

National Commission for  
Protection of Child Rights

**Annual Report** 2010-2011

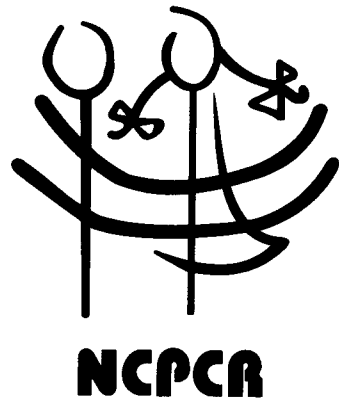


**NCPCR**

Say, the Soil of India is my highest heaven; the good of India is my good. Forget not that the lower classes, the ignorant, the poor, the illiterate, the cobbler, the sweeper, are thy flesh and blood, thy brother. The only service to be done is to give them education, to develop the lost individuality.

—Swami Vivekananda

**National Commission for  
Protection of Child Rights  
Annual Report 2010-2011**





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*Krishna Tirath*



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16<sup>th</sup> February, 2012

**MESSAGE**

India is home to the largest child population in the world. Childhood comes only once and denying children their basic entitlements has lasting implications for them and the society at large.

Our constitution entitles all persons including those below the age of 18, to certain inherent and inalienable rights. India's commitment to International instruments such as the United Nations Convention on the rights of the Child and its core principles of right of every child to survival, development, protection and participation, is reflected in the numerous policies, laws and programmes being implemented for children.

The National Commission for Protection of Child Rights, through its constant endeavors, protects and restores dignity to children and facilitates access to their fundamental rights. The Commission ensures that our children enjoy their childhood and their entitlements as a matter of right.

Although a lot needs to be done to further the cause of child rights, the Commission has worked diligently on several issues such as elimination of child labour, right to education, securing entitlements for children affected by civil unrest and rights of differently-abled children.

I wish them success in all their future endeavors.

  
(KRISHNA TIRATH)

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## List of Abbreviations

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<b>ALC</b>	Alternative Learning Centre
<b>ATR</b>	Action Taken Report
<b>AWC</b>	Anganwadi Centre
<b>AWW</b>	Anganwadi Worker
<b>BB Scheme</b>	Bal Bandhu Scheme
<b>BMC</b>	Brihanmumbai Municipal Corporation
<b>BPL</b>	Below Poverty Line
<b>BTC</b>	Bodoland Territorial Council
<b>CDPO</b>	Child Development Project Officer
<b>CMS</b>	Complaints Management System
<b>CPU</b>	Child Protection Unit
<b>CWC</b>	Child Welfare Committee
<b>DLO</b>	District Labour Officer
<b>DSC</b>	Divisional Security Commandant
<b>DWCD</b>	Department of Women and Child Development
<b>GRP</b>	General Railway Police
<b>HACCP</b>	Hazard Analysis Critical Control Point
<b>IAY</b>	Indira Awas Yojana
<b>ICDS</b>	Integrated Child Development Services
<b>ICPS</b>	Integrated Child Protection Scheme
<b>JJA</b>	Juvenile Justice Act
<b>JJB</b>	Juvenile Justice Board
<b>KMSS</b>	Kerala Mahila Samakhya Society
<b>LAMA</b>	Left Against Medical Advice
<b>MAM</b>	Moderate Acute Malnutrition
<b>MDM</b>	Mid Day Meal
<b>MGNREGA</b>	Mahatma Gandhi National Rural Employment Guarantee Act
<b>MHA</b>	Ministry of Home Affairs
<b>MHRD</b>	Ministry of Human Resource Development
<b>MPHW</b>	Multi-Purpose Health Worker

<b>MUAC</b>	Mid-Upper Arm Circumference
<b>NCLP</b>	National Child Labour Programme
<b>NCPCR</b>	National Commission for Protection of Child Rights
<b>NGO</b>	Non-Governmental Organization
<b>NIMHANS</b>	National Institute of Mental Health and Neurosciences
<b>NRBC</b>	Non-Residential Bridge Course
<b>NRC</b>	Nutrition Rehabilitation Centre
<b>NRHM</b>	National Rural Health Mission
<b>PDS</b>	Public Distribution System
<b>PMNRF</b>	Prime Minister's National Relief Fund
<b>RBC</b>	Residential Bridge Course
<b>RDO</b>	Revenue Divisional Officer
<b>REPA</b>	Right to Education Protection Authority
<b>RPF</b>	Railway Protection Force
<b>RPVV</b>	Rajkiya Pratibha Vikas Vidyalaya
<b>RTEA</b>	Right to Education Act
<b>RWA</b>	Resident Welfare Association
<b>SAM</b>	Severe Acute Malnutrition
<b>SHG</b>	Self-Help Group
<b>SHP</b>	School Health Programme
<b>SJPU</b>	Special Juvenile Police Unit
<b>SMC</b>	School Management Committee
<b>SPO</b>	Special Police Officer
<b>SSA</b>	Sarva Shiksha Abhiyaan
<b>THR</b>	Take Home Ration
<b>UT</b>	Union Territory
<b>VCDC</b>	Village Community Development Centre
<b>WCD</b>	Women and Child Development

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# I. Introduction

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- 1.1** The National Commission for Protection of Child Rights (NCPCR or Commission) was set up in March 2007, under the Commissions for Protection of Child Rights Act, 2005. The mandate of the Commission is to monitor all laws, policies, programmes, and administrative mechanisms in the country to ensure that children's rights as enshrined in the Constitution of India and also the under the UN Convention on the Rights of the Child (UNCRC) are protected. The Commissions for Protection of Child Rights Act, 2005 provides for one chairperson and six members in the Commission. While a chairperson and two members were appointed to the Commission in 2007, in the first term, during the second term in the year 2010-11 the chairperson and five members were appointed.
- 1.2** Since its inception in March 2007, the Commission has been involved in reviewing existing laws related to children, addressing complaints of violations of child rights and advocating improved policies, laws, programmes and budgets for children. The Commission worked through the setting up of expert working groups on specific issues, convening meetings and conferences with Governments, civil society and international organisations, making field visits, conducting public hearings, supporting research studies and so on.
- 1.3** The Commission intervened in 23 States and two Union Territories (UTs) through field visits, and often the visit included interacting with the community and sharing the gaps in programmes at the field with the State authorities which were followed up with letters and teams from the Commission. The visit to Assam, Tripura, Manipur, Chhattisgarh, Bihar, Orissa, Andhra Pradesh and Jammu and Kashmir focused on the rights of children in areas of civil unrest; Madhya Pradesh and Maharashtra on malnutrition; and Andhra Pradesh, Meghalaya, Rajasthan, Gujarat and Haryana on child labour and children's right to education. The Commission also covered issues relating to children's right to health, HIV and AIDS, child trafficking and missing children. It held public hearings on corporal punishment in Chennai where 90 suicide deaths caused by school-related issues were reported; bonded labour and absence of facilities in schools and discrimination on caste basis in Rajasthan, Karnataka, Meghalaya and Madhya Pradesh; and children affected and infected with HIV and AIDS in Andhra Pradesh and Manipur.
- 1.4** In addition to the issuance of directives based on State visits and public hearings, the Commission has also issued specific directives on corporal punishment and child labour related issues. Consequently there has been a public debate in the media on corporal punishment with more incidents being reported and a consensus emerging for abolition of child labour in all its forms.
- 1.5** The Commission constituted working groups with eminent persons, officials and activists on:
- a) Corporal punishment;
  - b) Child labour and education;
  - c) Juvenile justice system;
  - d) Children's rights in areas of civil unrest;
  - e) Rights of children affected and infected with HIV and AIDS;
  - f) Child participation in reality shows;
  - g) Children on railway platforms;
  - h) Draft Bill on Sexual Offences against children and so on.



Reports have been submitted for policy changes and amendments in Acts.

- 1.6 The Commission has set up systems for receiving complaints and even taken *suo moto* cognizance in many cases. Over 1873 complaints have been received and the response mechanism has been streamlined now.
- 1.7 With support from the Ministry of Human Resource Development, the Commission has a dedicated Right to Education Division to monitor the implementation of the 'The Right of Children to Free and Compulsory Education Act, 2009' (RTE) Act as mandated by Article 31 of the RTE Act.
- 1.8 The Commission has started a pilot on protection of child rights in areas of civil unrest *Bal Bandhu* with support from the Prime Minister's Relief Fund in the States of Andhra Pradesh, Assam, Bihar, Chhattisgarh and Maharashtra.
- 1.9 It is necessary to highlight the importance of institutionalized response that is predictable and efficient to cater to children and protection of their rights. Currently, the success of programmes is largely dependent on a well-meaning bureaucrat or on the presence of a grassroots NGO. There continues to be a huge gap of access between institutions that are available at the level of habitations and the poor household. To bridge this, community mobilization, where children are discussed and become a part of public discourse and debate is essential and the system has to simultaneously be geared to respond to the demands made by the community. There has to be a well-oiled systemic framework of involvement of the Gram Panchayats and its interaction with the local officials. Solutions to the innumerable problems faced by children are to be found at the local level, and it must be the duty of the officials to prepare the community to demand services.
- 1.10 Simultaneously there has to be support from all the officials from block, district and State level to respond to the increasing demands on the system. Fund flow, on time and quality of services must be insisted upon. Should there be tardiness due to procedural delays there has to be a mechanism to rectify and protect the child with a sense of urgency. The best interest of the child is most important and red tape can be no excuse for delays.
- 1.11 It is often heard that it is impractical to cover all children, and all services at one go and so 'doable' and 'practical' targets are defined. It is often asked to spell out short-term needs embedded in the vision of long-term goals. It does not make sense for the child concerned to be asked to wait till the world of the adult is ready for her. Childhood comes only once. A lost childhood can never be regained. The long-term effects of children who have missed out on their basic entitlements and its impact on their vulnerabilities as they grow has lasting implications for children, and society at large. The best, therefore, through a strong sense systemic framework has to be given in a time-bound manner without any delay to every child.

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## 2. NCPCR's Interventions

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### 2.1 Child Labour

#### 2.1.1 Migrant Child Labour

Thousands of migrant labourers travel from one block to another, one district to another or one State to another with their families and children. Also, migrant child labour has become a common phenomenon. The workforce moves out of villages, cramped in buses, trains, trucks and on bullock carts, at great risk to their lives. The terms of contract are exploitative. They rarely know where they will be located. The duration of the contract varies from three to nine months but there is no written document to ensure their terms and conditions of work. Payments made on piece rate basis induce the entire family – men, women and children – to work. None of these workers seek charity or doles. All they seek is work and wages even as they struggle against all odds to live a life of dignity and honour.

In the migration process it is the children who are left uncared for, whether they are with their parents on the worksite or have been left behind in the village to fend for themselves. Even those as young as three and four years carry head loads and become hard-core labourers by the time they are 11 or 12 years old. Girls live a vulnerable life, often becoming victims of abuse.

Thousands of children, who should actually be in school, work as migrant child labour in agriculture, mining, brick-kilns, sugarcane harvesting, production of hybrid cotton seeds and vegetables, in manufacture of leather goods and so on. They move from one site to another and from one chain of exploitation and drudgery to another. Living precariously, they work in sectors that are labour-intensive. Children are preferred because they are a source of cheap labour and dependent on their employers for their very existence and survival. They will never question and can never get organized.

#### 2.1.2 Odisha

Children from the State of Odisha, particularly from the districts of Bolangir, Nuapada and Bargarh, are working as migrant child labour in many States of the country. On receiving a report of such bonded children being exploited in the brick kilns of Attapati in Nalgonda district in Andhra Pradesh, the Commission issued directions to the concerned District Collector for rescue and release of all children. Thus 156 migrant labourers were rescued on 9 March 2011, including 51 women and 49 children who were engaged as bonded labourers for a remuneration of a mere Rs. 100 per week.

The release order issued by the Revenue Divisional Officer (RDO), Nalgonda with the names of the 156 labourers was sent for information and necessary action to the State of Odisha. They were addressed to the Departments of Labour and Employment, School and Secondary Education, Sarva Shiksha Abhiyan (SSA) and Revenue as well as to the District Collectors of Bolangir, Bargarh and Nuapada for arranging proper rehabilitation of these families as well as for education of the accompanying children in full-time formal schools.

A copy of the First Information Reports (FIRs) filed in the local police station in the State of Andhra Pradesh was also sent to enable follow-up by Odisha police. NCPCR issued a list of measures to be taken by the State Government which included rescue and rehabilitation of all bonded labour under the Bonded Labour System Abolition Act, 1976; and the Supreme Court judgment in the *MC Mehta Case*; implementation of livelihood schemes for families of rescued bonded labourers and right to education for all children.

## Action Taken

An 'Action Taken Report' (ATR) with regard to rehabilitation of migrant families belonging to Odisha and their children who have been rescued from various districts of Andhra Pradesh has been received from the Commissioner-cum-Secretary to Government, Department of Women and Child Development (DWCD), Government of Odisha (No 13504/WCD/CW-89/2011, dated 20 July 2011).

The action taken by the districts is as follows:

### *Bolangir*

- a) As many as 44 migrant workers (27 adult and 17 dependent children) of 11 families of village Taljuri, Block Loisingha, District Bolangir have been sent to their native village. Eight children in the age group 3–6 years are covered under the Supplementary Nutrition Programme run by the Department of Women and Child Development (WCD).
- b) The rest of the children who are of school-going age are enrolled in school. They are attending school regularly and are covered under The Mid Day Meal (MDM) Programme.
- c) A Draft Prosecution Report has been submitted against the defaulting recruiting agent, namely, Abdul Sajid @ Papu Khan of Kantabanji, District Bolangir.

### *Bargarh*

- a) Sixty-eight persons belonging to Jalgad Kansad, Jamset, Makhanamunda and Chhindekela villages under Paikamal Police Station, Bargarh District were rescued from Nalgonda District of Andhra Pradesh and sent to their native villages. Out of 68 people, 16 were children, four of them in the age group 6–14 years. Three of them have been sent to school and one is staying with his parents.
- b) Out of the 18 rescued families, five families are covered under Indira Awas Yojana (IAY) and eight families are covered under BPL Scheme. All the families have been provided with Job Cards under Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA).
- c) An FIR has been lodged against the middleman, Shri Shaket Khan of Semelpali, P.O. Gandmar, P.S. Komna. A draft prosecution has been submitted against the agents. Two agents, namely Sadananda Mahananda of Village Tania, P.S. Belpada and Babul Sa of Village Bandeipali, P.S. Melchhamunda, have been arrested in Case No. 77 of 2010.
- d) The District Labour Officer (DLO) of Subarnagar and DLO of Bargarh have proceeded to Andhra Pradesh and Karnataka to identify Odia migrant families.

### *Nuapada*

- a) Forty-two persons from villages Thikpali, Simelpali and Bhalukona, P.S. Komna, Nuapada District were rescued from Nalgonda District of Andhra Pradesh. Out of them 10 are children. Eight of them are in the age group 1–9 and two are in the age group 9–14.
- b) An FIR has been lodged against the middleman Shaket Khan at Simepali, P.O. Gandmar, P.S. Komna.
- c) The children have been enrolled in a school and ST and SC School Hostel as all of them belong to ST and SC communities.
- d) All the migrant labourers have been sent to their native villages. The families are covered under MGNREGA, Antyodaya Yojana and Below Poverty Line (BPL).
- e) District Labour Officer of Nuapada is being directed to proceed to Nalgonda District of Andhra Pradesh to ascertain the facts regarding of the Odia migrant families.

### 2.1.3 Migrant Child Labour from Rajasthan in Dungarpur

NCP CR has been following up with the State Governments of Rajasthan and Gujarat on the issue of large-scale migration of children, especially girls, for the production of hybrid cotton seeds every season, since 2007. In October 2010 a team visited Dungarpur District to review the action taken by the district authorities in this regard. It held meetings with government and non-government stakeholders and tried to understand the efforts being made by the district administration to address the problem. The team found that despite a Task Force being formed in 2008 at the district level and check-posts being set up to intercept children on the borders, trafficking continued as children were not being apprehended at the village level.

The team was informed that close to 40,000 children are trafficked annually from Rajasthan to work in the Bt. Cotton fields of Banaskantha and Sabarkantha Districts of Gujarat. The family of each child receives between Rs. 1500 and Rs. 2000 in exchange for the season's labour. Trafficking occurs mainly between the months of July and September, when intensive labour is required for cross-pollination of cotton. Since children work harder, for longer hours without many demands, and at cheaper rates, they are a preferred source of labour as opposed to adults. As many as 60 per cent of the population of Dungarpur migrates in search of employment, of which 20 per cent is children, mainly girls.

#### Action Taken

The district reported the following action taken by the Government so far (also see **Annexure 1**):

- a) Formation of community groups called the *Kalam Sena* in June by the district administration with the support of UNICEF to stop trafficking at its source. It comprised mainly the Sarpanch, teachers, Patwaris, and beat constables working at the Panchayat level to mobilize communities against child trafficking.
- b) Spearheading the *Nanhe Haath Kalam ke Saath* (children's hands should hold only pens) campaign and helping to keep Panchayat level records of child labourers and the agents.
- c) It was reported that under the campaign Gram Panchayats are immediately informed when a child goes missing from school. Also, the MGNREGA was deployed during this monsoon season to curb migration.
- d) It was reported that due to the above village-level initiatives, over 3000 children were prevented/rescued from being trafficked. NCP CR was also informed that 80 children were intercepted at the State border and have been enrolled in bridge education courses.

### 2.1.4 Children of Migrant Families and Migrant Child Labour in Salt Pans—Gujarat

The salt industry in Gujarat employs between 75,000 and one lakh labourers every year. Apart from salt making, the salt industry offers employment in other related activities like loading, transporting, grinding and packing of salt. The labour-intensive salt industry engages salt workers on a seasonal basis. Except for the monsoons, a migrant family works in the salt pans throughout the year. Most migrant workers are forced to take their children along because there are no hostel facilities in their villages. Consequently, very few children are able to access education.

On 20 December 2010, the NCP CR team visited Bachau block in Kutch District to study the situation. It was found that 80 per cent of people from villages such as Bachau and Lakhpat migrated to other cities for work, along with their children, mainly to work in salt pans, followed by coal mines. Children are exposed to sunlight and corrosive substances. It was found that there was an Alternate Learning Centre (ALC) being run under SSA at the salt pans with about 40 children attending it, but the teacher was neither qualified nor trained to raise their learning levels to match those going to regular schools. Therefore, many of these migrant children would be unable to get mainstreamed into full-time formal education, the Commission felt. Further, there was no sign of an anganwadi centre (AWC).

It was estimated that approximately 30,000 people, including children, were likely to reach salt pans of Kutch during the months of January and February. Each family had at least three children.

#### *NCPCR Recommendations*

- a) Development of a programme by the district administration to address the issue of migrant families with a focus on education and health;
- b) Mandatory teacher training for all those employed at ALCs;
- c) Linking of mid-day meals schemes to seasonal hostels;
- d) Including these children and these hostels within the school health programmes run by the Gujarat Government;
- e) Focusing attention on girls' access to education;
- f) Instituting anganwadi centres in all salt pans.

#### **Action Taken**

Yet to be received.

### **2.1.5 Surat**

The NCPCR team visited Surat, Gujarat, between 5 and 7 January 2011, to review the conditions of children involved in different industries, e.g. textile, cloth dyeing industry, printing and diamond polishing industry. They interacted with different stakeholders, such as Government officials, members of Trade Unions and civil society organizations and visited Government-run Children's Homes to ensure the provision of entitlements of children to education, health and nutrition.

It was brought to the NCPCR's notice that approximately 50,000 children migrated from Uttar Pradesh, Bihar, Orissa and West Bengal and were involved in various industries such as textiles, *zardozi* (hand thread-work on sarees), diamond cutting and polishing, dyeing, and silk industry in Surat. Working in these industries was leading to severe medical ailments such as tuberculosis and skin diseases.

It was observed that there was a lack of coordination between government departments which dealt with children's issues e.g. Child Labour, Social Welfare, Women and Child Welfare, Health, Education and Police.

#### *NCPCR Recommendations*

- a) Labour Department to conduct a survey and present a status report of child labourers in *zardozi*/embroidery work, hotel industry, textiles and at railway stations; prepare a list of children rescued during 2010 and document their case details.
- b) Submit a report on the implementation of Juvenile Justice Act (JJ Act), including the status of Special Juvenile Police Units (SJPU).
- c) Issue a circular instructing the RPF authorities not to book children at railway stations under the Railway Act, but under the JJ Act, and the children be produced before the concerned Child Welfare Committee (CWC).
- d) Establish a district-level coordinating committee on child rights under the chairpersonship of the District Collector, comprising all concerned departments/authorities and civil society groups, and ensure a monthly review meeting to protect child rights in the area.
- e) Organize a sensitization training programme of the government officers of various departments of the district to deal with the issues of children.

#### **Action Taken**

Yet to be received.

## 2.1.6 Uttar Pradesh

The NCPCR team visited Allahabad, Bhadohi, Jaunpur, Mirzapur, Sonbhadra and Varanasi Districts of Uttar Pradesh in January to review the situation of child rights. It made district-specific recommendations, including investigation of the functioning of the ICDS and the mid-day meal programme and rescue and rehabilitation of child labourers.

Although the Department of Labour claimed that children were no longer working in the carpet industry in the Mirzapur-Bhadohi belt, NCPCR investigations showed that children are still engaged in carpet making. Further, though there are 60 National Child Labour Programme (NCLP) schools on paper in SD Nagar District, not a single one was actually functioning. In addition to the carpet industry, children were also employed by the brick kilns and *bidi* rolling industry.

In Chopan block of Sonbhadra, the NCPCR team found 20 child labourers in the road construction site of Pradhanmantri Sadak Yojana at Mahular, Newadi village. Further, it brought to the notice of the District Collector that due to large-scale quarrying and stone mining in Sonbhadra, there was air and water pollution which was affecting the health of adults and children. People had to walk long distances to get water from a pure source and villagers complained that despite abundant production of electricity in Sonbhadra, their homes continued to be in darkness and that their children had difficulty in studying after dark.

### *NCPCR Recommendations*

- a) NCPCR has sought a status report of the NCLP schools and investigation into and a report on child labour in the *bidi* industry.
- b) Child labour identified must be rescued within a month and cash compensation be provided to all child labour rescued.
- c) Greater coordination between the various departments dealing with children and strengthening of the CWCs.
- d) Bring the tribal district of Sonbhadra on par with other better developed areas. Since the area also suffers from civil unrest, strengthen the radio station to provide information about Government plans and schemes. In addition to providing power and clean water to the area, conduct a survey of out-of-school children in Sonbhadra with a report to the NCPCR within three months.
- e) Establishment of Ashram schools for out-of-school children from tribal communities, especially in Naxal-affected areas and Residential Bridge Course (RBC) Centres and Non-Residential Bridge Course (NRBC) Centres under SSA programme for mainstreaming out-of-school children.

### **Action Taken**

Yet to be received.

## 2.1.7 Madhya Pradesh

A team from NCPCR visited Satna District, Madhya Pradesh from 25–27 March 2011. During this visit, the team reviewed the situation of child rights in the district and interacted with the District Magistrate and senior officials of the district administration, members of civil society organizations, members of CWCs and media personnel.

The team was informed by the District Child Labour Officer that a total of 520 inspections have been conducted by the department under the provisions of the Child Labour (Prohibition and Regulation) Act, 1986 during 2010–11. No child labour has been found under Section 3 of the Child Labour Act, 1986 and action has been taken against nine employers under Section 12 of the Act.

The District Child Labour Officer claimed that there are no child labourers in dolomite and limestone mines and quarries. Further, the District Child Labour Task Force has not met for the last 2 years.

The NCPCR team brought to the notice of district authorities that in Parasmania, Rampur, Uchehara and Maihar areas of Satna District, there are large-scale limestone mines and quarries as well as a large numbers of cement factories. Due to use of machines in crusher plants and cement factories, the entire environment was polluted, affecting the health of people, especially of children.

### *NCPCR Recommendations*

- a) The Labour Department to carry out a survey for identification of child labourers in the dolomite and limestone mines and quarries, as well as *dhabas*, restaurants and domestic help, etc.
- b) To send a status report of NCLP schools in Satna District with names of the organizations running them, number of children enrolled and actual attendance (school wise), number of NCLP school children mainstreamed into formal schools and number of children who have benefitted from vocational training under NCLP.
- c) To reconstitute the District Child Labour Task Force under the chairpersonship of District Magistrate/Collector and convene meetings regularly.

### **Action Taken**

Yet to be received.

## **2.2 Child Trafficking**

NCPCR conducted an inquiry into the large-scale transportation of children from Manipur and Assam to Tamil Nadu after directions given by the Hon'ble Supreme Court to investigate the matter.

In April 2010, an NCPCR team visited Tamil Nadu (Chennai, Tirunelveli and Kanyakumari), N.C. Hills, District of Assam (HQ, Haflong) and Manipur (Imphal and Tamenglong Districts) to inquire into the issue. It met with the senior police officers, social welfare/social defence departments as well as the chairperson/members of concerned CWCs, district administration in both States, the Commissioner (Social Welfare), Additional DGP (Crime), Collector, Tirunelveli and Kanyakumari in Tamil Nadu as well as the Chief Secretary, Director and Commissioner (Social Welfare), DGP and IGP (Crime) in Manipur. It got to understand the plight of the children after interacting with some rescued children in Haflong and a large number of rescued children in Imphal and Tamenglong along with their parents.

### *A Brief Summary of the Findings*

- ♦ Manipur, Assam, Meghalaya, Nagaland and Arunachal Pradesh were the 'source' States in the North-East from where children were trafficked for education. The vulnerable districts in Manipur include Tamenglong, Senapati, Chandel, Bishnupur, Churachandpur, Imphal (West) and Imphal (East). In Assam, it is N.C. Hills. The 'destination' states of these children are Tamil Nadu, Karnataka, Andhra Pradesh and Kerala.
- ♦ Fifty-two children belonging to Tamenglong District, Manipur and 24 children belonging to N.C. Hills, Assam were rescued from Kanyakumari District in January 2010. All these children were housed in orphanages, living in abysmal conditions and shifted frequently from Tamil Nadu to Kerala.
- ♦ The children were being sent by poor parents to far-off places in the hope that they would get quality education. In addition, lack of basic infrastructure such as road connectivity, power, hospitals etc. and insurgency led parents to send their children out.
- ♦ There is no regulation of the activities of the middlemen who are transporting children from the north-eastern states on the pretext of education.

- ♦ There is also little or no check on the illegal/unregistered Children's Homes being run in the southern States. Lack of regular inspection and surveillance by the Social Welfare/Social Defence authorities, Anti-Human Trafficking Units and local police in the districts/States where these children end up also contribute to the flourishing of these illegal activities.

### *NCPCR Recommendations*

- a) Proper residential educational rehabilitation of children from vulnerable families in the source areas;
- b) Closure of unregulated children Homes/orphanages/child care institutions in the destination States as well as in the source States;
- c) Introduction of effective monitoring mechanisms at the block, district and State levels.

### **Action Taken**

- ♦ Due to the combined efforts of the District Social Welfare Officer, Kanyakumari, and the CWC, Tirunelveli, District Collector, Deputy Director (Social Defence) Madurai Region and the police, 76 children were rescued. A medical examination after their rescue revealed that many children were malnourished and suffered from related ailments.
- ♦ All 76 children were repatriated from Tirunelveli in February this year with the help of the police and Social Welfare Department of Tamil Nadu and Manipur, and mainstreamed into schools in their respective States. However, since the educational arrangement for these children is temporary and without any long-term sustainable support, the poor conditions of their families, lack of hostel facilities, remoteness of their villages and lack of quality education, could lead to re-migration of these children.
- ♦ Prosecution of the guilty was in progress. While the Governments of Tamil Nadu and Manipur have taken some steps to stem the illegal transportation/trafficking of children, much more needs to be done to effectively address the root causes responsible for it.

## **2.3 Laws and Policies**

### **2.3.1 Response to Policy Document on Right of Children in Areas of Civil Unrest**

In 2009–10, NCPCR had submitted its policy document on **Rights of Children in Areas of Civil Unrest** to all concerned Ministries in the Government of India. The Human Rights Division of the Ministry of Home Affairs forwarded the document to different ministries for their response and necessary action.

Following is the summary of responses received:

#### *BPL Cards for Migrant Families*

Regarding the Commission's recommendation that forced migrant families should be made eligible for BPL cards, the Ministry of Consumer Affairs, Food and Public Distribution has said that while the Centre has the responsibility for procurement, storage, transport and allocation to the States and UTs, the identification of BPL families, issue of ration cards and monitoring of the fair price shops lies with the States and UTs. However, as per the PDS (Control Order, 2001), the States have to ensure that no eligible applicant is denied a ration card. Based on the estimates of the Planning Commission and the Registrar General of India, 6.52 crore families fall in the BPL category.

It was brought to the notice of the Commission that towards the end of 2004, the department had issued instructions that ration entitlement authority slips could be issued to migrant labour/displaced persons and the homeless but these slips could not be treated as proof of residence or entitle them to other benefits. The Ministry clarified that the suggestion that all such families should be eligible for BPL cards may not be acceptable as a long-term arrangement could depend on the economic status of such families on their ultimate settlement.



### *Implementation of RTE*

The Department of School Education and Literacy, Ministry of Human Resource Development (MHRD), has said the RTE Act, which came into force in April 2010 and which provides education for all children in the age group 6 to 14 years, had been circulated to all the States. State Rules under the Act are being framed.

The NCPCR report on protection of rights of children in areas of civil unrest has been forwarded to the education secretaries of the States for appropriate action.

### *Care for Children in Conflict Areas*

The Ministry of Panchayati Raj, while endorsing the NCPCR report, asked State Governments to energize the grassroots bodies to deal humanely with all children affected by armed conflict and ensure that they get their rights. It said that the concerned ministries should be asked to amend guidelines of relevant schemes like the SSA, ICDS and the National Rural Health Mission (NRHM) so that the NCPCR's recommendations are built into the schemes.

### *No Recruitment of Child Police*

The Ministry of Home Affairs (MHA) stated that Delhi, Haryana, Tripura, Himachal Pradesh, Assam, Kerala, Maharashtra and Karnataka already have a provision that disqualifies appointment of those below 18 to the post of Special Police Officer (SPO). Further, the Ministry of Home Affairs would incorporate the recommendations of fixing 18 years as the minimum age of recruitment of SPOs in its proposed Police Act to replace the Police Act of 1861.

There is no such provision in Chhattisgarh. An advisory is being sent to the State to ensure that no child below 18 years is recruited as SPO. MHA is also in the process of issuing a notification regarding the minimum age of SPOs in UTs.

## **2.3.2 Draft Bill to Protect Children from Sexual Offences**

The Commission received several complaints on the hidden issue of sexual abuse of children by family members, relatives and other people children trust or know, and also in institutions such as schools, homes, hostels, and orphanages that are meant to protect children. It has also been noticed that sexual violence is also rampant through pornography, the Internet or via commercial sex exploitation and sex tourism. Both boys and girls are victimized.

The impact on a child and the long-term damage it could cause are severe. It is only when an adult notices a change in the behaviour of the child and questions the child that the first step of registration of complaint occurs. Where does the complaint get lodged? How is the statement of the child recorded and who does it? Children who are victims of sexual abuse cannot be further victimized by having to depose and re-live the agony.

Responding to the alarming increase in sexual offences against children, including infants, and to ensure speedy trial of adult offenders, NCPCR prepared the draft Protection of Children against Sexual Offences Bill, 2010 in consultation with lawyers, judges, activists and experts on issues relating to children's rights. It defines and provides for action against various forms of sexual abuse and violence against children. It suggests child-friendly procedures along with a quantum of punishment for different categories of offences against children.

Simultaneously, great care has been taken in the proposed draft bill to ensure that child victims do not undergo re-victimisation and that they engage with the legal processes without any sense of fear or intimidation.

## 2.4 Child Health and Nutrition

### 2.4.1 Madhya Pradesh

#### *Bhopal*

A public hearing on the issue of malnutrition was conducted in Bhopal on 31 July 2010. A team from NCPCR also interacted with state, district, and block level government officials, children and community, and visited hospitals, Nutrition Rehabilitation Centres (NRCs) and AWCs.

#### *NCPCR Recommendations*

- a) State Government to institute an inquiry as to the cause of death of children who were presented before the hearing and probe the gaps in the system.
- b) The District Collector was also to ensure that families of those children who are entitled to an Antyodaya card and an MGNREGA job card receive them.
- c) State Government to establish health camps to provide health support to malnourished children. During the health camp, workers to emphasize that children in any grade of malnourishment are at risk, and therefore children in all grades be targeted for treatment.
- d) State Government to issue a circular stating that all children were eligible for admission in NRCs and that no child be denied admission.
- e) NCPCR called for enhancement of ICDS through the provision of increased number of field workers, better nutritional supplements using locally available food, increased supervision by ICDS supervisory staff, setting up clear cut protocols and guidelines for intervention to address all grades of malnutrition, capacity building and provision of tools for ICDS staff, appropriate financial allocations for malnutrition programmes, and close coordination with NRHM.
- f) An enquiry be conducted into the systems for maintaining records of children's health by the Director NRHM and block-wise data be provided of the numbers of children that attended each NRC.
- g) To ensure that the number of NRCs and capacity of beds in NRCs are increased to include all those classified as severely malnourished in accordance with the WHO growth charts perused by the ICDS. Meanwhile, the ICDS to include Mid-Upper Arm Circumference (MUAC) as part of its anthropometric assessment.
- h) State Government to provide financial support to parents who have borrowed around Rs 15,000 for the treatment of their children. Support for breast feeding, especially the period of exclusive breastfeeding for children less than 6 months, which entailed provision of maternity entitlements and crèches at worksites and to implement National Maternity Benefit Scheme as per the directions of the Hon'ble Supreme Court.

#### *Satna*

A team from NCPCR also visited Satna District from 25 to 27 March 2011. It reported that only 596 out of 2591 AWCs were operating in Government buildings. There were no weight charts, and the list of malnourished children was not displayed in the prescribed manner in most of the centres.

The seven NRCs (in Satna, Nagaud, Amarpatan, Maiher, Uchehara, Ramnagar and Maghgawan blocks) in Satna District had a capacity of only 80 children while they covered 703 Gram Panchayats of the District.

The team reported that children were discharged from the NRC within 15 days of admission regardless of their health status. Most child deaths were reported within a few days of children being discharged from the NRC. There was no paediatrician in any NRC. All medical work was being done by the dietician of the concerned AWC.

The team also reported that the death certificates of children who reportedly died due to malnutrition were not issued by the concerned department in Satna District.

It was observed by the Commission that the *Panchnama* of child deaths was not made properly – dates along with signatures of witnesses were not mentioned. The district administration conducted enquires into the factors which lead to the death of children in cases heard by the NCPCR. It was reported that not a single child death was due to malnutrition but due to other reasons like fever, indigestion etc.

### *NCPCR Recommendations*

Same as in 2.4.1 above.

### *Others*

- ♦ To constitute a committee to look into the matter and suggest measures to prevent water and air pollution affecting children and others and also examine the available water resources immediately to ensure that they are safe for use by humans and animals.
- ♦ To establish a district-level coordination committee under the chairpersonship of the DM on child rights, comprising all concerned departments/ authorities and members of civil society. The committee to review child rights issues in the district on a monthly basis and to send a report to NCPCR.
- ♦ The Director of Women and Child Development to immediately initiate a sensitization programme for all the functionaries of the ICDS department on rights of children with focus on health, nutrition and development rights of children.

### **Action Taken**

An ATR has been received from Member Secretary, Madhya Pradesh Pollution Control Board regarding pollution in Satna District due to use of machines in crusher plants and cement factories.

As per the report, a scientific investigation was conducted in cement factories and mines in Satna and it was found that all measures to prevent pollution were being followed by these factories and mines.

### *Shivpuri*

The Commission held a public hearing in Bhopal in July 2009, where 10 cases of malnutrition deaths from Shivpuri District were reported. There was a response from the government on action taken. Yet, complaints of increasing incidence of malnutrition and death were received by the Commission in December 2010. Therefore a team was sent to Shivpuri to enquire into the facts.

The team visited AWCs in Nahargada, Jarian Kalan and Dangebarbe and the Nutrition Rehabilitation Centres (NRCs) in the Pohri Block and Shivpuri from 15 to 16 January 2011. In Nahargada village, the health monitoring system of the AWC and its food distribution system were far below the desired standard. The process of early identification of severe acute malnutrition (SAM) children, their timely referral as well as follow-up of children who received NRC care was totally missing.

On the other hand, in Jarian Kalan AWC the situation was better. Here all records were well maintained and the Anganwadi Worker (AWW) knew how to plot growth charts and assisted the PHC staff in immunization, health checkups, and antenatal and post-natal checkups. She took up the programme of Kishori Shakti Yojana, organizing health camps, supporting the Pulse Polio Programme, organizing supplementary nutrition for the children (0-6 yrs) and expectant and nursing mothers and providing pre-school education to the children. However, here too, early identification and timely referral to NRC was missing.

In Dangebarbe, although the AWC was accessible, the surroundings were unhygienic. Food rations were poorly maintained and the health status of the children was also poor. The AWW was illiterate and unable to keep proper records. There were hardly any referrals to NRCs and no follow-up visits. Even at Zakhnora village,

maintenance of the records, basic concepts of plotting of graphs, nutritional aspects and referral systems by the AWW were poor.

The situation at the NRC, Pohri Block was good with proper maintenance of the records, proper feeding system, clean surroundings and the counselling provided to the affected children. However, the number of children who had left despite being asked not to, that is, Left Against Medical Advice (LAMA) and the premature discharge rate of the SAM children was alarming. Even at NRCs 1&2, Shivpuri, the dropout rate was high. The combined rate of drop outs, non-responders and deaths was more than 35 per cent from January to May 2010, and no attempt had been made to locate children discharged from NRC. These are the children who are at the risk of dying if left untreated.

### **Action Taken**

In the letter received from the District Collector dated 13 January 2011 the following is the action taken:

- a) Facilities for drinking water are being provided – for instance, for a population of 500 there are two hand pumps as per norms. One more hand pump has been recommended and will be sanctioned very soon based on NCPCR's recommendation.
- b) Forty-three Antyodaya ration cards have been provided to Sahariyas in Nahargada. Between 33 and 34 kg of food was distributed before 10 December and after December 2010, 35 kg of food grain are being distributed. Rice quota is not allowed. Sahariya Development Authority, Shivpuri, has identified the areas where special attention is needed. Further, job cards have been provided to the head of the family of Sahariya families. In Nahargada, Pipalwala Nistar water tank was sanctioned and the work was completed by December 2010 by the job card holders. Fifteen families have been registered under Mazdoor Suraksha Yojana and regular jobs for 15-20 people are being provided for.
- c) Of the 127 children that have been reported, 22 children were below average weight. Three camps have been organized by the health department for vaccinating children in the 0–6 age group. In addition, around 20 patients were examined at PHC Pohari and sub-centre Bairad. ANMs/MPHWs (Multi-Purpose Health Worker) held special camps in Nahargada on 1, 4 and 12 January 2011.
- d) AWWs that were found not functioning have been terminated. New AWWs were to be appointed by the end of January 2011. The Nahargada AWW has been shifted to a government building and there are regular visits by the supervisor. CDPO, Pohari will be monitoring the follow-up programme to Sahariya AWCs regularly.
- e) A special package proposal for Sahariya tribals has been submitted to the government.

### **2.4.2 Gujarat**

A team from NCPCR visited Ahmedabad on 21 December 2010 to observe the efficacy and practicability of the School Health Programme (SHP) run by Gujarat State Government. A letter dated 10 February 2011 containing recommendations was sent to the Chief Secretary, Gandhinagar and response was received from the Chief Secretary, Government of Gujarat in the letter dated 21 March 2011.

NCPCR Recommendations	Action Taken Report (ATR)
<p>SHP should be a continuous programme rather than a Pulse Intensive nature.</p> <p><b>Instead of screening on "High Index of Suspicion of a disease/infirmity", the programme should be more comprehensive.</b></p>	<p>Pulse Intensive Programme is more suitable in campaign mode. Through extensive IEC activities, an atmosphere is created and maximum people can benefit from the Programme.</p> <p><b>The SHP has been scaled up this year into a 'School Health Week'. It is a unique idea of providing not only health examination to children but counselling, health education, cleaning of water sources in village, nutrition day activities and many more activities. It is like a five-day health festival in a village which takes care of most of the aspects affecting student's health.</b></p>
<p>At least one check-up of all school children by a qualified Medical Practitioner in one academic year should be done.</p>	<p>Check-up of all school children by a qualified Medical Practitioner was carried out every year till last year. This year, after providing proper training to health workers and a successful pilot project in Unjha Taluka of Mehsana, trained and qualified health workers conducted basic health check-up of all students. A medical officer examined all children with some ailments.</p>
<p><b>School health data should include immunization status of the children.</b></p> <p>The left out vaccination should be provided at the time of contact.</p>	<p><b>The immunization status of the children is included in the Mother and Child tracking Programme.</b></p> <p>The left out vaccination is covered by a special drive. It has been our previous experience that if vaccination is carried out along with school health, the children will refuse to attend school due to fear of the needle prick.</p>
<p><b>State-specific illness should be more elaborately screened in the SHP.</b></p> <p>Correction of the correctible physical deformities should gain priority over treatment of chronic ailments.</p> <p><b>Screening for learning disabilities should be done so that children with different abilities can be mainstreamed at a later age.</b></p>	<p><b>Most of the common illnesses have been included in the SHP with emphasis on area-specific illness during screening.</b></p> <p>Physical deformities have been included in the SHP this year. Deformities like cleft palate, squint, kyphoscoliosis and other correctible physical deformities were identified and treated in SHP.</p> <p><b>This has been included in SHP and teachers have been encouraged to identify these and include them in the relevant section of the health card.</b></p>

### 2.4.3 Uttar Pradesh

#### *Bhadohi District*

Based on complaints regarding the non-functioning of the ICDS programme a visit was made to Bhadohi District. During the visit it was found that most of the anganwadi centres were either not functioning properly or functioning only in name. Anganwadi workers did not come regularly and there were also reports of irregularities in the recruitment process.

It was also reported that the quality of food under ICDS and mid-day meal schemes at the AWCs and schools in the district was unsatisfactory. As a result, children became sick. Most of the AWCs had no prescribed infrastructure and facilities for children so children did not wish to come to the AWC.

#### *NCPCR Recommendations*

The NCPCR recommended an investigation into all the above-mentioned matters, including food served under the ICDS and the mid-day meal schemes.

The ATR is yet to be received against the above recommendations.

#### *Gonda and Basti Districts*

A team from NCPCR visited Gonda and Basti Districts, Uttar Pradesh, from 9-11 March 2011 to check the efficacy of the AWCs. During the visit the team collected the samples of the THRs (*Panjiri*), and sent them for lab testing to

the Prevention Food Adulteration, Food Safety and Standards Authority of India. As per the report, the food was found to be Grit-Test positive and contained 1.22 per cent of sand, silt or clay. Accordingly, a letter was written to the Director, ICDS to provide a detailed report on the presence of grit in the mid-day meal, as per the Hazard Analysis Critical Control Point (HACCP) standards.

### Action Taken

The Director, Child Development Services and Nutrition Department reported that samples have been collected from the concerned departments and sent for lab testing, in order to maintain the quality of the food. The quality of bags has also been checked. Instructions have been issued to the Programme Officers for proper storage of the food.

## 2.4.4 Maharashtra

### Mumbai

NCPCR took *suo motu* cognizance of a news item which appeared in the New Delhi Edition of the *Hindustan Times* dated 13 December 2010 citing that 16 children under six died of malnutrition and related diseases in Mumbai in one slum. The other complaint pertaining to the AWCs appeared in the Mumbai edition of *Navbharat Times* dated 10 February 2011 related to children under threat of consuming poisonous food. Considering the gravity of the situation, the NCPCR team visited the slums and enquired into the facts on 11 March 2011.

### Findings

- i) **Infrastructure:** The AWWs were found to be dedicated and hardworking but under immense pressure from both officials and concerned NGOs. All the AWCs visited were plagued with infrastructural problems of rented premises, inadequate space, leaking roofs, makeshift space for AWWs, unavailability of portable water, lack of toilets, unhygienic surroundings etc. Moreover, the amount fixed by the government for renting the AWC premises was too meagre.
- ii) **Food:** The food served in AWCs through the local SHG (Maha Laxmi Mahila Mandal) of the area was reasonably good and regular. In Mumbai, breakfast and one hot cooked meal at the rate of Rs. 8 per child per day was being provided. However, the team was informed that considering escalation in the cost of raw material, cooking and transportation, it was not feasible for the SHGs.
- iii) Take Home Ration (THR) has to be distributed on a weekly, and not monthly, basis to facilitate interaction of AWWs with beneficiaries. The THR packets are to be stored in hygienic and proper surroundings. Moreover, their end-use and end-user are to be ascertained.
- iv) **Supervisory staff:** The supervisory staff, including Supervisors and Child Development Project Officers (CDPOs), was overworked and an acute shortage of CDPOs was reported. Each officer had to look after 300-400 AWCs. An increase in supervisory staff is recommended. Further, at the urban level, CDPOs were directly reporting to the Commissioner, leading to delays in action on the reports. An intermediary level of reporting is suggested.
- v) A specified time has to be given for pre-school education in each and every AWC and AWWs should be sensitized on the issue of pre-school education.
- vi) A dedicated referral system for SAM children needs to be created. It is necessary to establish Nutritional Rehabilitation Units area-wise, so that SAM children and their families do not face the hassles of commuting. The AWW who has first identified SAM or MAM leading to SAM should have clear guidelines on where to refer the child, who will be looking after the child and in case of hospitalization, where the child will go. She should be made a part of the Nutrition Care Unit and have a clear protocol on the management of a SAM child post-discharge. There has to be a referral axis from AWCs to Nutritional Care Units and referral hospitals and back to the AWCs.

### **NCPCR Recommendations**

- a) The location and infrastructural facilities at AWCs need a lot of improvement. Though it could be difficult in space-crunched Mumbai, alternative arrangements with the school managements (afternoon shift), community halls, spaces from hospitals/PHC/police stations and Brihanmumbai Municipal Corporation (BMC) public spaces have to be considered to run the AWCs.
- b) THR should be on a weekly distribution basis to facilitate interaction of AWWs with the beneficiaries.
- c) Self-Help Groups (SHGs) or Mahila Mandals are to be trained for monitoring the quality of food on a day-to-day basis. Their concern regarding the financial non-viability of the project needs to be addressed.
- d) Support and supervisory visits through the CDPO to the AWW are to be enhanced. The CDPO should be made responsible for not more than 100-125 AWCs and should visit each AWC once in a month.

### **Action Taken**

Response has been received from Government of Mumbai stating that the cause of death of the children in three cases was Heptosplenomegaly pneumonia. The report is awaited regarding the other cases of death.

## **2.5 Juvenile Justice System**

### **2.5.1 Uttar Pradesh**

In Varanasi, a meeting was held on 31 January 2011 with child rights NGOs of Chanduali, Mirzapur. Large scale violation of child rights was noted. Poor implementation of the JJ Act and irregular meetings of the CWC were issues of concern. In the absence of a Children's Home for girls, girls from the region were being sent to facilities in Ballia and Allahabad.

There was also no home for children with special needs and the SJPU had not been formed in the districts. Children picked up from railway stations were booked under the Railway Protection Act instead of the JJ Act and sent directly to the Observation Homes and produced before the CWC. There was no Transit Home for the rescued migrant child labour. The poor state of the Observation Home for Children at Ramnagar, Varanasi, had impacted the children negatively.

### **NCPCR Recommendations**

- a) Review of the implementation of the JJ Act in the district;
- b) Capacity building of members of the CWC and regular meetings of the CWC;
- c) Provision of Children's Homes for Girls and Boys and a Home for Children with Special Needs;
- d) Establishment and training of a SJPU and a transit home for rescued migrant child labour; and
- e) A circular to the Railway Police Force (RPF) to book children under the JJ Act so that they are produced before the concerned CWC.

### **Action Taken**

An ATR has been received from the District Administration, Varanasi.

- a) The Juvenile Justice Board sat regularly in the Government Observation Home on Wednesday, Thursday, Friday and Saturday at 3.00 p.m. under the Principal Magistrate.
- b) The CWC sat regularly in the Government Children's Home on Monday, Wednesday, Friday and Saturday.
- c) Establishment of Children's Homes for Girls and Boys is proposed at the government level.
- d) All rescued migrant child labourers would be referred to the Government Children Home after getting directions from the CWC.

- e) SJPU would be constituted soon in the districts and a training and orientation programme would be held with the help of an appropriate agency.
- f) The Railway Protection Force has been producing all children found at railway platforms or in trains, before the CWC from time to time.

## 2.5.2 Madhya Pradesh

During its visit to Satna District in Madhya Pradesh from 25 to 27 March 2011, the NCPCR team noted that the CWCs were sitting twice a week but most of the stakeholders who deal with children, were not aware of the existence of the CWC and its functions. There was not a single Children's/Juvenile Home in the district. Also, the SJPU had not yet been formed in the District.

### NCPCR Recommendations

- a) A circular to be issued to the Departments of WCD, Health, Education and Police by the District Authority about the role and responsibility of CWCs along with details of address, sitting time and contact details of the Chairperson and members.
- b) The District Magistrate to ensure that a direct interface between CWCs and members of civil society organizations is organized at the earliest through DWCD.
- c) SJPU to be formed as per the provisions of the JJ Act without further delay and sensitization and training programmes to be organized for members of SJPU.
- d) Efforts to establish Children's Homes for Girls and Boys and Homes for Children with Special Needs under JJ Act with immediate effect.

## 2.5.3 Review of Implementation of Juvenile Justice Act

The Juvenile Justice System has a strong child-centric focus, speaking the language of human rights and dignity. However it has a long way to go in its implementation to enable children to enjoy protection, freedom and dignity.

The Hon'ble Supreme Court has impleaded NCPCR in the matter of implementation of the Juvenile Justice (Care & Protection) Act, 2000 (as amended in 2006) in the country. NCPCR has been appointed as the nodal agency to monitor the implementation of the directions passed by the Hon'ble Supreme Court. It had requested the State governments and UTs to file a report in the Court (also see **Annexure 2**).

All States have been directed by the Hon'ble Supreme Court to implement the provisions of the JJ Act immediately and to constitute Juvenile Justice Boards (JJBs), CWCs and SJPU in every district within six weeks.

The Commission thought appropriate to seek the views of civil society/NGO groups active in the field about the actual situation on the ground through a national-level consultation on 29 October 2010 and also to develop a mechanism to monitor and receive constant feedback regarding the implementation of provisions of the JJ Act in States and UTs. Several recommendations were made during these consultations (see **Annexure 3**).

## 2.6 Child Abuse

### 2.6.1 Child Sexual Exploitation in Tourism in Kerala

An article, 'Predators on the Prowl', in the magazine *India Today* of 19 July 2010 highlighted the child sex abuser's new hunting grounds in Kerala. Concerned about the issue, the Prime Minister's Office directed



the NCPCR to look into the matter. A team from NCPCR visited Kerala from 6 to 9 August 2010 and noted the following:

- a) Sexual abuse of boys in particular had permeated to villages and households in and around Kovalam beach;
- b) Children drop out of school in large numbers after Class 7, falling prey to rackets enticing them into sexual exploitation, drug abuse and alcoholism;
- c) In 2008-09, 91 children below 14 years of age committed suicide and 1400 children went missing, indicating the consequences of physical, sexual and social violence they are being subjected to;
- d) There are several categories of foreign tourists – those seeking sexual gratification kept returning to Kerala and lived in home-stay type accommodation. Some of the long-stay foreigners were middle-aged or older and blended into the community by offering services like teaching English;
- e) Children were also sexually exploited by their own relatives; and
- f) Children were contacted through local middle-men and enticed by gifts from foreigners.

### **NCPCR Recommendations**

- a) To consider constitution of a coordination committee, headed by the Chief Secretary with Secretaries of the concerned departments as members, to review on a monthly basis the inter-departmental convergence issues on child rights and establish protocols for rescue and rehabilitation.
- b) To campaign for 'zero tolerance' of sex tourism and to survey and register all 'home stays' in tourist areas like Kovalam Beach and have a system of vigilance through inspection of the same. Also, to issue a strict warning to house owners against encouraging sex tourism and exploitation of children.
- c) The Police Department to be proactive and conduct raids even on suspicion of such a practice, without considering breach of privacy and undertake proper scrutiny before approving extension of foreign visas. It was to prepare a monthly intelligence report of all 'home stays' of foreigners, to be reviewed by high level police officials. Cases are to be registered on the basis of these reports. As the 'Tourist Police' have full knowledge and information about child sex abuse, greater coordination is needed between them and other police functionaries. The department must also evolve procedures for information sharing with organizations like Kerala Mahila Samakhya Society (KMSS). Suspicious tuition centres to be discontinued.
- d) The Department of Social Welfare to reduce gaps in the implementation of Orphanages Act, 1960 and JJ Act, 2000; constitute State Commission for Protection of Child Rights (SCPCR) as well as State Child Protection Society and District Child Protection Units in every district.

## **2.6.2 Child Abuse Cases in Gurgaon**

NCPCR made recommendations to the State Government and District Administration of Haryana regarding the discrepancies in the implementation of the Juvenile Justice Act that were noticed during its investigation of a child abuse case of a domestic help. These recommendations included:

- a) Stringent FIR against the perpetrators of the crime as well as formation of CWCs as per the provisions of the JJ Act.
- b) Sensitization of Resident Welfare Associations (RWAs) and monetary compensation for a child abused by his employers.
- c) Compensation of Rs 20,000 for treatment and admission of the child to Government School.

### 2.6.3 Inspection of Child Care Institutions

NCPCR has the mandate for inquiry and is vested with the powers of a civil court under Section 14 of the CPC Act, 2005 for trying a suit under the Code of Civil Procedure. From time to time, inspection/inquiry teams to go for spot checks of child-care services in institutions as well as in the community. A list of such spot visits undertaken by the Commission this year has been enclosed in **Annexure 4**. The Commission sought clarifications on the findings of the inquiry, and made recommendations to the concerned District Administration and State Government to act in the interest of the children staying in these institutions.

## 2.7 Reality Shows

While children have been acting in films for a long time, participation of children in TV shows is relatively recent. It ranges from taking part in reality shows and serials to performing as anchors and in advertisements. During their short careers, some children get exposed to sudden wealth and fame and are likely to be tempted by the spotlight or the possibility of augmenting the family income by taking up new assignments. The emotional and psychological effects on children have been well researched and acknowledged by professional psychologists. NCPCR took into consideration the vulnerability of children, the need for special safeguards and care for children and appropriate legal protection while participating in the entertainment industry.

Based on the above, the priority issues that were addressed by NCPCR are as under:

- i) Content of programmes involving children;
- ii) Defining age-related norms for the participation of children in TV/reality shows;
- iii) Child protection and supervision;
- iv) Ensuring the physical, mental and emotional conditions and safety of children;
- v) Terms and conditions for parental/guardian consent;
- vi) Ensuring education of child participants;
- vii) Payment for children; and
- viii) Setting up of regulatory and monitoring mechanisms.

NCPCR recommended that production units must have a **child protection policy** in place that is to be shared with all stakeholders.

The Commission finalized its 'Guidelines to Regulate Child Participation in TV Serials, Reality Shows and Advertisements' which ensure that the physical and emotional welfare and dignity of children under 18 are protected during the making and broadcast of a programme. The guidelines stress that unnecessary anxiety or distress is not caused to children by their involvement, which is to be clearly editorially justified and support is to be given to them where necessary.

The Commission recommended a balance between protection of children and young people from unsuitable content and their right to freedom of expression and freedom to receive information.

## 2.8 Safeguarding Rights of Children in Contact with Railways

There are an estimated 11 million street children in India. Most of them live at and around railway stations. In Delhi, Mumbai and Kolkata, street children – approximately 100,000-125,000 in each city – figure in the list of missing, runaway, abandoned or trafficked children. Lack of support puts them at risk of various forms of abuses and deprivation of rights that denies them a childhood.

The situation of the children living on railway stations is of grave concern as they are often overlooked. A working group was set up by the Commission and consultations were held between August 2008 and February 2010 on the issue of safeguarding the rights of children on railway platforms. Meetings were held with representatives of the railway administration, Railway Protection Force (RPF), Government Railway Police (GRP) and civil society organizations. Field visits were also made to understand the predicament of these children.

It was found that being transit, source and destination locations, railway stations in India were a breeding ground for child labour, child trafficking and exploitation. Therefore, to address the rights of such children a multi-pronged strategy involving several ministries and departments was a necessity.

### *Summary of NCPCR's Recommendations for Protection of Children on Railway Platforms*

- a) **Establishing linkages between Juvenile Justice Act and the Railway Act/RPF Act:** The Railway Ministry should acknowledge the JJ Act and recognize that although such children constitute illegal passengers they must be treated as children first.
- b) **Establishing mechanisms at railway stations for safeguarding children's rights:** The railways should accept that safeguarding the rights of children is their responsibility and hence establish mechanisms to do so. These must include setting up of:
  - i) **Child Protection Committees** at every major railway station. The Committee could be jointly headed by the Divisional Railway Manager (DRM) and GRP. Definite Standard Operating Procedures need to be worked out for protection of children around railway premises;
  - ii) **CWCs** in close proximity of every railway terminal;
  - iii) **Establishment of SJPU** in every GRP police station across India. It should be customized as per GRP administrative structure;
  - iv) **Child Assistance Booths** at every major station and terminal for assisting children who are lost or abandoned or need any help. The space should be provided by railway authorities and run as a public-private partnership with local NGOs. Further, the **Mid-day Meal Programme** should be extended to these children with the help of railway authorities and local NGOs.
- ◆ **Short Stay Shelter Home for children at railway premises:** The railway terminus is often not a conducive environment for the child and she/he is not ready to trust the staff. A safe space near the railway premises where the child can be accompanied by the staff would give her a sense of security and enable the child to trust the worker. It has been noticed that the distances between where the children have been contacted (railway platforms) and the shelter spaces often cause children to drop out. Setting up a short stay home at the railway premises can bridge this gap.
- ◆ **Maintenance of children's record referred to voluntary organizations or competent authority by RPF and GRP:** Children who are found at railway premises by RPF, GRP or NGOs must be registered with the concerned GRP office and further referral process should be initiated only after this registration. A register of "Found Children" has to be maintained with its referral at every GRP/RPF station.
- ◆ **Awareness of child rights among travelling public:** Creating awareness through short clips focused on missing children and information on protection of children and their referral would contribute to child protection in vulnerable areas like the railway termini. An awareness campaign could be done through hoardings at and around railway premises; information on the back of railway tickets; information on railway website; information on railway bogies; announcement in Rajdhani and Shatabdi trains; and announcement in railway termini.

- ♦ **Training and orientation programme on child rights for railway employees:** A series of training and orientation programmes on child rights and child protection for railway employees including RPF and GRP should be organized by the railway authorities. It should be incorporated in the plan of the Railway Ministry.
- ♦ **Incorporating the Child Rights Act and JJ Act in the syllabus for railway police trainings:** The JJ Act and child rights should be incorporated in the syllabus of RPF and GRP police training institutes and refresher sessions should be conducted regularly.
- ♦ **Partnership with voluntary organizations:** Committed NGOs should be given accreditation to work for children in need of care and protection and railway authorities should provide all assistance required to these NGOs.
- ♦ **RPF Mitra Yojana or the 'Friends of the RPF Scheme':** The scheme must be extended to include the agenda of child rights.
- ♦ **Missing children:** All missing children should be recorded in writing by the police. A nation-wide campaign on registration of missing children should be taken up. The registration could be done on the missing child website with help of the government and NGOs. There should be a provision for recording found cases as well.
- ♦ **Monitoring mechanisms:** The Railway Ministry should constitute a multi-disciplinary/multi-sectoral monitoring committee at headquarter level for reviewing the situation of these children on the basis of periodic reporting from the ground and inputs from spot visits by the members of the monitoring committee.

### **Action Taken**

The Ministry of Railways has taken action on the recommendations of NCPCR (information sent by Ministry of Railways vide D.O. No. 2010/TG-V/10/2).

They have decided to set up CWCs at the divisional level of Indian Railways, to be headed by the senior Divisional Security Commandant (Sr. DSC), a senior official functioning under the direct control of the Divisional Railways Manager. The Sr.DSC/RPF is the nodal officer for coordinating with General Railway Police (GRP), who has a primary role to play in implementing the recommendations made by NCPCR.

With reference to setting up Child Assistance booths and providing assistance to NGOs, it has not been found feasible.

Regarding the setting up of SJPU in GRP stations and maintenance of records of children referred to voluntary organizations, the matter may be taken up with the State Governments.

## **2.9 Child Rights in Areas of Civil Unrest**

### *Implementation of the Bal Bandhu Scheme for Protection of Child Rights*

The Commission commenced its work under the Bal Bandhu Project for Protection of Child Rights (BB Scheme), supported by the Prime Minister's National Relief Fund (PMNRF) in December 2010. Since then the following activities have been carried out according to the Guidelines for Implementation of the Scheme:

- i) **Overview of appointment of functionaries:** In the first quarter of the implementation of the Bal Bandhu Scheme (BB Scheme), one Project Coordinator and 19 Resource Persons have been appointed and placed in the project area. All of them have been given training and orientation on various schemes and programmes related to child rights. As many as 166 Bal Bandhus were identified and covered under the Scheme, as on 31 March 2011. They have been given orientation about the BB Scheme and also about their responsibilities as indicated in the guidelines (see **Annexure 5**).

ii) **Implementation of the BB Scheme in five States**

Currently, the BB Scheme is being implemented as per the guidelines in the following States:

- **Andhra Pradesh** (District: Khammam – **Cherla** Block);
- **Assam** (Districts: Chirang – **Sidli** Block and Kokrajhar – **Kochugaon** Block);
- **Bihar** (Districts: East Champaran – **Patahi** Block, Rohtas – **Rohtas** Block, Sheohar –Tariyani Block and Jamui – Khaira Block);
- **Chhattisgarh** (District: Dantewada – **Sukma** Block); and
- **Maharashtra** (District: Gadchiroli – **Dhanora** Block).

Finalization of blocks for implementation of the BB Scheme at district level has taken place in all the States. Consultations with the district collectors/chief executive officers have been done while finalizing blocks.

iii) **State visits by the Member Secretary, Nodal Officer under the Scheme:** In order to ground the BB Scheme at State level, introductory meetings have been held with government officials at state and district levels by the Member Secretary (NCPDR), who is the Nodal Officer of the BB Scheme.

During the visits, meetings were held at the following levels:

- a) **District level:** The Principal Secretary, Bodoland Territorial Council (BTC), District Collectors of Chirang and Kokrajhar in Assam and with Collector, SP and SDMs in Dantewada, Khammam, Sheohar, Jamui, Rohtas and Gadchiroli Districts. Officers from the departments of rural development, education, SSA, health, water and sanitation, women and child development, social welfare, and Panchayati Raj attended. In Gadchiroli District of Maharashtra, the Chairperson of the CWC was also present.
- b) **Block level:** *Bal Bandhus*, members of Panchayati Raj, representatives of the Zilla Parishads and community members.
- c) **State level:** The Chief Secretary and Additional Chief Secretary; Principal Secretary, Secretary and Directors from the departments of rural development, education, SSA, health, water and sanitation, women and child development, social welfare, and Panchayati Raj also attended or were represented in the meeting.

At the meetings with the Chief Secretary and Additional Chief Secretary, the objectives of the BB Scheme and the role of the State were discussed. The issue of vacation for schools and other educational institutions occupied by the security forces was also discussed. The State Governments in Chhattisgarh and Assam have assured NCPDR that the vacation for these institutions will be ensured in line with the directives of the Hon'ble Supreme Court of India.

iv) **Progress in implementation of the BB Scheme**

- **Mobilization of community:** Resource Persons and Bal Bandhus have begun the process of social mobilization – interacting with local youth, women's self-help groups, parent-teacher associations, anganwadi workers, Gram Panchayats and Village Community Development Centres (VCDCs). As part of social mobilization and identification of Bal Bandhus, extensive field work in the block has been undertaken by the resource persons, and they have visited 40 per cent of the administrative area of the blocks chosen for implementation of the BB Scheme.
- **Involvement of Gram Panchayats/VCDCs and community in child rights:** Resource persons and Bal Bandhus have been holding meetings with the members of the community, specifically youth and women, towards mobilization of the community to seek government response to address issues of non-functional schools, hospitals and anganwadis due to the situation of civil unrest.

- v) **Constitution of the Advisory Committee under the Scheme:** A National Advisory Committee has been constituted to oversee implementation of the Scheme. The Committee is chaired by the Chairperson, NCPCR, Prof Shantha Sinha, Ms Dipa Dixit, Member NCPCR and representatives from the Ministries of Women and Child Development, Human Resource Development, Tribal Affairs and Home Affairs have been appointed as Members. Member Secretary, NCPCR is the Convener of the Committee.

## 2.10 Children Affected and Infected with HIV/AIDS

Based on the six public hearings held across the country on HIV/AIDS among children, the Commission found that orphans and vulnerable children, infected/affected by HIV/AIDS, were being denied their fundamental entitlements such as education, nutrition, leisure, safe and secure environment, housing, property rights, shelter, legal aid, medication (paediatric dosage) and treatment.

NCPCR conducted a public hearing at Tata Institute of Social Sciences (TISS) Mumbai on 31 January 2010, where 19 children affected and infected with HIV/AIDS deposed. The Commission in turn issued personalized and general recommendations to the State Government to facilitate the mainstreaming of these children. Repeated attempts were made to continue the follow-up care and in this context the Commission decided to physically interact with all these children once again and assess their health status and positive changes, if any, about one year later, on 12 March 2011.

### *Information Furnished by the State Officials*

- a) There are a total of **19,203** children registered for Pre-ART care and regular screenings are done by the CD4 wherein 6,097 patients are eligible for ART.
- b) There are 51 ART Centres and 123 Link ART Centres in Maharashtra where the medicines are freely available. The State officials elaborated on the treatment facilities provided, early detection of HIV cases, improvement in the follow-up services and decreasing number of HIV patients in the State.
- c) There is a 30-40 per cent conversion rate of Pre-ART to ART and that too only after 5-6 years depending upon the CD4 count. There are 124 Link ART centres at sub-district level and these centres have provision for 70 patients on Pre- ART and CD4 facility.

### *Interaction with Children*

- a) With regard to treatment, all of the children were satisfied with the medical facilities provided to them and confirmed timely distribution of medicines with proper follow-up. Boys were more ambitious than girls. They had big dreams, wanted to pursue one or the other career and were reluctant to admit that they were discriminated against. Most of them had at least one parent and were staying either with grandparents or caretakers and were subject to discrimination in their foster homes.
- b) Girls on the other hand were more vocal. Two of them broke down while narrating that they wanted to study but were not attending school because of peer pressure and teasing. In one case, the school management had allowed the girl to stay at home on regular school days and to come to school only to take the examinations. One of the girls was out of school and working so that her younger brother (who is also HIV positive) could study.
- c) Orphan HIV children are entitled to financial assistance under the Bal Sangopan Yojana. But this scheme is only applicable to a child who has been enrolled in school. A child who is not in school for one reason or the other (health may be one) is not entitled to it. In most cases children leave school because of frequent visits to the doctor, social discrimination or illness. These children should be encouraged to rejoin the school and not miss out on the facilities offered to them by the government.

## 2.11 Other Issues

- a) **Taking stock of Madarsas and Muslim Education:** *Madarsas* can be seen as complementing regular school, with a child going to a *Madarsa* early in the morning and attending regular classes later in the day. This was noted by the experts during the 'Brainstorming Session', which was organized by NCPCR on 11 February 2011, on the issue of education in *Madarsas* and facilities available to the Muslim population from a child rights perspective.

In order to break the cycle of ghettoization and further marginalization of the community, it was suggested that mainstream education for boys, and more importantly for girls (given the high dropout rate among Muslim girls) was necessary. It emphasized the need for establishing schools in densely-populated Muslim community areas all over the country, so as to provide educational opportunities for these populations. This point arises directly from the findings of the Sachar Committee Report. Further, vocational training institutes are to be established for imparting the necessary vital skills/artisanship, for adolescent children (given the high dropout rates) and for those children who are not covered by RTE, in order to create/improve their employability prospects.

- b) **World Day Against Child Labour:** NCPCR organized the World Day Against Child Labour on 12 June 2010 in partnership with the International Labour Organization (ILO), Ministry of Labour and Employment, Ministry of Human Resource Development, Ministry of Women and Child Development and UNICEF at India Habitat Centre, New Delhi. Noted activists from the fields of children, media, art, dance as well as concerned government officials from relevant Ministries/organizations attended the event which was supported by the corporate and industrial sector. A joint statement for the World Day against Child Labour, 2010 was also signed by leading lights of the corporate and industrial sector.
- c) **Vatsalya Mela :** NCPCR took part in the Vatsalya Mela from 14–19 November 2010 at the Dilli Haat, New Delhi. A stall was allocated to the NCPCR by the Ministry of Women and Child Development. NCPCR distributed educative and informative material on subjects like corporal punishment, RTE Act and other issues relating to children. Handouts, bookmarks and badges on the subjects were distributed to the children, teachers and general public. Queries from children/guardians and school authorities, and the general public on the functioning of the Commission were also entertained by the NCPCR officers and staff.
- d) **Foundation Day of NCPCR:** On 5 March 2007, an independent body to uphold the rights of children was instituted by the Union Government. Set up under the Commission for Protection of Children's Rights Act, 2005, the National Commission for Protection of Child Rights (NCPCR) was established primarily to monitor the rights guaranteed to children by the Constitution of India and by the UN Convention of the Rights of the Child (UNCRC). It was decided to commemorate the Foundation Day on March 5 from 2011 onwards.

On the occasion of its Foundation Day celebrations, the Commission shared the initiatives taken during the last four years. While Sm. Krishna Tirath, Minister of State (Independent Charge) for Women and Child Development was the Chief Guest, other guests of honour included Smt Sharmila Tagore, actor and then Chairperson of the Central Board of Film Certification and Shri D K Sikri, Secretary, Ministry of Women and Child Development. The Foundation Day's keynote lecture, 'Child Rights from a Mental Health Perspective', was delivered by Dr Shekhar P Seshadri, eminent psychiatrist from the National Institute of Mental Health and Neurosciences (NIMHANS), Bengaluru. The function was attended by more than 250 delegates from concerned Central Government Ministries, UN Officials and child rights activists/organizations.

- e) **National Consultation on JJ Act:** The Commission held a National level Consultation on 'Implementation of JJ Act in India' on 29 October 2010 in New Delhi.

The main objective of the Consultation was to develop a mechanism to monitor and receive constant feedback regarding the implementation of the provisions of the JJ Act in States and UTs on the ground through contact persons from child rights organizations/individual experts having specialized knowledge in the field.

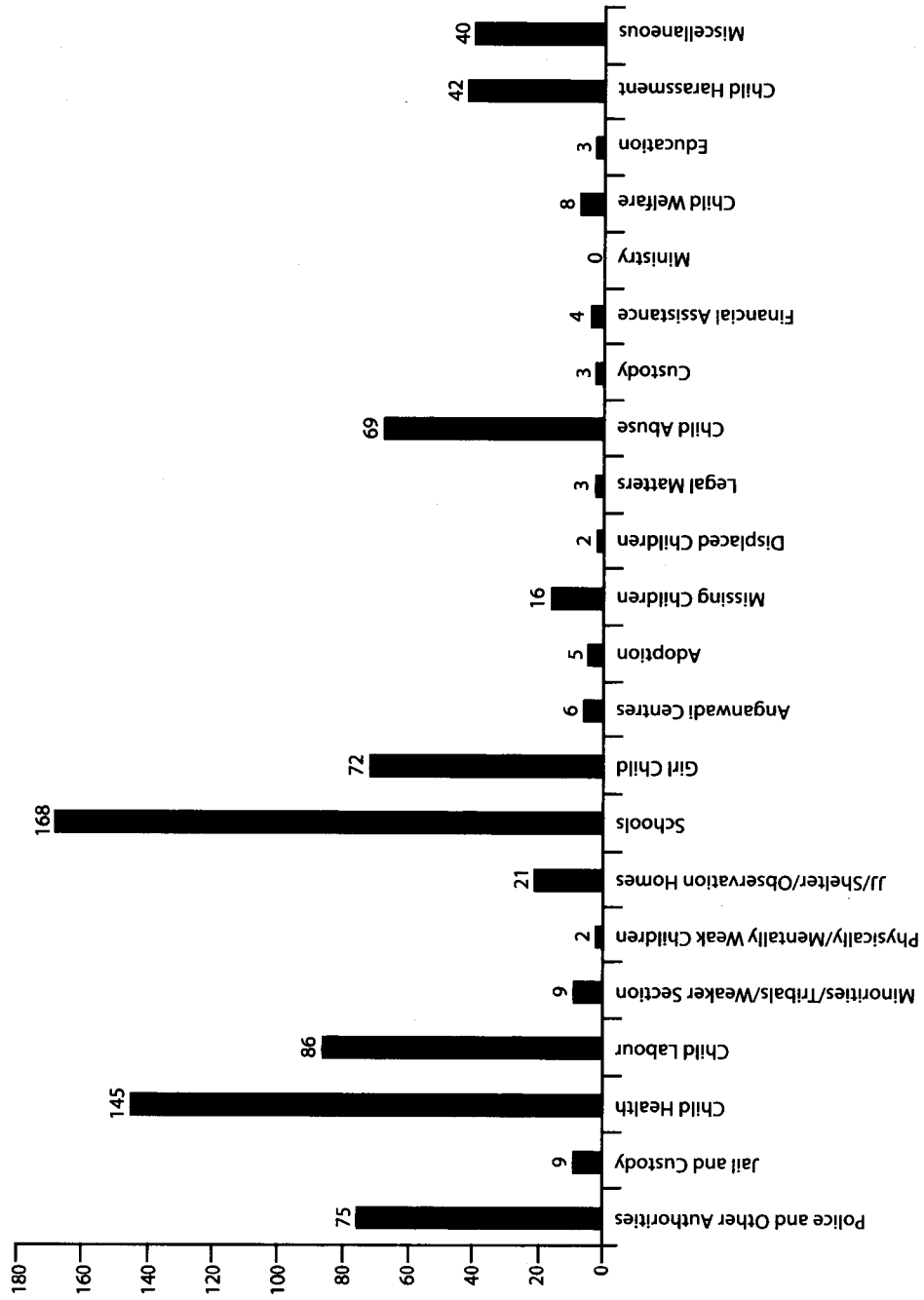
- f) **Geneva Consultation on Children:** NCPDR Chairperson, Prof Shantha Sinha, was invited to address an expert consultation on 'Child-sensitive counselling, complaint and reporting mechanism' organized by the High Commissioner for Human Rights and the Office of the Special Representative of the Secretary General on Violence against Children.

NCPDR'S Conferences, Seminars and Workshops				
S. No.	Date	Issue	Location	Outcome
1	12 June 2010	World Day Against Child Labour, in partnership with ILO, UNICEF, MOLE, MHRD & MWCD	New Delhi	
2	20 August 2010	Implementation of Action Plan for Abolition of Child Labour in Delhi	New Delhi	The proceedings of the consultation fed into NCPDR's report to the Delhi High Court
3	27 October 2010	National Consultation on Rights & Entitlements of Children Infected/Affected by HIV/AIDS	New Delhi	Policy document on HIV/AIDS
4	29 October 2010	National Consultation on Implementation of JJ Act, 2000	New Delhi	The proceedings of the consultation fed into NCPDR's recommendations to the Hon'ble Supreme Court of India in the <i>Sampurno Behrua v UOI &amp; Ors. Case</i>
5	24-28 December 2010	Interactive workshop on Child Participation	Nashik	Built public awareness
6	11 February 2011	Taking stock of Madarsas	New Delhi	





Head-wise Complaints Dealt with by NCPCR during the Period  
1 April 2010 to 31 March 2011



Total number of complaints-788

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## 3. Monitoring Children's Right to Education

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The Right of Children to Free and Compulsory Education Act, 2009 (commonly known as RTE Act) came into effect in April 2010. The RTE Act mandates that the implementation of the rights enshrined in this Act be monitored by the NCPCR and the corresponding State Commissions (Sections 31 and 32). This is a radical new feature and sets a precedent in the legislative history of India, wherein an independent statutory body has been charged with monitoring the implementation of a fundamental right. The separation of powers embodied in this provision of the Act, presents a great opportunity to institute a system of independent monitoring that ensures that the entitlements guaranteed in the Constitution are being provided to the rights holders. It provides a further opportunity to involve a range of stakeholders, including the children and parents, in the monitoring exercise through a process that can be facilitated by bodies such as the National and State Commissions. At the same time, however, it poses a huge challenge as it involves building a system that is able to receive feedback from the last child and respond to it in a manner that ensures the rights are indeed protected. This can be an especially complex task as in some cases ensuring even a single right, say the provision of a functional toilet in a school, may involve the convergence of more than one department.

The RTE Act is the latest addition to the legal instruments being used by the Government of India for guaranteeing development in a rights-based framework. The basic premise of this approach is an expectation that the delivery of a service hitherto inadequate or inefficient will be aligned to meet the demands of the people and be in conformity with their rights under the law. This premise makes two assumptions:

- i) That the people know their rights under the law and are able to demand them; and
- ii) The system of delivery responds to their demands in an efficient and effective manner.

In the case of the RTE Act, the existence of an independent monitoring agency, i.e., NCPCR provides an additional institutional space for ensuring rights. Together all three features, if adequately resourced and structured, can ensure that the rights of the child under the RTE Act are enforced in the manner intended.

It is worth pointing out here that grievance redressal and monitoring though separate functions are interdependent. In other words, the absence of a grievance redressal system implies that monitoring in a rights framework would necessarily entail intervention of the judiciary as response from the system itself is very slow or absent. A well-managed grievance redressal mechanism on the other hand allows for monitoring to be effective through interaction with the system rather than the judiciary. Fixing of responsibility at appropriate levels within the administration for various entitlements under the Act would allow for grievances to be addressed by the appropriate office/officers and for action to be taken in a time-bound fashion, with the judicial option being the last rather than only option.

### 3.1 NCPCR and its Monitoring Role

#### What will NCPCR monitor?

Section 31 of the Act clearly states that the NCPCR, along with the State counterparts will be responsible for monitoring the rights of the child under the RTE Act. A closer look at what exactly is to be monitored reveals that NCPCR will have to look at children and violations of their rights in the following domains:

- i) Children who are out of school
- ii) Children in school

- iii) Grievance Redressal Mechanism
- iv) Policy-related matters

## How will NCPCR monitor?

**The Basic Principles** adopted by NCPCR in its approach to monitoring are:

- a) **People's participation in monitoring:** NCPCR believes that the most effective monitoring can, and must, be done at the local level by the rights-holders themselves, albeit through an institutionalized mechanism. The School Management Committees (SMCs) are the available institutional unit for monitoring at the ground level. They will, however, need orientation and training and support before they can function entirely on their own in terms of their monitoring function. This support can be provided by civil society groups with the backing of NCPCR/SCPCR. Currently NCPCR has undertaken a pilot along with civil society groups to establish a monitoring system involving community members and SMCs, wherever they are functional. In addition to providing the methodology, tools and training for conducting the monitoring exercise, NCPCR has also sought to institutionalize monthly block meetings and quarterly district meetings to review the status of RTE implementation and redress complaints arising in that period. Issues that do not get resolved are then taken up by the NCPCR. Such a system needs to be established for all districts across the country. SCPCRs need to be involved in the process as well.
- b) **Awareness generation** of the entitlements of the Act is the first and necessary step towards monitoring. Creating that awareness, particularly about the role of NCPCR, is part of the initial interventions undertaken by NCPCR in building an environment for concurrent monitoring involving the people. Collaboration with government departments and civil society groups is desirable to make this a well-orchestrated and successful endeavour.
- c) **Capacity building** of SMCs and civil society groups that can assist NCPCR in monitoring and conveying feedback to NCPCR is also a basic plank of NCPCR's efforts in establishing a monitoring framework. Linking with the SSA structures, CRCs and BRCs would be useful in this exercise.

**The Systems** put into place at NCPCR to undertake the task of monitoring:

- a) **Expert Group** set up by comprising eminent persons from government and non-government agencies to advise it on matters related to RTE.
- b) **RTE Division** set up to focus on issues related to monitoring RTE. This Division, located at New Delhi, coordinates all of NCPCR's monitoring activities. The SSA budget has set aside Rs 50 per school for monitoring purposes. These funds are available to NCPCR for its monitoring activities, subject to approval of the Annual Plan by the Project Approval Board.
- c) **State Representatives** have been appointed by NCPCR to act as 'eyes and ears' in the States. At least two persons have been appointed in each of 14 States to assist the NCPCR in receiving feedback from the States on the status of implementation of the RTE Act. The State Representatives also:
  - Coordinate a network of civil society groups at State level through which feedback on the status of implementation can be received and conveyed both to State governments and NCPCR;
  - Initiate dialogue with State Governments on RTE;
  - Identify District and Block Resource Persons and organizations over a period of two years who will be trained to assist the State Representatives and NCPCR in monitoring.
- d) **Complaints Management System (CMS)** has been set up to look specifically at RTE complaints. This is a modified version of the CMS that exists at the Commission for all complaints related to child rights. All complaints are received and processed at NCPCR through the CMS.

**The Processes** initiated by NCPCR through which monitoring is undertaken include:

- a) **Community monitoring** (Social Audits) with the help of civil society groups, School Management Committees (SMCs) and citizens to help develop a system by which local structures (SMCs) and the people themselves can monitor the implementation of the programme and send period reports to the NCPCR/ SCPCR.
- b) **Public hearings** which have proved to be a powerful tool used by the NCPCR for highlighting violations of child rights in a public forum. Public Hearings focused on RTE are being used by the Commission to draw the attention of State Governments to issues that arise with respect to RTE.
- c) **Advocacy**
  - With State Governments to issue circulars on admission guidelines, ban on corporal punishment, formation of SMCs;
  - With related Ministries, such as Labour, Panchayati Raj and Social Justice.
- d) **Policy recommendations** to Central and State Governments, such as:
  - Draft Rules for Grievance Redressal;
  - Constitution of SCPCRs/ REPA (Right to Education Protection Authority);
  - Committee to draft Guidelines for Prohibition of Corporal Punishment in Schools under Section 17 of RTE Act.
- e) **Legal Action**
  - Supreme Court PIL;
  - RPVV (Rajkiya Pratibha Vikas Vidyalaya) matter;
  - Trafficking matter.

## 3.2 The Work of the RTE Division [1 April 2010–31 March 2011]

### I. Community Monitoring

In fulfilling its mandate of monitoring the implementation of the Act, NCPCR has taken the approach that monitoring can best be achieved by the rights-holders themselves through a system that empowers them to provide feed-back to the relevant authorities on the status of implementation of the Act. In order to do so, one of the systems that NCPCR is initiating is that of Community Monitoring (Social Audits) at the village level.

#### **Developing a Methodology**

In order to develop tools to collect information, basic checklists (questionnaires) were developed and piloted in August 2010 in five states – Delhi, Haryana, Punjab, Andhra Pradesh and Rajasthan. Further, a draft framework and methodology of Social Audit was shared in a two-day workshop on Social Audit in November 2010. It was at this workshop that a basic methodology was finalized and the decision to conduct a hands-on training was taken to further refine it. Along with the methodology, 10 checklists were developed for hands-on training.

NCPCR has entered into an MOU with eight organisations in nine states as of now for carrying out the social audit. The pilot Social Audit is taking place in 25 Panchayats across five blocks in one district of each State – a total of 225 Panchayats in nine states currently.

The structure of the audit teams in the nine states as of now is:

- ♦ 1 District Coordinator
- ♦ 5 Block Monitors
- ♦ 25 Panchayat Facilitators

A hands-on-training of post-facto social audit of RTE was held in Amravati between 30 January and 8 February 2011. Eighty people identified from the nine organisations who participated were trained in class and on the field. Following the training, the process of social audit was initiated by the organizations in nine states in March 2011.

## II. State Representatives

While the social audit pilot has been designed to encourage community participation in the monitoring process at the village level, State Representatives of NCPCR have been selected to enable state-level advocacy on Right to Education and act as 'eyes' and 'ears' of the NCPCR to monitor the implementation of the RTE Act.

Three meetings were held with renowned child rights activists and educationists from across the country to decide the role of State Representatives and their Terms of Reference. Currently, RTE State Representatives have been appointed by NCPCR in 15 States on an honorary basis.

The main activities of RTE State Representatives are as follows:

- ♦ Interacting with relevant departments of the State Government to ensure proper implementation of the RTE Act and provide policy inputs wherever necessary;
- ♦ To form a coalition of civil society organizations working on education in their respective States
- ♦ To organise *shiksha samvads* to enable interaction between civil society organizations and the State Government on matters related to education
- ♦ To act not only as NCPCR focal points for RTE in the State but also as RTE think-tanks and provide inputs on policy matters as well as identify gaps and the way forward.

Thus, the purpose is to draw on the expertise of State Representatives and network both with the government as well as civil society organizations to advocate on issues that require policy decisions and State-level interventions.

## III. Public Hearings

Three public hearings on the RTE Act were conducted by the Commission in the year 2010-11. The details are as follows:

### a) Madhya Pradesh

**State-level Public Hearing in Bhopal – 1 August 2010:** NCPCR's first public hearing on the RTE Act was held in Bhopal, Madhya Pradesh. Organized in collaboration with ActionAid and a consortium of grassroots level NGOs from the State, the hearing brought together State officials and children on a common platform to resolve cases and protect children's right to education.

Eighteen cases on various aspects of Right to Education were heard by the jury panel. Many cases brought related to caste-based discrimination in schools, lack of school infrastructure, child labour, poor quality or unavailability

of midday meals, sexual abuse and corporal punishment.

The Commission sent its directives to the State Education Secretary and other officials from SSA and the Education Department for action. Timelines for each directive were given, at the end of which the State is to submit an ATR to NCPCR. A committee was formed to follow up with the State Government and also verify the ATRs received by the Commission.

## Government Response

The ATRs were received from the concerned authority. Some of them are as follows:

- ◆ Complaints pertaining to discrimination were found to be true and an FIR was filed against the accused teachers. The matter is pending before the court.
- ◆ Though new schools have been set up in Gas Relief Colony and in Madhepur village, it is reported that it would take time to provide infrastructure and the appropriate number of teachers to make it a fully equipped school.
- ◆ District Collector, Neemach, has given an assurance that toilets would be constructed soon under the Samagra Swachhata Abhiyaana. Drinking water facilities are being made available through a tank which is being cleaned regularly.

### b) Rajasthan

**District-level Public Hearing in Alwar – 13 November 2010:** A district-level public hearing was held in November in Alwar, Rajasthan, to examine cases of violation of the RTE Act. Organized by NCPCR and the Alwar Mewat Institute of Education and Development (AMIED), over 800 people attended this second public hearing of the RTE Act held by the Commission.

An awareness campaign was earlier held by AMIED in 110 villages of Tijara, Kishangarh Bas and Ramgarh Blocks of Alwar District in August during which 821 cases were identified. Of these, 19 cases across 16 thematic issues were presented at the public hearing. The issues related mainly to inadequate school infrastructure, inadequate number of teachers and single teacher schools, non-provision of text books, uniforms and stationery, caste-based discrimination, demands for establishing new schools and reopening old ones. State officials were summoned to the hearing to respond to queries and directions were given to them.

## Government Response

The ATRs received from the DEO, Alwar reported the following actions taken:

- ◆ Block Primary Education Officers, Ramgarh, Tijara and Kishangarh have provided the concerned students with school books.
- ◆ Proposal for appointment of appropriate number of teachers to meet the requirement of the students at primary level (this included Urdu and Punjabi teachers as well as female teachers wherever required) has been forwarded to the Education Department, Bikaner for necessary action at their end.
- ◆ Fees charged from the students of government schools in Ramgarh, Tijara and Kishangarh region has been refunded.
- ◆ A proposal for upgradation of schools in Ramgarh, Tijara Block has been sent to the Directorate, School Education, Government of Rajasthan.
- ◆ A proposal for opening of a new school in Alwar District is pending before the Education Department, Government of Rajasthan. BEOs have been directed by the DEO to give admission in age-appropriate classes.
- ◆ The Block Primary Education Officer, Tijara and Kishangarh has provided admission to children in VII and VIII Standards, Kishangarh and Tijara blocks.

*c) Tamil Nadu*

**State-level Public Hearing in Chennai – 29–30 November 2010:** The NCPCR conducted a state-level public hearing in Chennai in November 2010 to examine cases of RTE violations.

Facilitated by the Institute of Human Rights Education (IHRE), a Chennai based organization, the jury heard 50 cases. The complaints related to corporal punishment, discrimination, admission-related issues, lack of infrastructure, child labour and sexual harassment.

The Commission also issued a set of recommendations to the State on corporal punishment and violence against children, school infrastructure, SMCs, orientation and training of Education Departments and setting up of the SCPCR.

An immediate outcome of the hearing was the posting of the draft RTE Rules on the website of the State Education Department for public feedback.

### **Government Response**

- ◆ The ATR was received from Collector, Erode CEO, Thanjavur CEO, Tiruchirappalli stating that complaints pertaining to corporal punishment were found to be true and action would soon be taken to cancel the recognition of the school. The school had been strictly warned against the use of corporal punishment and the Collector has assured that violation of the Act would not happen. All schools are being strictly monitored by educational authorities.
- ◆ Further, in two cases FIR was registered and the matter is pending before the Court of the Judicial Magistrate.
- ◆ In another instance, the accused teacher tendered an apology to the Principal and to the parents.
- ◆ Three cases are pending before the Court; in one case compromise was reached between the parents and the school as the accused headmaster was transferred to Vandavasi School.
- ◆ In the matter of out-of-school children, as per the ATR of the District Collector, Erode and Chairman, Erode Child Labour Abolition Support Society, three government tribal welfare elementary schools are functioning in Kuthiyalathur, Nagalur and Pathiripadugu villages. In Sathy and Anthiyur hilly areas, adequate arrangements have been made by Erode District Forest Officer to protect the children studying in Government. tribal welfare elementary schools in the vicinity of Erode forest district from wild animals. With regard to lack of transport facilities, it is submitted that Forest Department, Government of India has to provide black tar roads in Anthiyur hilly areas.
- ◆ In Anthiyur and Burgur hill areas there are 15 middle schools and five primary schools, five government tribal welfare primary schools and one government tribal welfare middle school.
- ◆ Proposal to establish one primary school at Onnakarai village, Burgur Panchayat, Erode, has been sent to the State Government for approval. All headmasters and teachers were strictly instructed to advise parents to send their children to school. At present, 92 teachers are working in 27 schools in Sathy and Kadambur hill areas; 189 teachers are working in 61 schools in Hasanur and Thalavady hill areas and 89 teachers are working in Anthiyur and Burger hill areas.

## **IV. Complaints**

For State-wise complaints dealt with by the RTE Division of the NCPCR from 1 April 2010 to 31 March 2011 (see **Annexure 6**).



## V. Publicity and Awareness

People's monitoring of the RTE Act cannot be undertaken unless they are aware of children's entitlements guaranteed under the Act. In order to simplify the RTE Act, the RTE Division has developed material both in English and Hindi including:

- FAQs on RTE
- Main features of RTE
- Pamphlets on RTE
- Brochure on mandate of RTE Division under Section 31 of the RTE Act

## VI. State Rules

Comments on Rules available as on 31 March 2011 (see **Annexure 7**).

## VII. Corporal Punishment

A Committee was formed in December 2010 to elaborate Section 17 of RTE. The Committee comprised experts from the fields of child rights, education, child psychiatry, legal experts, members of teachers' unions and government officials (see **Annexure 8** for members of the committee).

Six meetings were held between December 2010 and March 2011 to discuss the theoretical framework, perspective and content of the document.

# Statement of Accounts for the Financial Year 2010–11

## Balance Sheet as on 31 March 2011

(Amount in Rs.)

Corpus/Capital Fund and Liabilities	Schedule	Current Year	Previous Year
Corpus/Capital Fund	1	23,097,622.80	23,618,573.80
Reserves and Surplus		—	—
Earmarked/Endowment Funds	2	280,000.00	150,000.00
Secured Loans and Borrowings		—	—
Unsecured Loans and Borrowings		—	—
Deferred Credit Liabilities		—	—
Current Liabilities and Provisions	3	1,585,965.00	2,550,464.00
<b>TOTAL</b>		<b>24,963,587.80</b>	<b>26,319,037.80</b>
<b>Assets</b>			
Fixed Assets	4	7,297,234.00	8,548,429.00
Investments - from Earmarked Funds		—	—
Investments - Others		—	—
Current Assets, Loans, Advances etc.	5	17,666,353.80	17,770,608.80
Miscellaneous Expenditure (to the extent not written off or adjusted)		—	—
<b>TOTAL</b>		<b>24,963,587.80</b>	<b>26,319,037.80</b>
Significant Accounting Policies	11	—	—
and Notes on Accounts	12		

## Income and Expenditure Account for the year ended 31 March 2011

(Amount in Rs.)

Income	Schedule	Current Year	Previous Year
Income from Sales/Services		—	—
Grants/Subsidies	6	55,000,000.00	51,000,000.00
Fees/Subscriptions		—	—
Income from Investments (Income on Invest from earmarked Funds transferred to Funds)		—	—
Income from Royalty, Publication etc.		—	—
Interest Earned	7	398,118.00	188,091.00
Other Income	8	5,149.00	2,948.00
Increase/(decrease) in stock of finished goods and works-in-progress		—	—
<b>TOTAL (A)</b>		<b>55,403,267.00</b>	<b>51,191,039.00</b>
<b>Expenditure</b>			
Establishment Expenses	9	14,135,669.00	16,213,180.00
Office & Other Administrative Expenses etc.	10	40,283,117.00	39,603,100.00
Expenditure on Grants, Subsidies etc.		—	—
Interest		—	—
Depreciation (Net Total at the year-end) (Corresponding to Schedule 4)	4	1,505,432.00	2,396,755.00
<b>TOTAL (B)</b>		<b>55,924,218.00</b>	<b>58,213,035.00</b>
Balance being excess of Income/(Expenses) over Expenditure/Income (A-B)		(520,951.00)	(7,021,996.00)
Transfer to Special Reserve (Specify each)		—	—
Transfer to/from General Reserve		—	—
Balance being Surplus/(Deficit) Carried to Corpus/Capital Fund		<b>(520,951.00)</b>	<b>(7,021,996.00)</b>
<b>SIGNIFICANT ACCOUNTING POLICIES</b>	11		
<b>AND NOTES ON ACCOUNTS</b>	12		

## Receipts and Payments Account for the year ended 31 March 2011

(Amount in Rs.)

Receipts	As on 31.03.11	As on 31.03.10	Payments	As on 31.03.11	As on 31.03.10
<b>(I) Opening Balances</b>			<b>(I) Expenses</b>		
a) Cash in Hand (Including Imprest)	135,752.00	41,209.00	a) Establishment Expenses	14,798,464.00	15,916,122.00
b) Bank Balances	—	—	b) Office & Other Administration Expenses	40,584,490.00	40,413,897.00
(i) In Current Accounts (unspent bal.)	—	—	c) TDS & Other payable amount of last year	331.00	83,727.00
(ii) In Desposit Accounts	—	—	<b>(II) Payments made against funds for various projects</b>		
(iii) In Savings Accounts	8,572,195.80	14,172,696.80	Out of Earmarked/Endowment funds (UNICEF India)	258,835.00	—
Adjustment of previous year advance			<b>(III) Investments and deposits made</b>		
<b>(II) Grants Received</b>			<b>(IV) Expenditure on Fixed Assets &amp; Capital Work-in-Progress</b>		
a) From Government of India: For Capital & Revenue Expenses	55,000,000.00	51,000,000.00	a) Purchase of Fixed Assets	254,237.00	368,780.00
b) From State Government			b) Exp. On Capital Work-in-progress	—	—
c) From Other Sources (UNICEF India)	388,835.00	134,513.00	<b>(V) Loans &amp; Advances:</b>		
<b>(III) Income on Investments from</b>			<b>(VI) Finance Charges (Interest)</b>		
a) Earmarked/Endow. Funds	—	—	a) To the Government of India	—	—
b) Own Funds (Oth. Investment)	—	—	b) To the State Government	—	—
<b>(IV) Interest Received</b>			c) To others	697,933.00	42,234.00
a) On Bank Deposits	398,118.00	187,837.00	d) Recovered & paid to parent office	—	6,750.00
b) Loans, Advances etc.		254.00			
				—	—

Statement of Accounts for the Financial Year 2010-11

contd. ...

Receipts	As on 31.03.11	As on 31.03.10	Payments	As on 31.03.11	As on 31.03.10
(I) Other Income (Specifc)					
RTI Fee Received	1,849.00	2,948.00			
Sale of old Newspapers and Magazines	—	—	Refund of Grant to Panchayati Raj	—	—
Tender Money	—	—	Deposit With NDMC	388,040.00	—
Security Money Received	—	—	Deposit With MTNL	—	—
Security Deposit (Phone) Return	—	—			
Misc.	3,300.00	—	a) Cash in hand (Including Imprest)	13,400.00	135,752.00
(II) Amount Borrowed			b) Bank Balances:		
			(i) In Current Accounts		
			(ii) In Deposit Accounts		
			(iii) Savings Accounts	7,504,319.80	8,572,195.80
<b>TOTAL</b>	<b>64,500,046.80</b>	<b>65,538,757.80</b>	<b>TOTAL</b>	<b>8,572,195.80</b>	<b>8,572,195.80</b>

## NCPCR–Bal Bandhu Scheme

### Balance Sheet as on 31 March 2011

Previous Year	Liabilities	Current Year	Previous Year	Assets	Current Year
	<b>Reserve &amp; Surplus</b>			<b>Loan &amp; Advances</b>	
—	Unspent Balance of Grant as per last year	—	—	Advance to Resource Persons	301,363
—	Add: During the year	12,173,091	—	Advance for Public Awareness	19,090
		12,173,091	—	Advance to Bal Bandhu	95,000
			—	Advance for Document & Report Writing	31,400
			—	Advance for Training & Exposure Visits	69,070
					515,923
	<b>Current Liabilities</b>			<b>Cash &amp; Bank Balances</b>	
—	TDS Payable	47,358		<b>Saving Account with State Bank of India</b>	
			—		11,704,526
—		12,220,449	—		12,220,449

### Income and Expenditure Account for the year ended 31 March 2011

Previous Year	Expenditure	Current Year	Previous Year	Income	Current Year
—	Personnel	2,123,695	—	Grant from Prime Minister's National Relief Fund	14,545,000
—	Public Awareness and Social Mobilisation	12,169	—	Bank Interest	104,632
—	Training & Exposure Visits	—	—		
	Documentation & Report Writing	—			
	Administration	340,137			
	Excess Transferred to Balance Sheet	(2,173,091)			
—		14,649,032			14,649,032

## Receipts and Payments Accounts for the year ended 31 March 2011

Receipts	Amount (Rs.)	Payments	Amount (Rs.)
<b>Opening Balances</b>		<b>Loan &amp; Advances</b>	
Cash in Hand	—	Advance to Resource Persons	301,363
Balance with bank	—	Advance for Public Awareness	19,090
Grant in received from PMNRF	14,545,000	Advance to Bal Bandhu	95,000
Bank Interest	104,032	Advance for Document & Report Writing	31,400
		Advance for Training & Exposure Visits	69,070
		<b>Expenses</b>	
		Personnel	2,076,337
		Public Awareness and Social Mobilisation	12,109
		Training & Exposure Visits	—
		Documentation & Report Writing	—
		Administration	340,137
		<b>Closing Balances</b>	
		Cash in Hand	—
		State Bank of India-SB Account	11,704,526
<b>TOTAL</b>	<b>14,649,032</b>	<b>TOTAL</b>	<b>14,649,032</b>

**NCPCR – Right to Education Scheme**  
**Fixed Assets as on 31 March 2011**

(Amount in Rs.)

Description	Gross Block				Depreciation				Net Block		
	Cost/Valuation as at beginning of the year	Additions up to 30.09.10	After 30.09.10	Deductions during the year	Cost/Valuation at year-end	As at the beginning of the year	On opening WDV and additions during the year	On deductions during the year	Total up to the year-end	As at the current year-end	As at the previous year-end
<b>A. Fixed Assets</b>	—	—	—	—	—	—	—	—	—	—	—
1. Land:	—	—	—	—	—	—	—	—	—	—	—
a) Freehold	—	—	—	—	—	—	—	—	—	—	—
b) Leasehold	—	—	—	—	—	—	—	—	—	—	—
2. Buildings:	—	—	—	—	—	—	—	—	—	—	—
a) On Freehold Land	—	—	—	—	—	—	—	—	—	—	—
b) On Leasehold Land	—	—	—	—	—	—	—	—	—	—	—
c) Ownership Flats/Premises	—	—	—	—	—	—	—	—	—	—	—
d) Superstructures on Land not belonging to the entity	—	—	—	—	—	—	—	—	—	—	—
3. Plant Machinery & Office Equipment	—	—	—	—	—	—	—	—	—	—	—
4. Furniture & Fixtures	—	—	—	—	—	—	—	—	—	—	—
5. Computer/Peripherals	—	—	857,226	—	857,226	—	257,168	—	257,168	600,057	—
6. Library Books	—	—	—	—	—	—	—	—	—	—	—
7. Tubewells & W. Supply	—	—	—	—	—	—	—	—	—	—	—

Statement of accounts for the financial year 2010-11



Description	Gross Block				Depreciation				Net Block		
	Cost/Valuation as at beginning of the year	Additions up to 30.09.10	After 30.09.10	Deductions during the year	Cost/Valuation at year-end	As at the beginning of the year	On opening WDV and additions during the year	On deductions during the year	Total up to the year-end	As at the current year-end	As at the previous year-end
8. Other fixed assets	—	—	—	—	—	—	—	—	—	—	—
<b>TOTAL</b>	—	—	<b>857,226</b>	—	<b>857,226</b>	—	<b>257,168</b>	—	<b>257,168</b>	<b>600,058</b>	—
<b>B. Capital Work-in-Progress</b>	—	—	—	—	—	—	—	—	—	—	—
<b>GRAND TOTAL</b>	—	—	<b>857,226</b>	—	<b>857,226</b>	—	<b>257,168</b>	—	<b>257,168</b>	<b>600,058</b>	—

### Balance Sheet as on 31 March 2011

(Amount in Rs.)

Previous Year	Liabilities	Current Year	Previous Year	Assets	Current Year
	<b>Reserve &amp; Surplus</b>			<b>Fixed Assets</b>	
	Unspent Balance of Grant as per last year		—	Purchases During the Year	857,226
—	Add:- During the year	8,511,177	—	Less:- Depreciation	257,168
			8,511,177		
				<b>Loan &amp; Advances</b>	
	<b>Current Liabilities</b>			TA Advances	36,106
—	TDS Payable		22,232	Imprest Advance	5,000
—	NPCRC		98		
				<b>Cash &amp; Bank Balances</b>	
				State Bank of India-SB Account	7,892,343
			<b>8,533,507</b>		<b>8,533,507</b>

## Income &amp; Expenditure Account for the year ended 31 March 2011

(Amount in Rs.)

Previous Year	Expenditure	Current Year	Previous Year	Income	Current Year
—	Fee & Honorarium (Staff)	679,941	—	Grant from Ministry of Human Resource and Development	13,938,000
—	TA & DA Expenses	390,722	—	Bank Interest	100,117
—	Office Space & Maintenance	—			
—	Programme Expenses	4,065,661			
—	Contingency	133,448			
—	Depreciation	257,168			
—	Income excess over expenditure	8,511,177			
		<b>14,038,117</b>			<b>14,038,117</b>

## Receipts and Payments Account for the year ended 31 March 2011

(Amount in Rs.)

Receipts	Amount (Rs.)	Payments	Amount (Rs.)
<b>Opening Balance</b>			
Cash in Hand	—	Fixed Asset Purchased	857,226
Balance with Bank	—		
		<b>Loan and Advances</b>	
Grant-in-aid received from Ministry of Human Resource and Development	13,938,000	TA/DA	36,106
Bank Interest	100,117	Imprest advance	5,000
		<b>Expenses</b>	
		Fee & Honorarium	657,709
		TA/DA Expense	390,722
		Programme Expenses	4,065,563
		Contingency Expenses	133,448
		<b>Closing Balances</b>	
		Cash in Hand	—
		Bank Balance with—State Bank of India—SB Account	7,892,343
	<b>14,038,117</b>		<b>14,038,117</b>

# Audit Certificate for the Financial Year 2010-11



N.C.P.C.R. M.S.  
(C.R. UNIT)

Dy. No. 2533/DIR/11/11/11

क. वनेव जका

कार्यालय महानिदेशक लेखा परीक्षा (केन्द्रीय व्यय)  
Office of the Director General of Audit (Central Expenditure)  
इन्द्रप्रस्थ इस्टेट, नई दिल्ली-110 002  
Indraprastha Estate, New Delhi -110 002

पत्र संख्या: ए.एम.जी.-1/4-19/एस.ए.आर./एन.सी.पी.सी.आर./2011-12/  
सेवा में,

दिनांक:

सचिव, भारत सरकार,  
महिला एवं बाल विकास मंत्रालय,  
कमरा नम्बर 601, ए-ब्लॉक, शास्त्री भवन,  
नई दिल्ली-110001.

विषय : वर्ष 2010-11 के लिए राष्ट्रीय बालक अधिकार संरक्षण आयोग, नई दिल्ली के  
लेखाओं पर पृथक लेखापरीक्षा प्रतिवेदन।

महोदय,

मैं, राष्ट्रीय बालक अधिकार संरक्षण आयोग, नई दिल्ली के वर्ष 2010-11 के प्रमाणित वार्षिक  
लेखे की प्रति उसके पृथक लेखापरीक्षा प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र सहित की प्रति संसद के पटल  
पर रखने के लिए संलग्न करता हूँ।

संसद को प्रस्तुत कर दस्तावेज की दो प्रतियाँ उस तिथि को दर्शाते हुए, जब वे संसद को प्रस्तुत  
किए गए थे, इस कार्यालय को तथा भारत के नियंत्रक एवं महालेखापरीक्षक का कार्यालय,  
10-बहादुर शाह जफर मार्ग, नई दिल्ली-110124 को भेजी जाएं।

कृपया यह सुनिश्चित किया जाए कि पृथक लेखापरीक्षा प्रतिवेदन को संसद के दोनों सदनों के  
समक्ष प्रस्तुत करने से पहले वार्षिक लेखाओं को शासी निकाय (Governing body) द्वारा अनुमोदित  
अवश्य करा लिया जाए तथा यह भी सुनिश्चित करें कि 2010-11 के लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा  
प्रमाण पत्र को संसद के पटल पर रखने से पहले सभी पूर्व वर्षों के लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा  
प्रमाणपत्र संसद के पटल पर प्रस्तुत किये जा चुके हों।

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

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

अनुलग्नक: यथोपरि

भवदीय,


उप निदेशक (ए.एम.जी.-I)

पत्र संख्या: ए.एम.जी.-1/4-19/एस.ए.आर./एन.सी.पी.सी.आर./2011-12/५७७ दिनांक: 14 OCT 2011

प्रति, प्रमाणित वार्षिक लेखे की प्रति, उसके पृथक लेखापरीक्षा प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र सहित श्री लव वर्मा, सदस्य सचिव, राष्ट्रीय बालक अधिकार संरक्षण आयोग, पांचवां तल, चन्द्रलोक भवन, 36, जनपथ, नई दिल्ली-110001 को आवश्यक कार्यवाही हेतु अग्रेषित की जाती है। प्रमाणित वार्षिक लेखे हिन्दी की एक प्रति शीघ्र इस कार्यालय को भेजी जाए।

संसद को प्रस्तुत दस्तावेजों की दो प्रतियाँ उस तिथि को दर्शाते हुए जब वे संसद को प्रस्तुत किए गए थे, इस कार्यालय को तथा भारत के नियंत्रक एवं महालेखापरीक्षक का कार्यालय, नई दिल्ली-110124 को भेजी जाएं।

अनुलग्नक: यथोपरि

  
उप निदेशक (ए.एम.जी.-I)

**Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of National Commission for Protection of Child Rights for the year ended 31 March, 2011**

We have audited the attached Balance Sheet of National Commission for Protection of Child Rights as at 31 March 2011 and Income & Expenditure Accounts/Receipts & Payment Account for the year ended on that date under Section 19(2) of the Comptroller & Auditor General's (Duties, Powers & Conditions of Service) Act, 1971 read with Section 29(2) of the National Commission for Protection of child Rights Act, 2005. These financial statements are the responsibility of the National Commission for Protection of Child Rights management. Our responsibility is to express an opinion on these financial statements based on our audit.

2. This Separate Audit Report contains the comments of the Comptroller & Auditor General of India (CAG) on the accounting treatment only with regard to classification, conformity with the best accounting practices, accounting standards and disclosure norms, etc. Audit observations on financial transactions with regard to compliance with the Law, Rules & Regulations (Propriety and Regularity) and efficiency-cum-performance aspects, etc., if any are reported through Inspection Report/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 disclosure in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by managements, 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 explanation, which to the best of our knowledge and belief were necessary for the purpose of our audit.
- ii. The Balance Sheet and Income & Expenditure/Receipt & Payment 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 and other relevant records 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**

Separate Balance Sheet & Income & Expenditure Account have been prepared for grant received for "Bal Bandhu Scheme" and "Right to Education Scheme" and the same are not merged in the main accounts of the Commission.

**B. Grant-in-Aid**

The Commission had received grant-in-aid of ₹ 550.00 lakh under Plan from the Ministry of Women & Child Development. It had unspent grant of previous year amounting to ₹ 85.72 lakh & internal receipt of ₹ 4.03 lakh. Out of the total funds, the Commission utilized ₹ 561.78 lakh leaving an unspent balance of ₹ 77.97 lakh.

Further, the Commission had received ₹ 145.45 lakh and ₹ 139.38 lakh from Prime Minister National Relief Fund under "Bal Bandhu Scheme" and Ministry of Human Resource Development under the "Right to Education Scheme" respectively. It also had internal receipts of ₹ 1.04 lakh & ₹ 1.00 lakh. under "Bal Bandhu Scheme" and "Right to Education Scheme" respectively. Out of the total funds available, the Commission had utilized ₹ 29.45 lakh and ₹ 61.46 lakh leaving a balance of ₹.117.04 lakh and ₹ 78.92 lakh as unutilized grant under "Bal Bandhu Scheme" and "Right to Education Scheme" respectively.

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

v. Subject to our observations in the preceding paragraph, we report that the Balance Sheet and Income & Expenditure Account/Receipt and 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 on Accounts, and subject to the significant matters stated above and other matters mentioned in Annexure to this Audit Report give a

true and fair view on 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 are as at 31 March, 2011 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 the C& AG of India**

  
**Director General of Audit**  
**(Central Expenditure)**

**Place: New Delhi**

**Date :**

**Annexure**

**1. Adequacy of Internal Audit System**

The internal audit was not conducted by the Chief Controller of Accounts of the Ministry of Women and Child Development since inception (December, 2005)

**2. Adequacy of Internal Control System**

The management's response to audit objection is not effective, as 13 audit paras for the 2007-2009 were outstanding.

**3. System of physical verification of fixed assets**

Physical verification of fixed assets for the year 2010-11 is under process.

**4. System of physical verification of inventory**

The physical verification of inventory like books and publications, stock of papers, stationery and other consumable items for the year 2010-11 is under process.

**5. Regularity in payment of statutory dues**

No payment over six months in respect of statutory dues was outstanding as on 31.03.2011.



# Annexures

## Annexure I

### *Initiatives taken by Rajasthan Administration to Curb Trafficking of Children for Labour into Gujarat*

The initiatives taken by the administration to curb trafficking of children for labour into Gujarat were as follows:

- ♦ On 12 June 2010, the district administration, Dungarpur, initiated a campaign called *Nanhe Haath Kalam ke Saath* with support from UNICEF. This campaign involved the formation of a task force at the village level and included the Sarpanch, Patwari, Assistant Secretary (MGNREGA), beat constable and ward members.
- ♦ Initiation of *Kalam Senas* at the Panchayat level to mobilize the community against child trafficking. The *Kalam Senas* were mostly women – anganwadi workers, Sarpanches, or ward members. The *Kalam Senas* went from door to door to mobilize communities against trafficking. Various street plays and Gram Sabhas were organised to discuss the issue.
- ♦ *Ratri Chowpal* and village meetings were organized to discuss the issue of child labour in Bt. Cotton farms and child trafficking and its hazards. The slogan used to mobilize the community was *Nanhe Haath Kalam ke Saath* (children's hands should hold only pens).
- ♦ Physical verification of agents/contractors involved in trafficking and booking them under Section 122 of the Criminal Procedure Code.
- ♦ Maintenance of records of child labourers and agents/contractors at Panchayat level.
- ♦ Gram Sabhas organized to discuss issues of child labour. Headmasters of schools were invited to these Gram Sabhas where they were given names of children to be enrolled.
- ♦ MGNREGA is usually non-functional during monsoons, which leads to high rates of migration. In order to curb migration rates, MGNREGA was kept functional during these monsoons.
- ♦ Most migration was reported to be a result of inefficiency in the working of MGNREGA. Therefore, this year, besides making work available under MGNREGA, efforts were made to make MGNREGA processes transparent.
- ♦ A list of all people in the BPL category was made available to the public by pasting it on school boards. This resulted in a revision of the list, making MGNREGA more accessible to those who really needed it.
- ♦ Sanctioned Category 4 works to SC/ST population in Dungarpur to prevent migration.
- ♦ Prevented delay of MGNREGA payments by making muster rolls transparent leading to recovery of money which was earlier spent incorrectly through MGNREGA. This has helped to win the Sarpanch over to the side of the District Administration.
- ♦ This has helped to win the Sarpanch over to the side of the District Administration.
- ♦ Meetings have been held with District Administrations of Sabarkantha and Banaskantha in Gujarat, the two districts where the maximum migration and trafficking of children occurs.
- ♦ A strong communication network has been built right down to the grassroots level by involving the Sarpanches, local educated youth, MGNREGA secretaries, women members etc. to give information about any movement of children for labour and intercept them at the earliest.
- ♦ Twenty-five check-posts and mobile teams have been put in place along the borders of Gujarat and Rajasthan to prevent trafficking.
- ♦ A child-trafficking survey was conducted to identify the exact number of children being traded across the border. Several were intercepted/prevented from being trafficked this year and have been enrolled in schools.

- ◆ Any child that did not attend school for more than five days was considered to be a drop out and the list was sent to the Gram Panchayat for further tracing and action.
- ◆ The administration also welcomed the concept of Lehar schools in the district.
- ◆ The administration is in the process of designing the Vagad Bandhu Project.
- ◆ The *Kalam Sena* and district administration claim that village-level vigilance has reduced the extent of trafficking and the number has fallen to 3000–5000 children this year. Close to 80 children were intercepted at the State border this year and were reported to have been enrolled in bridge courses.
- ◆ The visiting team from the Commission shared the importance of strengthening schools to welcome children back and retain them through complete implementation of the RTE Act thus preventing them from entering the labour pool.

## Annexure 2

<sup>1</sup> State-wise Status of the Child Welfare Committees

Name of State	District	CWCs
Andaman & Nicobar Islands	3	1
Andhra Pradesh	23	23
Arunachal Pradesh	16	8
Assam	27	27
Bihar	38	21
Chandigarh	1	1
Chhattisgarh	18	16
Dadra & Nagar Haveli	1	1
Daman & Diu	2	2
Delhi	9	4
Goa	2	2
Gujarat	26	26
Haryana	21	20
Himachal Pradesh	12	12
Jharkhand	24	24 <sup>2</sup>
Karnataka	30	29
Kerala	14	14
Lakshadweep	1	1
Madhya Pradesh	50	48
Maharashtra	35	35
Manipur	9	9
Meghalaya	7	7
Mizoram	8	8
Nagaland	11	11
Orissa	30	30
Puducherry	4	1
Punjab	20	5
Rajasthan	33	29
Sikkim	4	4
Tamil Nadu	32	18
Tripura	4	4
Uttar Pradesh	72	69
Uttarakhand	13	9
West Bengal	19	19

<sup>1</sup> Source: Reports/Affidavits received from the State Governments/UT Administrations.<sup>2</sup> Only 15 are functional.

## **Annexure 3**

### *Recommendations made during JJ Consultations*

The JJ Committee should be headed by a High Court judge and regional level conferences, trainings, meetings and seminars should be organized. Child rights and protection should be a part of police academy and judicial training and the District Magistrates should incorporate monitoring indicators.

Reporting can be ensured only when there is greater awareness, sensitization and delivery of justice. Thus, there should an emphasis on State-level reporting. School Management Committees and children should be encouraged to report directly to SCPCR/NCPCR on pre-printed postcards. Civil society reports and media reports too should be encouraged.

The CWCs need to become proactive and there should be an ombudsman in every police station to counter police abuse. Foster-care schemes are required in all States and there is a need for community care and adoption-related monitoring.

Monitoring of the RTE Act can lead to effective implementation of the JJ Act and setting up of SCPCRs can lead to effective decentralization. The process of setting up Child Protection Units should be completed.

## Annexure 4

### List of Spot Enquiries by the Commission in 2010-11

S. No.	Home Inspected Visited	Date of Visit	Inspected by	Gaps (if any) Functioning of the Home	Recommendation Made in the Inspection Report for Filling in the Gaps	Recommendation by NCPDR	Response Received (if any) from the Concerned State Govt. Authority Dept. With Lr. No and Date
1.	Rajkiya Bal Griha Balkeshwar, Agra (UP)	06.07.2010	DSP, Inspector and constable	Sexual harassment by the staff, nine children found missing without legal formalities by the Supdt., medical facilities not provided to children.	Yes, action against accused Staff and CB, CID inquiry proposed for missing children of the Home.	—	—
2	Observation Home, Ambala, Haryana	25.12.10 to 27.12.10	Inspector	Found normal	—	—	—
3	Observation Home, UNA and Ashram (Home) Girls /Pragpur, Dist. Kangra (HP)	3.2.11 to 8.2.11	Inspector & Constable	Found normal	—	—	—
4	Observation Home, Basti Gonda, Lucknow (UP)	9.3.11 to 11.03.2011	Inspector & Constable	Observation Home found normal.	—	—	—
5	Govt. Homes CHB-I and CHB-II, namely, Phulwari and Aashiana Alipur, New Delhi.	30.3.11	Member VK Tikoo, Inspector SC Sharma, Interns Harshita and Priyanka	Homes lacked cleanliness, services of doctor, ambulance; vocational training to children and other proper management needed.	—	Letter sent to Secretary, Dept. of WCD Govt. of NCT Delhi on 6.6.2011	—

## Annexure 5

## State-wise and District-wise Break-up of Bal Bandhus

State and Districts	Bal Bandhus Engaged
<b>1. State of Bihar</b>	
East Champaran	11
Rohtas	20
Jamui	20
Sheohar	20
<b>2. State of Assam</b>	
Chirang	20
Kokrajhar	17
NC Hills ( <i>Programme currently on hold</i> )	
<b>3. State of Andhra Pradesh</b>	
Khammam	19
<b>4. State of Maharashtra</b>	
Gadchiroli	20
<b>5. State of Chhattisgarh</b>	
Dantewada	19
<b>TOTAL</b>	<b>166</b>

## Annexure 6

State-wise Complaints Dealt with by the RTE Division of NCPCR from 1 April 2010 to 31 March 2011

S. No.	State /UT	No. of Complaints Dealt With
1	Andaman & Nicobar Islands	0
2	Andhra Pradesh	23
3	Arunachal Pradesh	1
4	Assam	1
5	Bihar	1
6	Chandigarh	0
7	Chhattisgarh	1
8	Dadra and Nagar Haveli	0
9	Daman & Diu	0
10	Delhi	61
11	Goa	1
12	Gujarat	4
13	Haryana	26
14	Himachal Pradesh	2
15	Jammu & Kashmir	0
16	Jharkhand	1
17	Karnataka	1
18	Kerala	0
19	Lakshadweep	0
20	Madhya Pradesh	27
21	Maharashtra	4
22	Manipur	0
23	Meghalaya	0
24	Mizoram	1
25	Nagaland	0
26	Orissa	4
27	Puducherry	1
28	Punjab	7
29	Rajasthan	771
30	Sikkim	1
31	Tamil Nadu	128
32	Tripura	0
33	Uttar Pradesh	23
34	Uttarakhand	3
35	West Bengal	12
	<b>Total</b>	<b>1089</b>

**Major Head-wise Complaints Dealt with from 1 April 2010 to 31 March 2011**

S. No.	Major Head	No. of Complaints Dealt With
1	Admission	386
2	Authority	8
3	Conflict Areas	1
4	Corporal Punishment	80
5	Curriculum and Evaluation	12
6	Denial of Entitlement	207
7	Discrimination	12
8	Headmaster and Teacher	173
9	Infrastructure	126
10	Miscellaneous	32
11	Private Schools	13
12	Systemic Issues	55
	<b>Total</b>	<b>1089</b>



## Annexure 7

## State Rules

Comments on Rules Available as on 31 March 2011

S. No.	State	Status	Problem Areas
1	Andhra Pradesh	Notified	<p>1 <b>Admission:</b> The rules have elaborate admission procedures; however the basic principle that <b>children can be admitted any time in an academic year</b> has not been mentioned.</p> <p>2 <b>Exams:</b> The RTE Act does away with exams up to Class VIII and in place of diagnostic test at the end of curriculum; the Act says that a system of comprehensive and continuous evaluation should be put in place. <b>This is not reflected in the Rules. Instead, children have been grouped into those who secured high marks and those who secured very low marks.</b></p> <p>3 The Rules want the parents of children who secured the highest marks and lowest marks to be candidates for the SMC, which is a serious violation of the RTE Act. In the Act the SMC is given the responsibility of monitoring the larger issues of quality in the school. The Act DOES NOT qualify parents who are to be on the SMC, on the basis of academic performance of their own children.</p> <p>4 <b>Head of SMC:</b> The Rules designate the Sarpanch/Municipal councillor to be the chairman of SMC; the Act on the other hand says that the head of the SMC has to be a parent member. If SMC or anyone who has a grievance should to appeal first to local authority i.e., Sarpanch/Municipal Councillor, as the Act encourages, the same authorities rationally cannot have dual roles of implementer and appellate.</p>
2	Tamil Nadu	Draft Rules Prepared	<p>1 <b>Local authority: 'Functional Educational Authority'</b> given too much importance. The Act says that the <b>local authority should be responsible.</b></p> <p>2 <b>EW&amp;D sections:</b> The Rules do not specify who constitutes the 'weak and disadvantaged sections'.</p> <p>3 <b>SMC:</b> The Tamil Nadu Rules say that the SMC will be reconstituted every three years, as opposed to every two years, as specified in the model Rules.</p> <p>4 <b>SDP:</b> The Rules say that the School Development Plan should be signed by the Chairperson of the SMC and handed over to the 'Local Education Authority', instead of the Local Authority.</p> <p>5 <b>Grievance redressal:</b> The Rules (state and central) say nothing on grievance redressal of children; participation of SMC as first point of contact for parents/children is not specified anywhere.</p>
3	Madhya Pradesh	Draft Rules Prepared	<p>1 <b>Maintenance of records of children by local authority:</b> The Rules say that 'a unique number may be given to every child to monitor his/her enrolment attendance and learning achievement'. <b>This may be contested as the UID is still under debate.</b></p> <p>2 <b>Per child expenditure:</b> For the purpose of assessing the per child expenditure in the State, a committee is to be constituted with the Secretary, Finance as the Chairperson and Rajya Shiksha Kendra as Member Secretary. <b>This committee was supposed to calculate per child expenditure within three months of the commencement of the Act, but per child expenditure remains pending.</b></p> <p>3 <b>Admission:</b> The Rules say, "If the requisite percentage of seats for children referred to in Clause (c) to Section 12(1) is not filled up the area or limits shall extend to 3 km." <b>This is limiting and the model rules do not specify</b></p> <p>4 <b>Withdrawal of recognition/inspection :</b> The Rules say that the school is open to inspection by any officer authorized by the State Government/Local Authority. <b>However, it does not mention either the SCPCR or the NCPCR as monitoring bodies.</b></p> <p>5 <b>SMCs:</b> The Rules say "mother and father of each child who has secured highest percentage of marks in the annual examination of the preceding academic session in Class I, II, III and IV will be members of the SMC. <b>This is a clear violation of the RTE Act.</b></p>

S. No.	State	Status	Problem Areas
4	Rajasthan	Notified	<ol style="list-style-type: none"> <li>1 Local Authority not designated.</li> <li>2 'Disadvantaged Group' means all the girl children and children belonging to SC/ST or physically handicapped up to 40 per cent or specified by the State Government by notification.</li> <li>3 'Weaker Section' means children belonging to BPL families.</li> <li>4 PTR and teacher rationalization timeline: Positive             <ol style="list-style-type: none"> <li>a. BEO to assess PTR and tell DEO by May 10. DEO to complete teacher redeployment by May 20 and complete report writing by June 15 of every year.</li> <li>b. BEO to maintain list of socially disadvantaged groups and EWS children within neighbourhood limits of all private schools. These private schools to submit names for reimbursement. Reimbursement to private schools in 2 instalments- in August and January subject to minimum 80 per cent attendance of the child.</li> <li>c. Class-wise names of children from these categories in private schools to be put on display.</li> </ol> </li> <li>5 SMC interpretation and responsibilities: problematic             <ol style="list-style-type: none"> <li>a. SMC gives a sense that it is equivalent to a Parent Teacher Association (PTA) according to the Rules. An SMC Executive Committee of 15 members will be formed for day-to-day functioning. This Executive Committee will meet monthly with one-third quorum, i.e. 5 members.</li> <li>b. SMC meetings with 25 per cent of total quorum to take place every six months.</li> <li>c. School Development Plan to be framed by SMC (in reality PTA) and not Executive Council. Therefore the framing of a plan seems unlikely.</li> </ol> </li> <li>6 Grievance Redressal- only for teachers, not for children             <ol style="list-style-type: none"> <li>a. The SMC constituted under Section 21 of the Act shall be the first level of grievance redressal of <b>teachers of schools</b> specified therein.</li> <li>b. There shall be a district-level grievance committee to redress grievances of teachers. If the teacher is not satisfied with the decision of the SMC, he/she may appeal to the district-level grievance committee.</li> </ol> </li> </ol>

contd. ...

S. No.	State	Status	Problem Areas
5	Maharashtra	Draft Rules Prepared	<ol style="list-style-type: none"> <li>1 For children with disabilities and relaxation of limit, the Rules include only blind persons till the age of 18–other disabilities left out.</li> <li>2 Local Authority not designated.</li> <li>3 Elementary schools follow the pattern: Class 1–4, 5–7, 8–10 (many of which are private). No change has been suggested in this pattern.</li> <li>4 'Weaker Section' and 'Disadvantaged Group' not defined.</li> <li>5 Extended period of admission – last date of end of first term. If child seeks admission after that date, s/he is liable for special training.</li> <li>6 For SMC, "Parents of children of weaker and deprived sections so also the parents of children with three different levels (high, medium and low) of achievements shall be represented adequately." Achievements based on what?</li> <li>7 Teacher accountability not made part of roles and responsibilities of SMC members.</li> <li>8 Grievance redressal (GR) for teachers only – SMC at the first level, then school tribunals at block, district and state levels. GR for children not included</li> <li>9 SCPCR setting up helpline to accept complaints, but GR for children not put in place.</li> <li>10 OOSC – 1 month:-Positive.</li> <li>11 Private school cannot be run for profit: Positive.</li> </ol>
6	Haryana	Draft Rules prepared	<ol style="list-style-type: none"> <li>1 <b>Children with disabilities:</b> The Rules do not specify what "appropriate" arrangements will be made for children with disabilities to attend school and complete elementary education.</li> <li>2 <b>EW&amp;D Sections:</b> Economically weaker and disadvantaged sections not specified.</li> <li>3 <b>Inspection:</b> The Rules do not specify SCPCR/NCPCR as monitoring bodies that can carry out inspection. It only says "any officer authorized by the State Government/Local Authority".</li> <li>4 <b>SMC Composition:</b> The Rules do not specify that 50 per cent of the members will be women.</li> <li>5 <b>Reservation:</b> The Rules do not specify what schools should do if the 25 per cent reserved seats do not get filled up. Area limit should be increased as per model rules.</li> </ol>
7	Sikkim	Notified	<ol style="list-style-type: none"> <li>1 Local authority not defined.</li> <li>2 'Weaker sections' and 'disadvantaged groups' for reservation in private schools not defined.</li> <li>3 However, classes for the above categories in private schools shall be held along with the other 75 per cent fee paying children.</li> <li>4 Teacher accountability in terms of leave permission etc. not places with the SMC.</li> <li>5 Grievance redressal system only addresses concerns of teachers and not of students.</li> <li>6 SCPCR is mandated to set up helpline to accept complaints – but GR for children not put in place so no place to forward the complaints.</li> </ol>

contd. ...

S. No.	State	Status	Problem Areas
8	Delhi	Draft Rules prepared	<ol style="list-style-type: none"> <li>1 Local authorities designated.</li> <li>2 Weaker sections and disadvantaged groups not defined. This will lead to admission for children into private schools.</li> <li>3 RTE - though the constitution is in compliance with the Act, its objective is to ensure that all children have access to quality education. To manage its affairs, the school should have the expertise help provided by the school management committee. Vice chairperson shall be from among the parent members. The member teacher shall act as the convener.</li> <li>4 Part V 5. "The school management committee shall meet at least once in two months and the minutes and decisions of the meetings shall be properly recorded and made available to the public."</li> <li>4 Grievance redressal mechanism not defined. This mechanism has essentially to be within the education department with fixed responsibilities, accountability and timelines for response and resolution of issues.</li> <li>5 Delhi Commission for Protection of Child rights to set up a helpline and receive complaints on RTE violations through telephone, SMS, text messages. Since the grievance redressal mechanism is not established, there is no institutionalised manner to resolve these complaints and issues.</li> </ol>
9	Uttar Pradesh	Draft Rules prepared	—
10	Bihar	Draft Rules Prepared	—
11	Assam	Draft Rules not yet available to public	—
12	Orissa	Draft Rules prepared	<ol style="list-style-type: none"> <li>1 Local Authority not designated.</li> <li>2 Children with disabilities: The Rules do not specify what "appropriate and safe arrangements" will be made to make sure they attend school.</li> <li>3 SMC: As per the Rules, the SMC is to be reconstituted every three, NOT every two years as the Act stipulates.</li> <li>4 SMC Composition: 50 per cent composition of women is absent.</li> <li>5 Duties of teachers: "Perform such other duties as may be specified by Government from time to time." This is a violation. As per the Act, teachers may be engaged in census, election and disaster management studies ONLY.</li> </ol>

S. No.	State	Status	Problem Areas
13	Manipur	Notified	<p>1 <b>Local authority not designated and is unclear</b>  <b>"13. Composition and functions of the School Management Committee ...Local Authority is the one as defined under the Act at its lowest form."</b></p> <p>2 Teacher training requirements for children with disabilities not addressed.</p> <p>3 <b>Identification code for each child to monitor progress.</b> This may be contested as the Unique Identification Code allocation to individuals is still under debate  <b>"6. Maintenance of records of children by Local Authority</b>  ...A unique number may be given to every child to monitor his/her enrolment attendance learning achievement and transition to next higher classes."</p> <p>4 <b>School Management Committees</b>  a. SMCs are to be reconstituted every year. This might have a negative impact on the monitoring and framing of School Development Plan.  <b>"13. Composition and functions of the School Management Committee</b>  (1) A School Management and Development Committee shall be constituted in every school, other than an unaided school, within its jurisdiction, within six months of the appointed date(1st April 2010), and reconstituted every year."  b. SMC meeting must be a minimum of once a month as opposed to the mentioned three times a month.  <b>"13. Composition and functions of the School Management Committee</b>  ...(3) The School Management and Development Committee shall meet at least once three months and the minutes and decisions of the meetings shall be properly recorded and made available to the public."</p> <p>5 <b>Grievance Redressal: No grievance redressal for children, only for teachers.</b></p> <p>6 <b>Right to Education Protection Authority</b>  a. Rules talk of constituting Right to Education Protection Authorities (REPA) in the absence of State Commissions for Protection of Child Rights (SCPCR). However, REPA is yet to be established.  b. REPA/SCPCR to receive complaints/grievances; however a mechanism within the education department to redress these grievances is yet to be formed.</p>
14	Arunachal Pradesh	Notified	<p>1 <b>Local Authority:</b> Local Authority not designated.</p> <p>2 <b>Admission:</b> The Rules do not clearly say that children can be admitted into schools at any time of the year. It says that the period of admission can be extended to 6 months.</p> <p>3 <b>SMC:</b> Composition of women as 50 per cent of the committee not specified.</p> <p>4 <b>Grievance Redressal:</b> The Rules only talk about grievance redressal of teachers –SMC as the first point of contact in this case.</p>

## Annexure 8

## Members of the Committee to Draft Guidelines for Eliminating Corporal Punishment in Schools

S. No.	Name
1	Ms Vimala Ramachandran Educational Resource Unit Chairperson, Committee for Eliminating Corporal Punishment in Schools
2	Dr Shekar Seshadri Child and Adolescent Psychiatry Services, Department of Psychiatry, NIMHANS
3	Ms Usha Ramanathan International Environmental Law Research Centre
4	Prof Poonam Batra Central Institute of Education, New Delhi
5	Ms Dipa Dixit Member, NCPCR
6	Dr Vinod Kumar Tikoo Member, NCPCR
7	Ms Sandhya Paranjpaye Dept. of Elementary Education, NCERT
8	Prof Nalini Juneja Dept. of School and Non-Formal Education National University of Educational Planning and Administration (NUEPA)
9	Mr Rampal Singh President, All India Primary Teachers' Federation (AIPTF)
10	Dr RK Sharma Principal, AHLCON Public School, New Delhi
11	Ms. Anju Bhalla Director, Ministry of Women & Child Development, Govt. of India
12	Mr Vikram Sahay Director, Ministry of Human Resource Development Dept. of School Education and Literacy
13	Ms Kiran Bhatta National Coordinator, Right to Education, NCPCR
14	Mr Lov Verma (Convener) Member Secretary, NCPCR