



**National Commission for Protection of Child Rights**  
**5<sup>th</sup> Floor, Chanderlok Building, 36-Janpath, New Delhi-110001**  
**Ph: (011)-23478214/23478200; Fax: (011)-23478266/23724026/23731584**  
**Web: [www.ncpcr.gov.in](http://www.ncpcr.gov.in); Email: [ncpcr.india@gmail.com](mailto:ncpcr.india@gmail.com)**

File No. 11011/27/2012-Admn

Date: 25/07/2013

**Circular**

A copy of the minutes of the 27<sup>th</sup> Statutory Meeting of the Commission held on 9<sup>th</sup> July, 2013 as approved by the Chairperson, NCPCR is circulated herewith for information and necessary action.

  
(Anupam Mishra)  
Director

To

1. Chairperson, NCPCR.
2. Member (DD)/Member(YD)/Member (VKT)/Member(VP)/Member (NN), NCPCR.
3. AD/AO, NCPCR.
4. CL ( Estt.)/CL (GA)/CL (Prog)/CL (Coord)/CL (Legal), NCPCR.
5. PS to Member Secretary, NCPCR
6. PA to Director, NCPCR.
7. Minutes Register, NCPCR.
8. Guard File, NCPCR.

**Minutes of the 27<sup>th</sup> Statutory Meeting of the Commission, held on 09.07.2013 at 11.00 A.M.**

The 27<sup>th</sup> Statutory Meeting of the Commission was held on 09.07.2013 in the Conference Room of NCPCR. The following were present:-

1. Ms. Kushal Singh, Chairperson – In chair
2. Ms. Dipa Dixit, Member
3. Shri Vinod Kumar Tikoo, Member
4. Dr. Yogesh Dube, Member
5. Ms. Nina P. Nayak, Member
6. Dr. Vandana Prasad, Member, NCPCR
7. Shri Anupam Misra, Director, NCPCR

Leave of absence was granted to Member-Secretary as he was on medical leave.

2. At the outset some Members raised the objection that a number of items had been included in the Agenda without any Agenda Note. The Chairperson observed that since this was the first statutory meeting that was being held after her joining she had accepted all the agenda items proposed by the Members. However, she agreed that this had made the Agenda very wide and general. It was agreed that in future only specific policy issues accompanied by an Agenda Note would be included in the formal agenda for the Statutory Meeting of the Commission. General issues could be discussed in in-house meetings of the Members.

3. An issue was raised as to whether the statutory meeting of the National Commission for Protection of Child Rights could be legally held in the absence of Member-Secretary as the Minutes are required to be signed by Member-Secretary according to the Act. CP informed the Members that an Order authorizing the Director to look after the work of the Member-Secretary is being issued separately.

*D*  
25/07/13

Hence absence of Member-Secretary would not affect the legal validity of the Minutes of the current Meeting.

**Confirmation of the Minutes of the 26<sup>th</sup> Meeting of the Commission held on 12.04.2013:**

4. The Minutes of the 26<sup>th</sup> Statutory Meeting of the Commission were confirmed with the following amendments:

(a) **On the Policy on Engagement of NCPCR with Civil Society:** Member (VP) pointed out that the Agenda Item No. 3(a) (1.7) has not been correctly recorded, as in the meeting it had been decided that the policy note on the engagement of NCPCR with civil society should be developed by the Registrar, which has not been mentioned in the Minutes. Member (VKT) pointed that the decision to prepare a policy note was taken in the context of the discussions on the role of SRs and the SAGs in the RTE Division. It was decided to amend Agenda Item No.3(a)(1.7) to state that 'a policy note on the engagement of NCPCR with civil society should be developed by the Registrar'.

(b) **On the Issue of Complaints related to RTE Cell:** Member (YD) pointed out that para (d) under Agenda Item No. 3 is not correct, as he had given a Dissent Note in the matter which has not been incorporated in the Minutes. It was decided that the Dissent Note submitted by Member (YD) would be attached to the Minutes of the Meeting for purposes of record.

A  
25/08/13

**Discussion on Action Taken Reports (ATRs) of the 26<sup>th</sup> Statutory Meeting of the Commission held on 12<sup>th</sup> April, 2013:**

5. **On the Item No.3 (Policy on Air Travel):** The issue relating to air travel by non-officials/consultants was raised in the context of the letter received from the Director-General of Audit, Central Expenditure, New Delhi. Members expressed objection on the wording of the letter as it seemed to give the impression that non-entitled persons were travelling in routine in the NCPCR. It was felt that this impression needs to be rectified.

6. The Chairperson informed that she had examined the issue of air travel by non-officials in the light of the provisions of the Act, rules and the circulars issued by the Ministry of Finance in the matter. As per Rule 24 (7) of the NCPCR Rule it is mandatory for the Commission to follow the financial guidelines issued by the government. Hence, prior permission of Secretary, MWCD has to be obtained in case of air travel by non-officials. This practice has now been established in the Commission and it will be adhered to in future.

**Discussion on Agenda Points:**

**Agenda Item No. A.1 (RFDs of 2013-14):**

7. Steering the discussion on Agenda Item No. 1 CP pointed out that at present the Members in-charge were looking into issues relating to the child rights in the States allotted to them on the basis of complaints received by them or on the basis of the inspections conducted by them during their tours or on the basis of their subject of expertise. In order to strengthen the functioning of the NCPCR, a more proactive role needed to be taken. The CP suggested that a few common issues could be taken up for follow up by all the Members in the States allotted to them so that these issues could be highlighted on an all India basis. All the Members agreed to the suggestion. The following issues were considered for this purpose:

25/07/13

(a) **Identification of children below 18 years old in jails:** Chairperson informed the Members that this issue had also been discussed with Member-Secretary, NALSA and it was agreed that the SCPCRs in coordination with SALSA could form teams to inspect the jails for identifying any inmates below 18 years of age on the lines of the visits conducted by NCPCR and NALSA in the Tihar Jail. NCPCR Members could pursue the matter with the SCPCRs during their visits to the States. Member (YD) suggested that a letter to the State governments should be written by CP to conduct inspection and identify any person below 18 years old in the jails and submit a report to the NCPCR. Members could then follow up the action taken by the State Governments in this regard.

(b) Monitoring of children's homes and examining the bottlenecks affecting the delivery of effective services in these homes.

(c) **Monitoring of admissions under the EWS category:**

As per the RTE Act all schools are required to reserve 25% seats for Economically Weaker Sections at the entry point to the school. However, a number of schools are not following these provisions. In the schools which have admitted children under the EWS category there is no monitoring as to whether such students continue in the school in the later years or whether the reserved category seats slowly get converted to general category. The Commission should emphasise that this aspect is monitored by the supervisory agencies in all the States.

(d) Education of migrant workers' children in different States.

8. Apart from the above issues, CP requested Members to suggest any other common issues which could be taken up for effective monitoring in all the States.

12  
25/07/13

**Agenda Item No.A-2 (Arrangement of Link Member in absence of concerned dealing Member):**

9. On the suggestion of the CP it was decided that each Member would suggest their link Member and convey the same to Member-Secretary.

**Agenda Item No.B-3 (Protocols for Summon Hearing):**

10. Member (YD) initiated the discussion on the agenda item and pointed out that the decisions recorded regarding the procedure to be adopted for summon hearing restricted the authority vested in the Commission by the law. Other Members did not agree with him as they felt that only the procedural aspect of holding summon hearings had been laid down and this did not limit the powers of the Commission in any manner. Some Members also objected to raising the issue after a decision in the matter has already been taken. After discussions, CP pointed out that the procedures decided for holding summon hearing were mere guidelines and if at any stage it was felt that they were curtailing the powers of the Commission they could be reviewed. It was agreed by all the Members that prior approval of the CP would be taken for issue of summons as is the current practice.

11. The issue of whether an individual Member can exercise the powers of the Commission was also discussed. Member (DD) pointed out that a reference in this regard has already been made to the Ministry of Law. It was decided that the administration would follow up the matter to obtain opinion from the Law ministry early.

25/07/13

**Agenda Item No.B-4 (Administrative Matters):**

12. Member (YD) pointed out that proper administrative support was not available and basic requirements like laptops, printers, etc. had not been provided. CP requested the Members to submit their specific requirements and directed that the Administration should look into the matter urgently and replace any non-functional computers/printers.

**Agenda Item No.B-5 (Child Labour related consultations):**

13. Issue was not discussed in the Meeting.

**Agenda Item No. B-6 (Children's Courts):**

14. The issue of setting up children's courts under Section 25 of the CPC Act was discussed. Member (DD) pointed out that there is a difference between Children's courts notified under the CPC Act and the special courts notified under the Prevention of Children from Sexual Offences (POCSO) Act, and felt that the issue of notification of special courts should be taken up with the Chief Justice of India. Members were informed that the Chairperson has already addressed letters to the Chief Justice of Supreme Court of India in this regard.

**Agenda Item No.B-7. (Present Status of Annual Report, SAGs', PH, Complaints and other research studies including CORD and Adolescent Study):**

**15 (a): Annual Report:** Member (YD) raised the issue that the copy of the Annual Report for 2011-12 had not been given to any Member. Director informed the Members that the Annual Report has already been forwarded to the MWCD but has still not been tabled in the Parliament because of which a copy of the Report has not yet been circulated. After discussions it was decided that the subject file of the Annual Report could be shown to the Members by circulation.

25/07/13

**15 (b): Social Audit Report:** Member (YD) suggested that a technical committee should be constituted to evaluate and analyse the existing reports made by SAGs. Member (VP) informed that the administrative Staff College of India Hyderabad has already been assigned the task of analyzing these reports. It was agreed that the report of ASCI may be awaited for further action in the matter.

**15 (c): Public Hearing:** (As discussed at Agenda Item B-8).

**15(d): Present status of complaint and other research studies including CORD and Adolescent study:** (As discussed at Agenda Item No.D-15).

**Agenda Item No.B-8 (Conduct of Public Hearing on JE/AES in Gorakhpur and Bihar):**

16. The issue of holding a public hearing on JE in Gorakhpur and other affected districts of Bihar was discussed. After discussions it was decided that public hearing on JE may be held in Gorakhpur, UP in September 2013. The SCPCR of Bihar would be requested to conduct a similar public hearing in the affected districts of Bihar. As Member in-charge of the subject Member (VP) would coordinate the public hearing and necessary assistance on logistics would be provided by Member (YD) as Member in-charge of UP.

**Agenda Item No.B-9 (Dissenting Views):**

17. Member (YD) pointed out that the dissent notes written by him on the minutes of the Statutory Meeting of the Commission had not been placed on record. CP issued directions that in future any dissent note by a Member should be automatically attached to the minutes of the meeting.

25/07/13



**Agenda Item No.C-10 (Functioning of Complaints Cell):**

18. Member (VKT) initiated the discussions and pointed out that the Complaints Cell needed to be strengthened and a pre-registration scrutiny of complaints should be done by the Registrar, NCPCR with the approval of MS and Chairperson before a complaint is disseminated to the Members. Other Members were of the view that the present system of the complaint being sent directly to the Members/ Chairperson may be continued. However, all present felt that greater coordination of the complaints Cell is necessary to analyse the nature of the complaints being received and generating a data base on the basis of such analysis. It was decided that the Administration would examine the manner in which the Complaint Cell could be strengthened.

**Agenda Item No. C-11 and C-12:**

19. Not taken up for discussion in the present meeting.

**Agenda Item No.C-13 (Revival of NE Cell):**

20. Revival of the North-East Cell was discussed. Member (VKT) explained the manpower requirement as under:

One –STE

One – TE

One – JTE

Two –DEO's plus one peon (MTS).

Of the two DEOs, one will deal with programme and the other with complaint since there are 255 cases which are pending.

As the proposal was in line with the staff sanctioned in other Sections the staff requirement for the NE Cell was approved.

*D*  
25/07/13

21. The name of Mr. Nigam, who is employed as task based consultant, was discussed. At present he has been given a three-month extension only as he is above 60 years old. As per the present policy programme related staff is being given short term contract for three months only after the age of 60, whereas the staff above 60 years of age in the Administration side are being given a one-year contract. It was decided that a common policy be adopted and staff on programme side above 60 years of age could also be taken on a one-year contract.

22. Member (VKT) also observed that sitting arrangements for the NE Cell would need to be made. Director was asked to do the needful.

23. Regarding the proposal to have a Special Advisor for the NE Cell, the CP suggested that a separate Advisor need not be appointed and the Advisor to the Chairperson could assist Member (VKT) with regard to issues in the NE Cell as she had experience of working in the NE during her tenure in ILO.

**Agenda Item No. C-14 (Annual Accounts, objections of Member (VKT) on annual Accounts of RTE, BBS, PPPCR J&K, along with his communications with DG Audit/MWCD):**

24. The Annual Accounts had been ratified by the Members on file by circulation and the ratification was formally approved in the meeting. Member (VKT) made a reference to the objections raised by him and pointed out that the Members need to be informed of the manner in which expenditure had been incurred before Annual Accounts were submitted for approval to the Members. While observations made by Member (VKT) on file have been placed on record, CP clarified that the Annual Accounts of NCPCR are a factual statement of the receipt and expenditure of funds allotted by the government. The issue of the manner in which the funds had been utilised is a different matter which is to be

25/07/23

discussed separately and need not be linked with the submission of Annual Accounts to the Ministry.

**Agenda Item No.D-15 (CORD study Final report):**

25. Member (VP) informed that CORD had submitted the final report for acceptance. She felt that it was a good report and should be passed by the Commission and taken on its record. Member (VKT) and Member (YD) raised objections regarding the manner in which the research study had been given to CORD and stated that no regular selection procedure had been followed while selecting the organisation for the research study. They also pointed that since the RTE Act had only been passed in 2009 there seemed to be no justification for even conducting such a study. Chairperson pointed out that raising these issues at this stage was not relevant as the study had already been commissioned and had been completed. Members (VP) and (DD) expressed their displeasure on the status note presented to the Commission by the Administration on both the CORD report and the Adolescent study by the University of Pune. They pointed out that the status note was totally one-sided and the full facts of the case had not been brought on record. Member (DD) had submitted an additional note in regard to the Adolescent study which was taken on record. CP pointed out that it was the function of the administration to put up all facts relating to an issue in the notes submitted to the Commission. It was for the Commission to consider what facts were important/unimportant and the Administration could not exercise discretion in such matters. CP directed that in future the Administration may be more vigilant to ensure that all facts relating to an issue are placed before the Commission.

25/07/13

26. Taking note of the objections raised by Member (YD) and Member (VKT) on the CORD study, CP pointed out that since the research study is now complete it was important to examine the contents of the report in order to accept it. Member (VKT) pointed out that since the report had only just been received they would need more time to examine it. It was decided that the Members would examine the report and send their comments for further necessary action within a week.

27. The issue of the adolescent study by the University of Pune was also raised. Member (VKT) pointed that the title of the report has been changed and it appears to be a study conducted on behalf of Harvard University. The issues raised by Member (VKT) have already been taken up with the University of Pune vide a letter addressed to them. It was decided that we may await a reply from them to discuss this matter further.

**Agenda Item No. D- 16:**

28. No discussion on the issue took place.

**Agenda Item No.D-17 (Bi-Monthly reporting):**

29. Member (VP) in her agenda note had suggested that reporting may be made on a quarterly basis rather on a bi-monthly basis. Member (NN) suggested that the format for the bi-monthly reports needs to be changed. She also endorsed the suggestion of Member (VP) that the report should be made on a quarterly rather than on a bi-monthly basis. CP stated that the matter needs to be examined in detail on the relevant file to see the background because of which bi-monthly report are being asked for. She assured the Members that the issue would be examined.

25/07/13

**Agenda Item No. E-18 (Approval of BBS Programme Closure Report):**

30. Member (DD) raised a strong objection on the reason to conduct an internal audit on the BBS programme. She pointed out that the same auditor had audited the accounts of BBS for the same period earlier and had not raised any objections. CAG had also conducted an inspection of the BBS accounts for the relevant period. The reason why a second internal audit was conducted needs to be examined. She also expressed her displeasure on the delay in release of funds for the programme. Director informed that the Accounts Department has been processing the file of the BBS and the accounts would be finally settled shortly. Member (DD) agreed that a short programmatic note would be prepared by her for submission to the PMO through MWCD along with the closure report.

31. In view of the fact that BBS programme had now been formally closed, the PPPCR programme of J&K also needed to be re-examined as the programme was being run on the same lines as the BBS programme. Member (DD) pointed out that because of the delay in appointment of the Project Coordinator and other functionaries, the programme had been going slow after November 2011 and since the terms of a number of persons had already expired and had not been renewed, the programme was no longer functional in the State. It was agreed that along with closure of the BBS scheme, the PPPCRJ&K may also be brought to a closure. Member (DD) emphasised the need to convey the administrative decision of closure of the programme to the field staff and to settle the accounts early.

**Agenda Item No. E-19 :**

32. Not discussed.

25/07/13

**Supplementary Agenda Items:**

33. Member (NN) presented an update on the POCSO Cell activities and also submitted the budget details in which she explained that there is a need for one JTE and that publication and printing/publicity needs funding since it is the main component of the budget. Member (YD) suggested that the view of the Members of the Commission should be taken along with the view of the Members of the expert committee. Member (NN) stated that Members were free to send their recommendations on any issue. She also informed that the guidelines for the POCSO Act are at the final stage and would be ready for circulation shortly. As Members had expressed that they had very little information on the subject, CP decided that the letter issued by her to the Chief Secretaries of the States relating to implementation of POCSO Act may be circulated to all the Members for their information. The budget for POCSO Cell would be examined separately as no separate funds have been allocated for the POCSO Cell and funds would have to be earmarked from the budget of the Commission.

34. The concept plan for the second floor renovation at Chanderlok Building was also presented and adopted by unanimous resolution.

The Meeting ended with a vote of thanks to the Chair.

\*\*\*\*\*

25/07/13