was conducted in Varanasi and Mirzapur divisions of Uttar Pradesh on 17th and 18th January, 2013 with the help of NIPCCD.

13.6 Foundation Day of NCPCR

The Commission was established by the Government of India as an Independent Body on 5th March, 2007 under the Commissions for Protection of Child Rights 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).

NCPCR celebrated its Sixth Foundation Day at the YMCA Auditorium on 5th March, 2012. Secretary, Ministry of Women and Child Development graced the occasion as Chief Guest. Chairperson, NCPCR addressed the gathering on Child Rights perspectives and Role of NCPCR on monitoring RTE Act, POCSO, and others and a road map for future. Members of the Commission shared their experiences and talked about situation analysis and road map for future on various issues related to child rights.

Chapter 14

STATE VISITS COVERING CROSS CUTTING ISSUES

14.1 Andhra Pradesh

A team of NCPCR led by the Chairperson, visited Andhra Pradesh from 10th to 13th July, 2012. During this visit, the team made a field visit to Araku and attended a Public Hearing in Visakhapatnam on RTE and other child rights issues. Thereafter, detailed discussions were held with the State Government officials in Hyderabad to review the implementation of Bal Bandhu Scheme and RTE Social Audit and discuss the possibility of upscale of both pilots. The issues which came up during the course of the public hearing were also discussed at length. Pursuant to this visit, the Government of Andhra Pradesh has been requested to take necessary actions on the following recommendations:

Recommendations

- (a) The District Collector will provide ANMs specifically for the Gutti Koya settlements, as these settlements are not being addressed by the current system. ANMs can be arranged through SSA who can take it up as a special initiative;
- (b) The Bal Bandhu programme is currently implemented in one mandal and ends in 2013, but this needs to be extended to cover the neighboring mandals where PVTGs (Konda Reddis) live. This is based on a request made by the Collector. This may be built into RVM/SSA tribal education programme. NCPCR may offer technical support and help in the identification and training of Bal Bandhus for the other areas.
- (c) Social audit has been piloted in two districts, namely Ranga Reddy and Kurnool districts. The social audit included training in conducting the social audit and developing tools. It was suggested that since SSA is already in the process of conducting social audits, the procedure and tools developed by NCPCR could be used as well for the purpose.
- (d) During public hearings/field visits, the team identified, among others, issues relating to closure of 700 ALS (only 150 were opened), no teachers or vidya volunteers, Ashram schools are from class 3 only and therefore, there is no access to class 1 and 2. The team suggested that in the tribal areas, the age range should be raised to 6-14 years from 4-18 years. A pilot programme will be worked out in this area. Pending the outcome of the pilot, the Collectors may be requested to identify buildings in tribal villages for starting RSTC's for tribal children.
- (e) The Municipal Administration Department will look into the evictions which have been happening with no proper rehabilitation measures.
- (f) SCPCR will be established within 3-4 months in the State.
- (g) State Advisory Council for RTE will be formed within one month.

- (h) Mapping of the Muslim population pockets and setting up of elementary Urdu medium schools and employing teachers from within the Muslim community.
- (i) Setting up of KGBVs in the districts dominated by the Muslim population.

14.2 Assam

14.2 (i) First visit to Chirang, Dhubri and Kokrajhar

A team of NCPCR visited the State of Assam from 2nd to 5th September 2012 to review the situation of children in relief camps (post violence which erupted between June-September 2012 in Chirang, Kokrajhar, & Dhubri), status of schools, and children's access to education, health and nutrition, status of running the Anganwadi Centres (AWC), sanitation and drinking water facilities in Kokrajhar, Chirang and Dhubri districts. Apart from visits to the relief camps, the team held meetings with the Principal Secretary of Bodoland Territorial Council (BTC), District Collectors of concerned districts, officials of BTC from various Departments (Education, Social Welfare, Health, etc.), representatives of Civil Society Organizations and the functionaries of Bal Bandhu Scheme. The following recommendations were made pursuant to this visit:

Recommendations

- (i) A sub-Committee to be set up in each camp to address the needs of children (from 0-18 years), to bring child related issues within the camp, to the notice of the District Administration and work in coordination with them, to address the same.
- (ii) NCPCR will send a team who will conduct a workshop for children and youth along with Anganwadi workers of relief camps.
- (iii) NCPCR will also send an expert team to the concerned districts to review and prepare an action plan for children in camps, in consultation with the concerned District authorities, Civil society organizations, camp in charge and Bal Bandhus.

14.2 (ii) Second visit from 31st October to 3rd November, 2012

Action Taken

In order to ensure follow up action by the Assam Government, NCPCR team further visited the concerned District of Assam State from 31st October to 3rd November, 2012 and found the substantive progress on the part of the Government of Assam on the measures recommended. However, the NCPCR team requested the State officials to ensure that the actions on the recommendations made are completed by the State at the earliest.

14.3 Arunachal Pradesh

A team from NCPCR led by its Chairperson visited Arunachal Pradesh from 9th to 12th May, 2012. During this visit the team visited the children's home run by Oju Welfare Mission and had a meeting with the State Government for reviewing the child rights situation in the State of

Arunachal Pradesh. Pursuant to this visit, the following recommendations were made to the Government of Arunachal Pradesh for taking necessary actions:-

Recommendations

- (i) The Oju Welfare Association (an NGO) has been facilitating adoption of children. Children looked well cared for. However, in the best interest of children, it is important that the SOPs are followed as per J.J.Act, J.J.Rules and CARA Guidelines for placement of children through the Child Welfare Committee.
- (ii) In the shelter home there were about eleven to twelve girls and all of them felt secured. But their cases were reported pending with the State Commission for Women for settlement of dispute with the family. The State Government should assist them to ensure that all these girls are given bridge courses and confidence to pursue education.
- (iii) The Government may consider encouraging NGOs in the State for providing the facility for supporting infant care of women seeking shelter in the homes.
- (iv) With regard to issue of child marriage and slavery in a couple of districts, it was proposed that a campaign should be conducted on right to education focusing on abolition of child labour, bonded labour and child marriage.
- (v) It was also recommended that an exposure visit of some 'gaon burras' (Village Heads) of VCDC and officials from Arunachal Pradesh may be organised by the State Govt. to the BBS pilot project areas in Kokrajhar and Chirang Districts of Assam for understanding the community mobilisation process for protection of child rights.
- (vi) It was further recommended that the State Government issues notifications for the CWCs and JJBs to have sittings at least twice a Week.
- (vii) The State Government should survey all the children on the construction sites of Border Road Organization (BRO) and ensure that such children avail all entitlements such as creche, early childhood care and education, right to education in full time formal school, health check-up and medical facilities, etc. It should be ensured that no child is allowed to work in the construction sites.
- (viii) A programme for weaning children from addiction and rehabilitating all of them through counseling, de-addiction centres and care homes is to be planned by the State and there is a need to explore initiatives such as sponsorship and foster care as well.
- (ix) Upgradation of middle schools in Dharampur II, Diyun and Ratnapur has to be pursued with immediate effect.
- (x) Immunisation for Hepatitis B to be undertaken as assured and the status to be reported to NCPCR.

14.4 Bihar

14.4 (i) First Visit from 20th to 22nd June, 2012

The Commission visited Bihar from 20th to 22nd June, 2012 to have meeting with the Chief Secretary and other State Officials to discuss upscaling of programs and State's involvement in

the same and also to have meeting with Principal Secretary, Primary Education (PE), Director (PE), State Project Director (SSA), District Collector, Bhabua District to discuss the status of implementation of the Right to Education Act. Member, NCPCR also took meetings with the District Collectors of Rohtas, East Champaran, Sheohar, and Jamui. After detailed discussion with various officers of the Bihar Government, the following recommendations were made:

Recommendations

- (i) Provision of food for all children in the hostels (post class 8). It seems that they have been lodged but do not have any other accoutrements that would enable them study with dignity.
- (ii) Boarding and lodging facilities for all the girls who have passed out of class 8 in the Kasturba Gandhi Balika Vidyalaya (KGBV) and ensuring that they continue their education in class 9.
- (iii) Training of the education officials in certain select blocks identified by the NCPCR's State Representatives.
- (iv) Orientation to the education officials and school teachers on banning corporal punishment in accordance with the guidelines issued by NCPCR.
- (v) Training to the block level volunteers (30) of the 'Shiksha Ka Haq Abhiyan' on entitlements under the RTE Act and the process of social audit.

Action Taken

The State Government has designated the State Project Director (SSA), as nodal officer for interaction with NCPCR in the above regard.

14.4 (ii) Second Visit from 28th January to 2nd February, 2013

The NCPCR team visited four districts of the Bihar State, East Champaran, Sheohar, Rohtas and Jamui (Bal Bandhu Scheme areas) from 28th January to 2nd February, 2013 to review the on-going efforts under Bal Bandhu Scheme. During the visit to these areas, the team had discussions with members of various support groups formed by the team of Bal Bandhus e.g. 'Bal Surksha Samiti', 'Teachers Forums for Children's Rights', 'Women groups', and 'Panchayat groups', etc. The visiting Member of the Commission also held meetings with District Collector of concerned districts along with senior district level officers from various Departments i.e. School Education, Social Welfare, Police, Health, etc, and the concerned team of Bal Bandhus. She also visited Kasturba Gandhi Balika Vidyalay (KGBV) hostel and interacted with 67 girls who are being supported by NCPCR to continue their education of class 9th and 10th. She raised the issue relating to lack of teachers in schools as reported. There were 43000 children in the schools in Tariyani block and around 750 teachers were required as per the provision under RTE Act. The District Collector assured that 500 new teachers would be appointed by March, 2013.

14.5 Chhattisgarh

14.5 (i) First Visit from 5th & 6th July, 2012

A team of NCPCR visited Chhattisgarh on 5th & 6th July, 2012 to have meeting with Chief Secretary and with the Principal Secretaries of the Departments of Women & Child Development, Social Welfare, Health, Home, Tribal Affairs, School Education. The team also met State Project Director, Sarva Siksha Abhiyan; and District Collectors, Dantewada and Sukma Districts at the Secretariat in Raipur to discuss the progress of the implementation of the Bal Bandhu Scheme for protection of children's Rights in the areas of civil unrest. After detailed discussions with the officers of the Government of Chhattisgarh, the following recommendations were made for necessary action by the State Government:-

Recommendations

- (i) The RBC school in Kerlapal should be provided with electricity, furniture for students, sports materials and ample female staff. Female wardens should be appointed in the school at the earliest. Also, the toilets should be made functional. Since the RBC school in Kerlapal has adolescent girls and boys, there is a dire need for health care training. Hostel facility should be provided to the 37 students of class 11 and 12, and the students of class 6 to 10 should be accommodated in the existing hostels meant for them.
- (ii) The students of class 11 and 12 also require an examination centre in Kerlapal, for they now have to travel to Sukma to write their exams. A hostel facility should be made available to the students in Poggabeji since the nearest hostel is in Kerlapal, 15 km away from the village. An assessment of all the existing schools/hostels in Sukma block should be done and the school buildings should be repaired or/and reconstructed wherever necessary. All schools should have a boundary wall.
- (iii) Trainings/orientations for headmasters and wardens should be organized regularly to sensitize them over the provisions of the RTE Act, such as special training of older children to an age appropriate class in schools. Also, students are being employed in various activities by teachers such as bringing wood for cooking mid day meal. This should be checked and teachers should be sensitized.
- (iv) Trainings should also be organized for the BEOs and other block and district level officials to orient them with the RTE Act and sensitize them over its provisions.
- (v) School Management Committees (SMCs) and Parents' Teachers' Associations (PTAs) should be constituted in all the schools, which is mandatory under the RTE Act.
- (vi) The students who fail in class 10 exams are required to pay an examination fee in order to reappear for the examinations. This practice needs to be looked into and the exam fee should be waived immediately.
- (vii) The training material being used in RBCs for special training of older students for age-appropriate class should be up to date to ensure complete bridging of gaps of the students. NCPCR offered to help in this context – with the module and with the training of trainers.
- (viii) A proper mapping of all children in the district should be conducted before the commencement of the 42 new residential schools.
- (ix) A comprehensive school health programme should be initiated in all the schools with a complete health check-up of all the students.

- (v) Sarpanchs and panchayat sachivs should be included in all the school meetings by the headmasters in order to monitor the distribution of ration for mid day meals, uniforms, textbooks etc.
- (xi) Exposure visits should be organized for the panchayat members as well as the district administration to enable sharing of best practices.
- (xii) One Navodaya Vidyalaya should be opened in Konta district.
- (xiii) Kendriya Vidyalaya should have three sections, instead of two as at present.
- (xiv) There should be collaboration with the DAV school for orphaned as well as single-parent children.

14.5 (ii) Second Visit on 23rd August, 2012

Further, a team visited Chhattisgarh on 23rd August, 2012 to have meeting with the District Administration of Sukma District, Bal Bandhus and Bal Mitra Samitis of 20 Panchayats in Sukma District. The Bal Bandhus shared that a number of children were employed in labour and worked in fields and animal rearing. Considering that education is a fundamental right it was felt that the current infrastructure of ashramshalas and hostels are to function properly. Further there should be zero tolerance for 'children out of school' and there is an urgent need to bring children back to school, revive closed down and non-functional schools as well as AWCs and to run these to full capacity. The Recommendations made to the State Government are as under:-

Recommendations

- (i) To speed up the process of recruitment for appointing regular and trained teachers in RBCs Gadiras as well as all RBCs (Porta Cabin Schools in the District) as soon as possible.
- (ii) To conduct a series of innovative training programme(s) on the syllabus for the existing teachers, and for Anudeshaks(Motivators) of RBCs, with the help of a competent authority. The Commission would provide the Resource Person and trainings for bridge courses, age appropriate teaching, and related aspects of the RTE Act. A child/student tracking mechanism should be established for students/children who are absent or on leave of more than one week in RBCs; especially in RBCs Gadiras. Anudeshak and Bal Bandhus may play an important role in the child tracking mechanism.
- (iii) To ensure clean functional toilets with supply of water at RBC at Murtunda Village, as well as other RBC Centres in the District, at the earliest. The non-functionality of toilets and lack of water compromises on the most basic requirements of health and hygiene.
- (iv) The administration must ensure that water and electricity issues are taken up immediately.
- (v) To recruit a Nurse or medical assistant at each RBCs (Porta Cabin School) at the earliest. The district administration has assured, during the meeting, for the same.
- (vi) Frequent inspections and regular monitoring mechanisms need to be undertaken by a team headed by the District Magistrate or a senior authority at district level, to monitor the RBC Centres.

The team of NCPCR visited the State of Chhattisgarh again from 20th to 23rd March, 2013 in order to review the status of Ashram Shalas in Kanker district and the progress of

implementation of the Bal Bandhu Scheme in Sukma district. Issues relating to children's right to education, health and nutrition, psycho-social support, overall well-being and development were discussed and addressed. The district-wise recommendations are given below:-

(a) Sukma District

The data of the household / panchayat-wise survey collected and compiled by the Bal Bandhus will be used by the District Education Officer and his team to ensure as well as verify school enrolment in the block. The District Collector (DC) assured that he will personally ensure the same. The DC further assured to look into the matters to redress the following issues:

- (i) problem of doctors at PHCs, specifically at Burdi GP
- (ii) provision of water and toilets at the porta cabin schools
- (iii) provision of teachers, specifically at the Koyabekur PS for the 76 students, and other staff (helpers, cleaners, cooks) in all schools
- (iv) teachers working as contractors, specifically at Chikpal GP
- (v) Non-functional AWCs in the block in general, and specifically at Turretung, Kamlapadar, Baitipara, and Kotra
- (vi) Similar issues pertaining to the 19 GPs and also those noted by the Deputy Collector during the team's visit

(b) Kanker District

The following issues were discussed and noted during the visit to the Ashram Shalas, and the team was assured of action by the District Collector on the following points:-

- (i) Separation of coeducational hostels from the next academic year (2013-14)
- (ii) Appointment of female wardens for all girls' ashram shalas / hostels
- (iii) Constitution of a supervisory committee to carry out physical inspections and verifications in all ashram shalas
- (iv) Provision of bunk-beds to solve the problem of sharing of one bed by two girls
- (v) Provision of a hand pump each at Pandripani and Markatola ashram shalas and check its feasibility at Chandoli due to fluoride contents in water and make alternate arrangements there
- (vi) Provision of regular electricity at Pandripani and Markatola ashram shalas, and adequate solar lamps etc. in the event of a power cut
- (vii) Immediate repair of fans at Pandripani and fans and toilets at Markatola ashram shala and provision of water in all the toilets
- (viii) Appointment of female helpers, cooks and cleaners at all ashram shalas to relieve the students of additional chores
- (ix) Appointment of female teachers and ensuring that they stay with the girl children at the ashram shalas

- (x) Regular health check-ups at all the ashram shalas by a team of doctors as well as counselors for psycho-social support
- (xi) Provision of play and recreation material such as badminton rackets, carom boards, tennis tables etc. at all ashram shalas
- (xii) Ensuring regular contact of the parents with their children in the ashram shalas
- (xiii) Documentation and adoption of procedures undertaken by the DC and her team in the light of the incident of sexual abuse and rape at the Jhaliyamari ashram shala.

14.6 Maharashtra

A team of NCPCR visited Gadchiroli, Maharashtra from 9th to 11th January, 2013 to review the progress of the implementation of the Bal Bandhu Programme and to have interaction with State and District Level Officials to discuss BBS. The recommendations made to the State Government are as under:-

Recommendations

- (i) An Action plan to be made for infrastructural improvements allowing more space and separation of living and schooling functions
- (ii) A lady superintendent to be allocated for the school.
- (iii) Immediate recruitment of adequate number of sweepers
- (iv) Immediate recruitment of adequate number of cooks
- (v) Immediate purchase of materials in sufficient quantities such as mats, plates and bedding
- (vi) A notice to be sent to all Ashramshalas forbidding discriminatory practices in allocation of resources on the basis of gender. In this case, if it is not possible for all children to eat simultaneously; the Commission recommends that the youngest eat sitting and the older children (regardless of gender) eat in the manner the girls were doing in the past.

14.7 Jammu & Kashmir

14.7 (i) First Visit from 11th to 13th June, 2012

NCPCR Team visited the State of Jammu & Kashmir from 11th to 13th June 2012 in order to assess the progress of implementation of the Pilot Program for Protection of Child Rights (PPPCR) to discuss the status of children and their access to education, the status of Residential (RBC) and Non Residential Bridge Course (NRBC), Anganwadi Centres (AWC) and children's access to health and nutrition was also reviewed in Sumbal and Rajwar education zones (the two areas of NCPCR's Pilot Program for Protection of Child Rights with the support from PMNRF). The recommendations made by the team are as under:-

Recommendations

Nutrition

- (i) Cooked food and supplementary nutrition should be provided at the AWCs regularly as per the ICDS scheme and an assessment of all the AWCs in Rajwar and Sumbal should be

conducted. Children should not suffer where the AWCs are under court stay order and it should be ensured that the nearby AWCs cater to their needs.

- (ii) The issue of supplies of AWCs should be looked into and it should be ensured that all the nutritious items arrive together, instead of in installments.
- (iii) Provision of non-nutritious items should be looked into and items such as weighing machines, matting, toys, utensils, storage bins, furniture, charts, colors etc. should be provided at all the AWCs.
- (iv) The practice of running AWCs in helper's house should be looked into and pucca buildings for the AWCs should be provided.
- (v) Regular trainings and orientations of the Aanganwadi supervisors, workers and helpers, ASHA workers, and ANMs should be organized to sensitize them towards health and nutritional requirements of the children.
- (vi) The issues affecting motivation of ICDS functionaries such as transfers, promotions, non-payment of salaries and Travelling Allowance etc. should be looked into and resolved. The AWW should be necessarily from the village where they are appointed.
- (vii) The PO, ICDS and the CDPO should conduct frequent inspections to ensure effective functioning of AWCs.

Education

- (i) While the Child Rights Activists (CRAs) were bringing children to school and re-admitting those who had dropped out with the help of parents, Panchayats and the community, it was for the Government to ensure their retention. Children drop out of school due to the want of basic infrastructure such as teachers, textbooks, furniture, school building, water and electricity. Many students, especially girls, tend to drop out due to the lack or absence of toilets in schools and accommodation for those coming from far flung areas. The State and District Administration should take support from the CRAs who are already working extensively at the grassroots level and can act as 'eyes and ears' of the Government.
- (ii) An immediate waiver of all fees being charged at government schools should be affected.
- (iii) Bridge course centres should be started in Rajwar and Sumbal within the schools to help the dropout/never-enrolled children to move up to higher classes appropriate to their age. Older children should not be denied admission and should be formally enrolled / registered to an age appropriate class.
- (iv) The children who have been brought back to school by the CRAs should be reenrolled / readmitted to the school and given appropriate books and uniforms for the same.
- (v) A common uniform should be prescribed for all government schools so as to ensure 'uniformity' among students across schools and ensure easy procurement of the uniforms.
- (vi) The practice of running schools in rented houses should be looked into and pucca buildings for schools, with one classroom per class, should be provided. In the meantime, the meager rent of Rs.200 per house per month should be revised.

- (vii) The issue of teachers advancing money for the procurement of ration for the MDM and reimbursed after six months should be looked into immediately and resolved. The teachers should either be paid an advance or reimbursed timely, without any delay.
- (viii) An appropriate pupil teacher ratio should be maintained in all schools to avoid overcrowding in classrooms.
- (ix) The issue of toilets, water and electricity supply in all schools should be addressed urgently.
- (x) The District and Block/Zone Education Officers should conduct frequent physical verifications to schools and meet with the Resource Persons and CRAs to gauge the problems on the ground.
- (xi) An office order should be circulated in all the schools warning them against the practice of corporal punishment, demand for birth and other certificates etc. as well as provision of text books.
- (xii) Trainings/orientations for headmasters and teachers should be organized regularly to sensitize them on certain aspects of school education, such as special training of older children to an age appropriate class in schools. NCPCR can conduct/facilitate such trainings/orientations.
- (xiii) Training of the block and district level officials should be held to orient and sensitize them on child rights and related issues. NCPCR can help conduct/facilitate these trainings.
- (xiv) Clarity on rules, roles and functions of Village Education Committees should be achieved and Panchayat and community members should be oriented with the same.
- (xv) A comprehensive school health program should be initiated in both the education zones whereby health checkups of students take place.

14.7 (ii) 2nd Visit from 29th September to 2nd October, 2012

The Member in-charge of the Pilot Programme for Protection of Child Rights (PPPCR) visited the State of J&K from 29th September to 2nd October 2012 to review the progress of the project and to discuss some of the policy level issues that have emerged from the implementation of PPPCR programme in Sumbal (Bandipora) and Rajwar (Kupwara) Education Zones with State Government.

Recommendations

- (i) PPPCR team raised the issue that not all schools have been able to forward applications of children in their schools for Minority Scholarship scheme, and requested if procedures for application could be simplified and deadline extended. The Deputy Commissioner, Bandipora assured that he would take up this issue with Director Social Welfare to ensure that the deadline for applications under Minority Scholarship scheme is extended so that teachers are able to forward applications for most of the deserving candidates. It was also discussed that children with a disability would require much more support to enable them to access schools and ICDS centres.
- (ii) Non- Residential Bridge Course Centres are much more important to enable children who were out of school but have re-joined schools in age-appropriate classes. NCPCR suggested

that Non-residential Bridge Course centres could also cover older children who are in regular schools but not in age-appropriate classes or such children who find problems with learning.

- (iii) The District Administration informed NCPCR that they have already planned for seven winter schools to be run in seven panchayats in PPPCR project area. The ZEO Sumbal has already evolved a proposal on the requirements of financial and human resources and the Deputy Commissioner has assured to provide support for these seven winter schools.
- (iv) NCPCR also raised the concern that some of the families of out of school children may require support under different rural development programmes to enable them to free their children from work and send them to school. The Deputy Commissioner assured that all such families would be covered under different rural development programmes and BDO Sumbal was asked that he must cover such families.
- (v) NCPCR also raised the concern with the Deputy Commissioner that there are some areas which are uncovered by present ICDS centres and would require sanctioning of new ICDS centres. The Community groups (constituted under PPPCR) have also forwarded applications to Social Welfare Department for the same. The Deputy Commissioner assured that such community demands for sanction of new ICDS centres in uncovered areas will be looked into on priority basis.
- (vi) PPPCR team also informed the Deputy Commissioner that they were undertaking social-audits of ICDS centres regularly, almost 25 centres were covered each month. However, the team has not been given access to attendance and other records at ICDS centre for verification through the involvement of community as well, and requested Deputy Commissioner that they should be authorised to make frequent visits to ICDS centres as required for undertaking such exercise.
- (vii) PPPCR team shared the idea of how Child Recreational Clubs are being organised in seven places in Sumbal Zone. The Deputy Commissioner mentioned that the district administration would like to provide them some support for buying sports material as well.
- (viii) NCPCR also raised the issue of irregular mid-day meals being served in the schools due to the lack of food grains. The meals were not provided for major parts of July and August. The Deputy Commissioner asked ZEO Sumbal that he must inform the district administration immediately if such incidents happen again to ensure that arrangements are made regularly.
- (ix) PPPCR team also raised the issue of appointment of second cook in the schools for the preparation of mid-day meals as per MoHRD guidelines. NCPCR apprised the Deputy Commissioner that community groups set up under PPPCR have forwarded 42 applications for appointment of second cook in their schools as per MoHRD norms.
- (x) Representative from SSA office explained to the NCPCR team about different provisions for school going children, out-of-school children, children with disability and for pre-school activities, and mentioned that many issues that have emerged under PPPCR programme could be resolved under different components of SSA scheme.
- (xi) The Deputy Commissioner assured NCPCR team that they will convene a convergence meeting and will explore all possibilities of providing support to out-of-school children,

children with disability and pre-school children under different programmes in Rajwar Education Zone.

- (xii) NCPCR also raised the concern with the Deputy Commissioner that there are some areas, which are not covered by present network of ICDS centres and would require sanctioning of new ICDS centres. The Community groups (constituted under PPPCR) have also forwarded applications to Social Welfare Department for the same. The Deputy Commissioner assured such community demands for sanction of new ICDS centres in uncovered areas will be looked into on priority basis.
- (xiii) Deputy Commissioner assured that steps will be taken to make appointments of cooks as per norms.
- (xiv) PPPCR team also raised concern about taking children with disability to Kupwara for medical examination and requested Deputy Commissioner if arrangements are made in Handwara district hospital for assessment and examination of children with disability for issuing disability certificates to them and other medical help. The Deputy Commissioner agreed and said such arrangements could be done.
- (xv) The other major concern raised by NCPCR was weak performance of school health programme that majority of schools are not being covered under school health visits. The Deputy Commissioner and CMO assured that regular health visits will be made to the schools in Sumbal zone.

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 2013

(Amount in Rs.)

CORPUS/CAPITAL FUND AND LIABILITIES	Schedule	Current Year	Previous Year
CORPUS/CAPITAL FUND	1	42,220,270.12	63,183,221.17
RESERVES AND SURPLUS	2	-	-
EARMARKED/ENDOWMENT FUNDS	3	1,678,155.00	767,000.00
SECURED LOANS AND BORROWINGS	4	-	-
UNSECURED LOANS AND BORROWINGS	5	-	-
DEFERRED CREDIT LIABILITIES	6	-	-
CURRENT LIABILITIES AND PROVISIONS	7	5,178,548.00	4,715,679.00
TOTAL		49,076,973.12	68,665,900.17
ASSETS			
FIXED ASSETS	8	8,118,639.00	8,689,239.00
INVESTMENTS - FROM EARMARKED FUNDS	9	-	-
INVESTMENTS - OTHERS	10	-	-
CURRENT ASSETS, LOANS, ADVANCES ETC.	11	40,958,334.12	59,976,661.17
MISCELLANEOUS EXPENDITURE (to the extent not written off or adjusted)		-	-
TOTAL		49,076,973.12	68,665,900.17
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		

CONSOLIDATED FINANCIAL STATEMENT

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

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR YEAR ENDED 31ST MARCH, 2013

INCOME	Schedule	Current Year	Previous Year
			(Amount in Rs.)
Income from Sales / Services	12	-	-
Grants / Subsidies	13	127,093,069.00	163,638,474.00
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	2,060,350.00	1,526,188.00
Other Income	18	330,383.00	8,240.00
Increase/(decrease) in stock of Finished goods and works-in-progress	19	-	-
TOTAL (A)		129,483,802.00	165,172,902.00
EXPENDITURE			
Establishment Expenses	20	41,775,709.00	41,332,837.00
Office & Other Administrative Expenses etc.	21	95,553,873.25	83,326,776.63
Expenditure on Grants, Subsidies etc.	22	11,269,421.00	19,208,010.00
Interest	23	-	-
Depreciation (Net Total at the year-end) (Corresponding to Schedule 8)		1,847,750.00	1,903,948.00
TOTAL (B)		150,446,753.25	145,771,571.63
Balance being excess of Income/(Expenses) over Expenditure/Income (A-B)		(20,962,951.25)	19,401,330.37
Transfer to Special Reserve (Specity each)			
Transfer to / from General Reserve			
BALANCE BEING SURPLUS/(DEFICIT) CARRIED TO CORPUS / CAPITAL FUND		(20,962,951.25)	19,401,330.37
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		

CONSOLIDATED FINANCIAL STATEMENT

**National Commission for Protection of Child Rights
5th Floor, Chanderlok Building 36, Janpath, New Delhi - 110 001
RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 31ST MARCH 2013**

		(Amount in Rs.)			
RECEIPTS	Current Year	Previous Year	PAYMENTS	Current Year	Previous Year
(II) Opening Balances:			(II) Expenses:		
a) Cash in hand (including Imprest)	60,821.00	13,400.00	a) Establishment Expenses	41,904,914.00	41,207,540.00
b) Bank Balances			b) Office & Other Administration Expenses	90,758,539.05	80,996,407.63
(i) In current accounts (unspent bal.)			c) Expense on Grant & Subsidies etc.	11,269,421	19,208,010
(ii) In deposit accounts			d) IDS & Other payable amount of last year	713,303.00	(604,360.00)
(iii) Savings accounts	44,654,381.17	27,101,188.80	(III) Payments made against funds for various projects:		
Adjustment of previous year advance			Out of Earmarked/Endowment funds		
(III) Grants Received:			(Unicef India)	218,000.00	155,000.00
a) From Government of India:-			Naval Management Division		33,000.00
For Capital & Revenue Expenses	1,27,093,069.00	163,638,474.00	MHA (Grant for Kokrajhar & Chirang)	738,845.00	0
b) From State Government			(III) Investments and deposit made:		
c) From other sources (Unicef India)	368,000.00	230,000.00	a) Out of Earmarked/Endowment funds	0	0
d) From Naval Management Division		445,000.00	b) Out of Own Funds (Investments-others)	0	0
e) MHA (Grant for Kokrajhar & Chirang)	1,500,000.00		(IV) Expenditure on Fixed Assets & Capital Work-in-Progress:		
(III) Income on Investments from:			a) Purchase of Fixed Assets	1,277,150.00	2,695,895
a) Earmarked/Endow. Funds			b) Exp. On Capital Work-in-progress	0	0
b) Own Funds (0th. Investment)			(V) Loans & Advances:		
(IV) Interest Received:			a) To the Government of India	0	0
a) On Bank deposits	2,057,420.00	1,525,646.00	b) To the State Government	0	0
b) Loans, Advances etc.	2,930.00	542.00	c) To others	831,125.00	4,745,546.00
(V) Other Income (Specify):			d) Recovered & paid to parent office		
RTI Fee-Received	1,535.00	4,740.00	(VI) Finance Charges (Interest):		
Sale of old News papers and Magazines	8,899.00	3,500.00	(VII) Other Payments (Specify):		
Tender Money			Payment for State Cheque	4192	
Security Deposit (Phone) Return			Security Money refunded	49,200.00	
Refund Of Grant	319,949.00		Sundry Creditors	47,250.00	
(VI) Amount Borrowed:			NCPCR	1,897,50	
			Other Payables	6203	
			(VIII) Closing Balances:		
			a) Cash in hand (including Imprest)		60,821.00
			b) Bank Balances:-		
			(i) In current accounts		
			(ii) In deposit accounts	28,059,112.12	44,654,381.17
			(iii) Savings accounts		
TOTAL	176,067,004.17	199,152,240.80	TOTAL	176,067,004.17	199,152,240.80

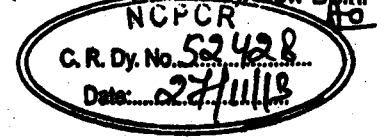


Roy Mathrani
IAAS

ए.एम.जी.-III/4-215/एस.ए.आर./एन.सी.पी.सी.आर./2013-14/931

महानिदेशक लेखा परीक्षा
(केन्द्रीय व्यय), नई दिल्ली

Director General of Audit
(Central Expenditure), New Delhi



18 NOV 2013

दिनांक : 12.11.2013

ACCOUNTS

प्रिय श्री श्रीवास्तव

राष्ट्रीय बाल अधिकार संरक्षण आयोग के वर्ष 2012-13 के वार्षिक लेखों की लेखापरीक्षा मेरे कार्यालय द्वारा की गयी है तथा पृथक लेखापरीक्षा प्रतिवेदन इस कार्यालय के पत्र संख्या ए.एम.जी.-III/4-215/एस.ए.आर./एन.सी.पी.सी.आर./2013-14/929 दिनांक 12.11.2013 को जारी कर दिया गया है। लेखापरीक्षा के दौरान कुछ विसंगतियाँ ध्यान में आई हैं, जिन्हें लेखापरीक्षा प्रतिवेदन में शामिल नहीं किया गया है। इन विसंगतियों को संलग्न अनुबंध में दर्शाया गया है।

अतः इस पर आपका ध्यान आकर्षित करते हुए मेरा अनुरोध है कि इन विसंगतियों पर उचित सुधारात्मक कार्यवाही की जाये।

सादर

आपका शुभेच्छु

(Signature)

संलग्नक: उपरोक्त

श्री असीम श्रीवास्तव

सदस्य सचिव

राष्ट्रीय बाल अधिकार संरक्षण आयोग

पाँचवा तल, चंद्रलोक बिल्डिंग,

36, जनपथ

नई दिल्ली - 110 001

**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 31st March 2013**

We have audited the attached Balance Sheet of National Commission for Protection of Child Rights (NCPCR), New Delhi as at 31 March 2013, Income & Expenditure Account and Receipts & Payments Account for the year ended on that date under Section 19(2) of the Comptroller and Auditor General's (Duties, Powers & Conditions of Service) Act, 1971 read with Section 29(2) of the National Commission for Protection of Child Rights Act, 2005. These financial statements are the responsibility of the NCPCR's management. Our responsibility is to express an opinion on these financial statements based on our audit.

2. This Separate Audit Report contains the comments of the Comptroller and 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 observation on financial transactions with regard to compliance with the Law, Rules & Regulations (Propriety and Regularity) and efficiency-cum performance aspects, etc., if any, are reported through Inspection Reports/CAG's Audit Reports separately.

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

4. Based on our audit, we report that:

- i. We have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purpose of our audit.
- ii. The Balance Sheet, Income & Expenditure Account and Receipts & Payments Account dealt with by this report have been drawn up in the format approved by the Ministry of Finance.
- iii. In our opinion, proper books of accounts have been maintained by the Commission as required under Section 29(1) of the National 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. General

A.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, the Act is silent about the body/ authority competent to approval of the annual accounts.

This required an amendment/notification to specifically designate authority to approve accounts.

B. Grants-in-Aid

B.1 At the end of the year 2012-13, the position of grants-in-aid received, utilized and unspent by the NCPCR was as under:-

(Rs. in lakh)

Name of Schemes	GIA Received	Unspent Balance of previous year	Internal Receipts	Total funds available	Funds utilised	Unspent balance of current year
Normal Grant NCPCR	838.08	201.05	6.75	1045.88	978.39	67.49
RTE ¹	262.28	136.84	11.59	410.71	275.40	135.31
BBS ²	120.97	63.97	4.32	189.26	175.56	13.70
PCR ³	49.60	41.81	1.25	92.66	41.23	51.43
NER ⁴	15.00	0	0	15.00	7.39	7.61
Total	1285.93	443.67	23.91	1753.51	1477.97	275.54

B.2 During the year 2012-13, NCPCR also received Rs.3.68 lakh from UNICEF for internship. It had Rs. 3.55 lakh of unspent balance of previous year. Out of total funds available, it utilized Rs. 2.18 lakh leaving an unspent balance of Rs. 5.05 lakh.

C. 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 Receipt & Payment Account dealt with by this report are in agreement with the books of accounts.
- vi. In our opinion and to the best of our information and according to the explanations given to us, the said financial statements read together with the Accounting Policies and Notes and Accounts, and subject to the significant matters stated above and other matters mentioned in Annexure to this Audit Report give a true and fair view in conformity with accounting principles generally accepted in India;
- a. In so far as it relates to the Balance Sheet, of the state of affairs of the National Commission for Protection of Child Rights as at 31 March 2013; and
- b. In so far as it relates to Income and Expenditure Account of the deficit for the year ended on that date.

For and on behalf of C& AG of India

Place: New Delhi
Date: 11.11.2013


Director General of Audit
(Central Expenditure)

¹ Grant received from Ministry of Human Resource Development under Right to Education Scheme

² Grant received from Prime Minister National Relief Fund under Bal Bandhu Scheme

³ Grant received from Ministry of Home Affairs under Pilot Programme for 'Protection of Child Rights' in Jammu & Kashmir

⁴ Grant received from Ministry of Home Affairs, Government of India for North Eastern Region (Kokrajhar & Chirang)

Annexure

1. Adequacy of internal audit system

- A Performance Review of the NCPCR for the year 2007-08 to 2010-11 was conducted by Internal Audit Wing of the Ministry of Human Resource Development in February/March 2012. Final report is awaited from the Ministry.
- Separate regular internal audit of NCPCR is not being conducted.

2. Adequacy of internal control system

The response of the management to statutory audit objections is not effective as 16 paras for the period from 2007-09 to 2011-12 are outstanding.

3. System of physical verification of fixed assets

Physical verification of fixed assets was never conducted.

4. System of physical verification of inventory

The physical verification of library books had been conducted upto 2011-12. Physical verification of stationery and other consumable items was never conducted.

5. Regularity in payment of statutory dues

No payments over six months in respect of statutory dues were outstanding as on 31.3.2013.

