



## National Commission for Protection of Child Rights (NCPCR)

### Minutes of the Brain-storming Workshop for strengthening of SCPCRs held on 27<sup>th</sup> April, 2019 in the Conference Room of NCPCR, New Delhi

1. As a follow-up of the Workshop held with the SCPCRs on 2<sup>nd</sup> December, 2018, a Brain-storming Workshop was convened in NCPCR on 27<sup>th</sup> April, 2019 in collaboration with UNICEF to strengthen the functioning of SCPCRs and at the instance of Hon'ble Justice Madan B. Lokur, Judge (Retired.), Supreme Court of India. The list of participants is annexed.

2. **Ms. Geeta Narayan, Member Secretary, NCPCR**, expressed her gratitude to Hon'ble Justice Madan B. Lokur, for his initiative in holding the workshop. She welcomed the dignitaries, former and present Chairpersons / Members of SCPCRs, representatives of LBSNAA, UNICEF, Pravah and others. She informed that a report along with table of recommendations of the workshop held on 2<sup>nd</sup> December, 2018, has been shared with all the dignitaries in their folders who were present in the workshop. She further mentioned that NCPCR's publications have been displayed in the Conference Room for information of the participants.

3. **Justice Madan B Lokur** conveyed his thanks to all the dignitaries for participating in the workshop. He expressed that one of the major issues was implementation of the laws and this can be done either with the directions of Hon'ble Supreme Court of India or Juvenile Justice Committees in all the High Courts. He invited a reference to the workshop held in the month of December, 2018 with all the SCPCRs and stated that though a lot of issues were raised by the SCPCRs but they could not express their views fully due to time constraints. He also stated that many of the activities are not being carried out by the SCPCRs which should have been done by them and that one of the main objectives of the workshop is to strengthen the SCPCRs constituted under the law.

3.1 He further stated that one of the solutions that was discussed with UNICEF and LBSNAA for strengthening of SCPCRs, was that 5 Regional Consultations could be held with the SCPCRs where presentations can be made by the State Commissions on challenges and possible solutions. Through dialogue, communication and sharing of views, possible solutions can emerge from these consultations. He also stated that all the stakeholders in the area of child rights are required to work together.

3.2 He urged that all the State Commissions should prepare their Annual Report as is required under the CPCR Act and update it on their websites.

4. **Ms. Aashtha Saxena Khatwani, Joint Secretary, MWCD** expressed her gratitude to Justice Lokur, NCPCR and other dignitaries present in the workshop. She stated that after the workshop held with all the SCPCRs in the month of December, 2018, a National Conference was organised by MWCD in January, 2019 where all the SCPCRs along with State Governments were invited. She further stated that MWCD has sent letters to all the States highlighting the issues raised by the SCPCRs in the workshop held on 2<sup>nd</sup> December, 2018, and the same are being shared with NCPCR. She further informed that a letter has also been sent by MWCD to the Secretary, MHRD for timely release of funds to the SCPCRs for monitoring the Right to Education Act, 2009 and a copy of the same has been shared with NCPCR.

4.1 She suggested that situational analysis of the child rights & child protection issues on the ground can be done by the SCPCRs and accordingly they can make their annual plans. A report on monitoring of Juvenile Justice System in their respective states can be shared by SCPCRs with the State Government as well as the Ministry of Women and Child Development through NCPCR.

4.2 *She further suggested that NCPCR can hold a meeting with all the SCPCRs for Annual Plan discussion.* With regard to Regional Programmes, she stated that MWCD is planning to host 4-5 Regional Conferences in some States for 2 days where the State Departments will also be invited.

4.3 Lastly, she stated that MWCD had a discussion with Executive Director, LBSNAA-National Gender Centre, with regard to training of SCPCRs. MWCD is ready to support such training programmes. She further stated that MWCD has also written to National Police Academy and NALSA for conducting such trainings for SCPCRs.

5. **Ms. Aswathy Sivadas, Executive Director, LBSNAA- National Gender Centre** stated that National Gender Centre based at Lal Bhadur Shastri National Academy for Administration (LBSNAA) was established in early 90s for mainstreaming gender and child rights in public policies.

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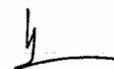
5.1 She also shared that Academy can contribute in advocacy as it is connected to the civil servants across the country and officers from different services as well. She further added that after a discussion meeting held with Justice Lokur and MWCD, LBSNAA can contribute to provide training to SCPCRs as it has a mandate in training and capacity building. These trainings can be hosted by LBSNAA as the campus has good infrastructure for training and capacity building.

- 5.2 She proposed three verticals of the training and capacity building of SCPCRs-
- i. Domain Expertise partners;
  - ii. Advocacy vertical- enabling them to analyse data and priorities each state can have; and
  - iii. Functional skills – leveraging position to form alliances - Skills for collaborative leadership.

6. **Shri Priyank Kanoongo, Chairperson, NCPCR**, expressed his gratitude to Justice Madan B. Lokur for understanding the issues and concerns of SCPCRs and taking initiative in providing the solutions under his guidance. He informed that on receipt of a letter from MWCD, MHRD has sought copies of notifications of the constitution of SCPCRs from NCPCR and the same have been provided. He also stated that State specific problems of all the SCPCRs including the monitoring of implementation of RTE Act, have been listed after the workshop held on 2<sup>nd</sup> December, 2018, and the same can be discussed and addressed in PAB meetings.

6.1 He further stated that there is need to develop knowledge of Child Rights Acts for effective functioning of State Commissions. Therefore, this issue can be taken up by LBSNAA by organising refresher courses for State Government officials in key positions.

6.2 Another issue raised by the Chairperson was that recommendations should be made to the State Governments for providing assistance in Legal drafting to the Commissions for implementation of Child Rights Acts under section 13(1)(d,e,&j) and Section 14 of the CPC Act, 2005. He requested Justice Lokur to take up the issue of providing two legal experts to each SCPCR for assisting in legal drafting, with NALSA, as was discussed in the workshop held on 2<sup>nd</sup> December, 2018.



6.3 An important issue in strengthening the functioning of SCPCRs is to establish convergence and build rapport between the State Commissions and State Child Protection Societies (SCPSs). He requested UNICEF that in the 17 States where UNICEF has its consultants in SCPS, they can play an important role in establishing convergence between SCPCRs and SCPSs.

6.4 He further highlighted that one other major issue being faced by the Commissions is that after rescue of children in distress, there is problem in housing them due to shortage of children homes. For strengthening of Juvenile Justice System, joint collaboration of SCPCRs and SCPSs is very important.

6.5 He also shared that as decided in the workshop held on 2<sup>nd</sup> December, 2018, NCPCR has developed Monitoring of National Information Portal for effective monitoring of the implementation of Acts relating to Child Rights viz; RTE, POCSO, Juvenile Justice, PCPNDT, Child Labour, Child Marriage etc. Data pertaining to 1<sup>st</sup> April, 2019, onwards will be filled (monthly and quarterly) in this MIS Portal and reports will be generated after it is launched. Access to this Portal will also be given to the SCPCRs and concerned Ministries viz; MWCD, MHRD, Ministry of Health, Ministry of Labour etc.

6.6 CP, NCPCR also shared that for continuous monitoring of CCIs, a proposal has been sent by the Commission to MWCD. This monitoring will be done through digital tablets.

7. ***Ms. Nina Nayak, Former Chairperson, Karnataka SCPCR*** - While sharing her experience as Chairperson, KSCPCR, she mentioned that the Commission has humongous role and responsibilities including complaint management and inquiries into violation and deprivation of child rights. The Members of SCPCRs come from different backgrounds and sometimes they don't have the knowledge of systematic legal framework on child rights issues and their jurisdictions. Therefore, she suggested that an Induction Manual should be developed for their ready reference. She also mentioned that even the bureaucrats of different departments are not aware about the National / State Commissions and their powers. She expressed the need to sensitize the Government officials. She mentioned that financial support, cooperation and coordination among different Departments / Commissions and case studies are required for smooth functioning of the SCPCRs.



7.1 She further stated that meetings on regular intervals at national level need to be organized for proper sharing of information, challenges, good practices, etc. She emphasized that SCPCR's job is to ensure that the issues will be taken up by the concerned authorities. SCPCRs should seek interventions from officers at Taluk / District level.

8. **Ms. Shatabdi Pandey, Former, Chairperson, Chhattisgarh SCPCR** - gave a Power Point presentation based on her experiences. She stated that training and capacity building of Commissions is a policy matter which needs to be taken up by the concerned Department / Ministry. She further stated that SCPCRs should first sensitize District Collectors / Magistrates, as they are the key persons in redressing grievances of violations of child rights in the Districts. She also added that there is need to develop procedure on selection of Members of the Commissions. More budgetary allocations should be provided for smooth functioning of SCPCRs as well as to increase the funds for Child budgeting at National level in the line of Gender budgeting. All Schemes/Programmes/Guidelines/Documents related to child rights issues should be developed and provided to the Commissions bilingually for their better understanding and use. The Commissions should work in a participatory mode with different stakeholders and community in order to reach to the last mile. She further stated that special monitoring in tribal belts can reduce trafficking.

8.1 She shared the following good practices carried out by the Chhattisgarh SCPCR during her tenure:

- i) Social monitoring: sensitization of community people on the rights of children and motivate them to report the cases of violation being observed by them;
- ii) Formation of *Baal Mitra Dal* with the support of police personnel and SJPU;
- iii) Celebration of Child Rights week in all Police stations of the State.

8.2 She suggested that an online App like *Masoom* App developed by Gujarat SCPCR can be adopted by other SCPCRs for reporting of cases of violation of child rights.

9 **Ms. Runumi Gogoi, Former Chairperson, Assam SCPCR** - presented a note related to structure of the SCPCR; capacity building of the Members; planning and functioning of the Commission; and visibility and development of knowledge material etc. She stated that the budget allocated to the State Commission is very low. She suggested that the Union Government may allocate adequate budget to NCPCR, which may further release to SCPCRs. The sanctioned budget should be released timely for smooth functioning of the State Commissions. This will enhance the functioning of SCPCRs.

9.1 She further stated that the Members of SCPCRs should be appointed from different ethnical groups / regions.

10 **Mr. Ramesh Negi, Chairperson, Delhi CPCR** - brought into notice the issues like lack of manpower, situation of Children Homes, functioning of CWCs, dedicated grant for child for child rights issues; research studies; and coordination with district level officers. **He suggested that the staffing of SCPCRs should be based on the need of the State / UT and NCPCR may like to assess the same by taking up national level study.** He also suggested taking up the services of interns in day to day functioning of SCPCRs or for the analysis work. He suggested that to achieve its mandate under J.J. Act, 2015, the SCPCRs should work on resolving the issues of CCIs and CWCs such as lack of infrastructure, lack of staff etc. through regular monitoring. A study on functioning aspects of CCIs may be conducted. He further suggested that CWCs should be strengthened.

10.1 He also suggested that the 15<sup>th</sup> Finance Commission should provision for dedicated funding for Child Rights issues as this was done away with in the 14<sup>th</sup> Finance Commission. He shared that during implementation of SOP on street situation, they sought support from District Collectors / Magistrates after organizing a one week training. Other Commissions may also hold coordination meetings with District Collectors / District Magistrates for their support in the better functioning of SCPCRs.

10.2 He shared the success story of *Baal Suraksha Mitra*, whereby different stakeholders like NGOs, law students, interns worked on POCSO cases and missing children cases. The States / UTs may also seek the support of different stakeholders for their functioning.

11. **Dr. Sunita Changkakati, Chairperson, Assam SCPCR** - explained that the task of the Commission is vast and multi dimensional which is difficult to achieve with limited staff and resources. She shared that the Assam SCPCR has conducted various activities in collaboration with different departments. Assam SCPCR has also conducted many studies such as implementation of RTE Act, 2009, POCSO cases, and other child rights issues. She shared that Assam Police is supportive and sympathetic towards children.



11.1 She suggested that in order to monitor proper implementation of JJ Act, 2015, a study on 'after care of children' and their rehabilitation should be conducted. She also suggested that SCPCRs should conduct study on State specific important issues of child rights to know the ground realities. Outcome of these studies will be beneficial for taking policy level decisions. She further added that smooth coordination between State Child Protection Society (SCPS) and SCPCR should be established for the betterment of children. Media persons should also be involved in the functioning of SCPCRs. Further, she shared that at present there is no financial constraint in the Assam SCPCR.

12. *Ms. Shuchita Chaturvedi, Member Uttar Pradesh, SCPCR* - shared that the composition of the Commissions mentioned in CPC Act, 2005, is not suitable for the State of Uttar Pradesh as it has 75 districts and only 6 Members can not cover all the districts of the State and issues of all the children of the State. She added that while conducting visits to Child Care Institutions, issues like abuse, mental harassment, lack of amenities, overcrowding, lack of staff, imposition of other religious practices were observed. These Child Care Institutions were found worst than jails. CWCs, JJBs, DCPUs, etc. have vacant positions resulting into poor implementation of the JJ Act, 2015.

12.1 She further stated that due to low staff strength, the Commission is facing difficulty in monitoring the Child Rights Acts properly and this is also affecting the monitoring of implementation of RTE Act. She suggested that the composition of the Commission should be based on the geographical structure and need of the particular State.

12.2 She also mentioned that SCPCR is not getting full support from the State Government. She raised the issue of financial crunches for smooth functioning of SCPCR. She shared that as reported by UNICEF, they spent a handsome amount for training and capacity building programs for stakeholders in the State but SCPCR is not aware of any such program. At last, she requested UNICEF to keep SCPCR informed about the activities conducted by them in the State.

12.3 She shared that admissions under section 12(1)(c) of the RTE Act, 2009, in urban areas are being implemented properly through online mode while in rural areas it needs to be strengthened as it is executed manually. She further shared that since 2017, the renewal of CCIs is not being done as per the Juvenile Justice Act, 2015.

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13. **Ms. Meenu Venkateshwaran, Director Pravah** – stated that she has working experience as Director of an NGO, named '**Pravah**', which was started 27 years ago for adolescents and young people for leadership building & social sensitization.

13.1 She shared her experience of working with adolescents. She highlighted the contribution of children who have been part of the society and emerged as leaders in addressing different child rights issues such as **Malala** for education of girls, **Payal** for preventing child trafficking and child marriage etc. She explained that usually children are supposed to play and study only. However, adolescents and children are found doing powerful work towards the society. She suggested that involving these young people and young minds in various activities of SCPCR, will strengthen their overall functioning. She also shared about the recent work experience in Greater Noida, where children of 7<sup>th</sup> and 8<sup>th</sup> standard participated in writing about their dreams regarding ideal school and community. In the same activity, they formed clubs and inspired the children for voluntary participation in resolving the issues like safety and security, health etc. They also formed **Baal Panchayat** and structured mechanism to resolve these issues.

13.2 She suggested that the participation of the children should be ensured in policy matters. Children should be given opportunities for building ownership and accountability. They should be trusted and their work/views should be recognized. SCPCRs may also create these kinds of children groups, sensitize them and take their support in various activities of the Commission.

14. **Ms. Karuna Bishnoi- Former UNICEF staff** - informed that she is engaged with the National / State Commissions since the drafting of CPCR Act. Based on her experience, she stated that the Commission is a statutory body and its independence and accountability should be maintained. There is a need to establish bench-marks for the Commissions such as minimum needs of the Commission, complaint management, etc.. Strengthening and capacity building of bureaucrats should also be carried out for better coordination. Partnerships should be built between SCPCRs, stakeholders, bureaucrats and civil societies. Awareness among community should be generated for their pro-active response.

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14.1 She further suggested that in order to measure progress of the Commission, certain indicators should be set-up. Research studies to identify the need and trends should be conducted. *She suggested that a committee under the leadership of NCPCR including concerned experts should be formed to identify the gaps, challenges, good practices and setting up of benchmarks etc.*

14.2 She also mentioned that instead of creating a new manual or document, an amendment of Resource Book developed by NCPCR for the use of Members of the State Commissions as ready reference should be carried out. She emphasized that the safeguarding of child rights is not only the job of MWCD or the Commission, it should be taken up collectively with the involvement of community.

15. **Mr. Javier Aguilar, Chief of Child Protection, UNICEF India** – expressed that knowledge does not always lead to action. From his past work experience, he stated that training always does not bring results on ground. He emphasised that we must move from traditional methods on working towards new learning each day. Along with it, ignoring the institutional environment and relying on single institution is not an ideal situation unless there is a broader pool of experts. Hence, capacity building with wider network is required.

15.1 He further mentioned that based on his global experience, focus was required around four major points-

- i) Independence of Commissions for appointment of staff and finance etc.;
- ii) Accountability of Commissions for reporting, measuring of performance, public engagement etc.;
- iii) Effective complaints management system and investigation;
- iv) Access to children, engagement and participation.

15.2 He proposed for action for change with sustained and systematic programme addressing, enabling environment and institutional capacity building. He emphasized that there is a need to invest on practical skills through networking and advocacy. Induction, mentoring and independent reviews through Regional/State Conferences should be carried out. There is a need to review the linkage between JJ Committee of Supreme Court and the working of NCPCR/SCPCRs towards monitoring the implementation of JJ Act, 2015.



16. **Concluding and summing up of the Workshop by Hon'ble Justice Madan, B. Lokur:** Justice Madan B. Lokur concluded the session by summing up the main recommendations that emerged during the workshop. He recognized the efforts of MWCD of involving SCPCRs in their National level programmes and mentioned that State WCD is also an important stakeholder and should be kept in loop for smooth functioning of SCPCRs. Police should be involved in the activities of the Commission. Services of LBSNAA should be utilized in providing induction training to Members of SCPCRs and duty bearers. Collective efforts and child participation should be promoted. NGOs should be involved in providing support in regular activities of the Commission. Interns, freelancers, experts, etc. should be involved for legal drafting. Studies on required staff structure; management of CCIs; implementation of JJ Act; etc. should be carried out. Help of interns should be taken in the data collection and for analysis trends.

16.1 He also mentioned that in order to make a difference, we should start working on these suggestions from now onwards instead of waiting for any order. At the end, Justice Lokur said that date for training of SCPCRs in LBSNAA needs to be decided *and for Regional Conferences, a concept note to be prepared by NCPCR in collaboration with UNICEF.*

16.2 **Ms. Nina Nayak, former Chairperson, Karnataka CPCR** - added that the Regional Consultations with State level Government officials should be carried out for getting their views, ideas and assistance in smooth functioning of National / State Commissions.

16.3 Ms. Satabdi Pandey suggested that a refresher course on child rights should be added in curriculum of Administrative Staff Training.

16.4 Representative from LBSNAA asked for a copy of the Resource Book for their perusal. The Commission informed that hard copy of the Resource Book is not available and they can access it from NCPCR's website. The Commission requested LBSNAA to share their Manual on Child Rights with it.

16.5 The Chairperson, NCPCR, informed that with the objective to promote child rights across the country, NCPCR is in the process of designing a module for certificate course on Child Rights involving experts from NCERT, IGNOU and other institutions. NIOS has

agreed to adopt the certificate course after due procedure at their end. *The draft framework of the said module is about to finalize which will be shared with LBSNAA for their use.* He requested LBSNAA to share its training modules with NCPCR.

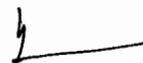
16.6 He further stated that NCPCR has developed MONITOR portal for the online monitoring of all child related Acts. In this regard, letters have been issued to all the State / UT Governments for providing data.

16.7 In response to the suggestion given by Ms. Karuna Bishnoi, regarding updation of Resource Book, Chairperson, NCPCR, informed that few information regarding functioning of NCPCR / SCPCRs in the said book is technically not correct. Also, the information in regard to certain Acts, is obsolete. Therefore, a joint meeting for further updation of the Resource Book may take place.

16.8 He also added that UNICEF and civil societies can help the Commissions in redressing the grievances of violation of child rights across the country. *He suggested that to have a common grievance system, there is need to develop a model Grievance Redressal Mechanism (GRM). A meeting should be conducted for discussion and development of the GRM system where SCPCRs can share their views and suggestions as per the requirements of their States.*

17. **Ms. Rosy Taba, Member (Child Labour), NCPCR** - suggested that help of NALSA/SALSA should be taken for legal support and drafting of documents in the Commissions.

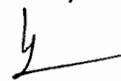
18. **Shri Yashwant Jain, Member (Laws relating to children) NCPCR** – suggested that we should also re-think on setting-up of infrastructure and composition of the Commissions according to their geographical and demographical needs. He also suggested that the tenure of a Member should be at least for four years instead of three. Social aspects should also be taken care of while providing trainings to the staff. Full time Member Secretary / Secretary for SCPCRs should be appointed for smooth functioning of the Commission. SCPCRs should focus on registration of all CCIs under the JJ Act, 2015. Verification of NGOs working for child rights should be carried out and identification of theme based NGOs should be done for future collaboration and support.



19. At the end of the Workshop, Justice Lokur said that he has noted a set of recommendations to be followed and the same will be sent to NCPCR soon for further course of action.

20. *The meeting ended with a vote of thanks by the Member Secretary, NCPCR.*

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**LIST OF PARTICIPANTS**

Sr. No	Name	Designation
1.	<b>Justice Madan B. Lokur</b>	Former Judge Supreme Court of India
2.	<b>Ms. Aastha Saxena Khatwani</b>	Joint Secretary, MWCD
3.	<b>Ms. Aswathy Sivadas</b>	Executive Director, LBSNAA
4.	<b>Ms. Anjali Chauhan</b>	Associate Professor, LBSNAA
5.	<b>Mr. Javier Aguilar</b>	Chief, Child Protection, UNICEF
6.	<b>Ms. Nirmala Pandey</b>	CP Specialist, UNICEF
7.	<b>Ms. Pavithra Rangan</b>	Comms. Specialist, UNICEF
8.	<b>Mr. Aditya</b>	Consultant, UNICEF
9.	<b>Ms. Karuna Bishnoi</b>	Former UNICEF Staff
10.	<b>Ms. Nina P Nayak</b>	Ex-Chairperson, Karnataka CPR
11.	<b>Ms. Shatabdi Pande</b>	Ex-Chairperson, Chhattisgarh CPR
12.	<b>Ms. Runumi Gogoi</b>	Ex-Chairperson, Assam CPR
13.	<b>Dr. Sunita Changkakati</b>	Chairperson, Assam CPR
14.	<b>Mr. Ramesh Negi</b>	Chairperson, Delhi CPR
15.	<b>Ms. Rita Singh</b>	Member, Delhi CPR
16.	<b>Dr. Shuchita Chaturvedi</b>	Member, UP CPR
17.	<b>Ms. Meenu Venkateswaran</b>	Director, PRAVAH
<b>NCPCR</b>		
18.	<b>Mr. Priyank Kanoongo</b>	Chairperson
19.	<b>Mr. Yashwant Jain</b>	Member
20.	<b>Ms. Rosy Taba</b>	Member
21.	<b>Ms. Geeta Narayan</b>	Member Secretary
22.	<b>Mr. Raman Kumar Gaur</b>	Senior Consultant
23.	<b>Mr. Baldev Raj Kukreja</b>	Senior Consultant
24.	<b>Ms. Shaista Khan</b>	Senior Technical Expert
25.	<b>Ms. Shweta Sehgal</b>	Junior Technical Expert
26.	<b>Ms. Mahima Lal</b>	Consultant

23/5/2019  
(BALDEV RAJ)  
Sr. CL (Coord.)