

BENCH REPORT

KORAPUT

ODISHA

4th October, 2019

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

Working Report

I. INTRODUCTION

The National Commission for Protection of Child Rights (NCPCR) conducted its Bench/Camp in Koraput District which is situated in the State of Odisha. The Commission conducted its bench/camp in Koraput District in Odisha on 04th October 2019. Smt. Rosy Taba, Honorable Member (Child Labor) of National Commission for Protection of Child Rights (NCPCR) along with Smt. Sandhyabati Pradhan, Chairperson from Odisha State Commission for Protection of Child Rights (OSCPCR); and Sh. Harihar Naik, Member (OSCPCR); Shri Madhusudan Mishra, District Collector SDM of Koraput; and Shri Deben Kumar Pradhan, Addl. District Magistrate, Koraput, constituted the bench/camp. The Bench/Camp at Koraput district received a restricted response from the participating District Administration of Koraput and 46 NGOs involved from the districts across the various sectors of health, education, juvenile justice, child labour etc. Despite prevailing child-rights issues in all the core indicators of development as stated by NITI AAYOG.



The key highlights of the Bench/Camp were:-

- The Bench/Camp received 355 complaints and passed orders on 166 complaints on the same day.
- Hon'ble Member Ms. Rosy Taba (Child Labor) directed to visit all center and send a report to Commission within 15 days as different types of problems were identified in Anganwadi's.



- Various cases of Sickle cell anemia and Cerebral palsy were presented in the camp and Member (RT) directed that a proper medical checkup camp and awareness campaign to be organized at all the levels in the district within 20 days.
- Under the supervision of Honorable Member (RT), equipment was given to children with special needs (Blind Child) on the spot with the help of district officials. Similarly, various actions on the issues related to child rights been carried out such as:
 - UDID certificates to 49 children
 - Hearing aid 23 Pair were provided to the children
 - 6 wheelchair were also provided
 - MR Kit and Pension were also provided on the day of the bench.
- Cases of no availability of caste certificate due to which admission in school were denied also reported. Direction to issue the certificate to all such children in district within 15 days was given.
- Complaint of school accommodating 600 children which had disreputable building was presented, direction to take the necessary actions on an immediate basis was given by the authority.
- Since the district of Koraput is predominant in tribal population, the response from public was also limited to significant insufficiencies in infrastructure, health, education etc. However, the field-work required from the end of district administration and NGOs in rural areas could have otherwise extended as the building block in getting attention to the issues of tribal population and getting their complaints registered on the day of the bench.

II. NGO Meeting

NGO CONSULTATION MEET

Before the sitting of the bench/camp, National Commission for Protection of Child Rights held a consultation meeting with the NGO's on 2nd October 2019. Shri Deben Kumar Pradhan, Addl. District Magistrate, Koraput, chaired the consultation meeting along with NCPCR team constituted for the present bench/camp. In that session, NCPCR team informed the NGOs' about the roles and responsibilities of NCPCR and the objective of conducting the Bench/Camp. NGO's were also informed about their responsibility in this whole process and asked them to bring complaints related to child rights violation on the day of the sitting of the bench/camp from their districts. There were only 12 NGO's who participated in this meeting.

The key highlights from the Consultation Meeting were:-

1. From the list of 46 NGOs' registered in NITI Darpan portal only 12 NGOs attended the consultation meeting at Circuit House, meeting hall.
2. The 12 NGOs from Koraput district were representative from the area of children education and literacy, health & family welfare, CCI & rural development.
3. Based on the emails communicated to all 46 NGOs and follow-up initiated over call over a span of one week before the bench, there were no complaints presented by the NGOs'.
4. Since the meeting to brief the NGOs was conveyed two days before the bench, the NGOs effectively had one more day to initiate field work and generate complaints from public or based on the evaluations of their previous work done in the district.
5. They were encouraged to spread awareness about the sitting of NCPCR bench/camp and report as much as complaints possible.
6. Only few NGO's participated on the day of the sitting of the bench/camp and predominantly.

III. INSPECTION OF INSTITUTIONS RELATED TO CHILD WELFARE IN KORAPUT DISTRICT

Field visits to various child care institutions, PHC's and schools were conducted on 02/10/2019 and 03/10/2019. NCPCR team was accompanied by officers from District Child Protection Unit (DCPU). The objective of conducting the inspection was to review the performance and standards of the facilities provided to the children and simultaneously take suo-moto cognizance on the matters pertaining to child rights violations in these institutes.

Based on the observation, irregularities or violations existing in their current infrastructure or discharge of

their responsibilities w.r.t the governing laws under relevant acts, suo-motu cognizance was taken of 3 CCIs, 1 PHC and 1 high school.

I CHILD CARE INSTITUTION (CCI) VISIT

i. Angel's Home, Koraput

Based on the visit of the NCPCR officials dated 03/10/2019 Angel's Home, irregularities and violations w.r.t JJ Act 2015 were observed:

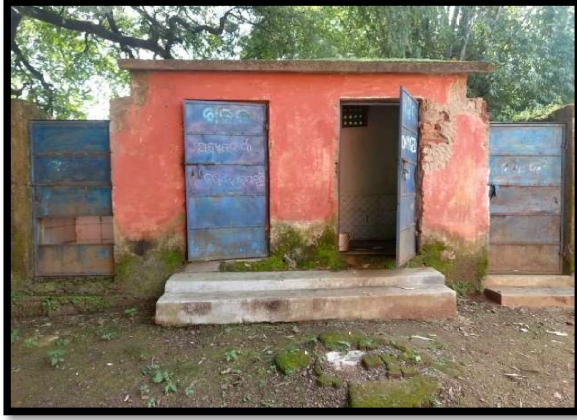
- Suo-motu cognizance was taken on infrastructural deficits observed in the CCI, which included non-availability of child friendly toilets and bathrooms as per the prescribed norms under the Juvenile Justice Model Rules, 2016.
- The registers though prepared, were not updated properly.
- It was observed that one religion was promoted in the CCI, religious books of one specific religion was found amongst other study material with many children.
- Heavy and unsafe machinery was found within the campus of the CCI affecting children safety.
- The CCI did not have any boundary wall around it.
- The Children in the CCI were not being presented before the CWC.

II SCHOOL VISIT

i. Mastiput high school, Koraput

The total strength of the school was of 156 students. Based on the visit to the School dated 03/10/2019, suo-motu cognizance was taken of the severe infrastructural deficits observed in the school premises.

- The size of the classroom is such which can only accommodate 40 children max but the current strength exceeds 55 for class 6th and 7th respectively.
- Of the 2 available washrooms, both were non- operational and in a pathetic condition. Children were reported to be defecating in open.
- Overall the entire infrastructure of the school seemed in a poor condition with not adequate means and amenities for children.
- The school had no boundary wall.
- Children upon the enquiry stated that they were made to clean classroom as punishment.



School Picture

ii. Government High School, Mastiput, Koraput

Based on the visit to the School dated 03/10/2019, suo-motu cognizance was taken with regard to the infrastructural and other issues pertaining therein.

- The toilets present in the school premises were non-functional.
- The free Sanitary Napkins kept in the school which was received by the school via the Khushi Scheme, was found to have crossed its expiry date.



2 PRIMARY HEALTH CENTRE VISIT

Urban Primary Health Mission instituted under the National Health Mission

- The Urban Primary Health Centre instituted under the National Health Mission, Koraput, was found to be entirely closed during the day of visit, i.e., on 03.10.2019.
- All the rooms, including the office room, dressing room, laboratory, etc was locked and no doctors were found inside the hospital.

Health and training Centre, Sunabeda

- Malaria kit was expired.
- Various severe infrastructure deficits were observed such as damp walls etc.

IV. ON THE DAY OF THE SITTING OF THE BENCH/CAMP

The Commission conducted its bench/camp in Koraput District in Odisha on 04th October 2019. Smt. Rosy Taba, Member of National Commission for Protection of Child Rights (NCPCR) along with Smt. Sandhyabati Pradhan, Chairperson from Odisha State Commission for Protection of Child Rights (OSCPCR); and Sh. HariharNaik, Member (OSCPCR); Shri Madhusudan Mishra, District Collector SDM of Koraput; and Shri Deben Kumar Pradhan, Addl. District Magistrate, Koraput, constituted the bench/camp. The Commission received 347 complaints, out of which 166 cases were heard by the bench/camp. The details of the complaints received by the bench/camp district wise are given below:

Name of the District	Education	Juvenile justice	Child Health	Laws related to children (POCSO)	Child Labour	Child Marriage	Total	Sum Total
Koraput	64	67	206	2	2	2	355	355
SuoMotu	3	5	4				12	

DISCLAIMER: The data presented above is the initial data as per the day of the Camp/ Bench.

The above mentioned complaints were segregated based on the 6 areas that come under section 3 of CPC Act, 2005. The number of cases were registered under Child Health division- 210, 67 cases were registered under Education, 2 under Child labour, 72 under Juvenile Justice, 2 case under POCSO and 2 case under child marriage.

JUVENILE JUSTICE

The bench/camp received 72 complaints on the day of the sitting of the bench/camp. The complaints were received in the broad areas of:

SECTION	NATURE OF COMPLAINTS	TOTAL COMPLAINTS
1	Cases related to sponsorship to orphan children	54
2	Kidnapping of child	1
3	Infrastructural deficits and irregularities in CCIs	5
4	Child marriage	2
5	Staff related issues of Child welfare officers/DCPU and other department etc.	1
6	Cruelty to Child	1
7	Caste certificate or other identity proof	3
	Others	4

Table 2: Nature of complaints received under Juvenile Justice on the Koraput bench/camp

LAWS RELATED TO CHILDREN (POCSO)

The bench/camp received 2 complaints on the day of the sitting of the bench/camp. The complaint was pertaining to sexual abuse & harassment of girls. One complaint revolved around a 14 year girl child. The second complaint was with regard to a gang rape case which further led to the victim girl committed suicide.

SECTION	NATURE OF COMPLAINTS	TOTAL COMPLAINTS
1	14 year girl child, impregnated by her lover who later left her and fled away	1
2	Minor girl who committed suicide after being gang raped at Govt. S.S.D Science College, Koraput	1

Table 3: Nature of complaints received under Laws Related to Children (POCSO) on the Koraput bench/camp

CHILD LABOUR

The bench/camp received 2 complaints regarding child labour on the day of the sitting of the bench/camp.

SECTION	NATURE OF COMPLAINTS	TOTAL COMPLAINTS
1	Child indulged in child labour after becoming an orphan.	1
2	Eradication of Child Labour	1
	TOTAL	2

Table 4: Nature of complaints received under Child Labour on the Koraput bench/camp

CHILD HEALTH

The Commission received 210 complaints on the day of the sitting of the bench/Camp. The complaints were pertaining to the broad areas of:-

SECTION	NATURE OF COMPLAINTS	TOTAL COMPLAINTS
1	Cases related to Differently Abled children	26
2	Cases related to Anganwadi Centre	15
3	Cases related to treatment of children	112
4	children with sickle cell disease	20
5	Financial help for advanced treatment	1
6	Issuing of disability certificate	27
7	Establishment of New Anganwadi Centers	5
8	Others	4
	TOTAL	210

Table 6: Nature of complaints received under Child Health on the Koraput bench/camp

EDUCATION

67 complaints were registered on the day of the sitting of the bench. The complaints were pertaining to the following broad areas:-

SECTION	NATURE OF COMPLAINTS	TOTAL COMPLAINTS
1	Construction and infrastructural issues	4
2	Cases relating to Management of school	2
3	Cases relating to hostel	17
4	Issue of denial of admission in school	11
5	Financial aid to children for pursuing higher education	29
6	Matters relating to Caste Certificate	1
7	Others	3
	TOTAL	67

Table 7: Nature of complaints received under Child Education on the Koraput bench/camp

HIGHLIGHTS OF COMPLAINTS

- **(JJ)-** A variety of cases were received with respect to Juvenile Justice, however, the major concern felt by the bench was regarding the number of orphan children having their respective grandparents as their sole guardian. Also, the issue of lack of identity proof and caste certificate with children was a pertinent issue, which was addressed by Hon'ble Member, Smt. Rosy Taba
- **(Laws Relating to Children (POCSO)-** Directives were issued by Hon'ble Member, Smt. Rosy Taba to the Additional Superintendent of Police, to look into the 2 POCSO matters received during the bench, at the earliest and on priority basis and to provide an Action Taken Report to NCPCR.
- **(Child Labour)-** The cases received by the Bench during the Hearing showed that majority of children are forced to do child labour, as a result of lack of financial crisis. Complaint was also received by the Bench with regard to the concern over eradication of Child Labour from the District of Koraput in totality, to which Hon'ble Member, Smt. Rosy Taba, gave her valuable suggestions and also directed the authorities to work more proficiently and actively.
- **(Health of Children)-** Appalling situation was witnessed by the Bench, during the hearing, with respect to Health of Children in the district of Koraput. Many children were found to be suffering from different disabilities and diseases like Cerebral Palsy and sickle Cell Anemia. Keeping in view the huge number of children suffering due to health problems, various equipment were given to the Divyang Children on the spot, under the supervision of Hon'ble Member, NCPCR, Smt. Rosy Taba, with the help of the district officials. Along with that, UDID Cards and Disability Certificates were issued immediately to the

children in need of the same, immediately. 23 Pairs of Hearing Aid were distributed in among children facing hearing problems and 6 wheelchairs were provided. One MR Kit was also provided without further ado. Hon'ble Member Rosy Taba, also directed that a proper medical check-up and awareness camp to be organized at all the levels in the district within 20 days and submits the Action Taken Report regarding the same to NCPCR. Apart from the above, 5 new Anganwadi Centres, were proposed to be constructed, lack of which, was creating a hue and cry situation in the concerned blocks.

- **(Education)-** The bench during the hearing came across the issue of lack of finance to children above the age of 14 years, who are interested to continue their education and go for higher and advanced education in future, which was addressed appropriately during the bench. Case with respect to school with major infrastructural problem was also received, to which Hon'ble Member, Smt. Rosy Taba, directed the respective district officials to take the matter seriously and carry out the necessary action.

IV. COMPLAINT ANALYSIS ACCORDING TO NITI AAYOG INDICATORS

The National bench/camp of NCPCR is being conducted in those districts which are declared 'aspirational' by NITI Aayog. The NITI Aayog analyzed these districts based on 49 indicators segregated in five sectors- Health, Education, Agriculture & Water resources, Financial Inclusion and Basic Infrastructure. NCPCR has a mandate to take complaints in the matters related to child rights violations. Therefore, the Commission has placed its focus on two key sectors- Education & Health & Nutrition focusing on the facilities provided to children. Then again while examining the complaints that Commission received while conducting the bench/camp in aspirational district, not all complaints could be analysed based on the indicators laid down by the NITI Aayog.

S.NO	SECTOR	NITI AAYOG INDICATORS	COMPLAINTS RECEIVED BASED ON THE INDICATORS	DISTRICT
1	E D U C A T I O N	Transition rate from primary to upper primary school & Upper primary to secondary	Children Dropping out from school & denial of admission of children to school	Koraput
2		Toilet access: percentage schools with functional girls' toilets	2 <i>suo-motu</i> complaints were taken in schools where toilets were dysfunctional	Koraput
3	H E A L T H	Proportion of Anganwadis with own buildings	Inadequate facilities in Anganwadi situated in tribal area along with major infrastructural issues in the existing Anganwadi Centers.	Koraput

In child health sector, the Commission received complaints related to construction or infrastructural issues of Anganwadi Centers (AWCs) across two districts. Severe evident lapses were observed in terms of construction of toilets in the AWCs, provision of kitchen, facility of drinking water and standard of hygiene and sanitation in toilets. Based on the suo- motu cognizance taken of 4 AWCs in Koraput district, around 4 children were found to be having Severe Acute Malnourishment (SAM) and 25 were reported to be under Moderate Acute Malnutrition (MAM). Other complaints were related to setting up of camps for sickle cell anaemia, medical assistance to children and lack of posts filled in the PHCs and ICDS functionary for smooth execution of projects.

In the education sector, the Commission received complaints related to accessibility of toilets in schools since there was still a prevalence of open toilets and open defecation. Given the lack of sustainable school infrastructure for disabled children, a complaint also raised concern for constructing a special school for blind children. The bench/camp also received complaints where complainants were demanding the transport facility and construction of roads near their village so that children can continue going to school. Furthermore, complaints of infrastructural deficits across primary Z P schools were also reported across the two districts.

V. OUTCOMES

Major issues that were identified by the Commission while conducting bench/camp in Koraput were related to the lack of basic amenities like education, health and nutrition in tribal areas. Basic survival facilities have seemingly always been out of reach for people living in tribal areas leading to a substantial increase in absenteeism from school, malnutrition and fundamental health problems. Connectivity to other areas has also proven to be a major hindrance in the community leading the tribal people to live in isolation. Inadequate condition of Anganwadi's, absence of referral centers and lack of health clinics in the tribal areas have also added to the undermining condition of the people in the District.

Consequently, major steps are required to be taken to get the concerned people a chance at Right to subsistence.

VI. CONCLUSION

National Commission for Protection of Child Rights registered 355 complaints on the day of the bench/camp. 166 complaints were resolved and submitted to the respective departments to take action on the issues related to child rights violation on the day of the sitting of the bench/camp under a stipulated time period. The Bench/Camp received the representation of the cases related to child rights violation under the broad areas of child health, education, prohibition of child labour and juvenile justice. The

Commission received extensive support from the district administration, Koraput. The volunteers apart from the district administration helped in running the proceedings of the bench/camp smoothly. Childline and teachers helped the complainant from registering the complaint to helping them write the complaint and translating the language from Odiya to English/Hindi for the bench/camp. Nevertheless, significant directions were issued in monitoring and implementation of various child rights related laws and policies.

ANNEXURE

S.No.	Name of NGO	Contact details
1.	Ekta	9437233542 ektan@rediffmail.com
2.	PRASTUTEE	9437847388 prastutee2000@gmail.com
3.	SEVA BHARAT FOUNDATION	9337662082 sevabharatfoundation@gmail.com
4.	Mukti Malaya	7978766096 christodantakri@gmail.com
5.	HEALTH ENVIRONMENT And LITERACY OF PEOPLE (HELP)	9437820803 help.org2004@gmail.com
6.	Integrated Development Society (IDS)	9437756117 idskoraput@gmail.com
7.	Womens Organisation for Rural Development (WORD)	9437081919 wordorissa@yahoo.co.uk
8.	SOUTH ORISSA VOLUNTARY ACTION (SOVA)	9437077718 sova@sovakoraput.org
9.	NEHRU INDIRA RAJIV MEMORIAL ASSOCIATION FOR NEEDIES (NIRMANA)	9937870971 gauravfeb25@gmail.com