

MEETING OF THE COMMISSION DATED 22.8.2007

Meeting of the Commission was held on 22nd August, 2007. The following members were present:

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| 1. Chairperson | Shantha Sinha |
| 2. Member | Sandhya Bajaj |
| 3. Member | Dipa Dixit |
| 4. Member- Secretary | Shalini Prasad |

The Commission was informed about the status of action taken on previous decisions of the Commission, as follows:

Launching the web site of the Commission: NIKCI had been given the contents of the proposed web site, but the progress was slow. Meanwhile, material had been sent to Ms Prabha, who had volunteered to design the web page. NIC would be launching the site once it is ready.

Consultation on legal framework for children below 6: The agenda and list of invitees is ready. We are waiting for a date from the MOS to finalise the programme. It was agreed that incase we do not get a date from the MOS this week, we will go ahead with the programme.

Programme for the 20th of November, that is International Child Rights day. The programme has been finalized (annexure I) and is annexed below.

Chairperson informed that she has completed the chapter on child labour for the 11th Plan for the Planning Commission.

It was agreed that we should form a committee for drafting training material on child rights for various groups like administrators, police, teachers, students etc.

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The Commission was informed that letters have been written by member (DD), for ascertaining the names and addresses of JJ homes and CWC members. Member has also commenced discussions with States on the issue of Juvenile Justice.

Commission was informed that the advertisement for studies and reports to be commissioned on selected areas have been sent to DAVP.

The draft procedure for issuing of guidelines by NCPCR (annexure II) was approved

The system and format for tour reports (annexure III) was approved.

The system for empanelment and appointment of experts/ consultants (annexure IV) was approved.

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(Annexure I)

PROGRAMME FOR 20TH NOVEMBER, 2007

11:00- 12:00- Inaugural session

TIME	EVENT
11:00-11:05	Lighting of the lamp
11:05-11:15	Introduction and welcome by Chairperson
11:15-11:30	Speech by Prime Minister
11:30-11:40	Speech by Sonia Gandhi
11:40-11:50	Speech by Minister, MHRD
11:50-12:00	Vote of thanks by MOS (i/c) MWCD

12:00-12:30- Tea

12:30- 2:00- Session 1

Children's rights (0-6 years) with special reference on:

- Disabilities
- Health & Nutrition
- Food
- Pre- school

2:00-3:00- Lunch

3:00-4:30- Session II

Children's rights (6-18 years) with special reference on:

- Education
- Health & Nutrition
- Food
- Labour
- Child marriage

4:30-5:30- Closing and press conference

Government of India
National Commission for Protection of Child Rights

Subject: Procedure for Issuing of guidelines by the NCPCR

In pursuance of the mandate of the Commission, members, officers and experts are required to look at a variety of issues relating to child rights in the country.

Both in pursuance of specific inquiries and as suo- moto issues, various issues of importance need to be taken up. To ensure that, the views of the commission members, and experts, where required, are taken into consideration, it is important that all such matters where guidelines are to be issued, should be placed before the Commission for consideration.

The final guidelines should be issued after a combined serial number is assigned to the guidelines and they are authenticated by the Member Secretary.

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(Annexure III)

Government of India

National Commission for Protection of Child Rights

Subject: System for tour reports

In pursuance of the mandate of the Commission, members, officers and experts are required to undertake tours to various parts of the country and to other countries, both as part of inquiry teams and for inspection, meetings etc.

Tour programme of members shall be approved by the Chairperson, and tour programme of all officers shall be approved by the Member- Secretary in advance.

It is important to ensure that the meetings and findings during the tour are taken to their logical conclusion and that all members are also informed about them.

Tour notes for tours undertaken may kindly be sent to the Chairperson for placing before the Commission.

The following format is suggested for the reports. In case of an inquiry committee, the report of the committee would be deemed to be the tour report.

Tour Note	
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS	
Name of traveler:	Dates of tour
Purpose of tour:	

Brief summary of programme:
Brief summary of discussions/ observations:
Key personnel met:
Follow up action required:
Note to be forwarded to:
Signature

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(Annexure IV)

Terms of Reference for Engagement of Experts/ Consultants

Introduction

The National Commission for Protection of Child Rights was set up under The Commissions for Protection of Child Rights Act, 2005 (4 of 2006) to ensure better protection of the rights of the child through the monitoring of constitutional and legal rights of children, review of safeguards, review of existing laws, looking into violations of the constitutional and legal rights of children, and monitoring programmes relating to the survival, welfare and development of children.

2. One of the core mandates of the Commission is to inquire into the complaints of violations of child rights. The Commission is also required to take suo moto cognizance of serious cases of violation of child rights. The Commission is also expected to review the implementation of the existing laws, policies and programmes relating to children both at national and state level and to suggest appropriate measures to the Govt.

3. However, it may not be possible to manage the task assigned to the Commission with the help of the limited number of officers and staff sanctioned to the Commission. Moreover, sometimes the very complex nature of complaints may require some specific expertise to handle. But such expertise may not be always available in-house.

4. In view of the above, provision has been made by the Govt. of India under the National Commission for Protection of Child Rights Rules, 2006 for engaging consultants for expeditious and efficient disposal of some of the tasks of the Commission. However, it has been insisted under these rules that the Commission may devise a transparent process for the empanelment of consultants. Hence, there is need for a set of guidelines to be laid down for the engagement of consultants/ experts. Accordingly, the details of such guidelines are mentioned below :

a) Title : "The Guidelines for Engagement of Experts/ Consultants"

b) Objective : The overall objective of the identification is to augment the capacity of the Commission to deal with the issues of violation of child rights promptly, and to analyse the issues relating to implementation of laws, policies and programmes for children.

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l) Tasks: The experts/ consultants may be asked to undertake one or more of the following tasks:

- Investigation of complaints/ violations of child rights,
- Evaluations, analysis and field studies of programmes/ policies
- Documentation
- Research/ Special Studies on specific aspects of Child Rights
- Preparation of Child Rights Literacy Materials

d) The scope of work: The work may include the following :

- To travel to the state, district and sites specified
- Interaction with stakeholders and the Project authorities at State/ district/ block/ community level, if required.
- Collection of all the information during visit
- Debriefing to the Commission on return from the State visit
- Preparation of reports after visits.
- Documentation, research and preparation of resource material on specified issues

e) Panel: A panel of experts may be maintained at national/state level from the following categories:

- Senior administrative officers (retired) who have relevant experience in sectors related to child rights like nutrition, health, education, crime etc. and atleast 8 years experience in monitoring of programmes.
- Senior police officers (retired) who have relevant experience in sectors related to child rights etc. and atleast 8 years experience in investigations.
- Persons from civil society who atleast 8 years of relevant experience in issues relating to child rights at the field or policy level.
- Persons/ organisations who have atleast 8 years of relevant experience in research and documentation of social sector laws, policies and programmes

For the purpose of monitoring, evaluations, documentation and research the experts will follow set formats and checklists developed at the National level, when specified.

In case of an emergent need, with approval of the Chairperson, persons other than on the panel can be engaged for a period not exceeding one month, based on their experience and qualifications.

f) Logistics, Out-of-pocket expenses and Professional Fees:

For experts:

The experts may be co-opted as part of the expert groups/ committees or as part of an inquiry team of the Commission. The work of the experts is voluntary in nature and no regular payment would be made to them. The local experts would be paid local conveyance as per existing rules and honorarium of Rs 500/ 1000 for half day/ full day and incidentals, such as photocopy, typing expenditure, stationery etc. incurred towards preparation of the Report. Experts while on field visit from his/ her place of residence to the site or to the Commission headquarter would be reimbursed air fare/ AC-II fair be train or AC taxi fare.

For consultants:

The fees for consultants would be determined in accordance with existing orders of Government for engagement of consultants.

The expert/ consultant would be required to maintain confidentiality of the assigned work and communicate their views/ reports etc. to the Commission and not to any other authority including media. They will not take hospitality from any source that may run contrary to the mandate of the Commission and/or the objective of their assignment.

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ACTION TAKEN REPORT ON THE MEETING OF THE COMMISSION DATED 11th of
JULY 2007.

The Commission decided on the actions that needed to be taken on the representations of Ms Sheela Barse on the functioning of the JJ Act in Pune:

1. Letter was sent for meeting with the Chief Justice.
2. Members (DD & SB) visited the States with respect of JJ. Tour reports are awaited.
3. Questionnaire was prepared for visit to the States by Member-Secretary, which is placed below.

VISITS TO JJ HOMES:

Information to be collected:

A. Information regarding pending cases:

NAME OF CHILD	AGE OF CHILD (LESS THAN 10; 10-12; 12-14; 14-16; 16-18)	PERIOD OF PENDENCY OF CASE (FROM DATE OF REGISTRATION)					
		LESS THAN 6 MONTHS	6 MONTHS- 1 YEAR	1 YEAR- 2 YEARS	2-3 YEARS	3-5 YEARS	MORE THAN 5 YEARS

The above to be disaggregated by the type of conflict (murder, theft.....):
Should be done as per the NCRB Classification

Infrastructure available for disposal of cases (Judges assigned, children's courts etc.)

Where does the hearing take place

How often does the hearing take place

B. General Information:

- 1 Name of JJ Home
- 2 Facilities in the Home
 - Number of Rooms
 - Number of bathrooms
 - Facilities (beds, tables, clothes, books)
 - Quality of building
 - Quality of food
 - Facilities for co-curricular activities
 - Facilities for schooling
 - Facilities for vocational training

- 3. Staff sanctioned and in position
- 4. Number of children in the Home

NUMBER OF CHILDREN	DURATION OF STAY (CURRENT STAY)			
	LESS THAN 1 YEAR	1-2 YEARS	2-3 YEARS	MORE THAN 3 YEARS*

* PLEASE INCLUDE NAMES OF CHILDREN RESIDING IN THE HOME FOR MORE THAN 3 YEARS, WITH REASONS

5. Age wise classification of children

AGE OF CHILD	NUMBER OF CHILDREN
LESS THAN 10	
10-12	
12-14	
14-16	
16-18	
TOTAL	

- 6. Are there any arrangements for segregating children by age and sex?
- 7. Arrangements for home visits & visit by parents
- 8. Constitution of advisory committee
- 9. Procedure for medical check up & incase of illnesses