The cover features a vertical red stripe on the left side. The top and bottom sections are solid orange, while the middle section is a light yellow gradient. The text is positioned in the upper left of the yellow section.

Annual Report

2015-2016

Index

S. No	Chapter	Page No
	Preface	1
1.	NCPCR: An Overview	3
2.	Education	6
3.	Juvenile Justice System	14
4.	Protection of Child Rights from Sexual Offences (POCSO)	15
5.	Child Labour	22
6.	Child Psychology & Sociology	25
7.	Child Health & Nutrition	28
8.	Child Laws and Representation in Courts	32
9.	Status of Complaints & Other Initiatives	41
10.	Rights of Children in North-East Region	42
11.	Recommendations	42
12.	Official Language	47
	Consolidated Financial Statement for 2015-16	48
	Audit Certificate for 2015-16	51
	Annexure	59



सत्यमेव जयते

स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

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



Preface

The Commission continued with its pro-active interventions in protecting and promotion of the Rights of Children during this financial year 2015-16 also in accordance with its mandate.

The Commission had been functioning without a regular Chairperson and Members since October, 2014. During the year, in mid September, 2015, Smt. Stuti Kacker was appointed as Chairperson and subsequently in November, 2015, three Members, Shri Yashwant Jain, for Law relating to children, Shri Priyank Kanoongo, for Child Education and Smt. Rupa Kapoor, for Child Health were also positioned. With the joining of Chairperson and Members, the activities of the Commission were accelerated.

Standard Operative Procedure (SOP) for Children in Conflict with Law was developed under the new JJ Act, 2015. Standard Operative Procedure for Children in Street Situations was also drafted in collaboration with Save the Children, a well reputed NGO, through an extensive exercise of interactive consultative workshops. NCPCR also prepared the Safety Guidelines for the Protection of Children undergoing training at various centres of Sports Authority of India (SAI) in the country, with the support of NIMHANS, Bengaluru and AIIMS, Delhi for the Ministry of Women & Child Development (MWCD). The Commission in collaboration with MWCD organized a National Conference on Implementation of the POCSO Act 2012 at New Delhi.

The year began with a one-day regional workshop of Chairpersons of Juvenile Justice Boards (JJBs) of States of Punjab, Chandigarh and Haryana on 18.4.2015 in collaboration with Chandigarh Judicial Academy and Chandigarh SCPCR. Further, a National Conference of Members of Juvenile Justice Boards (JJBs) of the States/Union Territories was organised by NCPCR in collaboration with National Judicial Academy, Bhopal on 27-28.05.2015. A workshop on Action Plan for Abolition of Child labour-2010 was organised on 29th March 2016 with different stakeholders at NCPCR.

For better implementation of RTE Act, 2009, the Commission organised 4 regional consultations in different parts of the country covering all the States/UTs for making recommendations for the New Education Policy. The Commission also made recommendations towards: re-engaging out-of-school children; ensuring education of children of the farmers affected by rain & hailstorm etc. For the Safety & Security of children in Schools, the Commission issued an advisory to the Principal Secretaries of Education of all States/UTs and Chairpersons of all SCPCRs to re-assess the structural strength of school buildings and impart basic training to teachers and students to react during such situations.

The NCPCR sensitized GRP/RPF and Railway Officials on Child Rights in series of workshops organised in different parts of the country. The monitoring resulted in compliance of all the indicators of SOP at 20 Railways Stations identified in the Standard Operating Procedure (SOP) for Railways to ensure Care & Protection of Children in Contact with Railways.

The Commission launched a special drive from 15.12.2015 to attend to long pending complaints. As a result of which 790 complaints were disposed.

By the end of the year, two ongoing studies on 'Gaps Analysis in Mental Health Care Services in Child Care Institutions (CCIs)' in Delhi and 'Juvenile in Conflict with Law and Administration of JJ system in the States of Maharashtra and Rajasthan' were also completed.

(Stuti Kacker)

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

Chapter-1

NCPCR: An Overview

1.0 Introduction

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

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

1.1 Functions of NCPCR:

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

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

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

Besides, the functions of the Commission have also been specifically laid down in the J.J. Act, 2015; POCSO Act, 2012 and RTE Act 2009. Ms. Stuti Kacker took charge of the Commission as Chairperson during September, 2016. Further, three Members (Laws Relating to Children; Education and Child Health) joined the Commission during November, 2016. The Commission dealt with several thematic areas which included education, child health, care, welfare; juvenile justice or care of neglected or marginalized children or children with disabilities; elimination of child labour or children in distress; child psychology or sociology; and Laws relating to children.

1.2 Strategies Adopted for Undertaking Interventions:

- i) **State Visits:** Periodic visits to the States/UTs in the context of monitoring the implementation of laws and legislations pertaining to rights of the children through adequate follow up with letters/reports to the government on proposed action plans, department meetings etc.
- ii) **Recommendations and Directives:** One of the important prerogatives of the Commission is to monitor and send appropriate recommendations/directives to the State(s) for necessary follow up action by the stake holders.
- iii) **Review of Laws and Policies:** NCPCR reviews the National policies and other legal documents pertaining to the rights and welfare of the children.

- iv) **Policy dialogue with Ministries/departments:** In order to bring about child friendly changes in implementation of laws and legislations, periodic meetings and discussion are held with various ministries like those of Labour, Human Resource Development etc., whereby information is also shared to forge ahead a rights based approach for the needy children.
- v) **Consultations/Workshops:** NCPCR believes that collective efforts of various actors like academia, civil society officials and members form an integral part through which momentum can be generated on various child rights issues. In addition, working groups and committees are constituted for technical support and advice on specific issues of children.
- vi) **Complaint Management System & Summons:** One of the primary activities of NCPCR is taking up specific complaints to enquire into the violation of child rights and recommend appropriate action where there is lapse/delay on the part of the Government. The procedure of registration, sending letters to concerned authority and proper follow up through reminders are part of the complaint management system. NCPCR has also been vested with the power of summoning officials if there are no responses from them.
- vii) **Public Hearing:** NCPCR takes up specific complaints where there are gross violations of children's rights by conducting open and transparent enquiries where the voices of children and their protagonists are heard in the presence of NCPCR and Government authorities. Through public hearings, time bound action on recommendations is monitored with the concerned district/state authorities.
- viii) **Strengthening the Role and Functions of SCPCRs:** SCPCRs are working as an extended arm of NCPCR in each state. A total of 34 SCPCRs were working as per the guidelines of CPCRA Act during the year.



Chapter-2

Education

2.0 Introduction

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

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

In furtherance of its mandate under the RTE Act, 2009 and the functions assigned to it under Sections 13 and 14 of the CPCRA Act, 2005, the NCPCR has embarked upon a series of initiatives. These include undertaking reviews, redressing complaints, conducting inquiries, undertaking policy interventions, organizing programs and conducting research. The Commission during the year organized Consultations at the regional and state levels with the aim of ensuring better implementation of RTE Act, 2009 and addressing issues concerning education policy in India.

2.1 Reviews

i. Monitoring of Performance of Schools on RTE Parameters through SCPCRs: National Report for Government Schools

In view of its mandate of monitoring implementation of the Right of Children to Free and Compulsory Education Act, 2009 at the national level, NCPCR initiated a performance monitoring programme in partnership with the State Commissions for Protection of Child Rights (SCPCRs) and Child Welfare Committees (CWCs) during 2014-15. The activity was aimed at monitoring the extent to which children are provided full time quality elementary education in formal schools that satisfy certain

essential norms and standards laid down in RTE Act, 2009.

Accordingly, a monitoring format was developed by NCPCR on 13 parameters indicated under the Act namely 1) School Details 2) Enrolment 3) Boundary Wall 4) Toilet 5) Drinking Water 6) Class Rooms 7) Play Grounds 8) Barrier Free Access 9) Library 10) Mid-Day Meal 11) Quality Learning 12) Corporal Punishment & Grievance Redressal and 13) School Management Committee.

The exercise involving seven States viz; Gujarat, Haryana, Himachal Pradesh, Odisha, Rajasthan, Uttarakhand and West Bengal covers 114 Districts, 421 Blocks and 113 Schools.

The monitoring exercise continued during 2015-16 and the States furnished information to the Commission on the defined parameters. The data and information provided by these States was consolidated, analysed and interpreted for preparation of the National Report which has since been published.

Main Findings

The main findings of the study is that among the four States, Haryana followed by Gujarat and Himachal Pradesh appear to be performing better as compared to West Bengal, Uttarakhand, Rajasthan and Odisha.

In conclusion, it was recommended that:

- *NCPCR may continue to undertake such exercises for collecting primary information and at the same time trends from other Sources such as EMIS/DISE and ASER like reports can also be analyzed.*
- *It will need to collect specific information on out of school children and profile these for monitoring their access to education and also to understand the contexts in which states are making efforts.*
- *School Management Committees may be monitored by SCPCRs; periodic reports can be asked from these as well as NCPCR can develop its own checklist of monitoring indicators and request for information through M/HRD and Education Departments.*
- *It is not enough to have quantitative data; but it also needs to be supported by contextual information and local level efforts.*
- *NCPCR and SCPCR need to take this partnership further and evolve a common framework for monitoring the implementation of RTE.*

The report has been published.

ii. Education Helpline cum Solution Platform – A new initiative

In view of the provisions under the RTE Act, 2009 and the RTE Rules, 2010 regarding provision for a Helpline, an initiative was taken to set up a Helpline in Education Division of the Commission. The helpline once operational would not only monitor the implementation of RTE Act and receive complaints but would also function as a solution platform.

A technical team was constituted in the Commission comprising of technical persons from various Institutions/Departments i.e. National Small Industries Corporation (NSIC), Rail Tel, Telecom Corporation of India Ltd (TCIL), National Institute of Smart Governance, Department of Electronics & Information Technology (DeitY), C-DAC, National Informatics Centre (NIC), Child-line India Foundation and Education Division of NCPCR. The two meetings of the Team organized on 04.01.2016 and 06.01.2016 discussed different aspects of the proposed "Helpline cum

Solution Platform". The draft outlines for the Proposal and budget were also finalized during the meetings.

The proposed Helpline aims at bringing convergence and synergy in monitoring of implementation of the RTE Act and education programmes in the country through providing a solution platform using information technology and offering quick solutions to the issues of implementation. The Helpline would work in close co-ordination with different agencies and authorities like SCPCRs, State Education Departments, District Education Offices, Block Education Offices, School Management Committees etc. The Proposal was finalized by NCPCR and submitted to MHRD as part of Annual Work Plan (AWP) of the Commission.

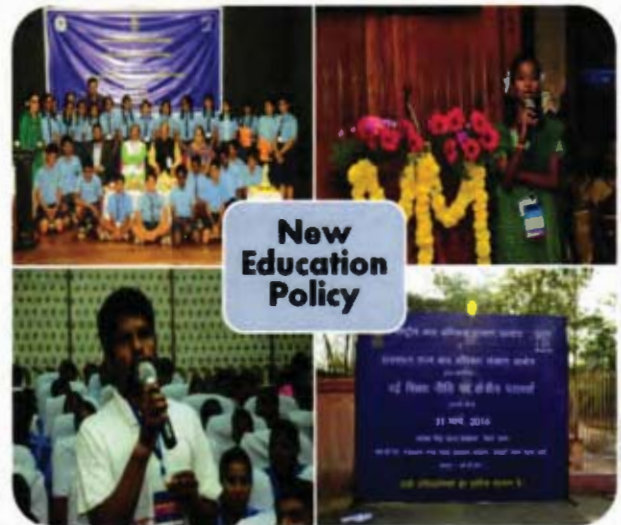
iii. Shiksha Preharis : Institutionalized Mechanism for Effective Monitoring

NCPCR being the monitoring body under the RTE Act, 2009, has undertaken several activities towards monitoring implementation of the Act. It has been felt that the first line of monitoring of implementation of different provisions of Act and grievances redressal should be at the local level. Hence, the most effective monitoring can and must be done at the local/district level through an institutionalized mechanism. Accordingly, an institutional mechanism in the form of District Resource Persons (DRPs) - to be called Shiksha Preharis has been proposed. It is envisaged that the District Resource Persons would streamline, strengthen and expand reach of the monitoring mechanism under the RTE Act, 2009. The proposed mechanism (Shiksha Preharis) would cover all schools in the country, phase-wise, across 35 States/UTs. To begin with, for the years 2016-17 and 2017-18, four States viz; Uttar Pradesh, Goa, Assam and Telengana have been identified for coverage by the mechanism. The Proposal was finalized and submitted to MHRD as part of the Commission's Annual Work Plan (AWP).

2.2 Consultation

i. Consultations on New Education Policy (NEP)

The National Commission for Protection of Child Rights (NCPCR) under Section 13 (f) of the CPCR Act, 2005 plays an important role in reviewing child related policies and making recommendations for their effective implementation. NCPCR, with assistance of SCPCRs organized four Regional Consultations in different parts of the country covering all the States/UTs during the year. The Consultations were held for the Western Region (20.02.2016) in Goa; Southern Region (24.02.2016) at Tirupati, Andhra Pradesh; Eastern Region (19.03.2016) at Ranchi, Jharkhand and Northern Region (31.03.2016) in Jaipur, Rajasthan with the aim to formulate recommendations for the upcoming New Education Policy.



As a result of active participation of children, experts, teachers, educationists, SCPCRs, University Vice Chancellors and other officials working in field of education, a large number of suggestions were received during the Consultations. One of the unique features of the Consultations was a Special Session for Children. In this session, children/students from different backgrounds from numerous schools of the concerned cities participated and shared their views on New Education Policy. Also, apart from 13 themes given by MHRD for Consultations, safety and security of school children was taken as an additional theme. The Commission has recommended to Department of School Education and Literacy, Ministry of HRD to include "Safety and Security of School Children as a focus area in the upcoming Policy (**Annexure-I**).

The ideas and suggestions generated during the Consultations will be concretised in the form of Recommendations to be submitted to MHRD for inclusion in the upcoming Policy.

ii. Consultation on Education of the Children of Muslim Minorities, Bhopal, Madhya Pradesh

The Right of Children to Free and Compulsory Education Act, 2009 makes it mandatory for the appropriate Government to provide free and compulsory elementary education. To ensure extension of the right to the children of the minority community, NCPCR in collaboration with the Madrasa Board Bhopal, organized a one day Consultation at Manas Bhawan, Bhopal, on 22nd March, 2016. The Consultation was attended by close to 400 delegates who included Madrasa representatives, children and parents from the minority community, Member of Parliament, Bhopal, State Education Minister and Chairman, Madrasa Board, Bhopal. One of the strong views emerged in the Consultation was that the benefits of RTE Act, 2009 may be extended to the children of Muslim and other Minorities. The Consultative Workshop concluded with a Resolution being passed to include all Madrasas in Madhya Pradesh under the RTE Act, 2009 which was moved by Prof. Imamuddin Saheb, Chairman, Madhya Pradesh Madrasa Board.

2.3 Recommendations

i. Re-engaging of Out-of-School Children

In pursuance of a Resolution adopted in the 63rd Meeting of the Central Advisory Board of Education (CABE) held on 19th August, 2015 under the Chairpersonship of the Hon'ble Minister of Human Resource Development, a Sub Committee of CABE under the Chairpersonship of the Hon'ble Minister of State for Human Resource Development was constituted to 'Devise Pathway for Re-Engaging Out of School Children'. The first meeting of the Sub-Committee was held on 12 February, 2016 under the Chairpersonship of the Hon'ble Minister of State, Human Resource Development (HRD) wherein, the Commission was represented by the Member, Education, NCPCR. The recommendations of the Commission on strategies to re-engage out of school children were presented during the meeting. It was decided that being the apex body on monitoring of the child rights, NCPCR will organize a two-day Review-cum-Deliberation Meeting on re-engaging Out-of-School Children.

ii. Ensuring Education of Children of the Farmers Affected by Rain & Hailstorm

In view of the unseasonal rain and hailstorm in the month of March in North, Western and Central India, the Commission felt the need to intervene for ensuring education of the children of especially the small time farmers with low income which were the worst sufferers of the nature's fury. The NCPCR recommended following to the Ministry of Human Resource Development

(MHRD) in this regard :- (a) Provisions may be made for re-imbursement of the fee and education entitlements (school bags, uniforms, notebook etc.) for children of the affected farmers studying in private schools under the Sarva Siksha Abhiyan (SSA). (b) The benefit may be similar to the provision of Section 12 (2) of the RTE Act, 2009 regarding re-imbursement of expenditure to the extent of per-child-expenditure incurred by the State or the actual amount charged from the child, whichever is less. (c) The benefit may be given to children of the farmers who have suffered more than 50% damage to the crops in the current season especially who have been identified by the States for providing Compensation on this account. (d) The benefit may be provided for one year only in addition to the Compensation decided for the crop damage. (e) The Ministry of Human Resource Development may make arrangements in such a manner that the benefit reaches the parents in time so that the education of the children does not suffer. **(Annexure-II).**

iii. Including the Activities for Protection of Child Rights in CSR Activities

The Commission made a recommendation to the Indian Institute of Corporate Affairs to include and prioritize activities relating to protection of child rights under Schedule VII of the Companies Act, 2013 **(Annexure III)**. The Corporate Social Responsibility (CSR) has officially been the mandate of Indian companies since the passage of the Companies Act, 2013. This was further streamlined with notification of Section 135 and Schedule VII of the Companies Act, 2013 and provisions made under the Companies (Corporate Social Responsibility Policy) Rules, 2014. The inclusion of the CSR mandate is an attempt to supplement the government's efforts of equitably delivering the benefits of growth and engage the Corporate World in the country's development agenda. The Schedule VII of the Companies Act, 2013 includes ten activities that can be included in the CSR Policy. The activities included in the Schedule range from promoting education, enhancing vocational skills, promoting gender equality to setting up homes for orphans. The CSR activities in their present form exclude the rights perspective and are mainly based on welfare approach thus effectively ignoring that the human right violations are one of the causes of under development and poverty.

iv. Advisory to States to Ensure Safety of Children in Earthquakes

NCPCR, in view of the devastating earthquake of 25.04.2015 in Nepal and the subsequent aftershocks resulting into death of over 9000 people and damage to more than 5000 school classrooms, issued an Advisory on 24.06.2015 to all the Principal Secretaries of Education of the States and Chairpersons of the SCPCRs advising them to reassess the structural strength of school buildings, especially in the high seismic zones in the country, ensure that the schools have sufficient open areas and impart basic training to the teachers and students as to how to respond to such situations with the help of the concerned Disaster Management Authorities **(Annexure IV)**.

v. Fake Admissions under EWS Category

NCPCR taking cognizance of the news published in the Delhi edition of the Times of India regarding shocking scandals unearthed by the Delhi Police wherein ineligible students got admissions under the Economically Weaker Sections (EWS) and Disadvantaged Group (DG) categories on the basis of forged income certificates and other documents, directed the Principal Secretaries of Education of all the States and Chairpersons of the SCPCRs to launch a special drive to examine and verify the admission records of at least three academic sessions from 2013-14 to 2015-16 **(Annexure V)**.

vi. Including Safety and Security of Children in Schools

Highlighting the importance of safe and secure environment for all-round development of the students, NCPCR recommended the MHRD to include safety and security of school children as a separate theme for the upcoming New Education Policy (**Annexure-I**).

vii. Engaging Children during Odd Even Campaign in Delhi and Advisory to the Directorate of Education, Govt. of NCT of Delhi

In view of the circular no. DE.23 (399)/Sch. Br/2015/2040 dated 31 December 2015 wherein the Directorate of Education, Delhi directed the Heads of Government Schools to ensure the participation of 30-40 students of Classes VI to VIII from their respective schools for activities in respect of Odd Even Campaign at the identified locations near their respective schools from 1st - 15th January , 2016 and since, school children are under age of 18 years, a directive dated 31.12.2015 was issued to the Director, Directorate of Education, Government of NCT of Delhi to adhere to the Guidelines issued by the NCPCR for ensuring that the rights of the children are not violated and that during the campaign proper steps for safety and security of the children are taken during the campaign (**Annexure-VI**).

2.4 Guidelines

i. Safety & Security of Children in Schools

NCPCR is developing comprehensive guidelines on Safety and Security of children in schools by reviewing the existing guidelines in this regard. Taking cognizance of recent deaths of school children in Delhi, Bhopal, Ranchi and Karnataka owing to lack of safety and security measures, the Commission directed the concerned authorities to take appropriate steps so that no such incident takes place in future. As an urgent step, a letter dated 07.03.2016 was sent through the Chairperson, NCPCR to CBSE, Kendriya Vidyalaya Sangathan, Navodaya Vidyalaya Samiti and CISCE suggesting verification of the school employees and concerned staff for ascertaining whether they have any criminal record. It was decided that comprehensive guidelines on Safety and Security of children in Schools would be prepared by an expert group in the light of the existing guidelines on the matter. A series of meetings are being held with the experts from various Ministries, Departments of the Government and concerned organizations (**Annexure VII**).

2.5 Suo-Moto Cognizance

- i. Of news report published in the 'Rajasthan Patrika' about 32 children being out of school in Rehabilitation Colony, Adampur Road, Vidisha. The Commission in its letter dated 07.12.2015 directed the District Administration to provide admission and make necessary arrangements for the education of the concerned children.
- ii. Of two children drowning in swimming pool of Gyan Ganga International Academy School, Hoshangabad, Bhopal on 5-12-2015. The Member, Education, NCPCR visited the school on 08.12.2015 and gave directions about safety and security of the children. A compliance report was received stating that appropriate action has been taken against the concerned officials.
- iii. Of death of a 6 year old boy in Ryan International School, Delhi on 30.01.2016 in a water reservoir. A letter in this regard was sent to the Chief Secretary, Government of NCT of Delhi on 02.02.2016 seeking action and report about the measures being taken by the schools in Delhi to

avoid such incidents in future. An action taken report was also subsequently received from the Directorate of Education, Delhi.

- iv. Of death of a five-year old nursery student in MCD school's septic tank in South-West District, Delhi. A letter in this regard was sent to the Chief Secretary, Government of NCT of Delhi on 10.02.2016 seeking action and report about the measures being taken by the schools in Delhi to avoid reoccurrence of such incidents. An action taken report was also received from the Directorate of Education, Delhi in this regard.
- v. Of burning of 7 schools in Rohtak, Haryana by the agitated protestors, as carried in the 'Rastriya Sanskaran' of 29.02.2016. A letter was sent to the Chief Secretary, Government of Haryana seeking a Report on steps being taken to ensure uninterrupted education and provide adequate security and safety measures to schools especially during such protests and volatile situations to avoid such incidents in future. In response, a communication was received from the Director General of Police, Haryana stating that FIRs have been registered against protestors in connection with burning of the schools and spot visits were made by FSL Team along with the concerned SHOs and Ios.
- vi. The Commission took a suo-moto cognizance in view of a circular DE.23 (399)/Sch. Br/2015/2040 dated 31 December 2015 of Directorate of Education, NCT of Delhi directing the Heads of Govt. Schools to ensure the participation of 30-40 students of Classes VI to VIII from their respective schools for activities in respect of Odd Even Campaign at the identified locations near their schools from 1st - 15th January, 2016. Since, school children are under age of 18 years, a directive dated 31.12.2015 was sent to the Director, Department of Education, Government of NCT of Delhi to adhere to the guidelines issued by the NCPCR to ensure that the rights of the children should not be violated during this campaign. It was also requested to ensure that proper steps for safety and security of the children are taken.

2.6 Visits


One of the mechanisms to monitor the implementation of RTE Act, 2009 is by visiting schools. To assess the ground status of implementation of the Act, spot visits were conducted. These included visit to the Middle School, Upper Primary School and Anganwadi Centre, Ujjain; Meeting with District level Officers on Child Protection at Ujjain; inspection of the Mid-day Meal Kitchen run by the Sri Kalahasthi Temple Administration, Sri Kalahasthi, Tirupati; visit of the schools at Amber Block, Jaipur run by the Satya Bharti Foundation.

2.7 New Initiative

Simhasth Kumbh Mela – A “Child Friendly Mela” - An initiative by the NCPCR:

“Simhasth Kumbh Mahaparv” is one of the four “Kumbh Melas” celebrated once in every 12 years. This time Simhasth Kumbh Mahaparv took place from April 22nd to May 21st, 2016 in Ujjain, Madhya Pradesh. More than 5 Crore (50 Million) approx. pilgrims from all walks of life joined the said Mela which included children as well.

Several children reportedly go missing or get lost and separated from their families/carers during such kind of Melas due to their magnitude and scale. Such children are often vulnerable and run high risk of falling prey to trafficking, kidnapping, sexual exploitation and abuse. Being an apex body responsible for ensuring child rights and child protection, the Commission under Section 13 (1)(d) of CPC Act, 2005 held review meetings with the concerned stakeholders viz, the Local Mela Authority of Simhasth at Ujjain, Demographic



Coordination Committee, Police, Municipal Corporation, Child Welfare Committee (CWC), NDRF, Child Line India Foundation and NGO/CSO etc. with the objectives to monitor and deliberate upon the preventive measures undertaken for children protection during the gathering.

As an outcome of the aforesaid meetings, and to ensure zero tolerance regarding any kind of violation of the rights of children during such an event, the Commission outlined certain key indicators to be observed during this Mela which included prevention of instances of **missing children, child trafficking, child labor, child begging and child sexual abuse** to make it 'Child Friendly' occasion. The Commission also suggested leveraging available and affordable technology such as usage of bar coding technique etc. for tracking each child coming to the Mela and securing them against any eventuality. The Commission also wrote a letter to the National Crime Records Bureau (NCRB) seeking information with photographs of traffickers/trafficking gangs operational in the country so that the same could be provided to the District Administration responsible for the event. The Child Friendly Mela Indicators framed by the Commission were sent to the Chief Secretary, Government of Madhya Pradesh.

The efforts of the Commission led to the Simhasth Mela being declared, for the first time in the history of such kind of large gatherings, as "Child Friendly Mela" by the Hon'ble Chief Minister, Madhya Pradesh.



Chapter- 3

Juvenile Justice System

3.0 Introduction

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

As per the National Crime Record Bureau (NCRB) Report, there were 31,396 incidents of Juvenile Crimes during 2015. The percentage of Juvenile Crimes to total Crimes was 1.1 per cent and the rate of Crime by Juveniles was 2.5 per cent. There is, however, no specific information in regard to cases of children in need of care and protection (CNCP). The children who are out of the safety net i.e. outside the schooling, child care institutions, parental/family care, abandoned, beggars, trafficked for various purposes, form the CNCP.

India has a progressive record of legislating laws relating to Child Rights and Child Protection. In this series, the J.J. Act 2000 was replaced with the Juvenile Justice (Care and Protection of Children) Act, 2015 which come into force on 15.01.2016 with strengthened provisions for both children in need of care and protection and children in conflict with law.

The activities undertaken by the Commission relating to Juvenile Justice System during the year, are as follows:

3.1 Activities for Children in Need of Care and Protection and Children in Conflict with Law

- i. NCPCR, in collaboration with the Chandigarh Judicial Academy and Chandigarh SCPCR, organized a one-day Regional Workshop on 18.4.2015 of Chairpersons of Juvenile Justice Boards (JJBs) of Punjab, Chandigarh and Haryana. The issues discussed in the Workshop were: efficiency of Juvenile Justice Boards; gaps in

Juvenile Justice (Care and Protection of Children) Act, 2000 and how to improve intra and inter agency coordination. In all, 44 Judicial Officers participated in the Workshop.



ii. NCPCR, in collaboration with the National Judicial Academy, Bhopal organized a two- days' National Conference of Members of Juvenile Justice Boards (JJBs) of the States/Union Territories on May 27-28, 2015 at Bhopal. The objectives of the Conference were:

- To understand technical issues that defeat the objectives of the Juvenile Justice Act and
- To learn from the judges/members about their practical procedural difficulties in administering justice to the child trapped in the Criminal Justice System.

In all, 95 Principal Magistrates and Members of Juvenile Justice Boards from 25 States/UTs, attended in the Conference.

iii. NCPCR actively participated in the meetings organized by the Ministry of Women and Child Development on 14th August, 2015 and on 29th September, 2015 at New Delhi to discuss various issues in implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000, consolidate and finalize the templates for social audit and also finalize the Standard Operating Procedures (SOPs) for missing children. The Commission provided its suggestions in writing towards improvement in the format of Child Welfare Committees and Juvenile Justice Boards.



- iv. The Ministry of Women and Child Development constituted a Committee on 30th December 2015 for developing **Standard Operating Procedure (SOP) for Rehabilitation and Restoration of Children in Conflict with Law** under the Chairpersonship of the Chairperson, NCPCR. The Committee co-opted two eminent experts as its Members in accordance with the composition of the Committee. A total of four meetings of the Committee were organized in the Commission on 8th January, 2016, 19th January, 2016, 9th February, 2016 and 9th March, 2016. The Committee decided to organize a Consultation on Child Care Institutions (CCIs) dealing with children in conflict with law (CCL). Accordingly, the National Consultation on 8th February, 2016 was organized by the Commission at India Habitat Centre, New Delhi. The Consultation was attended by the Principal Secretaries/Senior Officials of 12 States, Superintendent of Child Care Institutions dealing with children in conflict with law, Chairperson of State Commissions for Protection of Child Rights (SCPCR), Members of Committee constituted to prepare SOP for Child in Conflict with Law and representatives of different NGOs.

Based on the deliberations during the National Consultation, visit to Observation Homes and extensive deliberations by the Committee, the draft SOP on the subject was developed by the end of March, 2016.

3.2 Inspection of Delhi Jails by the Commission to identify Probable Juveniles

- i. The Hon'ble High Court of Delhi directed the National Commission for Protection of Child Rights on 11th May, 2012 to constitute a panel of at least ten (10) persons for visiting different jails in Delhi for finding out the probable juveniles under the J.J. Act. The Members of the panel accordingly visit various jails as per the schedule drawn for the purpose in consultation with/ intimation to the concerned Jail Authorities.
- ii. The Panel visited Tihar and Rohini Jails of Delhi 7 times between 08.08.2015 to 12.03.2016 for identifying juveniles wrongly confined in these Jails and taking suitable measures to remedy the situation.

NCPCR submitted Reports of the Panel's Visits to Delhi State Legal Service Authority (DSLISA), Juvenile Justice Boards and the Jail Authorities. Based on a Report received from DSLISA for the period from 01.04.2015 to 31.03.2016, the status of inmates is as under:

Declared Adult	Declared Juvenile	Released	Report Awaited	Other Cases including Pending	Total
29	05	Nil	53	88	175

3.3 Research Studies Undertaken or Awarded

(i) Study on 'Combating Child Trafficking'

Odisha being one of the source points for trafficking of women and children in the country, the NCPCR sponsored a Research Study on 'Combating Child Trafficking' to be conducted by Odisha Police. The objectives of the study are as follows:-

- a. To collect/obtain secondary data from various organizations/agencies, police departments, state police headquarters and other related organizations/institutions, on child trafficking in the State;

- b. To enlist the identified source in the State (in terms of district, block, police station area, panchayat and village), transit and destination for trafficked/kidnapped children, from the existing records/reports;
- c. To identify the traffickers/agencies and understand and analyze the modus operandi;
- d. To assess the socio-economic factors responsible for trafficking of children;
- e. To identify and delineate the available institutional mechanism in the State, role of various agencies including police, social workers and NGOs for prevention and control of trafficking and rehabilitation of the trafficked children;
- f. To analyze and identify the gap areas in the above institutional set-up that has prevented achievement of the desired impact in terms of delivery of results and
- g. To suggest and recommend remedial measures for prevention, protection, rescue and rehabilitation of the rescued children.

The study is in progress.

(ii) Study on 'Juveniles in Conflict with Law and Administration of Juvenile Justice System in Western India'

The Study on 'Juveniles in Conflict with Law and Administration of Juvenile Justice System in Western Zone of the country covering the States of Gujarat, Maharashtra and Rajasthan was allocated to Tata Institute of Social Sciences (TISS), Mumbai on 26.02.2015. The Study finally covered the States of Maharashtra and Rajasthan only. The Draft Report submitted by TISS is under review of the Commission.

3.4 Inspection of Juvenile Custodial Home, Khanpur, Ahmedabad

Under Section 13 (1)(i) of the CPCRA Act, 2005, the Commission has been mandated to inspect any juvenile custody home or any other place of residence or institution meant for children where children are detained or lodged for the purpose of care, protection, treatment, reformation and/or rehabilitation and take up the matter for remedial actions with the concerned authority.

During the year under report, a Team constituted by NCPCR conducted inspection of the Observation Home at Khanpur, Ahmedabad on 12th May, 2015. The Report of the Inspection was forwarded to the Chief Secretary, Government of Gujarat for necessary action.

3.5 Children in Contact with Railways

NCPCR during the year 2014-15, focused on the security and wellbeing of runaway, unaccompanied and trafficked children, who use railway premises for shelter and livelihood. The Standard Operating Procedures (SOP) in this regard was prepared by the Ministry of Railways in consultation with NCPCR and MWCD. The SOP was released by the Hon'ble Minister, WCD on the occasion of foundation day of NCPCR on 05.03.2015.

During the year under report, NCPCR continued its activities towards protection and well-being of



children in contact with Railways. The Commission organized a series of five Workshops in coordination with different NGOs to sensitize GRP/RPF and Railway Officials on the SOP and Child Rights. The Workshops, in all, covered 535 GRP/RPF and Railway Officials.

The NCPCR, in order to monitor the implementation of operative instructions as laid down in the SOP, organized a two-days' Workshop on 8th-9th December, 2015 for the Child-line Coordinators functioning at 20 identified Railway Stations in SOP. The basic objective of the Workshop was to assess the implementation status of SOP since its launch and to share issues, challenges being faced by the Child-line partners functioning at these stations and to discuss the possible solutions for effective implementation of the SOP.

NCPCR developed a quick monitoring format of the key indicators as laid down in the SOP for collection of information on regular basis from Stations in respect of the children rescued and produced before CWC. The format was forwarded to Coordinators at the railway stations for making available the details of children rescued on monthly basis. A total of 9543 children were rescued of whom 6542 were restored to their parents and remaining placed in Child Care Institutes.

NCPCR created a Cell under the charge of an IRTS officer, a Retd. Additional Member of Railway Board who was made responsible to monitor the implementation of SOP and coordinate with the Railways and other concerned authorities to ensure that the operative instruction are complied with at the 20 identified Railway Stations.

NCPCR monitored implementation of the operative instructions laid down in SOP through sending communications to the Divisional Railway Managers highlighting the achievements and shortcomings, visits to the Railway Stations and meetings with the concerned authorities.

NCPCR at the behest of MWCD also planned and organized a total of six Regional Workshops in coordination with the Railway Children India, an NGO, during February-March, 2016 to sensitize Railway/GRP/RPF officials on implementation of SOP and apprise them about their roles and responsibilities to bring about an effective system of child protection and create child friendly atmosphere at the Railway Stations. The Regional Workshops were organized at Mumbai, Delhi, Bengaluru, Nagpur, Kolkatta and Guwahati. In all, 346 senior Railway Officials including Additional DRM, District level Coordinating Officers, Station Managers and Officers of GRP and RPF were sensitized during the Workshops.

The continuous monitoring and follow-ups revealed that most of the indicators of SOP were implemented. It was revealed that of the 20 stations, Child Help Groups (CHGs) were established at 16 stations; Child Help Desk/KIOSK were set up at 19 stations; telephone facilities provided at 19 booths; coordinators were conducting regular briefing sessions for the RPF/GRP officials at 19 stations and awareness programs were being conducted at 17 stations.



Chapter-4

Protection of Children from Sexual Offences (POCSO)

4.0 Introduction

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

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

The activities undertaken by the Commission towards this end during the year, are as follows:-

4.1 Monitoring Implementation of Provisions of the POCSO Act, 2012

With a view to monitor implementation of the POCSO Act, 2012, the Commission has been seeking information from the States/Union Territories on: designating special courts; public prosecutors; preparation of guidelines; training module for police

personnel; orders of special courts on granting interim/final compensation to the child victims and convicting the offenders.

The status of implementation of provisions of the POCSO Act, based upon information received from the States, is as under:

- Out of 654 districts, a total of 605 District/Session Courts/Courts of Additional Judges have been designated as Special Courts/Childrens' Courts. The State-wise details on the designation of Special Courts are given in **Annexure-VIII**.
- A total of 478 Special Public Prosecutors were appointed in Special Courts in 654 districts of 34 States/ UTs. The State-wise status of appointment of Special Public Prosecutors is given in **Annexure-IX**.
- 21 States have notified the Victim Compensation Scheme towards rehabilitation of the Children under POCSO Act, 2012. The List of the States is given in **Annexure-X**.
- There are 2,663 Special Juvenile Police Units (SJPUs) in 654 districts of 34 States/ UTs with 2,723 Female Police Officers (of & above the rank of a Sub-Inspector). The State-wise details of appointment of SJPUs and Female Police Officers are given in **Annexure-XI**.
- A total of 45,498 cases were registered under the Act, charge sheets were filed in 40,379 cases, 4,387 cases were disposed off by the various courts of which the offenders were convicted in 2,888 cases and acquitted in 1,499. The State-wise details of the Cases are given in **Annexure-XII**.

4.2 Other Activities

- i. The Member Secretary and Technical Experts of NCPCR participated and provided valuable inputs during the Workshop on "Assessing the Nature of Difficulties Faced by the Special Courts Designated under the POCSO Act, 2012" organized by the National Judicial Academy (NJA) at Bhopal from 24th - 27th September, 2015. The Member Secretary also addressed the Judges in the opening session of the Workshop.
- ii. The Commission took suo-moto cognizance of news report published in all the leading Newspapers of 14.12.2015 under the title "Minor rapes 7 years old girl in Neb Sarai, Delhi". The Commission after taking the cognizance, constituted a team of four members for visiting the victim girl at AIIMS, Delhi. The wellbeing of the child was ascertained and later the Ministry of Health & Family Welfare requested to formulate a Standard Operating Procedure in Hospitals to deal with such cases expeditiously.
- iii. In pursuance of its functions u/s 13 of the CPC Act, 2005, the Commission is continuously taking prompt action in cases of Child Sexual Abuse. The Commission has taken up 10 (ten) suo-moto cases during the period from December 2015 to March 2016.
- iv. NCPCR received a complaint via email on 05.10.2015 from Shri V.K. Tikoo, Ex-Member, NCPCR regarding the alleged physical, mental and sexual abuse of minor girls in a shelter home in Hisar (Haryana). Taking cognizance of the matter, the Commission sought a detailed report in the matter from the Chief Secretary, Haryana. However, in view of the serious nature of the case, the NCPCR also constituted a fact finding Team to inquire into the entire issue. The Team visited Hisar from 09.10.2015 to 10.10.2015 for conducting an on the spot inquiry. The recommendations made by the Team were forwarded to the Chief Secretary, Haryana on 30th October, 2015 for necessary action.

An Action Taken Report was also received from the State Government in this regard.

- v. NCPCR, in collaboration with the Ministry of Women and Child Development organized a “National Conference on Implementation of the POCSO Act, 2012” on 14th January 2016. The objective of the Workshop was to identify the challenges, issues, best practices and IT initiatives in implementation of POCSO Act, 2012. The Conference was attended by 141 delegates from various fields including Members of Judiciary and Officials of Legal Service Authorities, SCPCRs, Police Officials and NGOs.



- vi. **Formulation of Guidelines for Protection of Children Undergoing Training at Sports Authority of India (SAI)**

At instance of the Ministry of Women and Child Development, NCPCR took up formulation of Guidelines for Protection of Children Undergoing Training at Sports Authority of India (SAI) centers across the country as well as for the Coaches/Officials of SAI. In order to firm up the Guidelines, NCPCR decided to hold Workshops for the personnel working at these centers/hostels and children of the hostels for understanding the situation, requirement and their respective viewpoints in the matter.

Two workshops were organized at SAI Centers at Patiala and Bengaluru. The first Workshop at Patiala was conducted on 21st & 22nd July, 2015 by a team of experts from AIIMS, New Delhi led by Dr. Rajesh Sagar, Professor, Department of Psychiatry. The second Workshop at Bengaluru was conducted on 15th & 16th September, 2015 by Dr. Kavita Jangam, Assistant Professor from NIMHANS, Bengaluru. Both these Workshops were attended by 200 participants (100 sportspersons and 100 coaches/officials selected by SAI).

Based on outcomes of the Workshops and interaction with the participants, NIMHANS drafted the Guidelines for the purpose in active support of NCPCR. The draft Guidelines were circulated to AIIMS, Delhi; MWCD and Members of the Commission.

Based on the suggestions received, the Guidelines were updated and finalized. The final Guidelines were forwarded to the MWCD.



Chapter- 5

Child Labour

5.0 Introduction

Children are always considered the most vulnerable section of the society. The future of a nation is determined by the way she treats her children and women. The children imply a hope to strengthen not only the economy of the country, but also provide the country with skilled human resources.

The International Labour Organization (ILO) recognizes child labour as work that is mentally, physically, socially or morally harmful to children. Instead of going to school and experiencing childhood, 215 million children around the world are involved in this type of work.

Ending illegal child labour would immensely help the global economy directly and indirectly. The ILO's 2003 Investing in Every Child Report shows that it would cost \$760 billion over a 20-year period to end child labour. However, the estimated benefits of the move in terms of better education and health is more than six times of the cost—over \$5 trillion in economies where child labourers are found.

Child labourers often work as bonded labourers and are seldom paid for their work. Those who are paid get wages far less than adult workers, and adult worker also earn less in environments where child labour is prevalent because child labour drives down wages. According to Census 2011, there were 43.53 lakh working children in the age group of 5-14 years in India.

The major activities carried out by the Commission here during the year, are as follows:-

5.1 Workshop on Action Plan for Abolition of Child Labour, 2010

One of the primary mandates of the Commission is to examine and review of the safeguards provided by or under any law concerning protection of child rights.

During the course of a public interest litigation (PIL) seeking directions for rescue and rehabilitation of child labourers in the Capital, the Hon'ble Delhi High Court in 2009 directed

NCPCR to prepare a detailed action plan for strict enforcement and implementation of the Child Labour (Prohibition & Regulation), Act, 1986. The Commission prepared the Action Plan which was followed by Consultations with various stakeholders and conduct of Survey and Research on the subject. The Child Labour (Prohibition and Regulation) Act, 1986, defines a child as 'a person who has not completed 14 years of age'. However, in actual terms, child is defined as 'a person in the age group of 0-18 years'. Therefore, the Action Plan prepared by the Commission covered a wider range and also provided for rescue of children in the age group of 14 -18 years. The Hon'ble Delhi High Court approved 'Action Plan for Abolition of Child Labour in Delhi, 2010' as prepared by NCPCR and issued a series of directions to the concerned public bodies for its implementation.

However, the Action Plan was not effectively implemented and its due implementation was full of challenges.

NCPCR conducted a Workshop on March 29, 2016 with the objective to assess the extent of implementation of the Action Plan; determine the nature of challenges the stakeholders face in its implementation; create a platform where all concerned could share the problems and suggest innovative ways to overcome the implementation problems. The Workshop was attended by representatives from Delhi Police, CWCs of all Districts of Delhi, Advocates and selected NGOs.

The chief challenges impeding effective implementation of the Action Plan, as discussed during the Workshop, were as follows:-

- 1) Rapid increase in domestic child labour and exploitation of children in society.
- 2) Age determination issues.
- 3) Lack of awareness and insensitive stakeholders.
- 4) Accountability issues.
- 5) Absence of centralized database related to child labour.
- 6) Inadequate monitoring and supervision by the concerned authorities.
- 7) Absence of rehabilitation mechanism.
- 8) Lack of scientific study on child labour in the state, rescued children and their longitudinal follow up as it can be helpful in identifying the concerned stakeholders and loopholes.
- 9) Non-cooperation of the departments like Police Department and Labour Department.
- 10) Delay in release of funds to the victims due to complex processes.

The Workshop came up with the followings recommendations for effective implementation of the Action Plan:-

- 1) Modes of mass communication shall be utilized for awareness generation.
- 2) Meetings of the District Task Force and Steering Committee as per Action Plan shall be conducted regularly.
- 3) Follow up on the status of rescued children shall be carried out on regular basis.
- 4) The welfare funds utilization under Labour Department shall be closely monitored.
- 5) Monitoring of status of rehabilitation shall be carried out on quarterly basis.
- 6) Regular sensitization programs for stakeholders (Police, RWAs, Traders' Associations, Deputy Director (Education), Delhi Government & Bank Officers) shall be organised.

- 7) Linkages between SCPCR and DMs for proper monitoring and mapping shall be established.
- 8) Suo-moto cognizance shall be taken of process of victim compensation scheme.
- 9) Linkages shall be established between SCPCR and ICPS to strengthen monitoring mechanism.
- 10) Scope of the Action Plan shall be extended to cover the placement agencies as well.
- 11) Religious leaders shall be involved with the entire range of activities.
- 12) A comprehensive document containing the landmark judgments made on Child Labour shall be prepared for wide circulation among the stakeholders.\
- 13) Raid Program to rescue child labour shall be conducted on regular basis.
- 14) Family Security Scheme may be linked to strengthen the financial position of the concerned families.



Chapter-6

Child Psychology & Sociology

6.0 Introduction

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

6.1 Major Activities During 2015-16:-

i. Research Study on “Gap Analysis of Mental Health Services in Child Care Institutions (CCIs)”

A research study on “**Gap Analysis of Mental Health Services in Child Care Institutions (CCIs)**” in collaboration with the All India Institute of Medical Sciences (AIIMS), New Delhi was conducted during the year. The main objective of the study was to identify and evaluate the gaps in existing mental health care services for children in Child Care Institutions (Children Homes and Observation Homes) in Delhi, lay down guidelines and come up with concrete recommendations for addressing such gaps to suggest a comprehensive system of psychosocial care and services in CCIs.

The study was carried out in both Children Homes and Observation Homes. **20 CCIs** (17 Children Homes and 3 Observation Homes) were covered by the study. A total of 30 Children from each of the 20 CCIs were selected and interviewed.

A semi structured Performa was designed and utilized during the study which included information like registration status, year of establishment, minimum standards of care (educational facilities, medical facilities, recreational facilities, etc) and the areas of training needs of the personnel of the Child Care Institutions. Focused Group Discussion with Experts was also organized to understand the key issues and develop questionnaire for assessment of needs and gaps analysis. The study was completed and its report approved by the Commission during the year.

ii. “International Conference on Improving Standards of Care for Alternative Child and Youth Care: Systems, Policies and Practices”

The Second Biennial International Conference on “Improving Standards of Care for Alternative Child and Youth Care: Systems, Policies and Practices” (*Focused on South Asian Countries*) was organized by “Udyan Care” with support of NCPCR on 18th and 19th March, 2016. The Chairperson, NCPCR addressed the Conference as its Chief Guest. In all, a total of 300 representatives including 50 from foreign countries and NGOs, CWCs, SCPCRs and State Governments participated in the Conference.

6.2 New initiatives

i. Creating “Child Friendly Gram Panchayat”

As wide ranging coordination and convergent efforts are needed to ensure survival, development, protection and participation of a child, NCPCR formulated and announced undertaking an extensive programme for developing “**Child Friendly Gram Panchayat**” both in the urban and rural areas. This is so as without community involvement, it will not be possible for the country to meet its constitutional obligations of **ensuring** a Safe Childhood for the children. This will be implemented initially on pilot basis through a national campaign in 14 selected States.

The objective of this program is to provide an environment where a child is recognised as an individual and is respected with dignity, freedom, protection and well being ensuring holistic development. This is an initiative to coordinate and converge with Government and Civil Societies to ensure survival, development, protection and participation of children. In this connection, a meeting of the Advisory Group for discussing and finalizing the draft framework, was held in the month of March, 2016.

As part of the activity, Member, NCPCR along with the Chairperson and Member from Bihar, SCPCR visited a child friendly village model and Rajkiya Madhya Vidhalaya, Rajepur Berai, set up and being run by Plan India, an NGO.

It was observed that the model village made remarkable progress through community based activities such as Self Help Groups, Child Clubs, Youth Clubs, and Child Protection Committee. The village community was sensitized through capacity building programs; initiatives in the Schools including ICDS centres and provided vocational training to the youth to support their family in raising their income.

ii. Pre-Foundation Day Celebration

NCPCR extended the celebration of its Foundation Day in form of Pre- Foundation Day Celebration on 4th March 2016 at Ramjas Sports Complex, Delhi with street children. The Celebration was organized in collaboration with Save the



Children, Shri Ram Foundation and other NGOs. During Celebration, several activities like sports, cultural program, art and craft work, puppet making, etc. were organized for children. The Chairperson and Members of the Commission interacted with children and took their views on child protection issues.

iii. Celebration of Foundation Day

The Commission celebrated its 9th Foundation Day on 5th March, 2016 at the Adharshila Observation Home for Boys, Sewa Kutir, Kingsway Camp, Delhi. The theme of the day was 'Naya Sawera' dedicated to Rehabilitation of Children in Conflict with Law. Mr. Gautam Gambhir, the Indian Cricketer was the chief guest on the occasion. All children present in the Observation Home participated in the programme. An Interactive Session on the occasion was organised with these children during which they were made aware about the new Juvenile Justice Act, 2015. The Session gave the children an opportunity to put forward their views, concerns and queries.

The children also interacted with Mr. Gautam Gambhir, who motivated them to follow their interests and indulge in constructive works to become responsible citizens of India.



Chapter- 7

Child Health & Nutrition

7.0 Introduction

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

7.1 State Visits during 2015-16

(i) Patna, Bihar

A team led by Member, NCPCR visited Apna Ghar, Children Home and Rainbow Children Home for Girls, Patna, Bihar from 22nd February to 24th February, 2016 along with Chairperson and Members of Bihar SCPCR. The visit was undertaken with a view to assess the condition of children and their status of health and nutrition.

The major observations/recommendations of the Team during the visit, were :-

- i. Children of the Observation Home need to be provided with nutritious meals.
- ii. The Counselors working in the Home should be provided advanced training to enhance their counseling skills and maintain individual care plan of the children.
- iii. Occupational Therapists need to be appointed in the Home and children may be provided vocational training & guidance.
- iv. Linkage with Mental Health Institutions in the area need to be established.
- v. The Child Welfare Committees should be strengthened and inspections of the Homes be done by the Committees regularly. The Social Investigation Reports (SIRs) should be submitted by CWC members for each child living in Shelter Home.
- vi. School uniforms and dresses need to be provided to the children.

- vii. More space should be provided for children as it was observed that in Rainbow Children Home for Girls, children were living only in one room in a school building.
- viii. Hygiene of children needs to be focused upon. Girls should be educated about menstrual hygiene.



(ii) Mumbai, Maharashtra

A team led by Member, NCPCR visited Mumbai to attend a Regional Consultation towards preparation of SOP for Care and Protection of Children in Street Situations in India from 28th February to 1st March, 2016.

The Member, NCPCR also visited a Children Home for Street Children run by Vatsalya Foundation, Mumbai for assessing health and nutrition status of children in the Home.

The following was observed during the visit:-

- The Children in the Home with two multi-purpose rooms had access to various basic services like education, health care, recreation and counseling.
- The skill/vocational trainings including gardening, computer courses etc. were given to the children.
- Children were actively involved in activities like dancing & karate. CCTV cameras were also found installed in the premise for ensuring safety and security of children.

As part of monitoring of implementation of 'Standard Operating Procedure (SOP)' for children in contact with Railways at 20 identified Railway Stations, a Team led by the Member, NCPCR visited Don Bosco Children Home run by Child-line at Mumbai Railway Station. In this regard, a meeting was also held with the concerned railway officials.

(iii) West Bengal

For reviewing child rights issues in the State of West Bengal, the Member, NCPCR visited the State on 16th March, 2016. A meeting in this regard was held with the West Bengal SCPCR, Education Department, Civil Society Organizations and the concerned officials of other Departments. The issues related to violation and deprivation of child rights viz: Adoption, Migration, RTE Act, Life Skill Trainings etc. were discussed during the meeting. It was also decided to form two high level Committees for assessing scope of formal learning courses on child rights at different levels of education.

The opportunity was also utilized for interacting and discussing with the representatives of Child Parliament from Kolkata, the issues relating to Child Rights and Child Protection.

7.2 Complaints Status (Child Health)

The status of the complaints received by the Commission and their disposal as on 31.3.2016 on health and nutrition of children, is as follows:-

Total Complaints pending as on 15.12.2015	Complaints Received between Dec. 2015-March 2016	Complaints Disposed off between Dec. 2015-March 2016	Complaints Pending as on 31/3/2016
99	25	16	108

7.3 Key Interventions

The key interventions undertaken by the Commission during the year in matters of violations of child health are as follows:-

(i) Complaint regarding removal of pupil of the eye of a 13 year old boy during operation

The Commission received a complaint on 29.12.2015 regarding negligence during an eye surgery of a 13 years old boy in a medical camp organised from 16th-22nd November, 2015 at District Hospital Barwani, M.P. The said boy operated upon for eye injury lost his vision. The Commission took cognizance of the matter and sent a communication to the Collector, Barwani, M.P. The action taken report was received in the matter and on Commission's intervention, the concerned doctor and the staff were suspended for their careless and negligent attitude. The State Government provided monetary relief of Rs. 2.00 Lakh and Indian Red Cross Society also provided Rs. 5000/- as financial support, to the boy.

(ii) Complaint regarding violation of right to Food, Survival and Protection of five children of Kanika village, Raruan Block, Mayurbhanj District, Odisha

The Commission received a complaint on 04.06.2015 regarding violation of right to food, survival and protection of five children of Kanika village under Raruan Block of Mayurbhanj District in Odisha. As per complaint, the five children of a tribal family were starving due to death of their father. The Commission took cognizance of the matter and wrote a communication to the Chairperson, SCPCR and District Collector, Mayurbhanj for seeking action taken report. The Report stated that after father's death, children were linked with Government rehabilitative facilities and provided with ration and financial support. The children were also made to continue their studies by staying in residential schools.

(iii) Complaint regarding Malnutrition among children in Chandauli District

The Commission received a complaint dated 09.04.2015 regarding rising number of malnutrition among children of Chandauli district. As per the complaint, a large number of children were malnourished in few areas of Chandauli District. The Commission took cognizance of the matter and sent a communication to the District Collector, Chandauli District for seeking an action taken report in the matter. The Report thus received mentioned that out of 109 malnourished children, 34 were out of this category and rest 62 children were being facilitated with Government schemes and programs. Regular health camps were being organized for children for regular treatment and follow-up.

7.4. Policy/Programmes

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

NCPCR, in collaboration with Save the Children, has developed a Standard Operating Procedure (SOP) on Care and Protection of Street Children.

The objective of the SOP is to outline a framework of intervention services that may be applied to a street child as a child in need of care and protection. The SOP seeks to identify the step by step processes that should be set in motion when interventions are made with respect to different categories of children in street situations.

During the process of development of SOP, a Workshop to share good practices being carried out by NGOs for children in street situations was conducted in NCPCR on 8th and 9th February, 2016. A total of 26 organizations shared their work with NCPCR. The process also saw organizing of four Regional Consultations and visits to Children Homes in the months of February and March, 2016. Besides, a Special Consultation with street children to discuss the challenges being faced by them and understand their expectations from the Government, was held. The draft SOP thus developed was discussed and deliberated in association with the stakeholders during a Consultation organized for the purpose on 29.03.2016.



Chapter-8

Child Laws and Representation in Courts

8.0 Representation in Courts

The salient details of important Representations undertaken by the Commission in Courts during 2015-16 are mentioned below:

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

- The Hon'ble Supreme Court had in 2007 taken *suo-moto* cognizance of some news reports regarding alleged trafficking of children from North-Eastern States to the State of Tamil Nadu; the children were found to be languishing in the orphanages in question in inhuman conditions. Notice to the State of Tamil Nadu was sent with regard to the specific incident of transportation of children under reference.
- The Hon'ble Supreme Court in its Order dated 31.03.2010 took note of the allegation that large scale transportation of children from North-Eastern States was still going on and, therefore, felt that an inquiry needs to be conducted. Accordingly, NCPCR was directed to conduct the said inquiry with liberty to take assistance of an expert, if required. The Commission after conducting a detailed inquiry submitted its inquiry report to the Hon'ble Supreme Court on 15.07.2010.
- The Hon'ble Supreme Court vide its Order dated 07.02.2013 granted three months time to all the States/UTs for taking action towards constitution of SCPCRs; completing all formalities towards implementation of CPCR Act, 2005 and RTE Act, 2009 including framing and notifying Rules there-under and making functional the State Commissions if respective States/UTs had not already constituted one. Further directions were issued to all the States/UTs to file status report within four weeks' as to the measures adopted and the action taken with regard to improving the condition of children in various Shelter Homes, etc. around the country; to eliminate trafficking of children under the garb of education and other promises, like employment etc.; to indicate number of Children

Homes, etc. which are registered and which are not registered under Juvenile Justice (JJ) Act, 2000, to report protective action taken or to be taken to prevent abuse of inmates in the unregistered CCI; to detail measures taken towards implementation of the RTE Act, 2009, eradicating child trafficking and setting up of Special Courts under POCSO Act, 2012. The Hon'ble Court further directed that the status report shall also indicate the capacity of the Children Homes, separately for boys and girls, and whether the standards with regard to the nutrition and hygiene are being maintained in the Homes.

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

- Vide Order dated 17.04.2015 the Hon'ble Court observed that no Social Audit in respect to Rule 64 of J.J. Act, 2000 was conducted and the Rules framed by the Central Government are not being implemented by the Central Government itself. Further, a chart furnished by MWCD to certain questions asked by the Hon'ble Court was found unsatisfactory. The Hon'ble Court observed that the MWCD is not taking the matter seriously, hence, directed Secretary, MWCD to be present in the Court on next date of hearing with all the official records so that the Hon'ble Court's questions could be answered.
- Vide Order dated 31.07.2015, the Hon'ble Court passed the following directions in the matter :-
 - (1) The report of the Working Group on Child Rights for the 12th five year plan (2012-2017) needs discussion and the shortcomings pointed out therein need to be taken care by the Ministry of MWCD;
 - (2) The Ministry will have to take into consideration the effective implementation of the J.J. Act, 2000;
- Vide Order dated 28.08.2015, the Hon'ble Court directed to file necessary affidavit/information in respect of the following: -
 - (1) The financial packages under ICPS in a simple and easily understandable format;
 - (2) The details about the effective implementation of the recommendations contained in the Report of the Working Group on Child Rights which was accepted for the 12th five year plan;
 - (3) Status note about the filing up of vacancies in NCPCR.
- Vide Order dated 30.10.2015, the Hon'ble Court directed *amicus curiae* in consultation with the ASG, to suggest some means of effective monitoring of ICPS.
- On 04.12.2015, the MWCD filed the finalized version of the model format for Social Audit and stated that the format has been circulated to eight States for pilot testing. However, *amicus curiae* argued that the format is incomplete for the purpose of ICPS. Hence, the Hon'ble Court directed the *amicus curiae* to point out the lacunae therein to the ASG within two weeks.
- Thereafter, the matter was listed on 22.02.2016, 08.03.2016 and 11.03.2016 but no hearing took place and matter was re-notified on all the dates.

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

- The Petitioner was working with the Child Rights Unit of Human Rights Law Network (HRLN), New Delhi, at the time of moving the Petition. The Petitioner travelled through 12 States and conducted a study and documented several cases to examine the status of implementation of the Juvenile Justice Act, 2000 therein. The outcome of the exercise presented a dismal picture with only a few States

implementing the Act. The Petitioner essentially prayed for the overall implementation of the Juvenile Justice Act, 2000 throughout the country and prayed for issuing the Writ of Mandamus in the matter.

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

- Vide Order dated 10.04.2015 the Hon'ble Court asked the Member Secretary of NALSA to obtain from, Member Secretary of each District/State Legal Service Authority the information on number of Juvenile Justice Boards (JJBs), number of their sittings, staff position of the Board, and furnish a status note on legal aid lawyers and their training, etc.
- Vide Order dated 24.07.2015, the Hon'ble Court passed the following directions in the matter: -
 - (1) Setting up of an appropriate number of Juvenile Justice Boards (JJBs) and filling up of all the vacancies in JJBs before 31.12.2015;
 - (2) Directed the State of Uttar Pradesh to comply with the directions of the Hon'ble Court at the earliest so that the number of pending inquiries be substantially reduced which was found to be at an alarming level;
 - (3) Wherever there was large pendency, JJBs were directed to hold their sittings on daily basis and avoid pilling up of cases;
 - (4) Registrar General and Juvenile Justice Committee (JJC) of High Courts were requested to ensure that JJBs hold their sittings in close proximity to the Observation Home(s); and
 - (5) Effective number of lawyers to be empanelled to provide free legal assistance, etc. to Juveniles in Conflict with Law (JCL).
- Vide Order dated 11.09.2015, the Hon'ble Court gave the following directions: -
 - (1) The MWCD to coordinate with all the State Governments/UTs to ensure that unregistered Homes are not given any funds unless they get registered under the J.J. Act, 2000;
 - (2) The State Governments/UTs to ensure that children in unregistered Homes are shifted to registered Homes and
 - (3) The State Governments/UTs to ensure that unregistered NGO Homes do not house children, since it may involve issues of trafficking.
- Vide Order dated 04.12.2015, the Hon'ble Court observed that States were not cooperating in providing the details about implementation of the J.J. Act, 2000. The Hon'ble Court while considering the request of NALSA for extension of time to complete the exercise of preparing the module for Probationary Officers, granted one month time.
- Vide Order dated 05.02.2016, the Hon'ble Court directed the Chief Secretary of Rajasthan to be present in the Court and Additional Solicitor General to file latest status with regard to existence of SCPCRs for every State/UT and their tenure.
- Vide Order dated 15.02.2016, the Court directed all the States to take action on the following:-
 - a) Constitution of State Child Protection Society;
 - b) Constitution of State Commissions for the Protection of Child Rights;
 - c) Establishment of Juvenile Justice Boards (JJBs) in every district (if necessary more than one in some districts) and training of their personnel;
 - d) Establishment of Child Welfare Committees (CWCs) and training of their personnel;

- e) Appointment of Probation Officers and their training;
 - f) Establishment of Special Juvenile Police Units in every Police Station, training of personnel of such Units and updating the Police Training Manual.
 - g) Provision for legal aid lawyers and their training;
 - h) Proper selection of members of JJBs and CWCs;
 - i) Assessment of manpower requirements of JJBs and CWCs and filling up the vacancies;
 - j) Furnishing of on-line quarterly reports by the State Governments;
 - k) Significance of Social Investigation Report;
 - l) Principal Magistrates to exclusively deal with Juvenile Justice Inquiries;
 - m) Registration of Child Care Institutions;
 - n) Improvement of living conditions in Government run Child Care Institutions and
 - o) Establishment of Juvenile Justice Fund.
- Vide Order dated 29.02.2016, the Hon'ble Court adjourned the matter for want of composite Affidavit in terms of the previous order dated 15.02.2016.

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

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

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

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

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

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

deliberate upon the Guidelines to be formulated to regulate media reporting and disclosure of details relating to children.

- The Petitioner prayed for framing of Guidelines by the Government to regulate media reporting and disclosure of details relating children. The Hon'ble High Court directed for constitution of a Committee with the following members for the purpose:
 1. Presiding Judge from JJB;
 2. Representatives of Union of India and Government of NCT of Delhi;
 3. Representative from an NGO working for the welfare of children;
 4. One person from Media;
 5. Nominee of the Press Council of India;
 6. Ms. Meena Kabir, Child Right Activist and
 7. Ms. Deepa Dixit, NCPCR.

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

- The case was posted for hearing on 15.07.2015, 28.10.2015, 16.03.2016 but re-notified on all the dates.
- On 27.01.2016, it was brought to the notice of the Hon'ble Court that J.J. Act, 2000 has been repealed and Act No. 2 of 2016 has come into force w.e.f. 15.01.2016. The Hon'ble Court re-notified the matter to enable the Counsel for both the parties to study the provisions of new Act and make further submissions.

8.5 Uday Foundation vs. Union of India & Ors, W. P. (C) 8568 of 2010 before the Hon'ble High Court, Delhi

This Petition under Article 226 of the Constitution of India was filed in public interest flagging the issue of, easy availability of “junk food” and “carbonated drinks” to children and the harmful effects thereof. The Petitioner sought a ban on “junk food” and “carbonated drinks” in schools and initiation of measures to develop a comprehensive school canteen policy with emphasis on health and nutrition.

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

- The main Petition was disposed of by the Hon'ble High Court on 25.02.2015 while directing Food Safety and Standards Authority of India (FSSAI) to formulate the Guidelines in form of Regulations or Directions within three months and to further take appropriate steps for ensuring enforcement thereof.
- However, an application was filed by FSSAI seeking extension in time for formulation of the Guidelines as ordered by the Hon'ble Court.
- Vide Order dated 31.07.2015, the Hon'ble Court extended the time by three months for the formulation of Guidelines in the form of Regulation or Directions.

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

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

to the street children, tribal children and the nomadic children in the state of Maharashtra and more specifically in the city of Nagpur.

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

- Vide Order dated 31.03.2016, the Hon'ble Court directed handing over of copy of letter dated 01.03.2016 addressed by the Under Secretary to the Government of India, to Assistant Registrar to the learned counsel of Respondent No. 2 to enable her to take further steps in the matter.\

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

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

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

- Vide Order dated 03.12.2015, the Hon'ble Court dismissed the Special Leave Petition (SLP) for non prosecution.

8.8 M. Ramesan & Ors. Vs. Deputy Commissioner of Police & Ors., WP (C) 21630 of 2014 before the Hon'ble Kerala High Court

- The Petition was filed with a prayer for formulating Guidelines under the POCSO Act, 2012 in order to identify children at home and school who were sexually abused.
- The Petition was filed by grand-parent of a child along with his paternal aunt challenging the validity of the Order of Child Welfare Committee which stepped in, to take care and protect the child who was victim of sexual assault alleged to have been committed by her own father.

During the year, no further progress was achieved in this matter.

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

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

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

- The present matter was listed twice (i.e. on 24.07.2015 and 04.09.2015) before the Registrar for completion of technical formalities of filing of Counter Affidavits.

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

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

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

- Vide Order dated 07.08.2015, the Hon'ble Court issued Notice to the Respondents (R-1 to R-6).
- Vide Order dated 04.12.2015, the Hon'ble Court directed completion of the pleadings within six weeks.
- Vide Order dated 26.02.2016, the Hon'ble Court directed the Counsel of the Petitioner to file additional Affidavit in respect of specific areas of concern.
- On 04.03.2016, the Counsel for the Petitioner filed the additional Affidavit pursuant to the order dated 26.02.2016.

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

- The Petition pertains to prevailing conditions of child sexual abuse in state of Tamil Nadu and in India; and seeks a direction that will further protect the children from sexual abuse and promote awareness

among the community to confront and prevent such behaviors.

- The Commission was impleaded as Respondent vide the Hon'ble High Court's Order dated 05.06.2015.

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

- Vide Order dated 05.06.2015, the Hon'ble Court impleaded NCPCR as Respondent No. 6. Further, the Hon'ble Court directed amendment of the memo of parties and filing of Counter Affidavit and Rejoinder thereafter.
- The Commission filed its Counter Affidavit and the Hon'ble Court vide Order dated 18.08.2015, granted three weeks time to other Respondents to file their Counter Affidavit and two weeks' time for filing Rejoinder thereafter.
- Vide Order dated 01.10.2015, the Hon'ble Court granted two weeks time to Petitioner to file Rejoinder.
- Vide Order dated 17.11.2015, the Hon'ble Court directed the Respondent Nos. 6 and 7 to clearly specify what they perceive as deficiency/further action required to be carried out by the State Government of Tamil Nadu. Further, the State Government was also directed to delineate areas requiring further attention and place their stand on record.
- Vide Order dated 26.02.2016, the Hon'ble Court directed that the position of implementation and non implementation of the directions prayed by the Petitioner should be placed before the Hon'ble Court. Further, the Hon'ble Court directed urgently filling up the vacancy of the Chairperson of State Commission of Tamil Nadu.

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

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

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

- Vide Orders dated 12.03.2015, 23.04.2015, and 23.05.2015, the Hon'ble Court directed for completion of pleading(s).
- On 06.08.2015, the Commission filed its Counter Affidavit and the Hon'ble Court granted time to the Petitioner for filing Rejoinder thereto.
- On 27.08.2015, the pleadings were completed and the matter further listed for the submissions.
- Vide Order dated 15.09.2015, the Hon'ble Court gave the following directions in the matter :-
 - (1) State of Tamil Nadu, State Legal Service Authority and Juvenile Justice Committee of High Court were directed to bestow their consideration to 15 areas of concerns / aspects;
 - (2) State Legal Service Authority to separately take steps in implementation of J.J. Act, 2000;
 - (3) Juvenile Justice Committee may in addition suggest directions as may be deemed appropriate.

- On 29.01.2016, Juvenile Justice Committee (JJC) of High Court submitted its Report with regard to action taken on its suggestions in the matter.
- Vide Order dated 05.02.2016, the Hon'ble Court directed that the compliance report filed by the State Government be placed before Juvenile Justice Committee; and the JJC to continue monitoring the different aspects till all the suggestions are implemented.

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

- This Petition was filed by A. Narayanan (Change India) wherein the Petitioner prayed for directions in the form of Mandamus directing the Respondents to implement strictly Section 34 (3) of J.J. Act, 2000 as amended in 2006, with respect to all Child Care Institutions whether run by NGOs or by Government Agencies such as Children Homes, Observation Homes, Reception Unit, Orphanages and all those run by the Commissionerate for Welfare of Differently abled, Hindu Religious and Charitable Endowments Department, Adi-Dravidar and Tribal Welfare Department and other religious bodies in Tamil Nadu, within a fixed time frame and to close down immediately all those institutions that do not fulfill the registration criteria and violate provisions of J.J. Act and Rules. The Petition further prayed for ensuring appropriate adequate and systematic rehabilitation from such closed sponsorship scheme, uniting them with their families and extending all assistance for continuation of their education through neighborhood schools.
- The NCPDR was impleaded as Respondent No. 7 in the matter vide the Hon'ble High Court Order dated 22.08.2014.

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

- Vide Order dated 08.06.2015, the Hon'ble High Court granted time to Counsels of Respondents to seek instructions and file Counter Affidavit.
- On 23.07.2015, the Commission filed its Counter Affidavit in the matter. The Hon'ble High Court granted last opportunity to Respondent No. 6 to file its Counter Affidavit.
- Vide Order dated 10.09.2015, the Hon'ble High Court directed the Petitioner to set out suggestions in one page for directions.
- Vide Order dated 28.10.2015, the Hon'ble High Court directed the Government Counsel to consider the suggestions for implementation.
- Vide Order 22.02.2016, the Hon'ble Court directed both the Petitioner and Respondents to work in tandem to point out what suggestions have not been implemented at the ground level. Further, a chart be presented *qua* each of the sixteen suggestions and their status of implementation.



Chapter-9

Status of Complaints and Other Initiatives

9.0 It was observed during December, 2015 that there were more than 3000 complaints pending in the Commission. Looking at the volume of the pending complaints, it was decided to launch a special drive for their proper review and disposal. Accordingly, the special drive was launched on 15-12-2015. As part of this drive, old complaints were extensively reviewed and appropriate follow up action taken for expeditious submission of pending Action Taken Reports. During the period from 15.12.2015 to 31.03.2016, 790 complaints were thus disposed off. The special drive produced the expected results and pendency was reduced significantly in a short period of 3½ months.

9.1 Other Initiatives

Media Department

With the joining of an Advisor (Media), the activities of the Media Desk got the requisite impetus.

Reports of child right violations from different parts of the country as reported in the Newspapers, were compiled on a daily basis and shared with the Chairperson and other Members of the Commission. These news clippings formed a major feedback mechanism for the Commission resulting into prompt action on the concerned violations of child rights.

The systematic issue of Press Releases initiated during the last quarter of the year also helped the Commission in projecting its activities among the public at large. These Press Releases were also regularly uploaded on the Commission's website, www.ncpcr.gov.in in addition to the photographs of meetings, events, conferences and workshops.

In view of seriousness of sexual abuse/harassment of the children in the country, a media plan was worked out for creating awareness and reporting such abuses to the Commission for remedial action. The media plan consisted inter-alia of display of posters in important metro train lines in the city as well as broadcast of Radio Spots over major private FM Radio Channels of the city



Chapter-10

Rights of Children in North-East Region

10.0 Introduction

The North-East comprises the contiguous eight states of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. It is a land of great ethnic diversity: more different tribes live here in a comparatively smaller area than anywhere else in Asia.

10.1 Major Activities in North-East during 2015-16:

The salient details of the activities carried out by the Commission during 2015-16 in the Region are as follows:

(i) Consultation on Child Rights, Media Ethics and Participation of Adolescents in the Media

A two-day Consultation on Child Rights, Media Ethics and Participation of Adolescents in the Media was organised by Assam SCPCR on 31st October and 1st November, 2015 at Kaziranga, Assam. The Workshop brought together the select judges from the Guwahati High Court, senior media persons, legal experts, academicians and officials from the Government of Assam for deliberating and carving out a future roadmap on the following issues:

- i. Sensitising journalists on the concept of children and adolescents as rights-holders and media's role in challenging violation of their rights;
- ii. Legal provisions related to Child Protection;
- iii. Responsible, ethical and sensitive coverage of issues relating to child rights and protection in the media.
- iv. Developing an understanding on providing effective opportunities for adolescents to participate in the decision making process through representation in the media.

The Consultation extensively discussed the aforementioned issues including those pertaining to children in conflict with laws, child trafficking and child marriage. The

Consultation also brought out the challenges being faced by media persons and came up with key recommendations on different aspects.

(ii) North-East Regional Round Table Conference of SCPCRs

NCPCR, in collaboration with Assam SCPCR organised the Regional Round Table Conference of SCPCRs of the North East at Guwahati, Assam. The International Child Rights Day was also celebrated on the occasion.

The objective of the Conference was to bring together all the North-East State Commissions on a common platform, for ensuring the effective protection of child rights in their respective States. The Conference was attended by the Chairperson and Member Secretary, NCPCR, Chairpersons and Members of North-East SCPCRs and technical staff of UNICEF, Assam.

The Conference assisted in developing a broad understanding of the situation of State Commissions in North-east region in terms of infrastructure and resources available at their disposal for executing their responsibilities. Mizoram emerged as the only State which has not constituted its SCPCR due to financial constraints though the Rules were notified during May 2013. A press conference was also organized on the occasion.

The Status of SCPCRs in North-East Region as depicted in the report is as follows:

S.No	Subject	Arunachal Pradesh	Assam	Manipur	Meghalaya ^a	Mizoram	Nagaland	Sikkim	Tripura
1	Establishment of SCPCR	2/11/2013	4/03/2010	02/11/2012	28/02/2014	X	04/10/2013	18/01/2008	30/11/2013
2	Notification of Rules	Jan, 2015	X	Nov, 2012	July, 2013	May, 2013	X	July, 2008	Nov, 2013
3	Appointment of Chairperson	N/A	✓	✓	✓	-	✓	✓	✓
4	Status of Chairperson	N/A	X	X	Class-I Officer	-	X	Minister of State	X
5	Honorarium to Chairperson	N/A	Nil	Rs. 30,000/- per month	Rs. 10,000/- + TA&DA	-	Nil	Rs. 31,800/- per month	Rs. 5000/- per month
6	Appointment of Members	N/A	✓	✓	✓	-	✓	✓	✓
7	Numbers of Members Appointed	N/A	4	6	5	-	2	4	6
8	Honorarium to Members	N/A	Nil	Nil	Rs. 500/- per sitting	-	-	Rs 2000/- per sitting	Rs 2000/- per sitting
9	Appointment of Secretary with Addl. Charge	N/A	✓	✓	✓	✓	✓	✓	✓
10	Staff Support	N/A	3	2	4	-	4	4	5
11	Premises Provided	N/A	✓	✓	✓	-	✓	✓	✓
12	Transportation	7	2	1	1	-	1	1	1
13	Complaint Management	✓	✓	✓	✓	X	✓	✓	✓

(iii) Workshop on POCSO and J.J. Act in Manipur

NCPCR, in collaboration with the Manipur Commission for Protection of Child Rights (MCPCR) organized a one day Workshop on Protection of Children from Sexual Offences (POCSO) Act, 2012 and Juvenile Justice (Care and Protection of Children) Act, 2015 on 18th February 2016 at Imphal, Manipur. The Workshop was inaugurated by the Hon'ble Minister, Social Welfare, Government of Manipur.

In all, 175 delegates attended the Workshop which inter-alia included District Session Judges, District Magistrates, Superintendents of Police, Chief Medical Officers, Zonal Education Officers, Chairpersons and Members of Child Welfare Committees, Program Officers of ICDS & ICPS, DCPUs, NGOs and Child Rights Activists. A parade by children belonging to Manipur Alliance for Child Rights & Wide Angle Social Development Organization was also organized on the occasion wherein important messages on Child Rights, were displayed.



Chapter-11

Recommendations

- 11.0 The Commission, as per the CPCR Act, 2005, is mandated to make recommendations to the concerned authorities wherever violation of Child Rights are observed. The important recommendations made by the Commission during the year were as follows:
- i. NCPCR, highlighting the importance of safe and secure environment for all-round development of the students, recommended to MHRD vide letter dated 04.03.2016 inclusion of safety and security of school children as a separate focus theme in the upcoming New Education Policy (**Annexure-I**).
 - ii. NCPCR sent its recommendation to the Secretary, Department of School Education, Ministry of Human Resource Development (MHRD) vide its letter dated 16.03.2016 for reimbursement of the fee and provision of education entitlements (school bags, uniforms, notebooks etc.) to children of the farmers affected by the natural calamity, studying in the private schools under Sarva Siksha Abhiyan (SSA) (**Annexure-II**).
 - iii. NCPCR recommended to the Director General, the Indian Institute of Corporate Affairs, vide its communication dated 25.01.2016 to include and prioritize activities relating to protection of child rights under Schedule VII of the Companies Act, 2013 (**Annexure-III**).
 - iv. NCPCR issued an advisory to all the Principal Secretaries of Education of all the States and Chairpersons of the SCPCRs vide letter dated 24.06.2015 advising them to reassess the structural strength of school buildings, especially in the high seismic zones in the country, to ensure that the schools have sufficient open areas, and impart basic training to the teachers and students for reacting during such situations (earthquakes) with the help of the concerned Disaster Management Authorities (**Annexure-IV**).
 - v. NCPCR addressed to the Principal Secretaries of Education of all the States and Chairpersons of the SCPCRs a communication dated 24.06.2015 directing them to launch a special drive to examine and verify the admission records of at least three academic sessions starting from 2013-14 to 2015-16 for reviewing position with respect to fake admission under EWS Category (**Annexure-V**).

- vi. In view of the Circular No. DE.23 (399)/Sch. Br/2015/2040 dated 31 December, 2015 wherein the Directorate of Education, Delhi directed the Heads of Government Schools to ensure the participation of 30-40 Students of Classes VI to VIII for activities in respect of Odd-Even Campaign at the identified locations near their respective schools between 1st - 15th January, 2016, the Commission issued a directive dated 31.12.2015 to the Directorate of Education, Government of NCT of Delhi, for adhering to the Guidelines issued by the NCPCR for ensuring that the rights of the children are not violated during this campaign since school children are under age of 18 years. The Director was also requested to ensure that proper steps for safety and security of the children are taken during the period. **(Annexure-VI).**



Chapter-12

Official Language

12.0 Use of Hindi in the Activities of NCPCR

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

Hindi Pakhwada (fortnight) was organised in the Commission from 14-30 September 2015 and Hindi Shrutlekh Competition (for Group 'D' employees) and Hindi Essay Writing Competition, Hindi Noting and Drafting Competition and Administrative Terms and Translation Competition, were organized (for other categories of the Commission's employees) during the fortnight.



Consolidated Financial Statement for 2015-16

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

BALANCE SHEET AS AT 31ST MARCH 2016

(Amount in Rs.)

<u>CORPUS/CAPITAL FUND AND LIABILITIES</u>	<u>Schedule</u>	<u>Current Year</u>	<u>Previous Year</u>
CORPUS/CAPITAL FUND	1	63,632,949.46	63,108,366.90
RESERVES AND SURPLUS	2	-	-
EARMARKED/ENDOWMENT FUNDS	3	198,000.00	198,000.00
SECURED LOANS AND BORROWINGS	4	-	-
UNSECURED LOANS AND BORROWINGS	5	-	-
DEFERRED CREDIT LIABILITIES	6	-	-
CURRENT LIABILITIES AND PROVISIONS	7	3,869,340.00	3,119,558.55
TOTAL		67,700,289.46	66,425,925.45
<u>ASSETS</u>			
FIXED ASSETS	8	10,382,374.00	6,348,091.00
INVESTMENTS - FROM EARMARKED FUNDS	9	-	-
INVESTMENTS - OTHERS	10	-	-
CURRENT ASSETS, LOANS, ADVANCES ETC.	11	57,317,915.46	60,077,834.45
MISCELLANEOUS EXPENDITURE		-	-
(to the extent not written off or adjusted)			
TOTAL		67,700,289.46	66,425,925.45
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		



CONSOLIDATED FINANCIAL STATEMENT

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

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR YEAR ENDED 31ST MARCH, 2016**(Amount in Rs.)**

INCOME	Schedule	Current Year	Previous Year
Income from Sales / Services	12	-	-
Grants / Subsidies	13	112,734,900.00	126,417,000.00
Fees/ Subscriptions	14	-	-
Income from Investments (Income on Invest from earmarked Funds transferred to Funds)	15	-	-
Income from Royalty, Publication etc.	16	-	-
Interest Earned	17	1,318,365.00	1,075,344.00
Other Income	18	61,197.65	570,843.00
Increase/(decrease) in stock of Finished goods and works-in-progress	19	-	-
TOTAL (A)		114,114,462.65	128,063,187.00
EXPENDITURE			
Establishment Expenses	20	12,358,862.00	13,203,415.00
Office & Other Administrative Expenses etc.	21	99,392,196.64	110,599,652.72
Expenditure on Grants, Subsidies etc.	22	-	-
Interest	23	-	-
Depreciation (Net Total at the year-end) (Corresponding to Schedule 8)		1,838,821.00	970,453.04
TOTAL (B)		113,589,879.64	124,773,520.76
Balance being excess of Income/(Expenses) over Expenditure/Income (A-B)		524,583.01	3,289,666.24
Transfer to Special Reserve (Specify each)			
Transfer to / from General Reserve			
BALANCE BEING SURPLUS/(DEFICIT) CARRIED TO CORPUS / CAPITAL FUND		524,583.01	3,289,666.24
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		



CONSOLIDATED FINANCIAL STATEMENT

National Commission for Protection of Child Rights
5th Floor, Chanderlok Building 36, Janpath, New Delhi - 110 001
RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 31ST MARCH 2016

(Amount in Rs.)

RECEIPTS	Current Year	Previous Year	PAYMENTS	Current Year	Previous Year
(i) Opening Balance:			(i) Expenses:		
a) Cash in hand (Including Imprest)			a) Establishment Expenses	12,358,862.00	13,203,415.00
b) Bank Balances			b) Office & Other Administration Expenses	95,797,801.63	109,642,931.92
(i) In current accounts(unspent bal.)			c) Expense on Grant & Subsidies etc.		
(ii) In deposit accounts	12,300.00	12,300.00	d) TDS & Other payable amount of last year		
(iii) Savings accounts	37,987,896.45	34,574,276.37	(ii) Payments made against funds		
Adjustment of previous year advance			for various projects:		
(iii) Grants Received:			Out of Earmarked/Endowment funds		
a) From Government of India-			(Unicef India)		
For Capital & Revenue Expenses	112,734,900.00	126,417,000.00	Naxal Management Division		
b) From State Government			MHA(Grant for Kokrajhar & Chirang)		
c) From other sources (Unicef India)			Grant Refund to Government of India		
d) From Naxal Management Division					
e)MHA(Grant for Kokrajhar & Chirang)			(iii) Investments and deposit made:		
(iii) Income on Investments from:			a) Out of Earmarked/Endowment funds		
a) Earmarked/Endow. Funds			b) Out of Own Funds (Investments-others)		
b) Own Funds (Oth. Investment)					
			(iv) Expenditure on Fixed Assets & Capital Work-in-Progress:		
			a) Purchase of Fixed Assets	5,873,104.00	226,295.00
			b) Exp. On Capital Work-in-progress		
			(v) Loans & Advances:		
(iv) Interest Received:			a) To the Government of India		
a) On Bank deposits	1,318,365.00	1,075,344.00	b) To the State Government		
b) Loans, Advances etc.			c) To others	23,922,249.00	1,492,925.00
			d) Recovered & paid to parent office		
			e) To Security Deposit	9,000.00	96,000.00
(v) Other Income (Specify):			(vi) Finance Charges (Interest):		
RTI Fee Received	40.00	2,634.00			
Reimbursement expenses	-	120,500.00	(vii) Other Payments (Specify):		
Sale of old News papers and Magazines	1,000.00	17,194.00	Payment for State Cheque		
Tender Money			Security Money refunded		
Security Money Received			Sundry Creditors		
Security Deposit (Phone) Return			NCPCR		
Refund Of Grant	-	103,602.00	Other Payables		
Sale of Fixed Assets	-	12,000.00			
Core Activities for State Representative			(viii) Closing Balances:		
Other	60,157.65	326,913.00	a) Cash in hand (including imprest)	300.00	
(vi) Amount Borrowed:			b) Bank Balances-		
NCPCR			(i) In current accounts		
			(ii) In deposit accounts	12,300.00	12,300.00
(vii) Other Receipts			(iii) Savings accounts	14,141,042.47	37,987,896.45
Advances Recovered					
Receipts from State Cheque					
TOTAL	152,114,659.10	162,461,763.37		152,114,659.10	162,461,763.37



Audit Certificate



कार्यालय महानिदेशक लेखापरीक्षा (केंद्रीय व्यय) इन्द्रप्रस्थ एस्टेट, नई दिल्ली - 110002
OFFICE OF THE DIRECTOR GENERAL OF AUDIT (CENTRAL EXPENDITURE)
INDRAPRASTHA ESTATE, NEW DELHI - 110002
दूरभाष/Phone: 011-23454329 फैक्स/Fax 23702271 ईमेल / Email: amg3hq@gmail.com

संख्या/No AMG-III/4-109/SAR/NCPCR/2016-17/2071

दिनांक/Dated: 23 12 2016

सेवा में

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

विषय: वर्ष 2015-16 के लिए राष्ट्रीय बाल अधिकार संरक्षण आयोग, नई दिल्ली के लेखाओं पर पृथक लेखापरीक्षा प्रतिवेदन

महोदय / महोदया

में राष्ट्रीय बाल अधिकार संरक्षण आयोग, नई दिल्ली के वर्ष 2015-16 के प्रमाणित वार्षिक लेखे की प्रति, उसके प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र की प्रति संसद के पटल पर रखने के लिये सलग्न करता हूँ।

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

कृपया यह भी सुनिश्चित करें कि वर्ष 2015-16 के लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा प्रमाणपत्र को संसद के पटल पर रखने से पहले वर्ष 2014-15 के तथा सभी पूर्व वर्षों के लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा प्रमाणपत्र संसद के पटल पर प्रस्तुत किये जा चुके हों।

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

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

भवदीय

अनुलग्नक - यथोपरि

हस्ता-
उपनिदेशक (ए.एम.जी.-III)

संख्या/No. AMG-III/4-109/SAR/NCPCR/2016-17/2072 दिनांक/Dated 23.12.2016

26 DEC 2016

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

कृपया यह सुनिश्चित करें कि पृथक लेखापरीक्षा प्रतिवेदन को संसद के दोनों सदनों के समक्ष प्रस्तुत करने से पहले वार्षिक लेखाओं को शासी निकाय द्वारा अवश्य अनुमोदित करा लिया जाए। कृपया यह भी सुनिश्चित करें कि वर्ष 2015-16 के लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा प्रमाणपत्र को संसद के पटल पर रखने से पहले वर्ष 2014-15 के तथा सभी पूर्व वर्षों के लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा प्रमाणपत्र संसद के पटल पर प्रस्तुत किये जा चुके हों। यह भी अनुरोध किया जाता है कि पृथक लेखापरीक्षा प्रतिवेदन के हिन्दी अनुवाद की एक प्रति शीघ्र इस कार्यालय को भेजी जाएं।

अनुलग्नक : यथोपरि

उपनिदेशक (ए.एम.जी.-III)

**Separate Audit Report of the Comptroller & Auditor General of India on the
Accounts of National Commission for Protection of Child Rights, New Delhi
for the year ended 31 March 2016**

AO
7716
28/12/16

We have audited the attached Balance Sheet of National Commission for Protection of Child Right (NCPCR), New Delhi as at 31 March 2016, Income & Expenditure Account and Receipts & Payments Account for the year ended on that date under Section 19(2) of the Comptroller & Auditor General's (Duties, Powers & Conditions of Service) Act, 1971 read with Section 29 (2) of the Commissions for Protection of Child Rights Act, 2005. These financial statements are the responsibility of the NCPCR's management. Our responsibility is to express an opinion on these financial statements based on our audit.

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

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

4 Based on our audit, we report that:

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

A. Balance Sheet**A.1 Liabilities:****A.1.1 Capital fund (schedule-1): Rs. 6.36 crore**

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

Financial year	Excess/deficit	Amount (Rs. in crore)
2013-14	Excess of Income over Expenditure	1.52
2014-15	Excess of Expenditure over Income	(0.15)
2015-16	Excess of Expenditure over Income	(1.09)
	Net impact	0.28

This has resulted in overstatement of Capital Fund and understatement of Earmarked Funds by Rs. 0.28 crore as at 31 March 2016. This was reported in the previous years' reports but the remedial action was not taken.

A.1.2 Current Liabilities & Provision (Schedule-7): Rs. 0.39 crore

Stale cheques amounting to Rs. 1.10 lakh were not written back in the bank books as of 31 March 2016 and resulted in understatement of Current Assets (Bank balance) and Liabilities (creditors) by the like amount.

B. General:

B.1 Advances of Rs. 5.69 lakh pertaining to the period from 2007-08 to 2011-12 were pending for adjustment as of 31 March 2016. Similarly, imprest amounting to Rs. 0.11 lakh outstanding since April 2013 had not been adjusted till 31 March 2016. The advances lying unadjusted need to be reviewed and settled.

B.2 NCPCR had fixed assets of Rs. 1.04 crore as on 31 March 2016 but the registers maintained did not depict details of all the items shown in the accounts. During physical verification, in October 2015, Fixed assets worth Rs. 4.72 lakh were found missing. Thus, the veracity of the value of the fixed assets depicted in the annual accounts could not be verified.

C. Grants-in-aid:

C.1 The grants-in-aid received by NCPCR from the Ministry of Women & Child Development and utilization thereof for the year 2015-16 are given below:

Head of account	(Rs. in lakh)					
	GIA received	Unspent balance of previous year	Internal receipts	Total funds available	Utilization of funds	Unspent funds
General Grant NCPCR	878.96	266.46	11.49	1156.91	1057.88	99.03
RTE	218.39	90.11	2.31	310.81	304.05	6.76
North Eastern Region (NER)	30.00	23.30	Nil	53.30	17.68	35.62
Total	1127.35	379.87	13.80	1521.02	1379.61	141.41


NCPCR had unspent balance of Rs. 141.41 lakh at the end of the financial year.

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

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

- a. In so far as it relates to the Balance Sheet, of the state of affairs of National Commission for Protection of Child Rights as at 31 March 2016; and
- b. In so far as it relates to Income & Expenditure Account of the surplus for the year ended on that date.

For and on behalf of C & AG of India


Director General of Audit
Central Expenditure

Place: New Delhi
Date: 23.12.2016

Annexure

1. Adequacy of internal audit system

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

2. Adequacy of Internal control System

- Three posts of Members were vacant since November 2013.
- 14 external audit paras pertaining to the period 2007-08 to 2013-14 were outstanding.
- Closing stock of stationary valuing Rs. 0.72 lakh was shown in Sch. (11), however, details of all the items were not available in the Stock Register.
- Contingent advances were pending for long.

Due to these, the internal control system of NCPCR needs to be strengthened.

3. System of physical verification of fixed assets

- Physical verification of fixed assets was conducted up to October 2015. However, fixed assets registers maintained by NCPCR did not depict the details of all the items shown in the accounts.

4. System of physical verification of inventory

- The physical verification of library books, stationery and other consumable items was conducted up to October 2015.

5. Regularity in payment of dues

- No payments over six months in respect of statutory dues were outstanding as on 31 March 2016.

Annexure-A
(As referred in para A.1.2)

Cheques issued but not presented for payment as on 31.03.2016:

Sl. No.	Date of Issue	Cheque Number	Amount
01	10.10.2011	566320	10030
02	20.10.2011	566372	2500
03	04.11.2011	566650	20000
04	11.11.2011	566690	1708
05	05.12.2011	971189	2000
06	05.12.2011	971198	2000
07	20.12.2011	479675	9371
08	13.02.2012	135413	3085
09	07.04.2012	990741	2030
10	30.04.2012	990809	100
11	17.05.2012	461535	2000
12	01.06.2012	461600	200
13	01.06.2012	461601	240
14	02.07.2012	461730	2000
15	01.08.2012	770411	2356
16	13.08.2012	770439	544
17	06.11.2012	770815	6545
18	11.12.2012	770885	1698
19	08.02.2013	446404	1760
20	26.03.2013	446527	90
21	12.06.2013	512159	1000
22	24.06.2013	512226	4000
23	24.06.2013	512231	4000
24	04.07.2013	512308	8666
25	22.10.2013	261016	195
26	12.01.2014	261198	10380
27	22.05.2014	760411	2000
28	13.06.2014	007689	2000
29	13.06.2014	007688	4000
30	23.07.2015	885534	3725
	TOTAL:		1,10,223

Annexure-B**(As referred in para B.1)****List of Loans and Advances outstanding as on 31 March 2016:**

Sl No	Name	Amount (in Rs.)	Period since
1	Recoverable from contractor	7825	2008-09
2	Central Translation Bureau	2015	October 2010
3	Assistance Director of Estate (VigyanBhawan)	56250	2008-09
4	Indian Islamic Culture Center	1008	Not mentioned
5	RajyaBalkamgarPunrvasanaAnisanstha	10088	2011-12
6	People's Culture Centre	2894	2007-08
7	Indian International Centre (IIC)	394	Not mentioned
8	BalBandhu Scheme-	198800	Not mentioned
9	Ajay Kumar	1400	Not mentioned
10	Postage Advance	3111	2007-08
11	Deptt. Of Agriculture & Co-Op	38784	March 2009
12	-do-	58177	December 2009
13	Govt of NCT of Delhi PAC VI	187764	March 2009
	TOTAL	568510	

Annexures

Annexure-I



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

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



F.No. 25-01/01/2015/NCPCR/RTE/PolicyMatter/39315

Date: 04.03.2016

To

Dr. Subash Chandra Khuntia
Secretary
Department of School Education & Literacy
Ministry of Human Resource & Development
Shastri Bhawan, New Delhi

Subject: Regarding safety and security of children in schools

Dear Dr. Khuntia

National Commission for Protection of Child Rights (NCPCR) under section 13 (1) (j) of CPCRA Act, 2005, has taken cognizance of recent incidents of deaths of children in schools due to non-implementation of lack of safety and security measures. One of the initiatives taken by the Commission is to highlight the safety and security issues as a policy concern.

Your Ministry (MHRD) is in process of formulating New Education Policy (NEP) through inclusive and participatory approach. Given the significance of upcoming NEP; NCPCR, with assistance of SCPCRs, is currently organizing four one-day regional consultations in four zones of India, to outline recommendations that will add to the upcoming NEP. In the first regional consultation held in Goa on 20.02.2016, Safety and Security of children in schools was exclusively discussed as a policy matter.

While the focus of schools is on the all-round development of the students, this cannot happen unless learning takes place in a safe and secure environment. Hence, it is proposed that the 'safety and security of school children' should be taken up as a focus area and included as a separate theme in the upcoming New Education Policy along with 13 proposed themes for school education.

The recommendations received by Commission during the regional consultation will be submitted for your perusal.

Yours sincerely

Priyank Kanoongo

प्रियंक कानूनगो/PRIYANK KANOONGO
सदस्य/Member
राष्ट्रीय बाल अधिकार संरक्षण आयोग
National Commission for Protection of Child Rights
महिला एवं बाल विकास विभाग
Ministry of Women & Child Development
भारत सरकार, नई दिल्ली/Govt of India, New Delhi

Received
04/03/2016

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chandertok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph. :011-23478251, फैक्स/Fax: 011-23724028
Web: www.ncpcr.gov.in, Lodge your complaint at :www.ebaalnidan.nic.in



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

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

Annexure-II



D.O. No. 71075/2016/NCPDR/RTE/

Date: 16.03.2016

Dear Dr. Khuntia,

It may be noted that, there were unseasonal rain and hailstorm in last few days in north, western and Central India. In the rain and hailstorm; damage of rabi crops like wheat, mustard and chickpea has been reported from Punjab, Haryana, Rajasthan, Uttar Pradesh, Madhya Pradesh and Maharashtra. The extent of damage is unclear as state governments are yet to collate data on crop loss.

It may be mentioned that, the farmers especially, the small farmers with low income category are affected the most in the natural calamities like; unseasonal rain, hailstorm etc. It is also observed that the education of the children belonging to lower income groups including poor farmers are affected in such events. Amongst them, the most affected lot are the children studying in private schools where fee is to be deposited on time and the prescribed educational material is to be provided.

Therefore, it is recommended that the Ministry of Human Resource Development (MHRD) may take action on the matter given as under:

- Provisions may be made for the re-imbusement of the fee and education entitlements (school bags, uniforms, notebook etc.) for children of the farmers (who are affected by the natural calamity) studying in private schools under the Sarva Siksha Abhiyan (SSA).
- The benefits may be similar as per the provision provided under Section 12 (2) of the RTE Act, 2009 regarding re-imbusement of the expenditure to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less.
- The benefit may be given to the children of the farmers who have suffered more than 50 % damage of the crops in the current season especially who have been identified by the States for Compensation.
- The benefits may be provided in addition to the Compensation decided for the crop damage and the benefit is to be for one year only.
- The Ministry of Human Resource Development may make arrangement in such a way that the benefits may reach to the parents in time so that the education of the children can be assured.

A response/report in this regard may be sent to this Commission at the earliest.

With regard

Dr. Subash Chandra Khuntia
Secretary, Department of School Education,
Ministry of Human Resource Development (MHRD)
Government of India
R.N. 124-C, Shastri Bhawan, New Delhi- 110001
Tel-11-23382587/23381104(O),23387859(Fax)
email: secy[dot]sel[at]nic[dot]in

Yours sincerely

(Priyank Kanoongo) 16/3/16

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor. Chandernok Building, 36, Janpath, New Delhi-110 001



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

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



File No. 25016/06/2016-RTE/NCPCR

38452/38453

To,

Date: 25.01.2016

Director General,
Indian Institute of Corporate Affairs,
CGO Complex,
New Delhi- 110003

Subject: Including the activities for protection of child rights exclusively in Schedule VII (Section 135) of Companies Act, 2013

Dear Sir,

As you may be aware, the National Commission for Protection of Child Rights (NCPCR) has been constituted under the provisions of the Commissions for Protection of Child Rights (CPCR) Act, 2005 for protection of child rights and other related matters. Under Section 13 of the CPCR Act, 2005, one of the functions of the Commission include reviewing the existing laws/policies and promoting child rights literacy.

While reviewing the activities permissible as Corporate Social Responsibility (CSR) under Schedule VII of the Companies Act, 2013, Commission was surprised to note that while child education, gender equality, and children homes for orphans are in the list of activities; an important aspect of development i.e. child rights does not have a specific mention. You would appreciate that human rights and particularly child right rights is an important indicator of development and to ensure their protection is a key responsibility of our society.

Since, CSR has moved beyond charity and assumed a larger responsibility towards the society; you are therefore advised to include and prioritize activities towards protection of child rights in Schedule VII and furnish an action taken report within 10 days of the issue of this letter.

Yours faithfully,

[Signature] 25/01/2016

Priyank Kanoongo
Member (Education)

E-mail: priyank.ncpcr@gov.in

[Signature]
25/1/16

Copy to:

The Secretary, Ministry of Corporate Affairs, 'A' Wing, Shastri Bhawan, Rajendra Nagar Road,
New Delhi- 110001

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph. :011-23478251, फैक्स/Fax: 011-23724028
Web: www.ncpcr.gov.in, Lodge your complaint at : www.ebaalnidan.nic.in



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

Annexure IV



F. No.2503/03/2015-NCPDR(RTE)

Dated: 24th June, 2015.

Dear Sir/Madam,

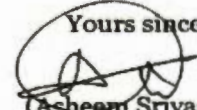
Devastating earthquake of 25.04.2015 and the subsequent aftershocks in Nepal led to the death of more than 9000 people and incalculable damage to the infrastructure. The earthquake also caused collapse of more than 5000 school classrooms.

2. Experts are of the view that such high intensity earthquakes in future cannot be ruled out in the high-risk seismic zones. Keeping that in mind, it is imperative to reassess the structural strength of school buildings, especially in the high seismic zones in the country, to ensure that they are able to withstand the fury of earthquakes. It also needs to be ensured that all schools have sufficient open area.

3. Besides, it is also advisable that school teachers and children are imparted basic training to react during such natural calamities. Help of State Disaster Management Authorities may also be sought in this regard.

4. It would be appreciated if the above advisory is kept in mind and the Commission is informed about the steps taken by your State to protect the school infrastructure and students from the natural disasters like earthquakes.

Yours sincerely,


(Ashem Srivastav)
Member Secretary

Principal Secretaries of Education (All States) (34026 - 34061)
Chairperson of SCPCRS (All) (33995 - 34025)

Annexure-V



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

Annex V

307

NCPCR

E.No: 2501/02/2015/NCPCR (RTE)-SM
Dated: 24th June, 2015.

Subject: Fake admissions under EWS and Disadvantaged Group quota.

Dear Sir/Madam,

You may be aware that recently Delhi Police have unearthed shocking and disgraceful scandals where ineligible students got school admissions under the Economically Weaker Section (EWS) and Disadvantaged Group (DG) quota on the basis of forged income certificates and other documents. These illegal admissions allegedly involved monetary transactions of several crores of rupees and many schools of the capital city are found to be involved in this.

2. The possibility of such illegal admission operations in other cities of the country cannot be ruled out. I, therefore, request you to launch a special drive to examine and verify the admission records of at least academic sessions of 2013-14, 2014-15 and 2015-16 to ensure that all admissions under the EWS/DG category have been made strictly following the laid down parameters. Cases of violations of the prescribed rules/guidelines may be brought to the notice of the Commission immediately.

3. An early report in the matter, preferably by 31st July, 2015, will be much appreciated.

Yours sincerely,


(Ashanti Srivastava)
Member Secretary

Principal Secretaries of Education (All States) (34026-34061)
Chairperson, SCPCRs (All) (3395-34025)

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph. :011-23478200,23724020-21, फैक्स/Fax: 011-23724026
Web: www.ncpcr.gov.in, Lodge your complaint at :www.ebaalnidan.nic.in

Annexure-VI



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

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



File No.DEL/Safety/69918/NCPCR/ Edu. /37823
Dated : December 31, 2015.

To,

The Director
Department of Education
Govt of NCTD
Old Secretariat,
Delhi-110054.

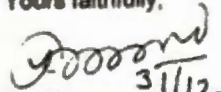
Sub : Participation of School Students in activities related to Odd Even Campaign.

Please refer to Directorate of Education, Govt. of NCTD Circular No.DE.23(399)/Sch.Br./2015/2040 dated 31 December 2015 (i.e. today) wherein Directorate of Education:School Branch has directed to Heads of Govt. School to ensure the participation of 30-40 students of Classes VI to VIII from their respective schools for activities in respect of Odd Even Campaign at the identified locations near their school from 1st January 2016 till 15th January 2016.

However, Hindustan Times New Delhi Edition dated 31-12-2015 carries a statement by Police Commissioner, Delhi stating that this could be "foolhardy" and "hazardous" as it may lead to accidents and the safety of children should not be put on the line at any cost.

As the school children are under age of 18 years, you are hereby directed to adhere the Guidelines issued by the National Commission for Protection of Child Rights to ensure that the rights of the children should not be violated during this Campaign. You are also requested to ensure that proper steps for safety and security of the Children are taken.

Yours faithfully,


31/12/15
(Priyank Kanoongo)

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chandernok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph. 011-2347825 : फैक्स /Fax: 011-23724028
Web: www.ncpcr.gov.in. Lodge your complaint at :www.ebaalnidan.nic.in

Annexure-VII



स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

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



File No.: MP-69467/2015-16/SMCOMP

39456

Date: 07/03/2016

Dear Mr Mall,

National Commission for Protection of Child Rights (NCPCR) under section 13(1)(j) of CPCRA Act, 2005, has taken cognizance of incident of deaths of children in schools due to lack of safety and security measures etc. In recent cases of death of students in schools of Delhi, Bhopal, Madhya Pradesh, Ranchi and Karnataka, NCPCR have issued directions to all the respective authorities, to take steps to ensure that no such incident takes place in the future. In this regard it is also important that all boards verification of school staff including those that are providing services such as drivers, cleaners etc especially reference to them behavior towards children is done properly.

The Commission would like to know whether such mechanism of verification of employees before their appointments in schools is available or not, if so, then please send this information to the Commission. If not, then you are requested to immediately issue instruction for verification the school employees and ~~appointments~~ ^{connected} staff, in schools to prevent any kind of abuse against school children.

It may kindly be noted that no candidate with a criminal record of sexual and/or physical violence against children should be recruited for any position within an education institution. All newly selected candidate must also provide a signed affidavit to the educational institution that they have not been accused of offence under POCSO Act, 2012 & Juvenile Justice (Care and Protection of Children) Act.

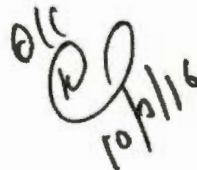
Kindly send the requisite information with one week.

With regards


(Stuti Kacker)

To.

Shri Santosh Kumar Mall,
Commissioner
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg, New Delhi - 110 016
Tel: 011-26512579
E-mail: kvs.commissioner@gmail.com, Commissioner@kvsedu.org


10/3/16

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph.: 011-23478212, 23731583, फैक्स/Fax: 011-23731584
Web: www.ncpcr.gov.in



स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

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



File No.: MP-69467/2015-16/SMCOMP

39451

Date: 07/03/2016

Dear Sir,

National Commission for Protection of Child Rights (NCPCR) under section 13(1)(j) of CPC Act, 2005, has taken cognizance of incident of deaths of children in schools due to lack of safety and security measures etc. In recent cases of death of students in schools of Delhi, Bhopal, Madhya Pradesh, Ranchi and Karnataka, NCPCR have issued directions to all the respective authorities, to take steps to ensure that no such incident takes place in the future. In this regard it is also important that ~~all boards~~ verification of school staff including those that are providing services such as drivers, cleaners etc especially reference to them behavior towards children is done properly.

The Commission would like to know whether such mechanism of verification of employees before their appointments in schools is available or not. If so, then please send this information to the Commission. If not, than you are requested to immediately issue instruction for verification the school employees and ~~appointment~~ ^{recruited} staff. in schools to prevent any kind of abuse against school children.

It may kindly be noted that no candidate with a criminal record of sexual and/or physical violence against children should be recruited for any position within an education institution. All newly selected candidate must also provide a signed affidavit to the educational institution that they have not been accused of offence under POCSO Act, 2012 & Juvenile Justice (Care and Protection of Children) Act.

Kindly send the requisite information with one week.

With regards

(Stuti Kacker)

To,

Shri Biswajit Kumar Singh, I. F. S.,
Commissioner
Navodaya Vidyalaya Samiti,
B-15, Institutional Area, Sector-62,
Noida, District - Gautam Budh Nagar,
Uttar Pradesh -201307
Tel: 0120-2405180, 2405181, Fax-0120-2405182

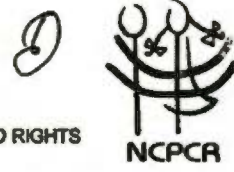
011
P
12/2/16

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph. :011-23478212, 23731583, फैक्स/Fax: 011-23731584
Web: www.ncpcr.gov.in



स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

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



File No.: MP-69467/2015-16/SMCOMP

39459

Date: 07/03/2016

Dear Dr. Immanuel,

National Commission for Protection of Child Rights (NCPCR) under section 13(1)(j) of CPCR Act, 2005, has taken cognizance of incident of deaths of children in schools due to lack of safety and security measures etc. In recent cases of death of students in schools of Delhi, Bhopal, Madhya Pradesh, Ranchi and Karnataka, NCPCR have issued directions to all the respective authorities, to take steps to ensure that no such incident takes place in the future. In this regard it is also important that all boards verification of school staff including those that are providing services such as drivers, cleaners etc especially reference to them behavior towards children is done properly.

The Commission would like to know whether such mechanism of verification of employees before their appointments in schools is available or not. If so, then please send this information to the Commission. If not, then you are requested to immediately issue instruction for verification the school employees and appointment staff, in schools to prevent any kind of abuse against school children.

It may kindly be noted that no candidate with a criminal record of sexual and/or physical violence against children should be recruited for any position within an education institution. All newly selected candidate must also provide a signed affidavit to the educational institution that they have not been accused of offence under POCSO Act, 2012 & Juvenile Justice (Care and Protection of Children) Act.

Kindly send the requisite information with one week.

With regards

(Stuti Kacker)

To.

Dr. G. Immanuel
Chairman
Council for the Indian School Certificate Examinations.
P 35-36. Sector VI
Pushp Vihar. Saket. New Delhi - 110017
Tel: (011) 29564831 33 37
Fax: (011) 29564735

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chanderalok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph. :011-23478212, 23731583, फैक्स/Fax: 011-23731584
Web: www.ncpcr.gov.in



स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

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



File No.: MP-69467/2015-16/SMCOMP

39455

Date: 07/03/2016

Dear Mr. Kumar,

National Commission for Protection of Child Rights (NCPCR) under section 13(1)(j) of CPC Act, 2005, has taken cognizance of incident of deaths of children in schools due to lack of safety and security measures etc. In recent cases of death of students in schools of Delhi, Bhopal, Madhya Pradesh, Ranchi and Karnataka, NCPCR have issued directions to all the respective authorities, to take steps to ensure that no such incident takes place in the future. In this regard it is also important that ~~all boards~~ verification of school staff including those that are providing services such as drivers, cleaners etc especially reference to them behavior towards children *is done properly.*

The Commission would like to know whether such mechanism of verification of employees before their appointments in schools is available or not, if so, then please send this information to the Commission. If not, than you are requested to immediately issue instruction for verification the school employees and ~~appointments~~ *appointed* staff, in schools to prevent any kind of abuse against school children.

It may kindly be noted that no candidate with a criminal record of sexual and/or physical violence against children should be recruited for any position within an education institution. All newly selected candidate must also provide a signed affidavit to the educational institution that they have not been accused of offence under POCSO Act, 2012 & Juvenile Justice (Care and Protection of Children) Act.

Kindly send the requisite information with one week.

With regards

Stuti Kacker
(Stuti Kacker)

To.

Shri Y.S.K. Seshu Kumar,
Chairman
Central Board of Secondary Education (CBSE),
Shiksha Kendra, 2. Community Centre,
Preet Vihar, Delhi-110092
Tel: 011-22467263
Fax: 011-22515826

OK
RS
10/3/16

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chandertok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph. :011-23478212, 23731583, फैक्स/Fax: 011-23731584
Web: www.ncpcr.gov.in

Annexure-VIII

State / UT-wise details of CWCs, JJBs and Special Courts / Children Courts

Sl. No.	States/UTs	No. of Districts	No. of Special Courts
1.	Andhra Pradesh /Telangana	23	23
2.	Arunachal Pradesh	17	5
3.	Assam	27	27
4.	Bihar	38	38
5.	Chhattisgarh	27	16
6.	Goa	2	1
7.	Gujarat	33	33
8.	Haryana	21	21
9.	Himachal Pradesh	12	12
10.	Jharkhand	24	24
11.	Karnataka	30	30
12.	Kerala	14	14
13.	Maharashtra	36	33
14.	Meghalaya	11	4
15.	Manipur	9	9
16.	Madhya Pradesh	51	50
17.	Mizoram	8	2
18.	Nagaland	11	11
19.	Odisha	30	30
20.	Punjab	22	22
21.	Rajasthan	33	33
22.	Sikkim	4	4
23.	Tamil Nadu	32	32
24.	Tripura	8	8
25.	Uttarakhand	13	13
26.	Uttar Pradesh	75	75
27.	West Bengal	20	20
28.	Andaman & Nicobar	3	1
29.	Chandigarh	1	1
30.	Daman and Diu	2	Not Given
31.	Delhi	11	11
32.	Dadra & Nagar Haveli	1	1
33.	Lakshadweep	1	1
34.	Pondicherry	4	Not Given
Total:		654	605

Source: State Government

State/UT-wise details of Special Public Prosecutors appointed in each district designated under the POCSO Act, 2012

Sl. No.	States/UTs	No. of Districts	No. of Special Public Prosecutors
1.	Andhra Pradesh /Telangana	23	23
2.	Arunachal Pradesh	17	3
3.	Assam	27	27
4.	Bihar	38	23
5.	Chhattisgarh	27	16
6.	Goa	2	1
7.	Gujarat	33	Not given
8.	Haryana	21	21
9.	Himachal Pradesh	12	10
10.	Jharkhand	24	24
11.	Karnataka	30	29
12.	Kerala	14	14
13.	Maharashtra	36	36
14.	Meghalaya	11	3
15.	Manipur	9	2
16.	Madhya Pradesh	51	50
17.	Mizoram	8	2
18.	Nagaland	11	11
19.	Odisha	30	30
20.	Punjab	22	22
21.	Rajasthan	33	33
22.	Sikkim	4	4
23.	Tamil Nadu	32	Not given
24.	Tripura	8	3
25.	Uttarakhand	13	Not given
26.	Uttar Pradesh	75	75
27.	West Bengal	20	Not given
28.	Andaman & Nicobar	3	1
29.	Chandigarh	1	2
30.	Daman and Diu	2	1
31.	Delhi	11	11
32.	Dadra & Nagar Haveli	1	1
33.	Lakshadweep	1	Not given
34.	Pondicherry	4	Not given
Total:		654	478

Annexure-X

States/ UTs notified Victim compensation Scheme towards rehabilitation of the Child under POCSO Act, 2012.

Sl. No.	State/UT	Details of Information	Source of Information
1.	Arunachal Pradesh	Arunachal Pradesh Victim Compensation Scheme 2011 was notified vide Notification No. MB(B)37/97 dated 24.01.2012	State Government (DWCD) vide letter no SWCD-27/2011(Act) dated 8.08.2013
2.	Chhattisgarh	Directions have been issued to pay compensation from the Victim Compensation Fund set up by the State Govt.	State Govt. (WCD) letter No. F.11-2/2013/e0ck0oh/50 dated 9.7.2013.
3.	Goa	The State Government has formulated The Goa Victim Compensation Scheme, 2012 vide notification No. 24/18/2013-HD(G) dated 17.12.2012.	State Government (WCD) letter No. 2-632-POCSO/2014/W&CD/00461.
4.	Gujarat	The Gujarat Victim Compensation Scheme 2013 was notified on 05.01.2013 vide notification No. GG/01/SB-2/COM/132011/GAD/165605.	State Government (Home) vide letter No. SB.II/COM/132011/165605 dated 27.07.2013
5.	Himachal Pradesh	The Himachal Pradesh (Victim of Crime) Compensation Scheme 2012 notified on 6.9.2012 and Himachal Pradesh Financial Assistance and Support Services to Victims of Rape Scheme 2012".	State Government (SJ&E) vide letter No. SJE-A-A(3)-2/2013 dated 07.06.2013.
6.	Haryana	The State Government had notified Victim Compensation Scheme on 03.04.2013.	State Government (Dept. of Home) letter No. 2/145/2013-1/HGIV dated 29.04.2013.
7.	Karnataka	The Government of Karnataka notified Karnataka Victim Compensation Scheme vide Notification Number HD 1 PCB 2011 dated 22.02.2013.	State Government (Dept. of Home) vide letter No. D. O. No. HD-14-COD 2013 dated 22.04.2013.
8.	Kerala	The Kerala Victim Compensation Scheme has been introduced in the State which has come to the effect from 25.02.2014.	State Legal Services Authority letter No. 957 dated 06.08.2014.
9.	Meghalaya	The State Government has notified Meghalaya Victim Compensation Scheme vide Govt. Notification No. POL.191/2004/PT-I/135 on 20.03.2012.	State Govt. (Home) letter No. SW(S)69/2012/252 dated 5.7.2013 and Department of Home (Police) letter No. HPL-244/2012/PT/25 on 03.10.2013.
10.	Mizoram	The Mizoram Victims of Crime Compensation Scheme 2011 has been framed and notified in the Gazette on 14.12.2011.	State Government (SW) vide letter No. B-12017/33/11-SWD dated 03.06.2013
11.	Nagaland	The Nagaland Victim Compensation Scheme has been notified vide Notification No. CON-1/G/6/2011 dated 30.09.2013.	State Government (SWD) letter No. SW/JUV-09/17/2011 dated 24.09.2014.
12.	Odisha	The Odisha State Victim Compensation Scheme had been created under Section 357 A of Cr. PC and extended to victim of POCSO.	State Government letter No. (DWCD) letter No. WCD-CW-MISC-0217-2012-2950 dated 2.2.2013 and No. 12708/WCD-MISC-1361-2013 dated 11.08.2014.

13.	Punjab	The State Government has set up Victim Compensation Scheme under Section 157 of the Cr. PC.	State Government (SW and WCD) letter No. JJA-1(SS)2013/13284 dated 07.06.2013.
14.	Sikkim	The Victim Compensation Scheme 2011 has been implemented in the State and Sikkim State Legal Service Authority is nodal agency for implementation of the Scheme.	State Government (WCD) letter No. 192/2014-15/WSCDD dated 16.08.2014)
15.	Tamil Nadu	Victim Compensation Scheme has been formulated	State Government (SW&NMP) No. 8873/SW8(1)/2014-1 dated 24.09.2014.
16.	Tripura	The Tripura Victim Compensation Scheme 2012 had been framed w.e.f. 15.08.2012	State Government (SW and E Department) letter No. F. 87(2-8)/CW/DSWE/2010/994 dated 5.6.2013
17.	Uttarakhand	The Government of Uttarakhand has notified the Uttarakhand Victim from Crime Assistance Scheme, 2013 vide notification NO. 4520/XX-03-2012-05(09) 2011 dated 16.02.2013.	Uttarakhand State Legal Services Authority letter No. 677/SLSA/2014 dated 10.09.2014.
UTs			
18.	Andaman & Nicobar	Andaman and Nicobar Islands Victim Assistance Scheme, 2012 under Section 357 A of Cr. PC has been notified on 28.09.2012.	UT Administration letter No. 4-95/DSW/POCSO/Act/2012-Part/1030 dated 02.05.2013
19.	Chandigarh	UT Administration has notified Victim Compensation fund under Section 357 of the Cr. PC vide Notification No. HIII(2)-2012/16810 dated 03.09.2012.	UT Administration vide letter No. 6039 dated 18.07.2012.
20.	Delhi	Victim Compensation Scheme 2011 had been notified.	State Government vide letter No. F-11/31/2010/HP-II/6161 dated 02.08.2013,
21.	Puducherry	The Government of Puducherry has notified the Union Territory of Puducherry Victim Assistance Scheme 2012 by G.O. Ms. No. 8 dated 04.02.2013	UT Legal Services Authority Letter No. 345/2014/A1-UTPLSA dated 17.07.2014

Annexure-XI

State/ UT wise total number of SJPU's and Female Police Officer on & above the rank of SI

S. No	States/UTs	Total no of Districts	Total No of SJPU's	Total No of Female Police Officer on & above the rank of SI
1	Andhra Pradesh / Telangana	23	33	69
2	Arunachal Pradesh	18	67	21
3	Assam	30	30	117
4	Bihar	44	44	Not provided
5	Chhattisgarh	27	1114	42
6	Goa	2	1	5
7	Gujarat	33	28	129
8	Himachal Pradesh	13	14	35
9	Haryana	23	23	102
10	Jharkhand	26	26	35
11	Karnataka	31	40	172
12	Kerala	20	118	62
13	Maharashtra	45	735	331
14	Meghalaya	11	11	46
15	Manipur	9	9	83
16	Madhya Pradesh	Not provided		
17	Mizoram	8	26	17
18	Nagaland	11	11	58
19	Odisha	36	36	506
20	Punjab	28	20	105
21	Rajasthan	Not provided		
22	Sikkim	4	SJPU in each police station	48
23	Tamil Nadu	39	40	122
24	Tripura	8	9	23
25	Uttarakhand	13	112	128
26	Uttar Pradesh	75	75	149
27	West Bengal	28	28	85
	UTs			
28	Andaman & Nicobar	3	1	20
29	Chandigarh	1	Nil	11
30	Daman and Diu	2	Not provided	Nil
31	Delhi	11	11	185
32	Dadra & Nagar Haveli	1	1	2
33	Lakshadweep		Nil	1
34	Puducherry	2	Nil	14
	Total	625	2663	2723

Annexure-XII

State/UT-wise details / status of POCSO Cases for the years 2012-13 (Nov'12-Mar'13), 2013-2014 and 2014-2015

State	Total No. of FIRs	Under Investigation	Investigation concluded		Status not mentioned	Sub-judice	Discharged	Disposal		Status not mentioned
			Charge sheets filed	Closure				Acquitted	Conviction	
Andaman & Nicobar	70	6	64			64				
Andhra Pradesh	1558	374	1167	15	2	1007	7	127	26	
Arunachal Pradesh	54	11	43			42	1			
Assam	803	649	154			154				
Bihar	797	115	642	7	33	582	30	20	10	
Chandigarh	130	2	127	1		43	4	41	39	
Dadra and Nagar Haveli	7	3	4			4				
Goa	183	41	141	1		136	3	1	1	
Haryana	2102	44	1988	66	4	1035	93	559	296	5
Himachal Pradesh	421	16	399	5	1	302	18	40	39	
Jharkhand	420	78	326		16	326				
Karnataka	1483	172	1309		2	1166	2	106	35	
Kerala	2821	463	2343	11	4	2274	13	20	36	
Maharashtra	6421	543	5578	10	290	5159	31	229	158	1
Manipur	113	45	68			67			1	
Meghalaya	81	3	78			66		12		
Mizoram	135	12	121		2	118	2		1	
MP	7210	176	6808	37	189	5643	25	774	366	
Nagaland	8	1	7			7				
Odisha	2810	403	2405		2	2263	2	111	28	1
Puducherry	62	7	55			52			3	
Punjab	836	94	714	28		334	5	239	136	
Rajasthan	4402	246	4139	2	15	3831	11	256	41	
Sikkim	93	8	85			56	1		28	
Tamil Nadu	1618	292	1322	2	2	1077	2	172	70	1
Tripura	198	17	181			168	3	5	5	
Uttar Pradesh	8735	236	8447	1	51	8219	2	95	130	1
Uttarakhand	287	18	269			228	5	21	15	
West Bengal	1640	241	1395		4	1277	23	60	35	
Total	45498	4316	40379	186	617	35700	283	2888	1499	9