

National Commission for  
Protection of Child Rights

**Annual Report** *2009-2010*



“Every child comes with the message that God is not yet discouraged of man.”

—Rabindranath Tagore

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## I. Introduction

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- 1.1 When we discuss perspectives on protecting children's rights, it requires a drastic change in our ways of thinking and doing so at all levels – from the family to the institutions, policy makers, law and society as a whole. An adult's love and affection for the child should not justify the use of authority and power over the child. Children are equal to and not less than adults. Indeed, they ought to be regarded as more than equals, because of their special circumstances and needs. This change means looking at the child with respect; treating her with dignity and as an individual in her own right.
- 1.2 The United Nations Convention on the Rights of the Child (UNCRC) elaborates the provisions of listening to the child, and the child exercising agency through child participation precisely because children are recognised as having the capacity to do so. This capacity is evolving and needs support and constant nurturing. Sometimes, when the children in question are very young, we as adults, and especially those in positions of trust either in the family or in institutions relating to children, must take responsibility for acting in a manner that ensures that children's interests are not compromised.
- 1.3 In doing so, the following perspectives as enshrined in the Constitution of India guide the Commission:
- (i) **All the rights of children are of equal importance.** All the rights the child enjoys are mutually exclusive, reinforcing and interdependent. Therefore the issue of gradation of rights does not arise.
  - (ii) **Every age within the age bracket 0 to 18 years is equally important.** A child enjoying all her rights in her 18<sup>th</sup> year is dependent on the access she has had to all her entitlements from the time she is born. Thus policies and interventions at all stages in a child's growth and development assume equal significance.
  - (iii) It is the **State's obligation to protect children's rights.** Civil society is to be seen as an equal partner in creating an environment where the child is at the centre of all decisions.
  - (iv) The **principle of non-discrimination and equality** has to be adhered to in operationalising services to children who are differently placed and in unjust circumstances.
  - (v) Each and every child would gain access to her entitlements in a **universal approach that is inherently inclusive.** There is an inherent diversity among children and their privations are not all alike. A child who is orphaned, or whose family is displaced due to ecological or economic factors or factors of civil unrest, has an illness and/or who needs health care, is malnourished, differently-abled, and/or subject to abuse and violence and so on, requires special attention. One must recognise such particularities and offer services, institutional and professional, to ensure that children live a life of dignity and respect. In operationalising services to children who are so differently placed and in unjust circumstances, it is essential to abide by the principle of non-discrimination and equality. A rights based perspective regards all children, yours and mine, as the same; they must all be provided with the same entitlements equitably. Those facing discrimination or those who are at a disadvantage, must be provided additional facilities through affirmative action to enable them to be at par with their peers.
  - (vi) **Children are to be embedded in their culture and environment to feel empowered.** The diversity and plurality of their cosmos has to be respected so that they blossom in a natural fashion. However on some occasions, child rights are violated and even justified in the name of preserving cultural practices and

- tradition. When there is a conflict between culture and child rights, **children's rights must take precedence and cultures and traditions must** adjust to give primacy to children's needs and rights.
- (vii) **The best has therefore to be given in a time-bound manner without any waiting.** It is often heard that it is impractical to cover all children and all services at one go and so 'doable' 'practical' targets are to be defined. It is not practical to keep some children on hold and let them suffer due to our incapacities. The children concerned cannot be asked to wait till the world of adults is ready for them. Childhood comes only once. A lost childhood can never be regained. When children have missed out on their basic entitlements the impact of this loss on their vulnerabilities as they grow has lasting implications for them and society at large. Thus, to distinguish between short-term needs that require immediate action and the vision for long-term goals does not make sense as far as the child is concerned. They go hand in hand.
  - (viii) **Use of authority and power over the child by the adult is unacceptable.** Children are to be seen as equal to and not as less than adults. Indeed, because of their special circumstances and needs, they are more than equals.
  - (ix) **Taking an uncompromising stand** in favour of children and their rights is the first step towards the process of listening to children and recommending policy and legal reforms.
- 1.4 The Commission welcomes the enactment of 'Right of Children to Free and Compulsory Education' Act (RTE Act) in July 2009, as a step in the right direction towards guaranteeing right to education as a fundamental right. The Act paves the way for making India a proud nation with each and every child enjoying her right to education. Through this Act, the State is obligated to ensure that no child is denied access to education in full-time formal schools, with standards and norms for schools clearly laid out. It is compulsory for the State to provide quality education at the earliest and to ensure that this education is imparted by trained teachers. This Act guarantees access to and retention in schools for millions of children across the country who are presently outside the school system, including child labour, street children, differently-abled children, orphans, and the girl child. It mandates that school drop-outs and out of school children are all mainstreamed and integrated to an age appropriate class.
- 1.5 For NCPCR, this is particularly significant as the Act specifically mandates the Commission to monitor the implementation of the Act.
- 1.6 Although much more has to be done to further the cause of child rights, the Commission has specifically taken up the issues of child labour, children affected by civil unrest, rights of differently-abled children, right to education, child jurisprudence, rights of children affected and infected by HIV and AIDS and children's participation in TV reality shows as proposed in the previous Annual Report for the year 2008-9. We thank all those who offered unstinting support so that the Commission could take on its responsibilities.



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## 2. Child Labour

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### Gujarat and Rajasthan Strategies against Child Labour

2.1 As a follow-up to the Commission's efforts to monitor and prevent trafficking of children from the State of Rajasthan to Gujarat, as well as the rescue, rehabilitation, and education of children, a meeting with the concerned officials of the Governments of Gujarat and Rajasthan was convened by NCPCR on 18th September 2009. This was a follow-up to the discussions held over the past two years and the action taken in response by the two states on the matter.

**(i) NCPCR's Recommendations**

- District Collectors in Rajasthan to plan for auditing the attendance of children in schools, which would include physical verification of the names enrolled in the attendance register with actual attendance of children present in all the educational institutions such as schools, Non-residential Bridge Courses (NRBCs), Residential Bridge Courses (RBCs), Kasturba Gandhi Balika Vidyalayas (KGBVs), tribal ashram hostels and social welfare hostels. It was also decided that children who were absent be tracked and brought back to these institutions. Audit teams were to comprise officials from Sarva Shiksha Abhiyan (SSA), Panchayati Raj Department and Tribal Department and also representatives of gram panchayats.
- Compulsory registration of all the 'Mets'(agents) under the Inter-State Migrant Labour Act and cases booked against them under the Bonded Labour System Abolition Act and Juvenile Justice Act (JJ Act).
- **Gujarat** government to issue notices to all the state's 25,000 farmers (hybrid cotton seed production) to not employ their children as farm labour; also penalise placement agencies associated with migration of children under the law.
- Social audit teams to be constituted to monitor the employment of children on cotton farms; a coordination committee to be instituted to enable the two governments to exchange information and decide on a plan of action regarding all aspects of rescue and rehabilitation of child labour; safe repatriation of all children from Gujarat to their respective villages with a clear education plan for each one of them through RBCs, KGBVs, ashram schools, etc.

**(ii) Action taken by Rajasthan Government**

The Rajasthan Government reported that officials of Banswada, Udaipur and Dungarpur districts had been sensitised. Instructions were issued to the Police/ICDS/ Health and Labour Departments to share the responsibility of tracking children. It was reported that the agents found alternative routes to migrate to Gujarat making it difficult to stop children from migrating. The rescued children have been sent to the KGBVs. There are also migratory hostels, RBCs, NRBCs and Shiksha Kendras to accommodate almost 10,000 children. However, the majority of the children are yet to be mainstreamed into schools.

**(iii) Action taken by Gujarat Government**

Officials from Gujarat reported that check posts at eight entry points had been strengthened, three police control rooms had been set up, and 16 children had been rescued. 4,500 field investigations had been conducted by nine teams and 27 children had been rescued and repatriated to temporary shelter homes.

## Action Plan on Abolition of Child Labour in Delhi

2.2 In pursuance of the Delhi High Court directives authorising the NCPCR to prepare an Action Plan for Abolition of Child Labour in the National Capital Territory of Delhi on September 24<sup>th</sup> 2008, the Commission held several consultations with the officials of all the concerned departments. It prepared an action plan, which was adopted by the High Court on 15<sup>th</sup> July 2009, with some modifications. The plan suggested two strategies.

The first strategy is an 'area-based approach' for the elimination of child labour. Under this strategy, all children in the age group 6-14 years in an identified area will be covered, whether they are in school or out of school. All out of school children would be regarded as engaged in some form of work and being deprived of their right to education. They are to be motivated through a process of social mobilisation, to be withdrawn from work and to join schools. Children in schools are to be monitored so that they do not drop out and join the labour pool.

The second strategy is to be adopted mainly in the context of migrant child labour, who are away from their families and have little or no linkage with the community. It involves a process of identification, rescue, repatriation and rehabilitation.

While the two strategies are different, it must be mentioned that they are not mutually exclusive. Should contingencies so demand, it was recommended that a combination of both strategies be adopted. The enforcement of Child Labour (Prohibition and Regulation) Act (CLPRA), 1986 and Delhi Shops and Establishment Act, 1954, Juvenile Justice (Care and Protection of Children) Act (JJA), 2000 and the Bonded Labour System (Abolition) Act (BLSAA), 1976 will be applicable in both cases. It will involve a coordinated effort by all concerned departments/authorities responsible for enforcement, which includes the Labour Department for CLPRA, Sub-Divisional Magistrate (SDM) and Revenue officials for BLSAA, and Department of Women and Child Development (WCD), Child Welfare Committee (CWC) and Police for the JJA.

## A Pilot Project for the Abolition of Child Labour in Jahangirpuri, Delhi

2.3 The NCPCR initiated a pilot project on the basis of 'area based approach' in Jahangirpuri, North-West District of Delhi. Since the Jahangirpuri population was dominated by migrants from Bihar, Bengal and Uttar Pradesh, resource persons involved in SSA from Bihar were invited to work in the area. The SSA resource persons stayed in the community and visited each house in Jahangirpuri several times to build trust and garner support. Due to the constant visits and interactions, the community members were able to overcome their apprehensions about the intentions of the resource persons (many believed they were terrorists) and came out in support of them. The exercise revealed that out of the 16,062 children in Jahangirpuri, 13,133 children were in school and 2929 were out of school. The work profile of out of school children included working in embroidery units, bangle making, toy making, domestic child labour, unpaid domestic help, factory jobs, rag-picking, shop assistants and other casual labour. It was found that the community was prepared to take its demands forward and engage with the authorities till their demands were met.

2.4 Around 60 youth from the community were identified as the main change agents. Networking exercises were conducted with the *jhuggi* cluster heads, Nigam Parshads and PTA & Vidyalaya Kalyan Samiti members, as they were identified as important levers for change. Enthusiastic youth and community members from the Jahangirpuri community were brought together to form a forum for the protection of child rights called Bal Adhikar Suraksha Samiti (BASS). BASS today has a wide network of youth volunteers or 'child defenders' from the community, committed to the protection of child rights.

## Outcomes of the pilot project

- 1075 out of 2929 children identified as out of school children were enrolled into the formal education system within six months of the commencement of the project. Due to advocacy and rapport building with schools and the Education Department, the school enrolment period was extended to October 2009. Normally enrolments were closed by August.
- Around 250 out of school children were enrolled in March 2010 even after the project had been wound up.
- A resurvey was carried out in February 2010 which revealed that till January, the volunteers had been able to enrol 1075 children into schools. 1092 children however, remained out of school, 616 (56.41%) of whom were in the crucial age group 9-14 years and would require bridge schooling facilities before they could be mainstreamed into formal education. A comparative study of the two survey results reveals gaps in information of about 762 children. The data gap could be a reflection of the following factors:
  - Both surveys covered only children between 6 and 14 years. Therefore, those who were 14 in the year 2009 (607 out of school children or 20.72%) and turned 15 this year (2010) have been omitted from the sample.
  - The data gaps for the remaining 155 out of school children may have been the result of errors in data collection or due to migration.
- 60 volunteers were invited by the NCPCR as field researchers for data collection on their 'Rapid Appraisal on Children in Begging and Vending in Delhi' in August-September 2009.
- The area based approach proved to be sustainable as volunteers continue to work even though NCPCR's project has been wound up. These efforts, once scaled up for the rest of Delhi, could abolish child labour and help them enter the mainstream of full time formal education.

## World Day against Child Labour

- 2.5 The Commission held a consultation in collaboration with ILO and UNICEF on the occasion of World Day against Child Labour on June 12<sup>th</sup> 2009. The theme was 'Give girls a chance, end child labour'. Mrs. Gursharan Kaur, wife of the Hon'ble Prime Minister Shri Manmohan Singh, as well as artistes like Ms. Geeta Chandran, Ms. Nandita Das and Mr. Farooque Sheikh, painter Mr. Jatin Das and singer Ms. Peenaz Masani joined hands and expressed solidarity with UNICEF, ILO and the NCPCR in support of the rights of the girl child. A joint statement was released by UNICEF, ILO and NCPCR on the occasion, which pointed out that the pervasive discriminatory attitudes towards girls threaten their right to education and other entitlements (**Annexure I**).

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## 3. Right to Education

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- 3.1 The Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) was passed in Parliament in August 2009 and notified in April 2010 and mandates the NCPCR to monitor the implementation of the Act. The Commission decided to constitute an Expert Group to advise it on matters related to RTE. This group consists of prominent persons from the government as well as the non-government sector.
- 3.2 A meeting of civil society representatives from about 20 states was held in February 2010, where the idea of appointing state representatives and their possible Terms of Reference was extensively discussed.
- 3.3 A proposal was prepared by NCPCR for setting up an RTE Division and submitted to the Ministry of Human Resource Development for approval. The same has been approved and has commenced its operations.

### Visit to States

#### Meghalaya

- 3.4 The NCPCR team visited Meghalaya from August 8-11, 2009 to review the child rights situation in the state in response to a complaint that several children had left their families to pursue an education in Karnataka without the parents' knowledge of their whereabouts or well-being. The children too were denied any contact with their families for long periods, often resulting in the children forgetting their mother tongue and their cultural milieu.
- 3.5 The team also visited villages in the Jaintia Hills district of Meghalaya, where children were being exploited in the coal mines. A public hearing was held on the children's access to health, education and nutrition.

### NCPCR's Recommendations

- The Government of Meghalaya should ensure quality formal education in Meghalaya. The State Government needs to set up more schools all over the state, at both the primary and secondary level.
- There is an immediate need to change the school timings to 9 a.m. to 3 p.m. or 9.30 a.m. to 3.30 p.m., especially in view of the legislation which has just been passed by Parliament guaranteeing the 'Right to Free and Compulsory Education' to all children in the age group 6 to 14 years. The same clearly defines school norms, which include six hours of school education.
- Infrastructure needs to be provided in terms of proper school buildings, classrooms, playgrounds and toilets. This is now a mandatory requirement under the RTE Act that has been passed by Parliament.
- It is necessary to ensure that text books, stationery, uniforms, and all other supplies are made available on time to all children.
- As discussed in the meeting with the Chief Secretary and other officials, the Government must constitute a committee to review the situation of out of school children and school drop-outs. School inspectors are to be instructed to conduct an investigation of all school drop-outs in classes 7-10 in the current academic year and instruct the school authorities to readmit all of them without insisting on rules and procedures.

- The state Government must issue an order to allow the admission of children at any time during the academic session. This would enable many school drop-outs or out of school children to seek readmission into schools. This is also in accordance with the current RTE Act.
- Need to offer bridge courses for drop-outs and out of school children with the objective of eventually mainstreaming them into formal schools.
- The Government must conduct an enquiry on the status of mid-day meals (MDMs) and ensure that there is a regular and adequate supply of quality rations.
- The MDM Scheme needs to be extended to pre-primary school children.
- Cooks need to be provided in several schools.
- Dissemination of information to all village councils on the provision of funds for Anganwadi buildings, and processes for application for new 'Anganwadi centres on demand'.
- Regular supply of material and monitoring of the same.
- All squatter colonies around coal mines to be provided with Anganwadi centres.
- Universal coverage of immunisation for meningitis and all other diseases has to be reviewed and provided for immediately.
- An assessment of access to sub-centres and local primary health centres (PHCs) for prenatal and postnatal care, infant care and ASHA volunteer services has to be made and the gaps filled immediately.
- There has to be a sustained and massive campaign against all forms of child labour and a generation of public support for the implementation of all the relevant laws.
- The Labour Department must strictly enforce the CLPRA 1986, JJA as well as the BLSAA (1976) and register cases against those people who are employing children in domestic work, hotels, eateries and other establishments, mining and other sectors where child labour is prohibited, and coordinate with the Police and Revenue Departments for the enforcement of the laws.
- Arrangements must be made for rescuing children from the labour force and preparing them for admission into an age appropriate class. The SSA must develop a comprehensive plan for reaching out to all out of school children through residential and non-residential bridge course centres and work towards mainstreaming all children into schools.
- There has to be a clear set of protocols with roles specified for all departments and the Child Welfare Committees (CWCs) for identifying, rescuing and rehabilitating all such children and ensuring that they are enrolled and retained in full time formal schools. The protocols recommended by NCPDR and adopted recently by the Delhi High Court may be perused for this purpose.
- A joint committee must be set up consisting of persons from the Departments of Social Welfare, Women and Child Development and Education, from both states—Meghalaya and Karnataka—to investigate the matter, provide the Commission with a report on the present status and recommendations on what steps need be taken to ensure the safety of these children and the protection of their interests.
- The Government should intervene immediately and set up procedures of transparency, contact and accountability. Details of schools where these children are being sent—address and contact numbers, fees, etc. must be provided and regular contact between parent and child must be assured.
- The list of agents has to be registered and scrutinised periodically.
- The Government has to collect information on the names of all children (from each village) who have been sent to Karnataka with details about where they are studying at the moment and ensure that they are safe and if necessary, restored to their parents.

- Most importantly, set up more formal schools in Meghalaya, which provide quality education so that children can continue with their studies in the state and not be forced to move elsewhere to avail a good education.
- The Women and Child Development Department must map out all women in the area and recommend that they be given preference in all the development and income generation schemes and programmes.
- It is necessary to ensure that their children are all attending schools and concessions are provided such as the provision of scholarships, admission into residential hostels, setting up residential hostels, etc.

### Inter-State Meeting between Karnataka and Meghalaya

3.6 As a follow-up to the recommendations, the Commission organised an inter-state meeting of the Governments of Meghalaya and Karnataka at the NCPCR on 18<sup>th</sup> February 2010. During the meeting the following actions were agreed upon:

#### A. Government of Meghalaya

- (i) The Government of Meghalaya will form a Coordination Committee with all the Secretaries of the concerned Departments to examine and address the issue of children being sent to Karnataka to pursue their education.
- (ii) The Coordination Committee will prepare a Terms of Reference to monitor such children and establish processes for transparency and accountability while children are being sent to study in other states.
- (iii) The Department of Social Welfare will establish procedures for the parents seeking to contact their children and being informed periodically about their children's welfare in Karnataka.
- (iv) The Government will establish transparent procedures to enable the children's parents to file complaints and contact the homes where the children have been sent.
- (v) A detailed household survey will be conducted by the Social Welfare Department in coordination with the Meghalaya Police of children who are not in the villages and have been sent to Karnataka or any other place either to study, to work or for any other purpose. A report on the same will be sent to the NCPCR and the Government of Karnataka, and will contain the particulars of the children and the information about the schools or *mutts* in Karnataka, with their addresses wherever available, where children have been sent to study.
- (vi) A Survey Report of child labour in the coal mines of Jaintia Hills has to be submitted to the NCPCR by the Social Welfare Department in collaboration with the Labour Department, Mines Department and Meghalaya Police within two months, with clear estimates of the number of children involved in each site/area and their origins as well as the particulars of each child, including her socio-economic and educational profile and Individual Care Plan .
- (vii) The Meghalaya Government (the Line Department through the Department of Planning) may submit a comprehensive proposal to the Ministry of Development of North Eastern Region (DONER) for assistance/support, including support for the children's education, hostels and other infrastructure/requirements for consideration.

#### B. Government of Karnataka

- (i) The Department of WCD has to share an updated report with the Government of Meghalaya and NCPCR within two months on the number and particulars of children (from outside the state) who are living in *mutts*, community/family care centres, other institutions for child care (district-wise), with special focus on children from Meghalaya.

- (ii) The CWC in each district must review the status of children in residential educational institutions/hostels/ other institutions for child care and their well-being on a regular basis. The process is to be facilitated by the Department of WCD.
- (iii) The Education Department must present a report on the status of children from Meghalaya and other states who are living in the residential educational institutions/hostels as well as those who are studying under the SSA's Asha Kiran Programme. It will also establish a transparent procedure and mechanism for easy access/interfacing of parents/relatives/ guardians with the children from other states living in the institutions in Karnataka. It will issue a Circular to this effect within two+ months to all the residential educational institutions/hostels/*mutts*, etc. and mark a copy to all the District Collectors and District Education Officers of the state as well as to the Government of Meghalaya, NCPCR, Karnataka State Commission for Protection of Child Rights (KSCPCR) and Karnataka State Human Rights Commission (KSHRC).
- (iv) The KSHRC and KSCPCR may carry out periodic investigations and regular follow-up on the issue. Their periodic reports may also be shared with NCPCR.
- (v) The Health Department will carry out a detailed health check-up of the children living in the residential educational institutions, hostels, *mutts* and other institutions for child care and provide proper treatment as well as a Health Card to each and submit an interim report to NCPCR within two months regarding the same.
- (vi) The Karnataka Police is to present an alternative status report on the magnitude of the problem and *modus operandi* of children being admitted into schools, *mutts* and community/family centres.

#### Action Taken

The Karnataka Police have begun investigations in the schools where children from the North-East are studying. Most of the children are being put up in separate hostels. The Superintendent of Police in Mangalore submitted a report to the NCPCR about Sri Rama School in Mangalore where 34 students from Meghalaya had been enrolled.

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## 4. Children, Civil Unrest and Displacement

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### Visits to States

#### A. Khammam, Andhra Pradesh

- 4.1 The NCPCR paid a visit to villages in the **Khammam District** of Andhra Pradesh in November 2009 to assess the status of children of the tribal population displaced from Chhattisgarh due to the ongoing civil unrest in the state. It was noticed that the people were leading a precarious existence without basic amenities such as drinking water, education, nutrition, health services and employment opportunities. The Commission urged the Government to ameliorate the quality of life of the people by linking them with institutional provisions such as the Integrated Child Development Services (ICDS), jobs under National Rural Employment Guarantee Act (NREGA), health centres and RBCs and Ashram Schools. Recommendations were also made to set up a Child Rights Monitoring Cell at the district level with linkages at the block and gram panchayat levels to monitor the rights of children.
- 4.2 This visit was followed up with a visit by a team of experts in the month of February 2010 to check the status of the implementation of the recommendations and their impact on the lives of the tribal communities. The team found significant changes in the situation. Anganwadis and mini Anganwadis had been set up in the tribal settlements to address issues of malnutrition. Alternate Learning Centres (ALCs) and RBCs had begun attracting children towards education and pulled them out of the labour force. Immunisation processes had begun, covering a significant proportion of the child population. A Report on the NCPCR team's follow-up visit to Bhadrachalam, Andhra Pradesh to check the status of NCPCR's Interventions on Protection of Children in Areas of Civil Unrest from 19<sup>th</sup> to 21<sup>st</sup> November 2009 is provided in **Annexure II**.

#### Action taken by the State of Andhra Pradesh

- (i) Based on the recommendations made by the Commission, it has been reported that the Government of Andhra Pradesh had set up 56 Anganwadis and 86 mini Anganwadis to combat malnutrition. ASHA workers had been appointed to look into the health and immunisation of children, NREGA cards had been issued to adults and four RBCs had been set up to bring out of school children into the mainstream of education.
- (ii) NREGA cards had been issued to the displaced tribal population. However, certain challenges persisted. For example, several children, especially adolescent girls, were still out of the fold of education. Lack of identity proof in the form of voter ID cards or ration cards added to the insecurity of living in the state as 'outsiders' who were vulnerable to threats and interrogation. The severe water crisis made existence extremely difficult for communities as they had to walk long distances in search of water.

#### B. Dantewada, Chhattisgarh

- 4.3 The NCPCR team visited Sukma Block of Dantewada District on 17<sup>th</sup> and 18<sup>th</sup> February 2010 and witnessed the efforts made by the communities to protect their children against all odds. The community formed local groups called Bal Adhikar Suraksha Samitis (BASS). As BASS members, both men and women participated enthusiastically in persuading families to enrol their children into schools or RBCs. The people's spirit in fighting for a life of dignity was truly remarkable. The demand for education was so strong



that the Government had sanctioned the construction of 500-seat Ashram Schools with hostel facilities for children studying beyond the 8<sup>th</sup> grade.

- 4.4 Stories shared by BASS members from Burdi Village showed the extent of awareness regarding the rights of children and the sheer determination on their part to help protect them. It was learnt that six children from their village were trafficked to Hyderabad during their summer vacations. While some were working as labourers at the airport, others had been sent to work in a reputed juice factory on the city's outskirts. The BASS members pooled their resources to go to Hyderabad, tracked these children's whereabouts, freed each of them from labour and enrolled them in schools. They also monitored Anganwadi workers and helped them to carry out their duties efficiently.

### NCPCR's Recommendations

- **ICDS**
  - In response to the interest shown by the community, Anganwadi workers must be issued strict instructions to resume duties on a regular basis and their attendance has to be monitored by the Child Development Project Officers (CDPOs).
  - Setting up of Anganwadi structures that have already been sanctioned is to be completed within the next one year.
- **Water and Electricity**
  - Immediate repairs of hand pumps and bore wells must be carried out.
  - Electricity supply to the villages must be resumed immediately as lack of electricity is having a negative impact on children's education.
- **Health and Sanitation**
  - The doctor must be issued instructions so that she/he visits the villages regularly and completes his/her duty hours.
  - Nurses must be appointed at health centres.
  - Bathrooms and toilets must be constructed at the earliest as the lack of these facilities compromises the most basic requirements of health and hygiene.
- **Education**
  - Funds for running RBCs must be released on time.
  - All out of school children irrespective of their background must be identified and enrolled into RBCs.
  - RBC teachers and volunteers must be instructed to reach school on time and hold classes regularly. The 500 seat Ashram Schools which have been sanctioned by the administration must be constructed at the earliest.
  - Construction of the school at Turetong must be completed at the earliest.
  - Awareness must be created among community members about the purpose and functions of RBCs, Ashram Schools and day schools. Local groups such as the BASS may act as informal monitoring bodies of these schools, along with awareness generation and community mobilisation activities.
  - Basic transport facilities must be provided for children to attend school, especially in the remote villages.
  - The mechanism for grievance redressal must be activated and its functioning explained to the panchayat and community members.

- **Status of the JJ system:** Most of the children in conflict with the law have to be referred from Dantewada to the Jagdalpur Board by the Director of Social Welfare. There is an urgent need for the Kishore Nyaya Board (Juvenile Justice Board) which had been set up three months earlier to start functioning.

#### Action taken by the State of Chhattisgarh

- Education:** Nine RBCs have been established in Dantewada and the budget has been increased from Rs. 6800 to Rs. 12000/- per child per month. The construction of hostels sanctioned by the Tribal Department would soon begin.
- ICDS:** There is a requirement for 1720 ICDS centres of which only 700 exist. Six hundred new ICDS centres have been sanctioned under the Backward Region Grant Fund (BRGF) and would be run jointly by the local Mahtari Samiti and Anganwadi workers.
- A local group, BASS, formed through the MV Foundation's efforts at community mobilisation and supported by UNICEF has managed to enrol several children in 14 villages in their area into the education system. They also provide support to the ICDS and health centres. The administration will be replicating the BASS model in Konta Block and the seven Internally Displaced Persons (IDP) camps in the district to protect and monitor child rights.
- A cell called *Gram Sachivalaya* has been set up under the direction of the Directorate of Panchayats at the village, block and district levels to address grievances directly. *Khand Stariya* or block level meetings are held to resolve the issues brought up by the Gram Sachivalaya and if needed the grievances are brought up at the district level.

#### C. Kandhamal, Odisha

- 4.5 The Commission took note of the disruption in the academic life of thousands of children who were/are in relief camps after the civil unrest in Kandhamal in the State of Odisha last year. It was reported that children were not being given admission cards for the examinations because of lack of attendance, their inability to take the pre-examination test and inability to fill up forms for the examinations. Many of these children were poor, from Scheduled Caste and Scheduled Tribe communities, and had struggled to reach class 10 and 12.

#### Action taken by Government of Odisha

##### (i) Issuance of Admit Cards

Kandhamal District has 123 schools under the School and Mass Education Department. 5733 students have taken admission in class 10 in the year 2008-9, out of which 5102 students have filled up application forms for appearing in the Annual Higher Secondary Certificate (AHSC) Examination 2009. The Board has reduced the required percentage of attendance for the students from Kandhamal District appearing in the AHSC Examination 2009 by five per cent, from 66 per cent to 61 per cent.

As reported, 631 students did not complete the forms due to the following reasons.

- Poor academic performance
- Health problems
- Left for unknown destination

The district educational authorities have taken a liberal view in allowing the students to fill up forms irrespective of appearance/qualifying marks in the test examination.

**(ii) Holding of extra classes**

Instructions have been issued to all the Headmasters/Headmistresses to hold extra classes for Class 10 students, including those students whose schools have been taken over by the CRPF for relief camps. Extra classes have been arranged for the satisfactory completion/revision of their courses. This will continue till the commencement of the AHSC Examination 2009.

**(iii) Other provisions/facilities provided**

- a. Text books/test papers have been distributed free of cost to the students from Class I-10 affected by communal violence. Headmasters/Headmistresses have been instructed to identify needy students and provide financial assistance from the Poor Boys Fund so that they can appear in the AHSC Examination 2009.
- b. Headmasters/Headmistresses have taken steps to hold extra classes.
- c. Mock tests are being conducted at regular intervals.
- d. The district educational authorities have been directed to issue instructions to all schools in their jurisdiction to admit the children from families of riot victims wherever they want to study.
- e. Monitoring and supervision are done by the Inspector of Schools, District Project Coordinator, District Inspector of Schools, BRCC and SI of Schools at the Block/District level at regular intervals.

**D. Visit to Assam**

**North Cachar Hills, Assam**

- 4.6 At the request of the Prime Minister's Office, an NCPCR team visited the North Cachar Hills of Assam between the 5<sup>th</sup> and 8<sup>th</sup> August 2009 where it had been reported that 16 children had been killed in the violence caused by a conflict between the Dimasa and Zeme Naga tribal communities in June 2009. The team visited eight relief camps set up for the Dimasa and Zeme Nagas in Haflong and Maibong subdivision of the North Cachar Hills District. It found that the people there had been continuously exploited through the politics of identity, which took on a militant form outside the democratic framework and led to the polarisation of communities on ethnic lines.
- 4.7 The team noted structural limitations in the functioning of the North Cachar Hills Autonomous District Council (NCHAC) hampering service delivery. It found despondency, helplessness and cynicism at all levels – in the Government and among the people. This, it has pointed out in its report, has to be replaced with hope and a sense of security.
- 4.8 It was found that the education of the children in the camps had been disrupted. Being idle and being exposed to the adults' fears and anxieties was affecting their morale. Many of the children were being attracted to drugs, militancy and criminal activities. Children below six years often got just one meal a day as there were no Anganwadis and nutritional support programmes for them in the camps. Colds, cough, fever, scabies and malnourishment were common and there was no access to safe drinking water. The police and the army, it was reported, picked up youth on suspected links with insurgents and sometimes harassed and exploited them. Even girls were not spared.

**NCPCR's Recommendations**

- All children in the camps are to be admitted to formal schools in the vicinity.
- If there are no schools to which the children can be sent, classes could be started in the camps itself under SSA till the children return to their villages. The children could be educated by teachers residing in the camps and other educated residents.

- The armed forces and police who have occupied schools should be asked to vacate them.
- Provide mid-day meals, text books, stationery, uniforms and other facilities to children going to school or studying in the camps.
- Provide three meals a day for infants and young children.
- ASHA volunteers, the local grassroots health workers, should visit the camps regularly to provide supplies like medicines, and link the camps to the nearest Primary Health Centre.
- Utilise the relief committees in the camps to restore confidence of people living in the camps and begin the dialogue for winning them over.
- CWCs to take up cases of violation of child rights by the army. Simultaneously, there should be training programmes for the police and the army on child rights.

#### Action taken by Assam Government

- (i) Of 840 children reported missing, 108 had been recovered.
- (ii) Rs. 59 crore had been sanctioned by the Centre for education and shiksha mitras had been appointed in the relief camps.
- (iii) Mid-day meals were being provided to all schools. The State Government also said efforts were on to separate the judiciary and the executive at North Cachar Hills and Karbi Anglong.

The Commission revisited Bongaigaon and Chirang in the State of Assam from 23<sup>rd</sup> to 27<sup>th</sup> March 2010 to review the progress as well as to continue to address the concerns regarding children in the relief camps.

#### NCPCR's Recommendations

- Considering that ICDS centres have been set up in the relief camps, the Government has to ensure that these centres are monitored and children with grade III and IV of malnutrition are given special nutritional supplements and health care.
- Establish special training to prepare children in the relief camps so that they can be mainstreamed into age appropriate classes in accordance with the RTE Act and all out of school children should be mainstreamed into formal schools with provision for mid day meals.
- Track all child labour and children who have been trafficked through the Village Council Development Committee (VCDC).

#### E. Visit to Tripura

- 4.9 The NCPCR team visited Tripura from 27<sup>th</sup> to 30<sup>th</sup> March 2010 to review the progress regarding concerns raised by the Commission for children in the relief camps located in North Tripura District. It was found that Anganwadis had been established in relief camps, and child and maternal health had improved. The administration had begun weekly health services and appointed health volunteers in the camps. There was a distinct improvement with regard to the issuing of birth certificates since the Commission's last visit to the area, yet a number of children still did not have birth certificates.

#### NCPCR's Recommendations

- Children in relief camps are to be immunised, pregnant and lactating mothers should have access to health services and nutritional supplements and they are to be informed in advance about specific days on which the immunisation of children will be done.

- ICDS and health personnel are to be trained to identify vulnerable children and ensure they have access to nutrition as well as urgent medical attention. Health personnel must conduct an autopsy to confirm the cause of death of young children in the camps and present a report to the administration within a week.
- A survey of the total number of children in the camps in the age group 0 to 18 years is to be conducted with the assistance of current health and education volunteers as well as civil society groups in the camps. In addition, a quick survey has to be done of children from families which have arrived recently to ensure that they are included in the ration card, lists, ICDS and SSA programmes. In addition, seriously malnourished children are to be identified so that they get urgent attention.
- The district administration should ensure that all children born in Tripura are issued birth certificates, irrespective of where their parents come from.
- Only 73 alternative education centres are run under the SSA across six Bru /Reang relief camps which have no proper shelter and no mid-day meals. There is a large number of out of school children. The RTE Act mandates local authorities to ensure that children from migrant families are not deprived of schooling. They also have a duty to set up RBCs on an urgent basis to cover all out of school children in camps.

## F. Visit to Jammu and Kashmir

4.10 To get a comprehensive understanding of the plight of children in areas of civil unrest, the Commission visited Srinagar and Kupwara from 18<sup>th</sup> to 22<sup>nd</sup> December 2009. It held interactions with the community, met with children in the NGO and Government run orphanages, and visited an NCLP programme for child labour and Anganwadi centres. It held meetings with concerned officials at the district and state level and met the Chief Minister and State Minister for Women and Child Welfare.

## Suggestions

### Policy for Children in Areas of Civil Unrest

- 4.11 The Commission examined the predicament of children in Naxal affected parts of Chhattisgarh; in the North Cachar Hills, Chirang and New Bongaigaon Districts in Assam; in Ashapara and Naisingpur Camps at Kanchanpur in North Tripura District in Tripura; in Kandhamal, Odisha and in the Kashmir Valley. During its visits, the NCPCR was moved by the enormous tragedies of the children, women and tribal communities living in these areas. The living conditions in the camps in Assam, Tripura and Manipur were inhuman. Public testimonies revealed an alarming rate of child and maternal morbidity and mortality due to poor health care, sanitation and water facilities. Children also did not have proper access to education.
- 4.12 The following are some of the important recommendations made by the Commission in its policy document on 'Protection of Children's Rights in Areas of Civil Unrest'.
- (i) The NCPCR feels the situation of children in areas of civil unrest should be a national concern since they absorb the social, material and economic fallout of the unrest and are at the sharp end of insurgent violence and the State's efforts to control such violence. The Commission has noted that ensuring rights and protection for these children is essential for lasting peace and security. While the Home Ministry was to be the nodal ministry responsible for implementing the policy on children in areas of civil unrest, it has to work in tandem with the Ministries of Women and Child Development, Human Resource Development, Health and Education to develop civil unrest-specific protocols under the SSA and the ICDS.
  - (ii) The State Governments dealing with civil unrest should train functionaries of all institutions dealing with children (schools, hostels, ashram shalas, Anganwadi centres) on issues related to child rights. The National

Institute of Public Cooperation and Child Development (NIPCCD) should also develop training modules for the same purpose. Child protection training has also to be provided to police and SPOs (Special Police Officers) working in areas of civil unrest.

- (iii) The District Magistrate should designate district and block level nodal officers who would ensure that the service delivery complies with the national policy on children in areas of civil unrest. They should respond to petitions for child rights and form the interface between the administration and the community in the affected areas.
- (iv) The district authorities should survey families who have migrated in the wake of unrest or are living in disturbed areas and share the data with the relevant district authorities and State Governments to ensure that basic social services are provided to all. They should be disaggregated by age, gender as well as disability. There should also be an estimate of the number of children out of school.
- (v) The district authorities should provide new identity documents or replace ones previously lost; they should immediately issue cards/documents that entitle families who have migrated because of strife to basic rations. Even if they do not have identity documents, a declaration from the head of a household that the family, including children, has been forced to migrate, or has been internally displaced, should suffice.
- (vi) Children of families forced to migrate must have safe access to:
  - a. Essential food and potable water
  - b. Basic shelter and appropriate clothing
  - c. Essential medical services and sanitation
  - d. Establishment of grievance mechanism in every relief camp
  - e. Psycho-social services for improving the mental health.
- (vii) Children below 18 years who have been employed as special police officers should be removed from service and put back into the mainstream for education or provided vocational training.
- (viii) In areas of civil unrest the implementation of the JJ Act is to be ensured.
- (ix) The district authorities should prevent children getting separated from families. Government teachers, health workers and others should be aware of their responsibility in ensuring that families are not split up. Parents and schoolteachers should minimise the risk of separation by teaching children their name, address and details of where they come from, to facilitate reunion should they get separated. District authorities and panchayats should try to protect children, particularly girls, from rape and other forms of sexual violence. The district administration and panchayats should conduct special drives to ensure birth registration, immunisation and legal identity for every child. Mobile CWCs should be set up in areas of civil unrest as well as in the camps, and their members must be sensitised to the vulnerabilities of children in areas of civil unrest.

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## 5. Bal Bandhu Scheme for Protection of Children's in the Areas of Civil Unrest

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- 5.1 The PMO's approval was received 'in principle' in March 2010 for an annual grant of Rs. 3.17 crore under the Prime Minister's National Relief Fund (PMNRF) for a period of three years towards the implementation of the Bal Bandhu Scheme for Protection of Children in Areas of Civil Unrest.
- 5.2 The objectives of the Scheme are to: (i) bring stability in the lives of children by ensuring that all their entitlements of protection, health, nutrition, sanitation, education and safety are fulfilled through government action; (ii) enhance democracy through community participation and action and (iii) renew hope in harmonising society and stabilising their lives while the focus of all action in the area is the well-being of the child.
- 5.3 The Scheme will be implemented on a pilot basis in the states/districts mentioned below.
- |                     |   |  |
|---------------------|---|--|
| (i) Assam           | – | Kokrajhar, Chirang, North Cachar Hills Districts |
| (ii) Andhra Pradesh | – | Khammam District                                 |
| (iii) Maharashtra   | – | Gadchiroli District                              |
| (iv) Bihar          | – | Jamui, Rohtas, East Champaran, Sheohar Districts |
| (v) Chhattisgarh    | – | Dantewada District                               |

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## 6. Malnutrition and Health

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### Food Security for Children

6.1 The enactment of a National Food Security Act was mentioned as a priority of the Government in the President's address to the nation this year. The NCPCR has written to the Prime Minister with its recommendations to focus specially on children in the proposed Bill along the following lines:

- **Universalisation of ICDS:** Every village in the country must have access to an Anganwadi centre that should be open to all children under six years. The ICDS should provide all its services, including supplementary nutrition and growth monitoring, to all children under six years in its area of coverage.

The ICDS programme for preschool education should be in a centre as a part of the primary school, and hot cooked meals should be provided at this centre.

- **Nutrition:** The proposed Bill should assure good quality, nutritious and locally produced food for children under six, as well as for pregnant and nursing mothers. While this can be in the form of take-home rations for children under three and pregnant and nursing mothers, children between three to six years in the Anganwadis should be given hot cooked meals along the lines of the mid-day meal scheme, with food grains being provided by the Centre as in the case of the mid-day meals.
- **Infrastructure and human resources:** Basic infrastructure such as a building, water and toilet facilities, weighing machines and utensils must be assured for all Anganwadis. Each Anganwadi centre should have two Anganwadi workers and a helper, besides a separate worker to look after children in the age group of three to six years, in order to ensure efficient service delivery.
- **Crèches for children:** With a large number of women in the country working in the unorganised sector with no access to institutionalised forms of child care, the development of crèches would be an important intervention in addressing malnutrition. Crèche services where young children are provided food and care should be available to all working mothers. Facilities should also be provided for all nursing mothers to feed their children at the workplace, particularly when the children are below six months of age and need to be exclusively breastfed.
- **Breastfeeding counselling and support:** Breastfeeding counselling and support as well as fully equipped crèches should be made available at the village level itself. This would ensure the child's right to food, beginning right from the time she is born, with access to breast milk including exclusive breastfeeding for six months and continued feeding up to two years.
- **Mid-day meals programme:** The successful mid-day meals school scheme should be guaranteed as a right to all school going children by the proposed Food Security Bill. The scheme should be extended to cover all school going children up to class 10 and the quality of the meals should be improved.



### Visit to Adilabad

- 6.2 To follow up on the Commission's directives to the District Collector, Adilabad regarding the death of children, a team visited Adilabad, Andhra Pradesh from 27<sup>th</sup> to 28<sup>th</sup> November 2008.
- 6.3 The NCPCR collaborated with the Public Health Foundation of India for a study on 'Child deaths in Adilabad: Understanding causes and seeking interventions' with support from WHO-SEARO. The study explores the factors in the overall health ecology of Adilabad that led to the child deaths, and lists explicit pathways for the prevention of child deaths in this particular region. These recommendations are based on inputs and ideas from the community, civil society organisations, the health system, the governance agencies and other stakeholders in Adilabad. While these are intended to be short-term, they have long-term implications for the development and health of the community. See Annexure III for a summary of specific recommendations.

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## 7. Children affected by HIV and AIDS

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7.1 In an effort to address the issues of children affected/infected by HIV/AIDS, six public hearings have been held by NCPCR from December 2009 to February 2010 for orphans and vulnerable children infected/affected by HIV/AIDS in Tamil Nadu (Chennai), Karnataka (Bangalore), Maharashtra (Mumbai), Andhra Pradesh (Hyderabad), Manipur (Imphal), and Delhi (where West Bengal, Odisha, Gujarat, Nagaland and Uttar Pradesh also participated).

S. No.	Date	Location	No. Of Cases Heard
1.	24.12.2009	Hyderabad, Andhra Pradesh	25
2.	28.01.2010	Chennai, Tamil Nadu	44
3.	29.01.2010	Bangalore, Karnataka	23
4.	30.01.2010	Mumbai, Maharashtra	19
5.	19.02.2010	Delhi (Delhi, Odisha, Uttar Pradesh, Gujarat, West Bengal, Nagaland)	23

7.2 The challenges faced by children striving to live a life of dignity have been brought to the attention of the NCPCR through these public hearings. The hearings also discussed the responses of various State governments with respect to the provisioning of services – in terms of health care, psycho-social support, nutritional support through ICDS, mid-day meal schemes, PDS and other programmes, education facilities, free transportation, legal aid, access to institutional as well as non-institutional support and so on. Further, it has been noticed that the concerned states' efforts have been focused largely on the prevention of HIV/AIDS amongst adults and very little on the prevention of paediatric HIV and provisioning of care and protection to those children affected and infected by HIV/AIDS.

7.3 Pursuant to the public hearings, recommendations were made to the concerned department/authority in the State Governments to take measures to ameliorate the conditions of the children heard/reported in the public hearings. See **Annexure IV** for a summary of recommendations made.

## 8. Panchayat Raj and Child Rights

- 8.1 The Commission has come across gram panchayat members who are actively involved in the protection of child rights. Some of them have even set up sub committees for education and health within the gram panchayat and have enlisted support from the community to build institutions for the protection of child rights.
- 8.2 The State and Central Governments have a huge role to play in taking to scale the existing good practices of gram panchayats, training all of them to make relevant action plans and ensuring that child rights are protected.

### Training for Panchayati Raj and Child Rights

- 8.3 The Commission held trainings for gram panchayat members in collaboration with NIPCCD.
- 8.4 During the training programme for panchayats, members shared their experiences as custodians of children's rights. Shri Ram Kishore Durvey, a sarpanch from Betul District of Madhya Pradesh, spoke about how he intervened through the gram panchayat to protect a large number of children left behind by their parents who had migrated for employment. These children either worked as bonded labourers or were engaged in begging. As Durvey mobilised the public and intervened in support of the children, the administration pressurised him to settle the matter by offering to pay Rs. 2,000 per child. However Durvey refused, conveying to the authorities that this was not a token settlement but an attempt to completely withdraw children from the workforce and mainstream them into education. The District Collector eventually agreed to set up five RBCs, even as Durvey and other panchayat members continue to give full attention to children's education and monitor child labour and Anganwadi centres in their gram panchayat.
- 8.5 The trainees discussed the rights of children and the need for their protection; the role of panchayats in protecting child rights; how to promote child rights through Panchayati Raj Institutions; and evolving mechanisms for the monitoring of these rights by the panchayats. The trainings were also attended by prominent NGOs working on child rights issues with panchayats in these states, as well as the concerned Governments.

#### Schedule of Trainings for Panchayat Members on Child Rights

S.No	Date	Venue	Names of State(s)	No. of participants
1.	23-25 September 2009	Lucknow	Uttar Pradesh, Uttarakhand, Bihar and Jharkhand	33
2.	7-9 December 2009	Delhi	Himachal Pradesh, Haryana and Rajasthan	26
3.	22 <sup>nd</sup> -24 <sup>th</sup> February 2010	Guwahati	Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura, Odisha and West Bengal	49
4.	17-19 March 2010	Karnataka	Karnataka	51

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## 9. Differently-Abled Children

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- 9.1 The NCPCR initiated consultations on early detection of childhood disabilities in order to address the difficulties faced by children in the first couple of years after birth. This would ensure that the child is better equipped to live a life with dignity. A national consultation was held on 17<sup>th</sup> February 2010 with the practitioners on the ground for mapping of best practices in collaboration with the National Human Rights Commission (NHRC). It explored the possibility of strengthening the capacity of the Anganwadi centres in this regard; examined the institutional framework for the creation of professionals and para-professionals at the state and district level; and proposed consultations with the Indian Association of Paediatricians on neonatal care and protocols for early detection of child disabilities
- 9.2 The NCPCR also collaborated with Udayan Care and QIC for two workshops on “The National Workshop on Positive Mental Health and wellbeing in children” and “Institutional Care (under JJ Act) – A Rights Based Approach” on 6<sup>th</sup> and 7<sup>th</sup> November 2009.

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## 10. Juvenile Justice

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### NCPCR Inspections/Inquiry Visits to Children's Homes in Delhi based on Hon'ble Delhi High Court's Directions

- The NCPCR visited the Government Children's Home for girls located in CHG-I and CHG-II Nirmal Chaya Complex and the home for boys located in Kasturba Niketan Complex, Lajpat Nagar, New Delhi with reference to the High Court order on 30.12.2009. The Joint Director (Institutions) and Home Superintendent, Welfare Officer, Doctor of the concerned home and the District Social Welfare Officer were also present during the visit. It was found that the posts of superintendents, case workers/welfare officers, counsellors, paramedics, house mothers ('aunties'), cooks and others lying vacant were yet to be filled. Six children in need of serious counselling were being regularly taken to the Deen Dayal Upadhyay Hospital (DDUH). Children were found assisting in the kitchen because of the shortage of staff. Also, there was no proper drainage system. During the assessment, it was found that the toilets and the drains on the ground floor were overflowing.

### NCPCR's Recommendations

- Volunteers/visitors from NGOs and persons with special aptitude for child-care must be encouraged so that they can interact with the children on a regular basis freely and without supervision.
- Efforts must be made to provide training to the personnel of each category of staff, not only so that they are familiar with their statutory responsibilities but also so that they understand the larger responsibility placed on them as "carers" of providing for the child's special needs, – love, affection and parental feelings
- The Home management team must undertake a periodic review of the conditions of the Home(s).
- The children of the Homes are a part of the regular school-going children. The other children attend school inside the Home(s) and Sarva Shiksha Abhiyan (SSA) provides them teaching facilities through the National Institute of Open Schooling (NIOS) system. Education must be age appropriate through bridge courses for the children under the SSA programme.
- Outings must be arranged for all children irrespective of their status. It was found that the children were not allowed recreational outings/activities outside the Home(s). A systematic Annual Action Plan for the children's recreation (with monthly break-ups) should be made at the start of the financial year.
- Reputed NGOs must be designated to develop individual care plans based on the profiling of the children. An assessment must be made of the child's specific needs and evaluated and updated every six months. This should include children with any form of Differently - abled Children
- The pending cases from the Homes should be reviewed bi-annually with the concerned CWC.

### Asha Kiran

- Investigations into the **conditions** of Asha Kiran, the home for mentally challenged children were conducted by the Commission on 30<sup>th</sup> December 2009 and 28<sup>th</sup> January 2010. It was found that the staff

for 372 children was minimal and the home was over crowded. During medical emergencies, the 'aunties' leave children unsupervised in the cottages, to attend to the child who has been hospitalised. Health and hygiene was a huge issue in the girls' cottage as the team saw insects and rats. The washroom facilities were very poorly maintained. Children had not undergone proper toilet training and their bedding had to be washed every day. More than 50 per cent of the children were epileptic. Owing to poor health conditions of the residents, there were 12 deaths in the month of December 2009, including three children. Specific recommendations made to the Hon'ble High Court of Delhi in above regard in the matter Harsh Virmani & Ors. Vs. Govt. of N.C.T. of Delhi & Ors. W.P. (C) 6988/2007 and Reena Banerjee Vs. State of NCT of Delhi & Ors. W.P. (C) 13710/2009 are as follows:

### NCPDR's Recommendations

- Immediate separation of children with borderline and mild conditions of intellectual impairment from those with moderate, severe and profound conditions of mental impairment. Transfer of these children to regular Children's Homes.
- A periodic review of the conditions of the Home(s) may be undertaken by the Home Management Committee. A report of the same must be sent to the higher authorities concerned.
- A health committee may be set up to consider all matters concerning the physical and mental health of children/adults in the institution, to meet weekly with a quorum of three members (excluding the CMO and Superintendents). This health committee comprising a psychiatrist, doctors, three members of NGOs, two legal experts and one academician is also to function as a 'Human Rights Cell,' or 'Grievance Cell'. In their monthly meeting, the staff's grievances are to be examined, and patients should be allowed to walk around the campus and meet/talk to whoever they want. Grievances relating to abuse, lack of medical care and charges of corruption/bribery should be addressed and resolved immediately.
- A mechanism for the early detection of ailments through thorough health check-ups on a weekly basis must be developed. Separate files must be maintained for each child on health and their physical development. The Home should have transportation facilities (additional ambulances or vans) for children in case of medical emergencies.
- The Homes may be fitted with surveillance cameras to keep a close watch on the residents/staff and outsiders for preventing any form of sexual/physical abuse. The offenders might otherwise escape justice as there is very little chance of them being identified and caught.
- Monthly reports on the progress of each individual based on the care plan may be submitted to the High Court for the first year, following which they must report to the concerned CWC.
- Additional special educators must be appointed.
- Consultations may be held with reputed NGOs who have considerable experience in providing vocational training to mentally challenged adults to generate an action plan.
- Superintendents must be made accountable for the proper functioning of the Homes and the health and well-being of all residents. Where there is deficiency and negligence of duty by other staff members of the Home, the Superintendent must have the power to take the matter to their supervisor (if on contract

basis) for appropriate action. Where the employee is a government employee, the Superintendent can duly bring it to the notice of the superior officer responsible for recording the confidential report of the employee.

- Develop a programme of community based rehabilitation of differently-abled persons; this includes awareness generation about disabilities and the empowerment of communities to take care of its differently-abled members with appropriate government support systems in place through programmes such as NRHM, National Trust, ICDS, etc.

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## 11. Reality Shows

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11.1 An enquiry was conducted by the Commission on 15 October 2009 on the Reality Show 'Pati Patni aur Woh' screened on NDTV Imagine. This was in response to complaints received regarding violation of the rights of children involved in the programme. The concerned parties were heard. The findings of the Commission are as follows:

- (i) The programme violated the Cable Television Networks Rules, 1994 especially Rule 6, Programme Code which states that programmes that offend good taste or decency and denigrate children must not be telecast.
- (ii) The dignity of children was being sacrificed time and again during the show for the sake of entertainment.
- (iii) The terms of contract between the TV producers and the parents of the children did not allow parents to withdraw their children from the show. All the obligations towards the child were on the parents and less on the production house and surrogate mothers. The psychologists involved in the show had made psychological assessments of the child and their parents without informing the parents about the long-term effects of separation from the parents.
- (iv) Parental consent is not a justification for a child's participation in a reality show. Under Article 19 (1) of the UN Convention on Rights of Child, they must be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse while in the care of parents, legal guardians or any other person who has the care of them.

### NCPCR's Recommendations

In order to regulate the participation of children in reality shows, the Commission issued the following recommendations to the Ministry of Information & Broadcasting vide D.O. Letter No. DL-26011/8638/09-Comp, dated 26.11.2009:

- The Ministry of Information and Broadcasting should establish an effective mechanism in terms of legal provisions and administrative structure for introduction of a 'pre-clearance system' for the reality show. This pre-clearance system may involve a multi-disciplinary expert panel before any reality show is aired for the public.
- The Electronic Media Monitoring Centre (EMMC) and the Inter-Ministerial Committee of the Ministry of Information and Broadcasting should make proactive interventions while taking cognizance of reality shows affecting child rights and take prompt measures to prevent their telecast, instead of waiting for the public to lodge complaints.
- The Ministry of Information & Broadcasting should make special drives through electronic media (Doordarshan & All India Radio) and other available means for educating parents and the public that the involvement/participation of children in reality shows to the extent that it violates their right to health and psyche, safety, education, recreation, leisure, etc. must be discouraged.



### *Reality Shows*

- Detailed guidelines need to be put in place for safeguarding the rights of children in the entertainment industry after broad-based consultations with prominent psychiatrists, psychologists, family therapists, child rights groups, legal experts, child development experts, etc.
- The shooting sites/sets should be inspected by multi-disciplinary inspection panels constituted for the purpose by the Government and the producers and TV channels associations (for self-regulation). There should be a regulator to which the producers must provide prior information about the shooting of their programmes, especially the place(s), schedules and particulars of the programme, the particulars of the persons (e.g. name, address, age, sex, qualification) proposed to be involved in the shootings and the safety measures/safeguards proposed to be taken.

### **Action Taken**

- A warning has been issued to NDTV Imagine Channel by the Ministry of Information & Broadcasting on 03 March 2010 with regard to the telecast of the reality show 'Pati, Patni aur Woh', directing it to strictly adhere to the provisions of Programme Code contained in Cable TV Networks (Regulation) Act, 1995 and Rules framed thereunder.
- An Advisory was also issued by the Ministry to Zee Telugu Channel on 16 November 2010 with regard to the telecast of the reality show 'Aata', advising it to strictly adhere to the above Programme Code and Rules.

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## 12. Children on Railway Platforms

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12.1 NCPCR had constituted a Working Group in January 2009 to examine the plight of children on railway platforms. The report of this Group has now been finalised. A summary of the findings and recommendations are as given below.

12.2 An estimated 11 million street children live in India. Most of these children live at and around railway stations. In Delhi, Mumbai and Kolkata, street children – approximately 100,000 to 125,000 in each city – figure in the list of missing, runaway, abandoned or trafficked children. Lack of support puts them at risk of various forms of abuse and deprivation of rights that denies them a childhood. It was found that railway stations in India were a breeding ground for child labour, child trafficking and exploitation. To address the rights of such children, a multi-pronged strategy needs to be evolved, involving several ministries and departments.

### The recommendations of the NCPCR included the following:

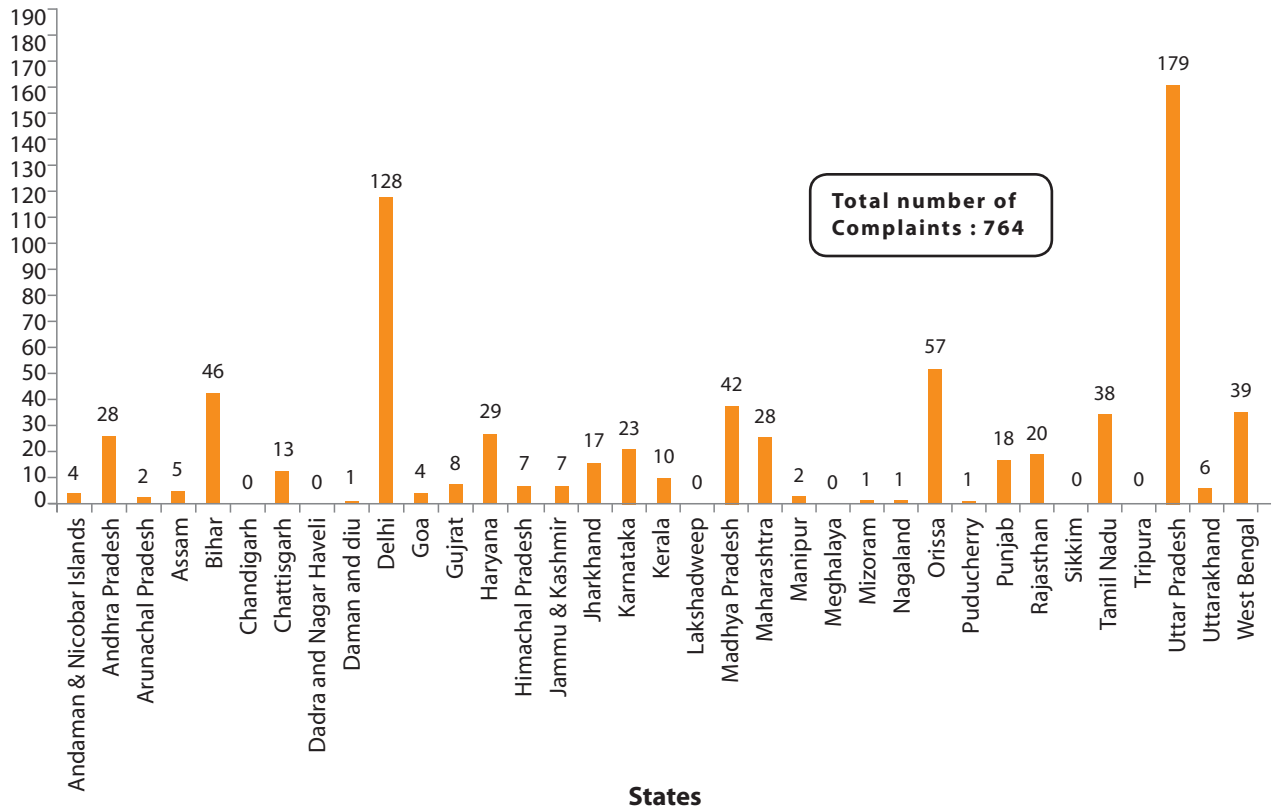
- The Railway Ministry should acknowledge the JJ Act and recognise that although abandoned or trafficked children fall in the category of illegal passengers, they must be treated as children first.
  - Every major railway station should set up a Child Protection Committee. The Committee could be jointly headed by the Divisional Railway Manager (DRM) and Government Railway Police (GRP). Definite Standard Operating Procedures need to be worked out for the protection of children around railway premises; and a Child Welfare Committee (CWC) has to be set up in close proximity to every railway terminal;
  - **A Special Juvenile Police Unit (SJPU)** has to be set up in every GRP police station across India. It should be customised as per the GRP administrative structure.
  - **Child Assistance Booths** are to be set up at every major station and terminal to assist children who are lost or abandoned or need help. The space should be provided by the railway authority and run as a public-private partnership with local NGOs. Further, the **Mid-day Meal Programme** should be extended to these children with the help of the railway authority and local NGOs.
  - The railway terminus is often not a conducive environment for the child and she is not ready to trust the staff. A safe space near the railway premises where the child can be accompanied by the staff would give her a sense of security and enable her to trust the worker. It has been noticed that the distance between railway platforms where children are contacted and the shelter spaces where they are taken often causes children to run away. Setting up a short stay home at the railway premises can bridge this gap.
- Children who are found at railway premises by Railway Police Force (RPF), GRP or NGOs must be registered with the concerned GRP office and the further referral process should be initiated only after this registration. A register of “Found Children” with subsequent referrals has to be maintained at every GRP/RPF station.

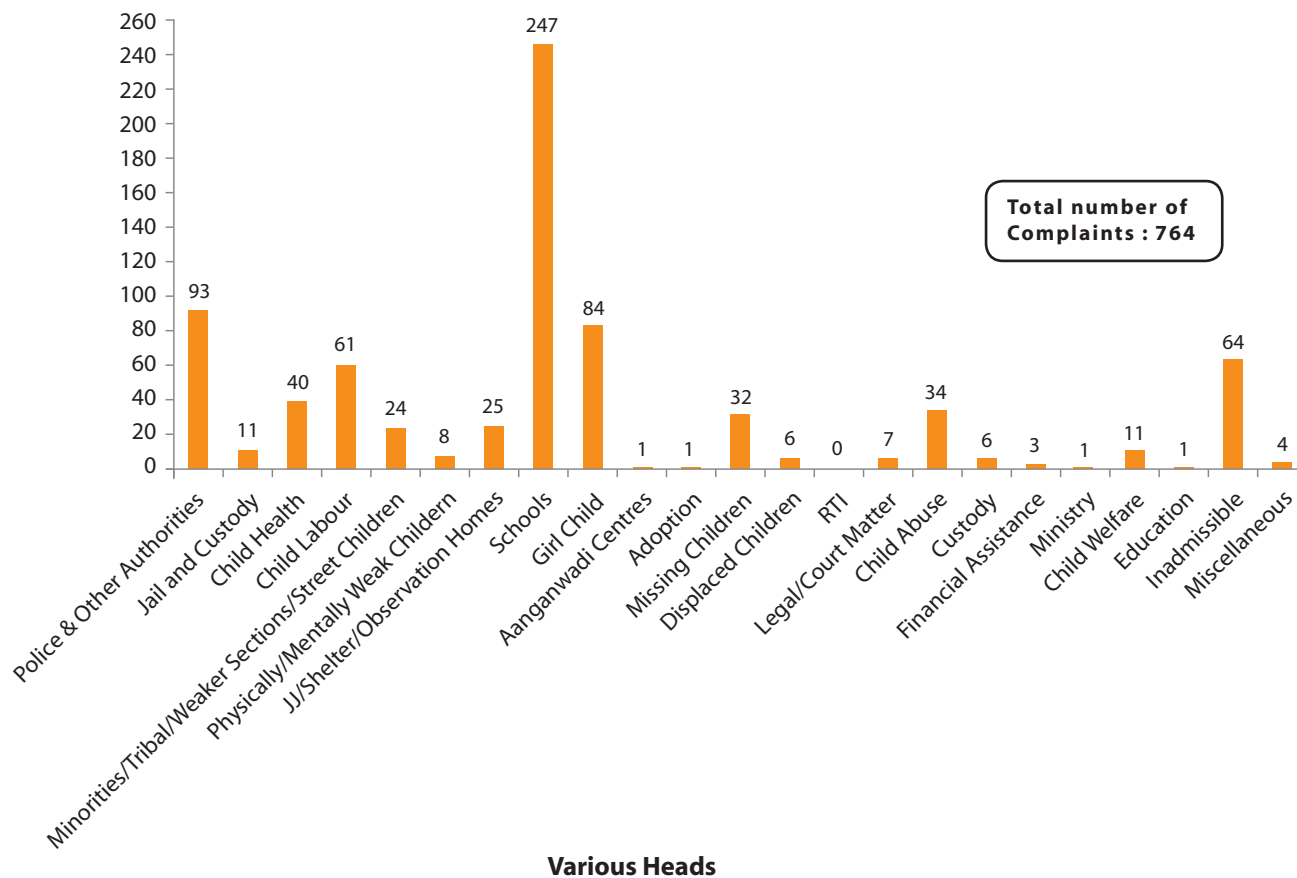
- A series of training and orientation programmes on child rights and child protection for railway employees including the RPF and GRP should be organised by the railway authorities. It should be incorporated in the plan of the Railway Ministry.
- Committed NGOs should be given accreditation to work with children in need of care and protection and railway authorities should provide the NGOs all necessary assistance
- The Railway Ministry should constitute a multi-disciplinary/multi-sector monitoring committee at the headquarters level to review the situation of these children on the basis of periodic reporting from the ground and inputs from spot visits by the members of the monitoring committee.

## 13. Complaints

13.1 Under Section 13 of 'The Commissions for Protection of Child Rights Act, 2005', the Commission has the mandate to enquire into complaints related to the violation of child rights. NCPDR has taken suo moto cognizance of newspaper reports, TV serials and the Internet where cases of violation of child rights are reported and also acted on specific complaints that are registered with the Commission. During the year 2009-10, the Commission received 764 complaints pertaining to violation of child rights. The maximum number of complaints (179) was from the State of Uttar Pradesh, followed by Delhi (128). Of these, 247 complaints were related to the education sector, 93 cases were against the Police and other authorities, and the rest concerned matters related to the girl child, child labour, child health and child abuse. Table 1 is a graphic representation of the number of complaints received state-wise in 2009-10. Table 2 is a break-up of the same data under different heads.

**Table 1. Number of Complaints received Statewise(2009-2010)**



**Table 2. Number of Complaints received Head-wise (2009-2010)**

A statement showing the state-wise details of complaints received during the period 1st April 2009 to 31<sup>st</sup> March 2010 is at **Annexure V**.

A statement showing the state-wise details of suo motu cases during the period 1st April 2009 to 31<sup>st</sup> March 2010 is at **Annexure VI**.

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## 14. Others

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### Children's Court

14.1 The judicial system is designed for adult complainants and respondents. Thus children as victims and witnesses often feel intimidated during the process of recording of statements and cross-examination. There is also every possibility of a child being subject to secondary victimisation during the trial and court proceedings. In order to understand the child's jurisprudential aspects and see how child friendly procedures are adopted, the Commission visited Goa, which is the only state in the country that has a functioning Children's Court.

### Visits to Other Countries

14.2 NCPCR Chairperson Dr. Shantha Sinha was a special invitee as a member of an Expert Panel during a side event on 'Violence against Girls' on September 25 during the UN General Assembly in New York from 21-26 September 2009. The invitation was sent to her on behalf of the US Secretary of State, Hilary Clinton and the Foreign Ministers of Brazil and Netherlands, all of whom addressed the meeting. They urged global action to curb conflict-related violence and the sexual exploitation of young women and girls.

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14.3 NCPCR Chairperson Dr. Shantha Sinha was a panelist for a session on 'CRC as a Framework of Research, Policy and Practice' and participated in the conference on '*Children's Rights at a Crossroads*' from 30<sup>th</sup> November to 2<sup>nd</sup> December 2009 at Addis Ababa, Ethiopia. The conference was organised in collaboration with the Committee on the Rights of the Child and the African Committee of Experts on the Rights and Welfare of the Child. During the three day deliberations, panel discussions and presentations were held on the following key questions: (a) What is the current context of child rights policies and child rights research? (b) How can research contribute to advancing children's rights? (c) What are the necessary conditions for optimising the contribution of research to child sensitive policy development?

14.4 Dr. Shantha Sinha also visited the district of Nazareth in Ethiopia, which has piloted a child-friendly system of multi-sectoral coordination between Childline, the police, medical support and counselling teams as well as special courts to address the issue of child sexual assault and abuse.

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## 15. Conclusion and Way Forward

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- 15.1 As an independent human rights institution, NCPCR has the authority to investigate and examine issues of violation of child rights in all its aspects. Although the responses to its directives were slow, sometimes requiring reminders, it received support from the State Governments in making arrangements for all its enquiries.
- 15.2 The NCPCR convened meetings with a whole range of stakeholders, from grass root and civil society organisations, government officials at the local, district state national levels to politicians, media persons, artistes, the corporate sector and academicians. It heard both the children and child defenders. It drew technical support from experts and collaborated with international agencies such as UNICEF and ILO. It reached out to and consulted the Ministries of Labour, Education and Home, as also its nodal Ministry – that of Women and Child Development – and also all other independent human rights institutions such as the National Commissions for Human Rights, Women, Scheduled Castes, Scheduled Tribes, Minorities and so on. It urged the State Governments to set up State Commissions for the Protection of Child Rights, so that child rights could be promoted, protected and defended actively.
- 15.3 The Commission continues to collaborate with various institutions in the government and civil society as well as committed child rights defenders. In the next year, the Commission would focus on all the issues that it has previously taken up. It will pay attention to the setting up of the Right to Education Division for monitoring the RTE Act and also consolidate its interventions on protecting children's rights in areas of civil unrest. In a substantive sense it proposes to pay attention to violence against children through corporal punishment in institutional settings, child abuse and a long-term vision of child jurisprudence.
- 15.4 In all its efforts the Commission would draw strength from the existing democratic spaces through institutions, policies and laws in the country and in the process hope to enhance and deepen democracy by bringing children's rights to the fore in all its endeavours.



International Labour Organization



United Nations  
Educational, Scientific and  
Cultural Organization

Annexure-I

## Joint Statement by National Commission for Protection of Child Rights, ILO, UNICEF, UNESCO

On 12 June 2010 – **World Day Against Child Labour** on the theme  
***Go for the goal – End Child Labour***

The World Day Against Child Labour comes at a critical juncture in the global campaign against child labour and the goal of ending its worst forms by 2016. As millions of people around the world get ready for the action of the football World Cup in South Africa, we make an urgent appeal to “go for the goal: end child labour.”

In India, NCPCR along with ILO, UNICEF and UNESCO, unanimously agree that realisation of children’s right to education is crucial for reaching the goal of elimination of child labour, in addition to scaling up efforts through poverty reduction, social protection and building political commitment to tackling child labour.

In this context, we welcome the enactment of Right of Children to Free and Compulsory Education Act that guarantees education as a fundamental right to each and every child. Education for all is now a legal right for all children between the ages of 6 and 14. This ground-breaking RTE Act provides the building blocks to ensure that all children are in school and out of labour.

Today, close to half of children leave school before reaching Grade 8—with higher drop-out rates for SC children (55 out of 100) and the highest for ST children (63 out of 100). Children who are out of school are either part of the labour pool or at risk of child labour, along with trafficking, early marriage and other violations. Right to Education Act provides a platform to reach the unreached, with specific provisions for child labourers and other disadvantaged groups, such as migrant children, children with special needs, or those who have a “disadvantage owing to social, cultural, economical, geographical, linguistic, gender or such other factors.”

Although there have been significant improvements in the proportion of children from disadvantaged groups in school, persistent gaps remain. Some children are still more vulnerable to labour than others. For example, girls are still less likely to enroll in school than boys, with even higher gender gaps for girls from Scheduled Tribes and Scheduled Castes, highlights the fact that.

RTE recognizes that specific and concerted efforts are required to bring each and every one of these children back into school. It mandates that out-of-school children must be mainstreamed into formal schools at the age appropriate level with the necessary support to succeed and that children will no longer face any form of discrimination that may impinge on their learning and development. This support ensures that children are learning instead being engaged in labour.



Although, RTE marks a celebration for the future, it also marks the present challenge in meeting the goal of ending child labour. By mandating quality, child-centred learning, free from fear and anxiety, that supports the holistic development of children, RTE promises that children will remain in school and not be part of the labour force.

Creative and sustained initiatives are crucial to train more than one million new and untrained teachers within the next five years and to reinforce the skills of existing teachers to ensure child-friendly education and prevent children from dropping out of school and being engaged in labour. Teachers will also need specific training to help former child labourers mainstream into schools and catch up on missed learning.

Families and communities also have a large role to play to ensure that RTE becomes a reality for each and every one of the estimated 190 million girls and boys in India who should be in elementary school today. School Management Committees, made up of parents, local authorities, and teachers, will need to not only form school development plans to identify gaps and actions to meet RTE provisions, but must also reach out to the unreached, bringing child labourers into school and giving them support.

India's past achievements in education indicate it is possible to reach the goals set forth in RTE. In order to reach this goal, substantial efforts are essential to eliminate disparities and ensure quality education with equity. In addition, all labour laws must be aligned to seamlessly ensure legal provisions of RTE. Strong mechanisms must be set up to prosecute violations. Citizens of the country, employers, corporations, all of us, must realize that child labour, depriving children of their fundamental right to education, is illegal. Education is now everybody's business.

Today, we reiterate our commitment to end child labour and ensure the right to quality education. We join hands with governments, corporations, communities, civil society, with children themselves and with all those who are dedicated to a brighter future of India.

## National Commission for Protection of Child Rights

### A Report on the NCPCR Visit to Bhadrachalam, Andhra Pradesh to Check the Status of NCPCR's Interventions on Protection of Children in Areas of Civil Unrest (November 19<sup>th</sup>- 21<sup>st</sup>, 2009)

#### Background

A team comprising NCPCR member Ms. Dipa Dixit and Mr. Venkat Reddy (MV Foundation) visited Khammam district in Andhra Pradesh between November 19<sup>th</sup> and 21<sup>st</sup>, 2009, to follow up on NCPCR's interventions on child protection in areas of civil unrest. The team reviewed the condition of children of the internally displaced persons (IDPs) from Chhattisgarh in recent times. It visited village Chukkalapadu, of Eduvalapalli gram panchayat, in Khammam district which had several tribal families of IDPs from Chhattisgarh, and interacted with the district officials, the community as well as the NGOs on issues relating to entitlements of children to sanitation, water, education, health, nutrition and safety. This was one of several visits that the NCPCR has made to this region, the last being in July, 2009.

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During the course of the discussions with officials of the Andhra Pradesh Government, a brief overview was given of NCPCR's work in connection with the Right to Education, the ICDS programme, child labour and displaced children all over the country. The action taken or proposed by the NCPCR on the stated issues were also put forth.

#### Account of the Visit

During its three day visit, the team interacted with various stakeholders of the project including the community members, NGO fieldworkers, and government officials.

##### **19<sup>th</sup> November 2009**

##### **Chukkalapadu Village, Chintur Mandal**

The Chintur mandal comprises 120 hamlets. The area faces serious problems with specific reference to access to basic services such as availability of potable water, ration supplies through the Public Distribution System (PDS), job cards through NREGA, health services (i.e. ICDS and primary health centres –PHCs) and educational services for children in the form of Residential Bridge Courses (RBCs) and Alternative Learning Centres (ALCs). Among other things, the community is forced to buy rice at the market price of Rs. 16 per kilo as opposed to the government subsidised rate of Rs. 6.14 per kilo. The area has four RBCs for 400 children. There is a need for five more RBCs in order to cover the remaining un-enrolled or out of school children. High levels of malnutrition were found among the children below 6 years of age due to non-functional Anganwadis. It was found that there was a disconnect between the local administration and the community which resulted in gaps in implementation of available services and schemes. There is no mechanism in place for the IDPs to address their grievances, and access to district level or any other government authority is a major issue. The village officers indicated that they visited these areas once in three months.

### **Balimala Hamlet**

The entire project area covered 117 villages across 19 mandals made up of nine clusters. The IDPs have lived in this hamlet since 2004 though they had returned to Chhattisgarh for a brief period. However, they returned to Badrachalam district in September and October 2009, as a result of the ongoing crossfire between the Naxals, Salwa Judum and the Government forces. They too have no access to drinking water, food supplies, job cards, schools and Anganwadi centres. There are 36 children from the community attending ALCs.

### **Discussion with Community Members**

A field worker whose primary role is to identify IDP families, mentioned that he worked in three panchayats across 28 settlements. He stated that new families had joined the old settlements in 2009. Hence providing for these families and their children was getting more and more difficult. Water, ration supplies and job cards were the main problems being faced by the population. Access to government departments was also difficult. There was an urgent need to set up feeding centres and provide specific care to attend to the needs of severely malnourished children. In the previous two months, 349 families had migrated from Chhattisgarh.

### **November 20<sup>th</sup>, 2009.**

### **Discussion with NGOs at Bhadrachalam**

Discussions revealed that there were high rates of differently-abled children among children in the tribal population. However, no materials on special education or special teachers were available, which was leading to high drop-out rates in schools. There was one special RBC in the entire project area. The SSA provision of having one special RBC per mandal needed to be implemented in order to address the needs of the children. Their primary need was for a home for the differently-abled children. They also mentioned that procurement of certificates for differently-abled children should be the responsibility of the school authorities as it involved travelling 200 km. to Khammam to obtain one. A certification camp for differently abled was held about two years ago across four mandals, and covered about 1000 people.

The NGOs mentioned that they did not have enough staff to go into remote areas and there were as many as 70 malnourished children across 14 mandals. There were some mini Anganwadi centres in the area, but these centres had no staff and the food was not reaching the remote areas. Employment through NREGA was another issue, as many were not given work despite having job cards since they were not locals. Those who were given jobs were hired at rates as low as Rs. 88 per day as opposed to Rs. 150 for locals from Andhra Pradesh. Many tribals, including children, were found to be involved in informal agricultural labour. Sanitation and hygiene was another issue. Posts of teachers remained unoccupied and several girls' schools had male teachers. Toilet facilities were an issue especially for girls, which has contributed to increased drop-out rates. In RBCs, the price and quality of rice was a matter of great concern as they had to buy the grains at the market price which was unaffordable in most cases.

### **Meeting with District Administration**

The administration informed the team that there were 203 IDP villages of which about 110 were inside reserved forests which were difficult to access, hence the state services were not reaching them. It was found that as many as 16,000 families were not covered by the PDS and did not possess ration cards. They mentioned that they were understaffed and hence found it difficult to keep track of movement across borders.

The District Administration communicated the following to the NCPCR team:

- Rs. 34 lakh had been sanctioned to dig open wells to solve the potable water crisis in the area. NGO support was sought to help train the tribals on the use of chlorine tablets and mosquito nets.

- There was also a commitment to set up five RBCs and 62 ALCs for the children by the end of December.
- A child rights cell would be set up at each mandal to monitor and protect children's rights.
- It was proposed that there be a nodal officer for the IDPs. Immunisation services would extend to IDP settlements and were to be completed in 20 days time.
- The administration committed to engaging the Khoya tribals in Anganwadi and mini Anganwadi centres. Their recruitment was to be completed by the 1<sup>st</sup> week of December and their training by December 20<sup>th</sup>. The training would be followed by the setting up of the Anganwadi centres.

## NCPCR Recommendations at district level

Based on the above mentioned interactions with the various stakeholders, the NCPCR team made the following recommendations:

- **NREGA**

The District Administration assured the NCPCR team that job cards under NREGA would be issued to all displaced persons from Chhattisgarh now settled in Khammam and work would be provided to them. The list of settlements is already available with the Government. An action taken report on this may be submitted at the earliest.

- **Water**

This issue was discussed at length. The administration agreed that the IDPs have no water to drink, cook or bathe and have to access the nearest stream to do so. The stream is about 2 km. away from the encampment and dries up in summer. The net result is that these people have to walk several kilometres to get water. The district authorities indicated that proposals to dig wells in some of these areas were being examined by the state administration.

- **ICDS**

The team was informed by the District Administration that 51 mini Anganwadi centres have already been sanctioned in these habitations. These Anganwadis are presently inaccessible. The team emphasised that the same must be made functional immediately so that at least children in the age group 0-6 years and pregnant and lactating women are given the necessary nutrition and health services. There was an assurance from District Administration that the Anganwadis would be functional by Dec 15<sup>th</sup> and the training of the volunteers and monitoring of the working of these centres would also be undertaken.

- **Education**

1. It has been agreed to establish five more RBCs and 62 ALCs which have already been sanctioned through SSA/RVM. It is also necessary to train the volunteers to run the RBCs and the ALCs.
2. Monitor the number of children who are still out of school—both local and IDPs—and ensure that all of them attend schools in the neighbourhood or are admitted into the ALCs or the RBCs, in light of the recently passed Right to Education Act.
3. Many of the NGOs complained that they can no longer run the RBCs as they are unable to pay Rs. 16/-per kg for rice. They feel that under these circumstances, they would be constrained to stop the programme, which would be detrimental to children. NCPCR was given to understand that there has been a practice of provisioning rice at subsidised rates by the Department of Civil Supplies. It is advised that the State

Government take this matter up with the said department so that rice at a concessional rate is made available with immediate effect.

- **Health**

1. District authorities assured the NCPCR team that immunisation for all children through a campaign mode would be completed by the end of December 2009.
2. A special order is to be issued by the State Government giving instructions to reach out to all the habitations for health assessment and care for all children. This is to be done through 104 mobile health centres which will administer medicine and other health care facilities. ALES/RBC/ICDS centres may also be allowed to access these Mobile Health Centers. This decision was taken at the meeting with NCPCR.

- **Monitoring**

1. Orders to be issued to the Project Officer, ITDA and Nodal Officer at the district level to ensure that basic entitlements and educational and health services are provided to **all children**, particularly IDP children, and their families pursuant to the decisions taken at this meeting.
2. Likewise orders to be issued to designate the Deputy Director (Women and Child Development) at the state level to follow up action taken by all Departments and report to Commission periodically.
3. A monitoring committee to be set up at the district level with department officials and representatives from NGOs for periodic review of all entitlements of children of Khammam district, including IDP children.

## NCPCR Recommendations at State Level

1. Plan exposure visits for members of gram panchayats to Shankerpally and other mandals of Ranga Reddy District on role of gram panchayats in monitoring status of children and their right to education. Secretary (Primary Education) to facilitate coordination with Department of Panchayati Raj for designing the orientation programme.
2. It was reported that there are not more than 312 RBCs in the state as a whole, covering about 30,000 children. Provision of rice from Department of Civil Supplies to all the RBCs in the State has to be made with immediate effect.
3. The Government of Andhra Pradesh indicated that it has already established a body to monitor rights of women and children. It must be mentioned that this cannot substitute for the State Commission for Protection of Child Rights (SCPCR) which has a clear mandate of its own, governed by the CPCR Act, 2005. In addition, it is also necessary to set up the SCPCR in the context of the enactment of Right of Children to Free and Compulsory Education. Under this Act, the SCPCR has the important task of monitoring children's right to education. It is therefore necessary to take action in the direction of setting up the SCPCR at the earliest.
4. The Labour Department may intensify its programme for rescue and rehabilitation of children employed as domestic child labour in the entire state of Andhra Pradesh. The Government of Andhra Pradesh may also provide a report to the Commission on action taken against employment of domestic child labour.
5. Make all the Juvenile Homes for children in conflict with law and children in need of care and protection open and transparent. Prepare a plan to enable senior officials at the state and district level to visit the Homes in order to enable better conditions for children and give feedback to the Department of Women and Child Development.

## Appendix A

Based on NCPCR's Recommendations, given below are the actions to be taken by concerned departments.

### 1. Rural Development

- The District Administration is to issue NREGA cards to all IDPs from Chhattisgarh settled in Khammam. The NCPCR was given to understand that a list of settlements is already available with the administration.
- An action taken report on the same may be submitted to NCPCR within 30 days.

### 2. Irrigation and CAD Department

- Proposals are being examined and Rs. 34 lakh have been sanctioned to dig open wells to solve the potable water crisis in the area.

### 3. Health, Medical and Family Welfare Department

- Assurance was given by the district authorities that immunisation for all children through a campaign mode would be completed by the end of December, 2009.
- A special order is to be issued by the State Government giving instructions to carry out health assessment of all children. This is to be accomplished by the 104 mobile health centres established by the state to administer medicine and other health care facilities.
- ALCs/RBCs/ICDS centres may also avail of services of these mobile health centres.

### 4. Department of Education–Sarva Shiksha Abhiyan

- Five more RBCs and 62 ALCs may be established as sanctioned through SSA/RVM.
- Training of volunteers to run these RBCs and ALCs may be conducted to ensure their effective functioning.
- Monitoring the number of children who are still out of school, both local and IDPs, and ensuring that all of them attend schools in the neighbourhood or are admitted into the ALCs or the RBCs, in light of the recently passed Right to Education (RTE) Act.
- Collaborate with the Department of Civil Supplies in order to procure rice for these RBCs at subsidised rates. The current market price of Rs. 16/- per kg is putting severe strains on the limited resources of the organisations running the RBCs
- Secretary (Primary Education) to facilitate coordination with Department of Panchayati Raj and plan the exposure visits of gram panchayat members to Shankerpally and other mandals of Ranga Reddy District on role of gram panchayats in monitoring status of children and their right to education.

### 5. Tribal Welfare Department

- Orders to be issued to Project Officer, ITDA and Nodal Officer at the district level to monitor and ensure that basic entitlements and educational and health services are provided to all children in the district, particularly IDP children and their families.

### 6. Labour Department

- The Department may intensify its programme for rescue and rehabilitation of children employed as domestic child labour in the state of Andhra Pradesh.
- Government of Andhra Pradesh may also provide a report to the Commission on action taken against employment of domestic child labour.

### 7. Department of Woman and Child Development

- Fifty-one mini Anganwadi centres that have already been sanctioned in these habitations. These centres have to be made accessible and functional by December 20th, 2009.

*Annexures*

- There was an assurance from the District Administration that Khoya tribals would be recruited to work as Anganwadi workers and would run Anganwadis and mini Anganwadi centres. Their training would be completed by December 20th, 2009.
- Orders are to be issued to designate Deputy Director (Women and Child Development) at the state level to follow up on action taken by all Departments (including health, education, rural development and tribal development) and report to Commission periodically.
- Action must be taken to set up a State Commission for Protection of Child Rights to monitor provision and protection of children's rights in Andhra Pradesh.

## Appendix B

D.O. No. 21016/05/NCPCR-2009(PD)

27th November 2009

Dear

At the outset, I would like to thank you for taking time out to meet us and for convening the meeting on 21.11.09 with your officers in connection with the protection of children and their rights. We found the meeting fruitful and returned encouraged by your assurance to follow up on several of the decisions taken at the meeting.

During the course of our discussions, you may recall that that we gave a brief overview of the work done by NCPCR and discussed issues related *inter alia*, to the Right to Education, ICDS programme, Child Labour and displaced children in the country and the action taken or proposed by the NCPCR.

The current visit of NCPCR's team with Ms. Dipa Dixit (Member NCPCR) and Mr. Venkat Reddy (M.V. Foundation) to Khammam district is a follow up to the NCPCR's interventions on protection of children in areas of civil unrest. The team reviewed the condition of children of the internally displaced persons (IDPs) from Chhattisgarh in recent times. They visited the village Chukkalapadu, Eduvalapalli gram panchayat, in Khammam district which had several tribal families of IDPs from Chhattisgarh, and interacted with the district officials, community as well as the NGOs on issues relating to entitlements of children to sanitation, water, education, health, nutrition, and safety.

Based on the field visit of the NCPCR team and the subsequent discussions we had in the meeting, I would like to place on record some of the issues that should be addressed at the earliest. It may be noted that while these recommendations are made with particular reference to Khammam district, the same may be reviewed and extended to the entire state of Andhra Pradesh. A detailed report of the said visit to Khammam district will be sent you soon.

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### **Issues Discussed and Recommendations at District Level, Khammam:**

Based on discussions held, the District Administration provided an assurance that the following will be completed by the end of December:

#### **Food Security:**

It was decided that job cards under NREGA would be issued to all the persons now settled in Khammam from Chhattisgarh State and work be provided to them. The list of settlements is already available with the Government. An action taken report on this may be submitted on this at the earliest.

#### **Water:**

This issue was discussed at length. The administration agreed that the IDPs have no water to drink, cook or bathe and have to access the nearest stream to do so (usually about 2 km. away from the encampment and which dries up in summer. The net result is that these people have to walk several kilometres to get water.) The district authorities indicated that proposals were being examined by the state administration to dig wells in some of these areas.

#### **ICDS:**

The team was informed by the District Administration that the 51 mini Anganwadi centres that have already been sanctioned in these habitations. These Anganwadi are presently inaccessible. The team emphasised that the same must be made functional immediately so that at least children in the 0-6 years and pregnant or lactating women are given the necessary nutrition and health services. There was an assurance from District Administration that the Anganwadi would be functional by Dec 15<sup>th</sup> and the necessary training of these volunteers and monitoring the working of these centres would also be undertaken.



**Education:**

1. It has been agreed to establish 5 more Residential Bridge Courses and 62 Alternate Learning Centers which has already been sanctioned through SSA/RVM. It is also necessary to train the volunteers to run the RBCs and the Alternate Centers.
2. Monitoring the number of children who are still out of school, both local and IDPs and ensure that all of them attend schools in the neighbourhood or are admitted into the Alternate Learning Centers or the RBCs, in light of the recently passed Right to Education Act.
3. Many of the NGOs complained that they are no longer able to afford the RBCs as they are unable to pay Rs. 16/ per kg for the rice. They feel that under these circumstances, they would be constrained to stop the program and eventually children would be the losers. We are given to understand that there has been a practice of provisioning of rice by the Department of Civil Supplies. This may be revived with immediate effect.

**Health**

1. It was assured by the District authorities that immunisation for all children through a campaign mode would be completed by the end of December 2009.
2. Special order from the State Government is to be issued giving instructions to reach out to all the habitations for health assessment and care for all children through 104 mobile services to administer medicine and other health care facilities. They may also be assigned the task of responding the functioning of ALES/RBC/ ICDS centres. This is vide the decision taken in the meeting with NCPCR.

**Monitoring:**

1. Orders to be issued to Project Officer, ITDA and Nodal Officer at the district level to follow up with the services for children and families of IDP and decisions taken at this meeting.
2. Likewise orders to be issued to designate deputing Director (Women and Child Development) at the State level to follow up with action taken by all Departments and report to Commission periodically.
3. A monitoring committee to be set up at the district level with department officials and representatives from NGOs for periodic review of all entitlements of children of Khammam district including children of IDPs.

**Issues Discussed and Recommendations at State Level, Hyderabad:**

1. Planning exposure visits for members of gram panchayats to Shankerpally and other mandals of Ranga Reddy District on role of gram panchayats in monitoring status of children and their right to education. Secretary (Primary Education) to facilitate coordination with Panchayati Raj for designing the orientation programme.
2. It is reported that there are not more than 312 RBCs in the state as a whole covering about 30,000 children. Provision of rice from Civil Supplies to all the RBCs in the State has to be made with immediate effect.
3. The Government of Andhra Pradesh indicated that it has already established a body to monitor rights of women and children. It must be mentioned that this cannot substitute for the SCPCR which has a clear mandate of its own governed by the CPCR Act, 2005. In addition it is also necessary to set up the State Commission for Protection of Child Rights in the context of the enactment of 'Right of Children to Free and Compulsory Education'. Under this Act the SCPCR has an important task to monitor children's right to education. It is therefore necessary to take action in the direction of setting up the SCPCR at the earliest.

4. The Labour Department may intensify its programme for rescue and rehabilitation of children employed as domestic child labour in the entire State of Andhra Pradesh. Government of Andhra Pradesh may also provide a report to the Commission against domestic child labour.
5. Making all the Juvenile Homes for children in conflict with law and children in need of care and protection, open and transparent. A plan to enable senior officials at the State and District level to visit the Homes for enabling better conditions for children and give a feed back to the department of Women and Child Development.

We are deeply concerned by the tragedies and suffering of the population who are living very precariously in the edge of forests and the villages in Khammam district. Unless there is an action taken on a war footing to provide them with basic food health, water education and other facilities the situation would take the proportion of an epidemic scale.

This is an issue of national concern and we urge you to take personal interest to ensure the measures suggested are actually on ground.

With regards,

Yours sincerely,

**Sd/-**

**(Shantha Sinha)**

**Mr. Rama Kanth Reddy,**

Chief Secretary,

Government of Andhra Pradesh,

Secretariat Hyderabad,

Andhra Pradesh.

**NCPCR's Recommendations on the Study on  
'Child Deaths in Adilabad: Understanding Causes and Seeking Interventions'**

1. Capacity building of Anganwadi workers
2. Establishment of 'kitchen gardens' in the community
3. Dissemination of soya bean recipes
4. Assessment of supplementary food in Anganwadis
5. Improvement of the Nutrition Rehabilitation Centre at Utnoor
6. Improved residential facilities for medical personnel
7. Improved referral mechanisms
8. Mainstreaming, training and empowerment of RMPs
9. Bridging the gap-Reporting malaria testing results to the community
10. Transport services for health personnel in Adilabad
11. Training of ancillary health staff for emergency management at local levels
12. Motivational benefits for health workforce staying in rural areas
13. Improving roads and networks to improve emergency access
14. Slope near Gadiguda PHC to be repaired
15. Improvement of campaigns done by the Kalajathas
16. Health monitoring in schools
17. Increased IEC efforts in the community
18. Community empowerment
19. Establishment of Village Health and Sanitation Committees

The study also provides a toolkit with six sections meant for rapid assessment of child deaths in tribal societies. **Section 1** deals with the basic information on child and mortality (includes statistical measures). **Section 2** is concerned with the nutritional status of children and the working of programmes/schemes that provide supplementary nutrition. **Section 3** summarises the working of the healthcare system in that particular region. **Section 4** gathers information on other sectors that influence health. **Section 5** deals with issues regarding the role of the community in combating child mortality. **Section 6** enables consolidation of the toolkit.

## Recommendations of NCPCR Pursuant to Public Hearings to Address the Issues of Children Affected by HIV/AIDS

- (i) Gaps in the Policy Framework have to be addressed.
- (ii) All children to be given free education and scholarships to cover the cost of books, uniforms and nutrition. No child must be denied admission to a school.
- (iii) Train teachers to include all children, including those affected with HIV/AIDS, in order to reduce stigmatization.
- (iv) All children must get education at least up to 10<sup>th</sup> Std. and girl children must get scholarship.
- (v) All children must receive proper nutrition.
- (vi) Multiple support will be required for different age groups like support from ICDS and MDM scheme.
- (vii) Separate ration cards must be provided to the families segregated from the in-laws. BPL identity and double ration has to be provided to such families.
- (viii) Legal aid for property rights has to be given to the mother/guardian in order to secure the future of the children and enable them to continue their education.
- (ix) Foster care has to be provided to every child. Procedures to approach the ART centres must be communicated to them so that they are not harassed.
- (x) Willingness of the foster family to keep HIV+children in their homes needs to be ascertained. Some of the children are children of sex workers. Stigma and discrimination issues need to be addressed and be a non-negotiable condition for foster care. As such there is lot of stigma and discrimination already prevailing in society.
- (xi) Foster care scheme (Bal Sangopan Yojana) would need to be communicated to all the NGOs and children's family present in the public hearing by the Women and Child Development Department, since this seems to have not been explained during the public hearing.
- (xii) In cases of women deserted by their husbands, their property rights should be restored and separate ration card given, with double entitlements.
- (xiii) Children are to be empowered to assert their identity by reducing stigmatisation and injustice.
- (xiv) Records must be provided to the Government relating to children who are affected by HIV-access to school, access to foster care and those who are reaching 10<sup>th</sup> Std and above.

TABLE-I: STATEMENTS SHOWING THE STATE-WISE DETAILS OF COMPLAINTS RECEIVED DURING THE PERIOD 1<sup>ST</sup> APRIL, 2009 TO 31<sup>ST</sup> MARCH, 2010

State Name	Nos. of Complaints
Andaman and Nicobar Islands	4
Andhra Pradesh	28
Arunachal Pradesh	2
Assam	5
Bihar	46
Chandigarh	0
Chhattisgarh	13
Dadra and Nagar Haveli	0
Daman and Diu	1
Delhi	128
Goa	4
Gujarat	8
Haryana	29
Himachal Pradesh	7
Jammu and Kashmir	7
Jharkhand	17
Karnataka	23
Kerala	10
Lakshadweep	0
Madhya Pradesh	42
Maharashtra	28
Manipur	2
Meghalaya	0
Mizoram	1
Nagaland	1
Orissa	57
Puducherry	1
Punjab	18
Rajasthan	20
Sikkim	0
Tamil Nadu	38
Tripura	0
Uttar Pradesh	179
Uttarakhand	6
West Bengal	39
<b>Total</b>	<b>764</b>

TABLE 2: STATEMENTS SHOWING THE STATE-WISE DETAILS OF *SUO MOTU* CASES DURING THE PERIOD 1<sup>ST</sup> APRIL, 2009 TO 31<sup>ST</sup> MARCH, 2010

State Name	No. of Complaints
Andaman and Nicobar Islands	0
Andhra Pradesh	6
Arunachal Pradesh	0
Assam	1
Bihar	19
Chandigarh	0
Chhattisgarh	1
Dadra and Nagar Haveli	0
Daman and Diu	0
Delhi	15
Goa	2
Gujarat	2
Haryana	7
Himachal Pradesh	4
Jammu and Kashmir	0
Jharkhand	6
Karnataka	2
Kerala	1
Lakshadweep	0
Madhya Pradesh	6
Maharashtra	9
Manipur	0
Meghalaya	0
Mizoram	0
Nagaland	0
Orissa	6
Puducherry	0
Punjab	4
Rajasthan	9
Sikkim	0
Tamil Nadu	5
Tripura	0
Uttar Pradesh	19
Uttarakhand	1
West Bengal	7
<b>Total</b>	<b>132</b>

## Statement of Accounts for the Financial Year 2009-10

### BALANCE SHEET AS AT 31<sup>ST</sup> MARCH 2010

(Amount in Rs.)

CORPUS/CAPITAL FUND AND LIABILITIES	Schedule	Current Year	Previous Year
Corpus/Capital Fund	1	23,618,573.80	28,612,329.80
Reserves and Surplus	2		
Earmarked/Endowment Funds	3	150,000.00	15,487.00
Secured Loans and Borrowings	4	-	-
Unsecured Loans and Borrowings	5		
Deferred Credit Liabilities	6		
Current Liabilities and Provisions	7	2,550,464.00	3,154,680.00
<b>Total</b>		<b>26,319,037.00</b>	<b>31,782,496.80</b>
<b>Assets</b>			
Fixed Assets	8	8,548,429.00	8,548,164.00
Investments - from Earmarked Funds	9	-	-
Investments - Others	10	-	-
Current Assets, Loans, Advances Etc.	11	17,770,608.80	23,234,332.80
Miscellaneous Expenditure (To the Extent not Written off or Adjusted)			
<b>Total</b>		<b>26,319,037.80</b>	<b>31,782,496.80</b>
Significant Accounting Policies	24		
Contingent Liabilities and Notes on Accounts	25		

**INCOME AND EXPENDITURE ACCOUNT FOR THE PERIOD YEAR ENDED  
31<sup>ST</sup> MARCH, 2010**

(Amount in Rs.)			
INCOME	Schedule	Current Year	Previous Year
Income from Sales/Services	12	0	0
Grants/Subsidies	13	51,000,000.00	65823884.00
Fees/Subscriptions	14	0	0.00
Income from Investments (Income on Invest from Earmarked Funds Transferred to Funds)	15	0	0.00
Income from Royalty, Publication etc.	16	0	0.00
Interest Earned	17	188,091.00	362644.00
Other Income	18	2,948.00	4,800.00
Increase/(Decrease) in Stock of Finished Goods and Works-in-Progress	19	0	0.00
<b>Total (A)</b>		<b>51191039.00</b>	<b>66191328.00</b>
EXPENDITURE			
Establishment Expenses	20	16,213,180.00	13208883.00
Office & Other Administrative Expenses Etc.	21	39,603,100.00	40101342.20
Expenditure on Grants, Subsidies Etc.	22		
Interest	23	0	0.00
Depreciation (Net Total at the Year-End) (Corresponding to Schedule 8)		2396755.00	3068864.00
<b>Total (B)</b>		<b>58213035.00</b>	<b>56379089.20</b>
Balance Being Excess of Income/(Expenses) Over Expenditure/Income (A-B)		(7021996.00)	9812238.80
Transfer to Special Reserve (Specity Each)		0.00	0.00
Transfer to/From General Reserve		0.00	0.00
Balance Being Surplus/(Deficit) Carried to Corpus/Capital Fund		<b>(7021996.00)</b>	<b>9812238.80</b>
<b>Significant Accounting Policies</b>	24		
<b>Contingent Liabilities and Notes on Accounts</b>	25		



RECEIPTS AND PAYMENTS FOR THE PERIOD/YEAR ENDED 1<sup>ST</sup> APRIL, 2009 TO 31<sup>ST</sup> MARCH, 2010

		(Amount in Rs)	
		As on 31.03.10	As on 31.03.09
<b>RECEIPTS</b>		<b>As on 31.03.10</b>	<b>As on 31.03.09</b>
<b>(I) Opening Balances:</b>			
a) Cash in hand (Including Imprest)	41,209.00	20,000.00	
b) Bank Balances	-	-	
(i) In current accounts( unspent bal.)	-	-	
(ii) In deposit accounts	-	-	
(iii) Savings accounts	14,172,696.80	10,937,016.00	
Adjustment of previous year advance			
<b>(II) Grants Received:</b>			
a) From Government of India:-For Capital & Revenue Expenses	51,000,000.00	56,800,000.00	
b) From State Government			
c) From other sources (Unicef India)	134,513.00	125,000.00	
<b>(III) Income on Investments from:</b>			
a) Earmarked/Endow. Funds	-	-	
b) Own Funds (0th. Investment)	-	-	
<b>(IV) Interest Received:</b>			
a) On Bank deposits	187,837.00	362,644.00	
b) Loans, Advances etc.	254.00	-	
<b>(V) Other Income (Specify):</b>			
RTI Fee Received	2,948.00	-	
Sale of old Newspapers and Magazines	-	1,800.00	
Tender Money	-	3,000.00	
Security Money Received	-	10,000.00	
Security Deposit (Phone) Return	-	1,961.00	
<b>(I) Expenses:</b>			
a) Establishment Expenses	15,916,122.00	12,139,572.00	
b) Office & Other Administration Expenses	40,413,897.00	38,158,325.20	
c) TDS & Other payable amount of last year	83,727.00	-	
<b>(II) Payments made against funds for various projects:</b>			
(Name of the fund or project should be shown along with the particulars of payments made for each project)	-	-	
<b>(III) Investments and Deposit made:</b>			
a) Out of Earmarked/Endowment funds	-	-	
b) Out of Own Funds (Investments-others)	-	-	
<b>(IV) Expenditure on Fixed Assets &amp; Capital Work-in-Progress:</b>			
a) Purchase of Fixed Assets	368,780.00	2,801,075.00	
b) Exp. On Capital Work-in-progress	-	-	
<b>(V) Loans &amp; Advances:</b>			
a) To the Government of India	-	-	
b) To the State Government	-	-	
c) To others	42,234.00	823,338.00	
d) Recovered & paid to parent office	6,750.00	-	
(VI) Finance Charges (Interest):	-	-	
<b>(VII) Other Payments (Specify):</b>			
Refund of Grant to Panchayati Raj	-	125,205.00	
Deposit with NDMC	-	-	
Deposit with MTNL	-	-	

Contd...

RECEIPTS	As on 31.03.10	As on 31.03.09
(VI) Amount Borrowed:	-	-
<b>TOTAL</b>	<b>65,539,457.80</b>	<b>68,261,421.00</b>
<b>PAYMENTS</b>		
(VIII) Closing Balances:		
a) Cash in hand (Including Imprest)	135,752.00	41,209.00
b) Bank Balances:-		
(i) In current accounts		
(ii) In deposit accounts	8,572,195.80	14,172,696.80
(iii) Savings accounts		
<b>TOTAL</b>	<b>65,539,457.80</b>	<b>68,261,421.00</b>

# Audit Certificate for the Financial Year 2009-10



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

पत्र संख्या: ए.एम.जी.-1/4-19/एस.ए.आर./एन.सी.पी.सी.आर./2010-11/ दिनांक: 19-01-11  
सेवा में,

श्री देवेन्द्र कुमार सिक्की,  
सचिव, भारत सरकार,  
महिला एवं बाल विकास मंत्रालय,  
कमरा नम्बर 601, ए-विंग, शास्त्री भवन,  
नई दिल्ली-110001.

विषय : वर्ष 2009-10 के लिए राष्ट्रीय बालक अधिकार संरक्षण आयोग, नई दिल्ली के लेखाओं पर पृथक लेखापरीक्षा प्रतिवेदन।

महोदय,

मैं, राष्ट्रीय बालक अधिकार संरक्षण आयोग, नई दिल्ली के वर्ष 2009-10 के प्रमाणित वार्षिक लेखों की प्रति उसके पृथक लेखापरीक्षा प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र सहित की प्रति संसद के पटल पर रखने के लिए संलग्न करता हूँ।

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

कृपया यह सुनिश्चित किया जाए कि पृथक लेखापरीक्षा प्रतिवेदन को संसद के दोनों सदनों के समक्ष प्रस्तुत करने से पहले वार्षिक लेखाओं को शासी निकाय (Governing body) द्वारा अनुमोदित अवश्य करा लिया जाए तथा यह भी सुनिश्चित करें कि 2009-10 के लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा प्रमाण पत्र को संसद के पटल पर रखने से पहले सभी पूर्व वर्षों के लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा प्रमाणपत्र संसद के पटल पर प्रस्तुत किये जा चुके हों।

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

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

अनुलग्नक: यथोपरि

भवदीय,  
इस्ता./-  
उप निदेशक (ए.एम.जी.-1)

**Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of National Commission for Protection of Child Rights for the year ended 31<sup>st</sup> March 2010.**

We have audited the attached Balance Sheet of National Commission for Protection of Child Rights as at 31<sup>st</sup> March 2010 and Income & Expenditure Accounts/Receipts & Payment Account for the year ended on that date under Section 19(2) of the Comptroller & Auditor General's (Duties, Powers & Conditions of Service) Act, 1971 read with Section 29 (2) of the National Commission for Protection of Child Rights Act, 2005. These financial statements are the responsibility of the National Commission for Protection of Child Rights management. Our responsibility is to express an opinion on these financial statements based on our audit.

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

3. We have conducted our audit in accordance with auditing standards generally accepted in India. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements. An audit includes examining, on a test basis, evidences supporting the amounts and disclosure in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by 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 explanation, which to the best of our knowledge and belief were necessary for the purpose of our audit,
- ii. The Balance Sheet and Income & Expenditure/ Receipt & Payment Account dealt with by this report have been drawn up in the format approved by the Ministry of Finance.
- iii. In our opinion, proper books of accounts and other relevant records have been maintained by the NCPCR as required under Section 29 (1) of the National Commission for Protection of Child Rights Act, 2005 in so far as it appears from our examination of such books.

iv. We further report that:

**A. Grant-in-aid**

The National Commission for Protection of Child Rights had been financed mainly by the Ministry of Women & Child Development. During the year 2009-10, NCPCR had received grants-in-aid of Rs 510.00 lakh (Plan). It also has internal receipts of Rs. 1.91 lakh during 2009-10. Out of the total fund available the NCPCR utilized Rs.606.10 lakh during 2009-10. The excess expenditure was met from Capital Fund.

**B. Management letter**

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

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

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

a. In so far as it relates to the Balance Sheet, of the State of affairs of the National Commission for Protection of Child Rights are as at 31<sup>st</sup> March, 2010 and

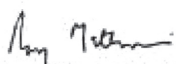
b. In so far as it relates to Income and Expenditure Account of the deficit for the year ended on that date.

**Place : New Delhi**

**For and on behalf of the CAG of India**

**Date :**

55

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

**ANNEXURE-I**

- 1. Adequacy of Internal Audit System**  
The internal audit was not being conducted by the Chief Controller of Accounts of the Ministry of Women and Child Development.
- 2. Adequacy of Internal Control System**  
**Monitoring**  
The management's response to audit objection is not effective, as 15 audit paras for the period from March 2007 to March 2009 were outstanding.
- 3. System of physical verification of fixed assets**  
Physical verification of fixed assets for the year 2009-10 was being conducted and the report is still awaited.
- 4. System of physical verification of inventory**  
The physical verification of inventory like books and publications, stock of papers, stationery and other consumable items was under progress.
- 5. Regularity in payment of statutory dues**  
No payment over six months in respect of statutory dues was outstanding as on 31-03-2010.

## List of Abbreviations

AIDS	Acquired Immunodeficiency Syndrome
BLSAA	Bonded Labour System (Abolition) Act
BRCC	Block Resource Center Coordinator
CMO	Chief Medical Officer
CCTV	Closed-Circuit Television
CRC	Convention on the Rights of the Child
CDPO	Child Development Project Officer
CRPF	Central Reserve Police Force
CLPRA	Child Labour (Prohibition and Regulation) Act (CLPRA), 1986
DDUH	Deen Dayal Upadhyay Hospital
GRP	Government Railway Police
HIV	Human Immunodeficiency Virus
HSC	Higher School Certificate
IDP	Internally Displaced Person
IEC	Information Education & Communication
ICDS	Integrated Child Development Services
ILO	International Labour Organization
JJA	Juvenile Justice (Care and Protection of Children) Act (JJA), 2000
KGBVss	Kasturba Gandhi Balika Vidyalaya Scheme
NCPCR	National Commission for Protection of Child Rights
NRBC	Non-Residential Bridge Course
NRHM	National Rural Health Mission
NCLP	National Child Labour Project
NIPCCD	National Institute of Public Cooperation and Child Development
PMNRF	Prime Minister's National Relief Fund
PTA	Parent-Teacher Association
RBC	Residential Bridge Course
RPF	Railway Protection Force
RMPs	Registered Medical Practitioners
SDM	Sub-Divisional Magistrate
SSA	Sarva Shiksha Abhiyan
SEARO	South East Asia Regional Office
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children's Fund
VCDC	Village Council Development Committee
WHO	World Health Organization

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