



**NATIONAL COMMISSION
FOR
PROTECTION OF CHILD RIGHTS**



Annual Report 2008-2009

“If we are to teach real peace in this world, and if we are to carry on a real war against war, we shall have to begin with the children.”

Mahatma Gandhi

Young India:
Nov. 19, 1931

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1. INTRODUCTION

- 1.1 A rights based perspective means adhering to the principles of universality and equity which is now a State obligation. This obligation entails that State must ensure a life with dignity and freedom to every child. It is heartening to note that in some of the interventions of the State, there is a shift from a welfare and charity approach in addressing the entitlements of our children to a rights-based approach. It is appropriate therefore to start the report for the year 2008-09 with some of the significant interventions of the Government to protect children's rights.
- 1.2 India's signing of the UN Convention on Rights of Persons with Disabilities (UNCPRD) in 2007 has for the first time acknowledged that persons with disabilities include children as individuals in their own right who, like us, must have equal legal entitlements. Significantly, it sets up a universal model of legal capacity whereby all persons with disability are recognized to possess legal capacity; and that, they are no different from each one of us. This has far reaching implications for a policy framework for children with disabilities and more so, for refinement in the human rights discourse that should lift society to enjoy humanity, culture and diversity as it should.
- 1.3 The expansion of anganwadi centres during the year 2008-09 from 8,44,743 to 10,13,337 and of supplementary nutrition beneficiaries from 705.43 lakh to 843.26 lakh consequent to the Hon'ble Supreme Court's judgment is also in the framework of rights. Indeed the challenging task of wiping out malnutrition among 46% of our country's children can be further enhanced with a legislation based on judicial order and directives.
- 1.4 The passage of the Bill on Right to Free and Compulsory Education in the Rajya Sabha in February 2009 is yet another significant step towards extricating millions of children from captivity and exploitation. This too should enhance the texture of India's democracy towards equity and social justice.
- 1.5 The launch of Integrated Child Protection Scheme ('ICPS') in June, 2009 enables concretization of all the principles as embedded in the Juvenile Justice Act. It provides a systemic framework, defining the responsibility towards children at all levels-village, block, district and State- that allows for a coverage of all children under a protection net.
- 1.6 There has undoubtedly been a greater visibility of children in the media and in public discourse, yet a lot more needs to be done.
- 1.7 As a follow up of the recommendations of the Sachar Committee report on Social, Economic and Educational Status of the Muslim Community of India , November 2006, which emphasized school education especially for girls in the minority communities, a pre-matric scholarship was introduced for students from class I to X studying in Government/ recognised private schools/ institutes in India by the Ministry of Minority Affairs in 2008-09.
- 1.8 Although a small beginning, State Governments/ UTs, such as Delhi, Goa, Karnataka, Maharashtra and Sikkim have set up State Commissions for Protection of Child Rights.

- 1.9 During the year 2008-09, the Commission followed up on all the issues taken up in the previous year viz: child labour and education, juvenile justice, corporal punishment, malnutrition, children in areas of civil unrest and panchayats for child rights. It reached out to some of the remotest districts in those States that were not covered in the previous year as in the case of Assam, Tripura, and Manipur.
- 1.10 On the issue of child labour, the Commission listened to innumerable stories and aspirations of erstwhile child labourers, NGOs and officials in the country. It culminated in a National Conference on 'Children's Right to Education and Abolition of Child Labour' in December, 2008, that lent its voice in favour of children's rights and took a categorical position that all forms of child labour are to be abolished and children up to 18 years of age must enjoy their right to education through full time formal schools to secure freedom for these children and their families and to promote greater democracy. This was reflected in the recommendations of NCPCR for amendment to the Child Labour (Prohibition and Regulation) Act, 1986.
- 1.11 The Commission also enquired into the status of children of displaced families living in relief camps, consequent to civil unrest. It highlighted the State's obligation to address the deteriorating health, water and sanitation situation, lack of access to education and nutrition and all other entitlements as citizens in the relief camps. The Commission recognized a crying need for support structures to restore their childhood and charter a path for bringing harmony and stability in the lives of the displaced children and their families.
- 1.12 Because of the need to have universal coverage of children, both in need of care and protection and those in conflict with law and to ensure that they are given all the support to restore their childhood and prepare them for adulthood, the Commission enquired into the functioning of the Juvenile Justice system.
- 1.13 Simultaneously, the Commission took action on reports on corporal punishment in schools and all other institutions that are meant to protect children and their rights. It held public hearings, took suo motu cognizance of newspaper reports of violence on children, responded to complaints and held consultations with media and experts. Considering the procedural impediments to reach justice to children, there is a need to review the Indian Penal Code and Criminal Procedure Code to make them appropriate to the specificity of the child and even explore the possibility of a law banning corporal punishment.
- 1.14 The Commission would like to place on record its appreciation of the hundreds and thousands of child defenders in the country, both in the government and civil society, who are working relentlessly and with passion on children and their rights. They are the islands of hope standing by children and working against all odds.

2. NCPDR's Interventions

2.1. Child Labour and Right to Education

2.1.1. Visit to States

Bihar

The Commission visited the State of Bihar on April 2nd and 3rd 2009, to examine the initiatives taken by the Bihar Government for enrollment of children into schools, especially older children, children belonging to the most deprived sections of the population such as tribal communities, Scheduled Castes, minorities and girl children. (See *Annexure 1- Summary of Report on Jamui District-Jhajha Block*). The team from NCPDR visited the residential bridge course (RBC) set up by the Sarva Shiksha Abhiyan (SSA) in a remote tribal pocket at Jhajha, Jamui district of Bihar. At a Public Hearing, the Commission was apprised about an intense program of social mobilization with the active participation of the local youth and the gram panchayat members, which has motivated over 400 tribal girls, who had never been to schools, to join the RBC. However, the State Government has place only for 50. It was decided by the community that all the 14-year old girls would go for this bridge course first, as once they turned 15 they would lose their educational opportunity. One major observation of the visit is that there is an explosive demand among the poor for education throughout the country. For them, education is an important tool to break the cycle of poverty and marginalization. They see education as the means for bringing about equity and justice. They are willing to make enormous sacrifices to get their children educated. This defied the conventional wisdom and notion that tribal parents are not interested in getting their children educated, and that they don't want their girls particularly to go to school.

NCPDR Recommendations

The NCPDR recommended that the capacities of RBCs be increased to accommodate the demand for education;

The quality of social welfare hostels and residential ashram schools should be improved; and: It emphasized the need to strengthen the panchayats to monitor children's rights.

Action Taken

- a) It is reported that about 1200 children were prevented from migrating out of the State of Bihar in search of work this year, because they were enrolled in RBCs and schools. Such efforts are playing a pioneering role in safeguarding children's rights, not just with regard to education but also saving them from exploitative living conditions.
- b) The RBC camps are spinning a net of hope and confidence in the far-flung districts of Bihar. It is reported that education has reached the doorstep of some of the most backward communities.
- c) The local education department officials have been involved in mobilizing parental and community support, drawing support from other departments and liaising with local NGOs, with the assistance of a community education volunteer appointed under Bihar SSA.

Gujarat

In January, 2009, the Commission during its visit to Gujarat, noticed that over 16,000 families from Maharashtra migrate to Bardoli and 12000 to Madhi, District Surat, in order to work for sugarcane cutting, loading and transportation. It was found that children of migrant workers in the premises of sugar factories had no access to education, health, nutrition, sanitation or clean water and were living in conditions of gross violation of human rights. It seems that there is a regular pattern of such migration every year. The SSA in these districts has started seasonal hostels despite which the migration persists.

NCPDR Recommendations

- ❖ There should be an interstate coordination of SSA Maharashtra and SSA Gujarat to prepare an action plan to provide education to all such migrant children and to establish education centres in all these areas to accommodate all children; and:
- ❖ The State(s) Health Ministry to study the health conditions and develop a plan for health of all these children in collaboration with the Union Health Ministry.

Maharashtra

A team constituted by the Commission to follow up on malnourishment in the tribal areas of Melghat in Amaravati district of Maharashtra observed that the ashram shalas continue to run in rented houses, with inadequate infrastructure such as shortage of classrooms, boarding space, toilets, bathrooms and kitchen and also supplies such as clothes, stationery and health facilities in the vicinity. The quality of food was poor and there was no provision for snacks between lunch and dinner in spite of the code issued by the tribal department. The teachers too were insufficient, and even those who were present had no training through either refresher or other training courses.

NCPDR Recommendations

The team recommended the following:

- ❖ Shift children from the ashram shalas at Aadnathi in Chikkadhara and Khairi and Biroti in Dharni Block to the nearest *pucca* buildings of the government;
- ❖ Create infrastructural facilities for classrooms, toilets, storage, bathrooms, board, kitchen, school uniforms, soaps and other supplies, and undertake repairs of all other Ashram Shalas in the district;
- ❖ Appoint staff in every Ashram Shala against sanctioned posts;
- ❖ Arrange periodic health check-ups of all children and a visit by the nearest PHC doctor at least once every week;
- ❖ Monitoring and ensuring provisions for adequate food, vegetables, milk and eggs as part of the diet;

- ❖ Provide a female warden at Khairi Ashram School and a helper to assist young children in all ashram schools;
- ❖ The Gram Panchayats, Project Officer and the Tribal Development Department to monitor teacher regularity and conditions of the ashram shalas; and
- ❖ The need for a system of audit of children's well being in Ashram Shalas with a base line of health and nutritional status, and educational/scholastic level. The exercise is to be repeated every six months

Action Taken

The Ministry of Tribal Affairs, Govt. of India, reported that it has been implementing a scheme for the establishment of ashram schools in Tribal Sub-Plan areas under which only the cost of construction is borne by the Ministry. The Govt. of Maharashtra has been sanctioned Rs.300.80 lakh in 2007-08 and Rs.940.07 lakh in 2008-09 for the construction of 31 ashram schools creating 13139 seats in the State.

Chattisgarh

In response to a proposal from the Commission, the State Government and the district authorities in Dantewada supported a pilot program in collaboration with UNICEF and MV Foundation in Sukma block of Chhattisgarh which was the block worst affected by the violence. Under the pilot project, over two hundred teachers, headmasters, anganwadi officials and block and district level officers travelled to the MV Foundation headquarters in Hyderabad for extensive training in child rights in May 2008. The teams were taken to villages in north Andhra Pradesh affected by similar violence where the MV Foundation has worked on child rights in the past. The teams interacted with members of the gram panchayats, local officials, and members of Child Rights Protection Forums set up in villages for the protection of child rights.

NCPDR Recommendations

- ❖ Training of anganwadi workers and convergence between health and ICDS staff at all levels.
- ❖ State support to Panchayats to complete the construction of incomplete school buildings for children.
- ❖ The vacancies of sub-engineers and tehsildars also need to be addressed in connection with the above. The vacancies coupled with inaccessible terrain hamper their ability to effectively supervise the construction of these school buildings.
- ❖ Vacancies of teachers, supervisors and child development project officers to be filled effectively at the earliest.
- ❖ Impart training to all new recruits and Shiksha Karmis entering the education system. Undertake construction of 400 new Ashram Shalas covering 40,000 children to enable their access to formal education.

- ❖ Running RBCs for children within Ashram Shala premises in order to effectively monitor children's progress after mainstreaming.
- ❖ Rectify the delay in disbursement of funds to Ashram Shalas for their maintenance and upkeep.
- ❖ Withdrawal of CRPF personnel from the school premises.

Action Taken

The review of the initiative by the Commission revealed that over 400 members of the community that includes members of gram panchayats, local youth, women, school teachers, anganwadi workers and concerned local officials had an exposure visit and training in protection of child rights. The gram panchayats and women took active part in cleaning the school, ashram schools and anganwadi premises and sending children to schools. They persuaded many of the teachers to resume duty and assured them all safety.

2.1.2 Review of Laws and Policies

Recommendations to the Ministry on Child Labour Policy and Amendment to the Child Labour Prohibition and Regulation Act, 1986

The Commission submitted a policy document as well as its recommendations for amending the Child Labour (Prohibition and Regulation) Act, 1986, to the Ministry of Women and Child Development, Ministry of Labour, Ministry of Human Resource Development, Ministry of Social Justice and Ministry of Law.

NCPDR Recommendations

The salient features of the recommendations are as follows:

- ❖ The need to have an inclusive definition of child labour and abolish all forms thereof. The definition to include work rendered by a child in one's own home, children working in agriculture and allied activities within the household which would release girls from work; work rendered in several unidentified processes and occupations in the informal sector that would release girls, children of SC/ ST communities, Muslim and other backward communities To expand the definition of 'child labour' to include children in the age group of 14 to 18 years. Several of them are non-literates or school drop-outs even before they have reached primary school. Ignoring or excluding them from the purview of 'Child Labour' as currently defined in the Act and several other legislations has and will continue to marginalize them for life!
- ❖ Ensure that all children out of school are identified and rescued from the labour force by strictly enforcing the law. Engaging child labourers is to be made a cognizable offence and the law must be read in consonance with the Juvenile Justice Act 2000 and the Bonded Labour System Abolition Act 1976 as well as the fundamental right to education.
- ❖ Provision for mainstreaming children into full-time formal school and ensuring that they are prepared for an appropriate class has been emphasized as a non-negotiable for all children rescued as child labourers. NCPDR recommends universalisation of education at all stages from pre-school to primary stage, elementary and secondary school education.

The policy framework the amendments proposed to the CLPRA, 1986 may be seen at **Annexure 2 and 3** respectively.

Action Taken

Responses to the above have been received from the following Ministries.

- ❖ The Ministry of Tribal Affairs and the Ministry of Social Justice and Empowerment have supported the recommendations of the Commission, in principle.
- ❖ The Ministry of Labour, in its response, indicated that it was not in a position to support the raising of the minimum age of child from 14 to 18 years. The existing age limit of 14 years for hazardous employments as laid down under the Act should continue. It also stated that considering the existing socio-economic conditions of India, it was not feasible to prohibit all forms of child labour especially child work carried out for the family within the household. With respect to mainstreaming NCLP school children in a short period of time, they stated that unduly rushed mainstreaming would lead to high dropout rates from the regular schools. Lastly, in respect of expanding the list of hazardous occupations and processes under the CLPRA Act, 1986, the Government was following a sequential approach.
- ❖ The Ministry of WCD observed that there are certain gaps in the document. It stated that there was ambiguity regarding whether NCPDR proposes to replace NCLP with the Policy Document on 'Abolition of Child Labour and Making Education a Reality for Every Child'. It stated that there was a need to formulate an action plan to implement the policy document. It also raised questions regarding the design of a backup plan for rescued children between the ages of 15-18 years, if the age of child were to be increased to 18 years in the CLPRA Act, 1986. The WCD Ministry stated that the provision for allowing working of children during school vacations should be modified suitably to ensure that the education of such children is not disrupted. They also asked the Commission to consider suitable provisions for allowing working of children in homes and in trade and business being run in the family as part of their training to learn the basics of such work in homes and business.
- ❖ Clarifications were provided with regard to these issues vide a letter bearing no.6/NCPDR/2008/Child Labour Amendments dated 26.5.2009 to the MWCD.

2.1.3 Policy Recommendations / Guidelines

The Commission has urged various State Governments and the concerned Ministries to take remedial / appropriate measures for protecting the rights of children in bonded labour and the consequent denial of their right to education. The Commission has issued instructions to the concerned State Governments/Authorities on the following subjects:-

S.No.	Letter No. & Date of Recommendations	Subject
1.	Guidelines to the State Govts./ UT Administrations vide Letter No.CP/NCPCR/World Day against CL/15 dated 30th April, 2008.	Abolition of Child labour
2.	Recommendations / Guidelines to the State Govts. / UT Administrations vide Letter No. CP/NCPCR/Child Labour Task Force/2008 dated 24th June, 2008.	Social Audit of Child Labour through Task Force.
3.	Recommendations to the Export Councils, Vide Letter no. CP/NCPCR/Export Promotion Councils/2008 dated 25th June 2008.	For prohibiting the use of child labour in export industries.
4.	Recommendations to the Chief Secretary, Govt. of Gujarat vide letter no. NCPCR/Member (DD)/GujTour/2008/2 dated 15th and 23th July, 2008.	Prevention of trafficking and migration of children from Rajasthan to adjoining districts of Gujarat
5.	Recommendations made to the Hon'ble Prime Minister of India vide DO.No./NCPCR/2008/CLPRA Amendments (prog.) dated 7.10.2008.	Policy document on Abolition of Child Labour and Making Education a Reality for Every Child as a Right.
6.	Recommendations to the Chief Secretary, Govt. of Gujarat vide letter no D.O.No. 82/Surat/Child Labour/2009/NCPCR/PD dated 27.1.2009	On giving dignity and decent environment to children of the migrant labourers working for sugar cane factories in Bardoli and Madhi District, Surat.
7.	Letter issued to the Chief Secretary, Maharashtra vide DO.No.88/Mumbai Visit/2009/NCPCR/PD dated 3.3.2009.	Recommendations on health, malnutrition, child labour & education, and juvenile justice system in Maharashtra

2.1.4 Action on Specific Cases of Violation of Child Rights

Child Labour employed in production of hybrid cotton seeds in Rajasthan, Gujarat and Andhra Pradesh

The Commission held a joint meeting with the concerned officials of Rajasthan and Gujarat on 2nd April 2008 to discuss coordinated action between the two Governments.

NCPDR Recommendations

- ❖ Carry out an intensive drive to stop recruitment of children for the purpose of carrying out agricultural activities, particularly production of cotton seeds;
- ❖ Identification of children who were out of school, school-drop-outs and potential child labour;
- ❖ Involve the communities and gram panchayats to work on child labour and education, and facilitate the process of social mobilization;
- ❖ Co-ordinate with Tribal Department, SSA and other NGO and civil society partners;
- ❖ Establish residential and non-residential bridge programmes for all those children who have been stopped from migration, with appropriate capacity and resources including co-ordination and involvement of SSA and NGOs; and
- ❖ Impart training to all participants such as youth, members of gram panchayats, and department officials at cluster, block and district level in social mobilization.

Rajasthan

As a follow up to several interactions and initiatives taken in the past two years, a team of experts from NCPDR visited Dungarpur and Jaipur in July 2009 and reiterated the need for the District Collector and relevant authorities to proactively combat migrant child labour and, as part of the rehabilitation process, ensure that these children go back to school.

NCPDR Recommendations

The following were recommended :

- ❖ Hold meetings in all the five blocks at the gram panchayat and cluster levels to combat migrant child labour;
- ❖ Identify children with their names, who are school drop outs, and indicate the number who could be absorbed by RBCs, Ashram schools and NCLP schools;
- ❖ Issue directions for the formation of 'Bal Shramik Virodh Samities' in each village;
- ❖ All the aforesaid activities be coordinated by a trained Education Volunteer who shall be recruited by the Collector.

Action Taken

The Rajasthan Government reported that the following measures were taken up to prevent migration of children from Rajasthan to Gujarat:-

- a) Provision for Migratory Hostels in Udaipur, Dungarpur and Banswara districts made in the Annual Budget for the year 2008-09. The Government reported registration of 328 children in the Migratory Hostels, 657 children in RBCs, 3140 children in NRBCs and 1495 children under Shiksha Mitra Kendra in Udaipur, Dungarpur and Banswara districts.
- b) Directions issued to SSA to make the arrangements for education of rescued child labourers in Dungarpur District and to coordinate with the two Migratory Camps of Seemalwada Block.
- c) It reported that 450 children were prevented from migrating to Gujarat during the previous year, and that they all have been admitted into schools.
- d) During the months of July to September, 2009, check posts were set up at the border areas and patrolling teams consisted of officers from the Police and Labour Department.

Gujarat

In connection with the issue of migrant child labour coming into Gujarat from Rajasthan, an NCPDR team also visited Gujarat in July 2008. Discussions were held with relevant State department officials and the NGO network regarding the follow-up required by the State towards rescue and rehabilitation of migrant child labour.

NCPDR Recommendations

The following was recommended :

- ❖ The Government of Gujarat to conduct a campaign for awareness of abolition of child labour;
- ❖ Hold meetings with the farmers, distributors and members of Kisan Sangh in the districts of Sabarkantha, Banaskantha, Mehsana and Patan and inform them about the punitive actions for violating the law and employment of children;
- ❖ The Government was directed to track all children working in cotton fields and in other agricultural activities and enroll them in schools, NCLP schools or RBC's conducted by SSA;
- ❖ Joint preparation of protocols for rescue and repatriation of all children specifying the roles of different departments in both the States of Gujarat and Rajasthan; and
- ❖ The Labour Department to enforce the law and ensure that rescued child labour get compensation from employers for violation of CLPRA, 1986.

Action Taken

The Gujarat Government reported that following measures were taken up against employment of children in BT cotton farms:

- a) Five special teams were established by Rural Labour Commissionerate for checking the entry of child labour from Southern Rajasthan to Gujarat, wherein 42 children were traced as child labourers and were repatriated to Southern Rajasthan with support from Police and Revenue Departments;
- b) Special control-rooms set up at district level in Banaskantha and Sabarkantha for coordination with Police and Revenue Departments;

- c) A list of BT Cotton seed farmers has been obtained from the companies to enable periodic inspections and consequently, 13 teams have inspected 4618 farms out of 8000 farms, from which 35 child labourers have been identified and rescued, and 17 prosecutions were filed;
- d) 13 taluka level shibirs and 258 village level shibirs were organized;
- e) District Collectors have been requested to call for the District Task Force Committee meetings for better supervision and monitoring.

Andhra Pradesh

The Commission visited Kurnool and Mahboobnagar Districts and held meetings with seed producers.

NCPDR Recommendations

- ❖ The Labour Department to set up a mechanism of social audit through the District Task Force to carry out investigations on a daily basis over a specified period of time to verify the number of children in school and out of school;
- ❖ The Labour department to contact the community based Child Rights Protection Forums operating at the village level in Kurnool and Mahboobnagar Districts and utilize their information and resources to abolish child labour;
- ❖ The Labour Department asked to provide data on cancellation of registration of seed companies who are employing child labour.

Action Taken

The Andhra Pradesh Government reported the actions taken as follows:

- a) Labour department identified 427 cases with rescue and rehabilitation of 354 child labourers from cotton farms. The amount of fine collected is Rs. 8,55,017/-
- b) Constitution of Joint Inspection Teams in all 54 Mandals involving mandal level officials.
- c) Conducted 28 open courts.
- d) Formation of 57 Balika Sanghas involving 1140 adolescent girls and formation of 58 child forums involving the government school children as part of school based campaign against child labour.
- e) Rehabilitated and mainstreamed 2436 girls through four residential bridge course camps in Navdavaram and Gonegandla Mandals.
- f) Enrolled 3800 children under SSA and 388 children under NCLP.
- g) Capacity building of 250 elected public representatives and 3124 anganwadi workers in five districts with focus on their role and responsibilities in the eradication of child labour.

2.1.5 Working Groups

A working group on child labour and the right to education was constituted on 15th November, 2007. Based on the proceedings/reports and studies of the Working Group, the Commission submitted its Policy Document on 'Abolition of Child Labour and Making Education a Reality for Every Child as a Right' to the Ministry of Women and Child Development on 13th October 2008.

2.1.6 Consultations

On children's right to education and total abolition of child labour

In pursuance of the theme 'Education-a right response to child labour' of World Day Against Child Labour for the year 2008, the Commission conducted a series of consultations in various States, about children's right to education and the abolition of child labour in collaboration with UNICEF and ILO alongwith other stakeholders. It held consultations with the Government and the civil society in the States of Uttar Pradesh, Rajasthan, Karnataka, Tamil Nadu, Madhya Pradesh, Orissa and Andhra Pradesh to understand the critical gaps in the legal framework, existing policies and programmes and interventions of the Government as well as the NGOs. Children, who were once engaged as child labourers and are now studying in schools, gave their testimonies narrating their gruesome experiences as child labourers and their battles to get out of work, giving a clarion call that child labour must be totally abolished.

All of them shared how the local activists worked relentlessly, taking risks to liberate them from work and helped in mainstreaming them into formal schools. Their role, dedication and commitment were acknowledged in both the Government as well as NGO-led programmes. Parental support for their children's education up to 'as far as the child can study' also came across in most consultations. The issue of problems encountered by the first generation learners and school dropouts who rejoined schools after a long gap also came up. They have been mostly in the nature of systemic inability and insensitivity to cope with the specific predicament of children from illiterate families. During the consultations, many of the State Governments have positively responded to banning child labour in all its forms.

Consultations on Child Labour and Education

S.No	Topic	Date	Place
1.	Consultation on "World Day Against Child Labour –Education a Right response to Child Labour"	12th June, 2008	Delhi
2.	Regional Consultation on Right to Education & Abolition of Child Labour	11-13 September 2008	Lucknow
3.	Regional Consultation on Right to Education & Abolition of Child Labour	15-16 September 2008	Bangalore

4.	Regional Consultation on Right to Education & Abolition of Child Labour	6th October 2008	Jaipur
5.	Regional Consultation on Right to Education & Abolition of Child Labour	30-31 October 2008	Chennai
6.	Regional Consultation on Right to Education & Abolition of Child Labour	4-5 November 2008	Bhopal
7.	Regional Consultation on Right to Education & Abolition of Child Labour	6 December 2008	Bhubaneswar
8.	Regional Consultation on Right to Education & Abolition of Child Labour	7-8 December 2008	Hyderabad
9.	State Level Consultation on Abolition of Child Labour and Attainment of Children's Rights to Education	5 th February 2009	Ahmedabad
10.	Judicial Colloquium on Right to Education	21-22 February, 2009	New Delhi

The State Consultations culminated in a National Convention on '**Children's Right to Education and Total Abolition of Child Labour- Towards Freedom and Dignity of All Children**' on December 12th and 13th. (See Annexure 3 for Executive Summary of Proceedings) The Convention was inaugurated by the Minister for Women and Child Development and through the plenary sessions the Minister of Labour, Minister for Rural Development, and members of various Human Rights Commissions addressed the National Convention. More than one thousand participants from all regions in the country were present. Most of them took part in the deliberations at the regional level. They represented the Government, NGOs, trade unions and teachers unions, employers, local bodies, corporate sector and the media. Thus, it covered a wide spectrum and the joint deliberations through the plenary session as well as the parallel sessions covered issues relating to abolition of child labour and its link to children's right to education.

The following consensus emerged from all the consultations:

- ❖ Large numbers of children engaged in labour were being denied their entitlements to development and protection, living precariously at the cost of their childhood which is their right. All such children should actually be in school enjoying their right to education.
- ❖ There has to be a total abolition of all forms of child labour whether rendered for an employer, middleman or one's own family up to the age of 18 years.
- ❖ All children both girls and boys, including those from Scheduled Caste and Scheduled Tribe communities, the Backward Classes, Minorities, Safai karmacharis, poor labouring classes and marginalized populations and children with disabilities must be integrated into fulltime schools and imparted quality education without any discrimination.
- ❖ Children's right to education will provide them access to many other entitlements to play their role as citizens in the fullest sense of the term.
- ❖ Abolition of child labour and free, equitable and quality education for all children shall deepen India's democracy and build a strong India.

Judicial Colloquium on Right to Education

In collaboration with Human Rights Law Network, a Judicial Colloquium on Right to Education Bill was held. In the Colloquium, Judges from the Hon'ble Supreme Court of India and the various Hon'ble High Courts from all over the country participated.

The main issues which emerged from the colloquium were:-

- a) The decline in public education over the years is not just because of administrative laxity or because people did not pay particular attention to things;
- b) To make feasible the realization of all other rights, the Right to Education is a prerequisite and there is need for a consistent, universal and long-term policy;
- c) All children up to 18 years have to be in full-time formal schools.

2.1.7 Child Participation

In all the regional consultations, rescued child labourers, who are now attending schools, gave testimonies. More than 300 children from all over the country participated in a convention on 10th December, 2008 to discuss the plight of child labourers in the country and the status of schools. They put up street plays, gave speeches and deliberated over issues relating to child labour, quality of schools, corporal punishment, child trafficking, and child marriage.

On December 11th 2008, at the National Convention, the rescued child labourers presented a memorandum to the Minister for Women and Child Development for total abolition of child labour and also reinforced their Right to Education. They even took part in all the deliberations on both the days in the National Convention. (Summary of the children's interview is placed at **Annexure-5**)

2.2. Juvenile Justice System

NCPCR's Recommendations for Reforms in Juvenile Justice System

The complaints on violation of children's rights in institutional settings, especially those constituted under the Juvenile Justice Act such as observation homes, children's homes, special homes, shelter homes, etc., and the pendency of cases before Juvenile Justice Boards (JJBs), and the functionality and operational gaps of Child Welfare Committees (CWCs), motivated the NCPCR to constitute a working group to identify and address the issues. It held consultations with children (both in need of care and protection and in conflict with law), the Government (Centre and State), NGOs, police, Juvenile Justice Boards, Child Welfare Committees around the country and the judiciary

It undertook a systemic review of the failures and gaps affecting children and their rights within the Juvenile Justice (JJ) system. The review process also included visits to children's homes and observation homes of selected States; review of direct complaints received by NCPCR, and major national assessment studies of the JJ system.

It was found that the failures in the JJ system predominantly related to the entrenched criminalization and institutionalization of children in conflict with the law and children in need of care and protection. This is reflected in the pervasive violation of children's fundamental rights in every step of a child's contact with the JJ system. There was a breach in child's rights in the procedural processes for adjudication, disposition and placement of children as well as within existing institutional care, rehabilitation and detention facilities.

Importantly, there was a fundamental lack of recognition within the JJ system that:

- ❖ Children in conflict with law are also children in need of care and protection;
- ❖ Children in need of care and protection are also at risk of becoming children in conflict with law; and
- ❖ All 'at risk' children are also potential entitlement holders of the JJ system.

NCPCR Recommendations

Based on its review of the consolidated findings of two expert sub-committees, the NCPCR has identified the following six (overlapping and inter-related) areas for priority reforms with regard to the treatment of children and their rights under the existing JJ policy and legislation-

- ❖ Expand coverage and reach of the JJ system for categories of children who are currently unaddressed or excluded due to procedural or operational barriers.
- ❖ Strengthen the Juvenile Justice system by institutionalizing the processes, regularizing its operation, strengthening its capacity and ensuring professionalization of actors and oversight of procedural bodies.
- ❖ Reform JJB procedural implementation (intake, adjudication and disposition) to ensure procedural fairness and support of child and adolescent development considerations in line with child jurisprudential principles.
- ❖ Comprehensively operationalise non-institutional, alternate care provision and reform procedural and operational placement processes to ensure stable and durable placement outcomes for children without access to parental care, and appropriate re-unification processes for children returning to parental care;
- ❖ Transform quality of care in existing Homes to eliminate child rights violations and ensure consistent standards of care through reform of governance, schooling re-integration and education provision within and outside the home premises, mental health provision and rehabilitation programming.

- ❖ Establish a strategy for prevention of children falling into categories requiring specific interventions under the JJ system as a cornerstone of the juvenile justice system through systemic early intervention and targeting of 'at risk' children and families by community-based child protective services mobilised at district and block levels.

The Commission submitted the JJ Recommendations to its nodal Ministry (MWCD) for further action and implementation.

NCPDR Inspections/ Inquiry Visits to Children's Homes in Delhi based on Hon'ble Delhi

High Court Directions

Children's Home for Boys, Narela, Delhi

By way of a complaint and through the Hon'ble High Court of Delhi, the Commission was informed that children in the Children's Home for Boys run by the Government of NCT, Delhi (Department of Social Welfare and WCD) at Gandhi Ashram, Narela were living in sub-human conditions. A team from the Commission visited the Home on 17.9.2008 and found that 110 children in the age group of 4 to 17 were living in inhuman and unhygienic conditions without minimum basic amenities. About 36 children were not going to school and loitering around in the Home without any meaningful activities for their engagement and social reintegration.

NCPDR Recommendations

- ❖ The children to be shifted with immediate effect to another premise with basic facilities;
- ❖ Admission of children into schools and arrangements to be made for extra coaching within the institution together with recreational facilities;
- ❖ Immediate hospitalization and care of the children having health problems;
- ❖ Adequate support and supervisory staff to ensure provision of all services to these children;
- ❖ Child Welfare Committees to have sittings in the home instead of children being taken to CWC; and
- ❖ Ensuring that the JJ Rules are strictly adhered to.

Action Taken

The Department of Social Welfare and Justice, Delhi Government, communicated the following:

- a) Children have been shifted to the Alipur complex for children in need of care and protection;
- b) Expressions of Interest have been invited from reputed NGOs/ professional organisations to operate a range of services in the institutions run by the Department;

- c) Appointment of a Transaction Advisor to provide consultancy services for the development/redevelopment and management of homes on public-private partnership basis;
- d) The Superintendent of Children's Home, Narela has been arrested by the Anti-Corruption Branch and a new Superintendent has been posted;
- e) The Juvenile Justice Committee of the Hon'ble High Court and members of the Child Welfare Committee regularly visit all the children's homes and their observations/ suggestions are attended to on a regular basis;
- f) The financial management/control and monitoring mechanisms are in place by way of regular audits by the Finance Department of the Delhi Government and C&AG, Govt. of India.

Children's Homes for Girls, Nirmal Chhaya Complex, New Delhi

The Hon'ble High Court of Delhi, vide its Order dated 19.2.2009 in the case of Harsh Virmani & Ors. vs. Govt. of NCT of Delhi (GNCTD) & Ors. [WP (C) No.6988/2007], asked for a status report and suggestions for monitoring the functioning of the Government-run-Girls Homes (CHG-I & II) in Nirmal Chhaya Complex Delhi. A team from NCPDR along with concerned Officers of Department for Women and Child Department of Social Welfare ('Department of WCD & SW'), Govt. of NCT of Delhi, visited the Home on 24.3.2009.

NCPDR Recommendations

The following recommendations were proposed by the Commission for the consideration of the Hon'ble High Court of Delhi.:

- ❖ Adequate professional management;
- ❖ Installing basic minimum infrastructural requirement such as renovation of toilets/bathrooms and dormitories, adequate lighting, ventilation, cooling facilities during the summer and heating facilities during the winter, filtered drinking water, separate bed, bed-sheets, pillow, and adequate clothing, soaps, oils, toothpastes, etc. PWD should carry out periodic maintenance checks to ensure proper up-keep of the building;
- ❖ Urgent medical interventions, facilities/health care, enquiry regarding the status of hygiene and sanitation of the homes to understand the high incidence of disease, link with departments of DDUH for treatment, and maintenance of medical record of each child;
- ❖ The Health Department, GNCTD to provide a CAT ambulance at Nirmal Chhaya Complex for taking the children to DDUH or any other hospital for urgent/emergency treatment/checkups/hospitalization;
- ❖ Assessment of educational requirements of each child and facilities for formal education must be planned out and implemented. Also provision for preparing children for an age appropriate class before being mainstreamed into formal schools through proposed collaboration with 'Subiksha' or through the Cluster Resource Centre (CRC) of the SSA of GNCTD;
- ❖ Provide recreational and vocational facilities to the children;

- ❖ Reconstitution of the Child Welfare Committee in the Nirmal Chhaya Complex as per Section 39 (3) of the Juvenile Justice (Care and Protection of Children) Act, 2000;
- ❖ Mechanism for periodic review of the pendency of cases from the Homes with the concerned CWC;
- ❖ Constitution of a Management Committee, Children's Committee, complaints /suggestions Box as per Rule 55 of the Juvenile Justice (Care & Protection of Children) Rules, 2007 and an Inspection Committee, under section 35 of the J.J. Act, 2000, for remedial measures;
- ❖ Maintenance of computerized database including name, sex, date of birth, age, date of admission, registration/case number, dates of production before the CWC, parental status & address (wherever available), date of counselling, date of movement records, restoration efforts, case history, social investigation report, health record and educational status of all children.

Action Taken

The Hon'ble High Court of Delhi vide its Order dated 29.5.2009 has mentioned that the Department of WCD & SW has accepted the recommendations and has initiated the process of computerization of data base of all children, and that efforts are being made by the Home authorities and Child Welfare Committees for restoration of children.

2.3 Corporal Punishment

2.3.1 Review of Laws and Policies

A working group comprising educationists, lawyers, social activists, doctors, bureaucrats, representatives of non-governmental organizations and teachers' unions have submitted its Report to the Ministry of WCD on corporal punishment.

NCPDR Recommendations

- ❖ Law reform to remove existing defence of corporal punishment under Sections 88 and 89 of the Indian Penal Code (IPC) that provides immunity to a person causing 'hurt' to a child if the act is 'done in good faith' especially against children under the age of 12 years;
- ❖ The model rules for the 'Right to Free and Compulsory Education Bill' must specify the following:
 - a) The process for dealing with allegations of corporal punishment;
 - b) In addition to disciplinary action, criminal proceedings to be equally available to deter the use of punishment.
 - ❖ Specific legislation to check sexual abuse and assault of children, as mentioned under the United Nations Convention on the Rights of the Child, to be introduced;
 - ❖ Publicity to be given to the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000 that prohibits torture and other cruel, inhuman or degrading treatment or punishment. Corporal Punishment is a non-bailable offence with punishment entailing imprisonment for a term which may extend to six months, or fine, or with both (Section 23).

2.3.2 Policy Recommendations / Guidelines

Before the start of the academic year, the Commission issued a letter in May 2009 to all District Collectors/District Magistrates/Deputy Commissioners reiterating its earlier Guidelines on Corporal Punishment issued in 2007. The Commission also called for:

- (i) Block-wise meetings to be conducted for all the school headmasters on corporal punishment and to convey that serious action would be taken against the school as a whole regarding any act of violence on children in the State.
- (ii) Meetings with the District Education Officers, Block Education Officers as well as the Cluster Resource Centres' staff to highlight the importance of protection of children's rights and against corporal punishment in schools, and to issue instructions to them that they would be held accountable for any instance of violation of children's rights and corporal punishment in school.
- (iii) Instructions to every school headmaster to hold a general body meeting with all parents of the school as well as school education committees or parent-teacher associations on the NCPCR guidelines and the procedures to be adopted for protecting children and their rights in schools.
- (iv) Submission of an action taken report on the above by the District Collectors/District Magistrates/Deputy Commissioners (as the case may be) to the Secretary (School Education) of the State Government/UT concerned by August 1, 2009, who, in turn, may submit a consolidated report in respect of all the Districts of the State/Union Territory to the Commission by September 1, 2009 along with the copies of the letters/circulars issued by the District Administration with regard to the earlier guidelines as well as these additional guidelines issued by this Commission.

Action Taken

Responses received from the States with respect to the Additional Guidelines on Corporal Punishment in schools issued by the commission vide letter dated 26.5.2009:

S.No.	District/ State	Letter No. and Date	Action Taken
1.	Hisar, Haryana	F.no. 4560/ MA/ dated 5.6.2009.	Forwarded letter to the District Education Officer to take necessary action
2.	Samba, Jammu and Kashmir	DDCS/CPO/09-10/ NCPCR/342 1254-55 dated 11.6.09	District Development Commissioner forwarded letter to Chief Education Officer to take necessary action
3.	Birbhum, West Bengal	225/24/J.G. (edu.) dated 30.6.09	DM forwarded letter to SDO, all BDOs and D.I. of primary schools to take necessary action.

4.	Jalpaiguri, West Bengal	609/1(1)/NCPCR/2009/ J DATED 10.7.2009	DM forwarded letter to Distt. Information & Cultural Officer to take necessary action
5.	Uttarkashi, Uttarakhand	3510/27-06/2008-09 dated 20.6.09	DM forwarded letter to DEO, Basic Education to take necessary action
6.	Jashpur, Chhattisgarh	157A/SSA/IED/2009-10 dated 10.6.09	DPO forwarded letter to DEO, Higher Education to take necessary action
7.	Kohima, Nagaland	CON-9/SC/2009/175 dated 23.7.09	DC forwarded letter to DEO and Distt. Inspector of Schools, Kohima to take necessary action
8.	Mau, Madhya Prdaesh	2400-02/2008-09 dated 17.7.09	DEO forwarded letter to all EOs of basic education to take necessary action
9.	North Delhi	F.SDM/HQ/2009/1858 dated 23.7.09	SDM forwarded letter to DDE (North) & Director Education GNCTD to take necessary action
10.	West Delhi	1(229)/Coord./DCW/09 /632 dated 30.7.09	DC forwarded letter to PS , Edu. GNCTD to take necessary action
11.	Karbi Anglong, Diphu district, Assam	KA/DEV-54/EDN/2008 /235 Dated 25.8.09	DC forwarded letter to Secretary Education to take necessary action

2.3.3 Working Groups

On completion of the term of the working group, an e-group on corporal punishment was created with more than 100 members and regular update of a database of news articles.

2.3.4 Consultations

S. No.	Topic	Date	Place	Outcome
1.	Consultation was held with UNICEF to prepare a Campaign and Media Strategy to take the recommendation of working group to scale	18th September, 2008	World Wildlife Fund, New Delhi	
2.	NCPCR and UNICEF organised a Press Dialogue with the Media to 'End Corporal Punishment: The Right to Protection and Dignity'	19th February 2009	India Habitat Centre New Delhi	A comprehensive toolkit has been developed for the media to sensitize them to the issue of corporal punishment and raise public awareness amongst all stakeholder. The toolkit is available at http://www.ncpcr.gov.in/advocacy_toolkit.htm

3.	NCPCR and UNICEF organised a lecture by Mr. Peter Newell	4th February 2009	India Islamic Cultural Centre, New Delhi	(Coordinator, Global Initiative to End All Corporal Punishment)
				<p>The discussion proved to be an invaluable input to conceptualize the direction of the corporal punishment advocacy campaign. The full text of his lecture is available at http://www.ncpcr.gov.in/Reports/Peter_Newell_Delhi_4_Feb_09.</p>

2.4 Children and Displacement

Each year, there are new areas that experience civil unrest in our country today. In some instances, this has led to people fleeing from their villages, seeking shelter in safe zones, and subsequently, the setting up of relief camps by the Government. The concerned State Governments have provided for civil supplies and other relief measures for such displaced population in the camps, with the help of the Home Ministry, which has also provided funds. Although such camps are supposedly of a temporary nature, many of these camps have become permanent in nature and have continued to exist for more than a decade. Poor families are away from their cosmos and live a life of uncertainty and anxiety as they live in a 'permanently temporary' position. Losing their livelihoods, they live precariously in constant hunger and want, with little or no security to fall back upon. A new generation has taken birth in these camps and know of no life other than what they have been exposed to in these camps.

2.4.1 Visits to States

The NCPCR has enquired into the plight of children in such camps in Dantewada in the State of Chhattisgarh, in NC Hills District, Chirang District and New Bongaigaon District in the State of Assam and in Ashapara and Naisingpur camps at Kanchanpur in North Tripura District in the State of Tripura, and Kandahmal in the State of Orissa.

S. No.	Purpose	Date(s) of Visit	Place(s) of Visit
1.	To have discussions with State Govt officers on follow-up action by AP Government on Report of NCPCR Team, which visited Khammam District	12th -16th April' 08	Hyderabad, AP
2.	To discuss issues related to children affected by civil unrest in Dantewada District, Chhattisgarh and whose families have sought refuge in Andhra Pradesh	12th May'08	Hyderabad, AP

3.	To discuss issues concerning children in relief camps.	5-7 & 9-10 September 2008	Guwahati, Assam
4.	To discuss issues concerning in relief camps.	7-9 September 2008	Agartala, Tripura
5.	Children affected by displacement and civil unrest in Dantewada.	15-19th January, 2009	Dantewada, Chhattisgarh
6.	Children affected by communal tensions	19th– 23rd January, 2009	Kandhamal, Orissa

Assam

Following reports of deteriorating conditions faced by children with respect to their access to anganwadis, schools, health facilities, etc. in the six relief camps in Chirang and New Bongaigaon districts of Assam, the Commission visited Assam in September, 2008. The individual testimonies of the camp inhabitants during the public hearing held at Salabila camp, Bongaigaon District and Devsri camp in Chirang District, bore evidence of the enormous tragedies and suffering faced by these people and most importantly by children, daily.

NCPDR Recommendations

- ❖ Urgent measures to administer complete immunization for all children including monitoring the health and nutritional status of children, pregnant mothers, issuance of SNP, etc;
- ❖ Universal coverage of anganwadi centers;
- ❖ Recruitment and training of anganwadi workers in the camps;
- ❖ Provision of clean drinking water;
- ❖ Provision of hygienic sanitation facilities in the camps;
- ❖ Provision of infrastructure for existing schools;
- ❖ Remedial education through Residential and Non-residential Bridge Schools through SSA;
- ❖ Mid-day meals;
- ❖ Commissioning of additional EGS Schools with adequate teachers to cover all children in the school going age;
- ❖ Updating the list of camp inhabitants and provision of adequate rations to all and especially to the 43 families who are living in the camp in Bengtol since 1998 and to the 700 households out of 1350 households living in the camp at Hapachara;
- ❖ Job cards under NREGA be issued to all individuals living in the camps and the district administration in Chirang District to undertake NREGA even in the forest land in terms of forestation and work in nurseries;
- ❖ Establishment of a district grievance redressal mechanism with a nodal officer from the district administration along with an NGO representative.

Action Taken

- a) **Health-** Special immunization drive has been carried out to cover all eligible children including children of Relief Camps. Health check up has been conducted in relief camps at least once a week besides coverage through Mobile Medical Unit. The benefit of Janani Suraksha Yojana has been extended to the women in the relief camps;
- b) **Water and Sanitation-** An NGO named Medicines Sans Frontiers has installed 5 HTWs to provide drinking water to the inmates living in the relief camps of Bongaigaon, Kokrajhar and Chirang Districts;
- c) **Nutrition-** Government of Assam has approached Central Government to sanction additional numbers of Anganwadi centres. Sanction for providing food stuff in relief camps under SNP has been accorded;
- d) **Education-** 253 children have been enrolled in early child education centers in Deosri. Besides this, they are also covered by the Deosri L.P, M.E and Santipur M.V. School in respect of elementary education. The students of L.P and M.E are provided with books free of cost. It is reported that the high school is situated at a distance of 2 km from Deosri camp;
- e) **Relief rations/food security-** It is reported that the State Government has been providing food in the form of gratuitous relief @10 days per month to all families living in the relief camps of Bongaigaon, Kokrajhar and Chirang Districts without interruption and deferment. Government of Assam has been incurring a recurring expenditure of about Rs. 40 lakh rupees for providing gratuitous relief to camp inmates. During January 2009, all the families were given one blanket per family. A society named "Society for rehabilitation of violence affected families living in the relief camps Bongaigaon and erstwhile Kokrajhar districts who are affected during the period of 1993, 1996 and 1998" headed by the Chief Minister has been registered for procurement of about 4000 bighas of land from individuals for rehabilitation of camp inmates;
- f) **NREGA-** A total of 1103 job cards under NREGA were issued to inhabitants of relief camps in the district of Bongaigaon and those above 65 years of age were covered under the Indira Gandhi National Old Age Pension Scheme;
- g) **Governance-** As per the recommendations of NCPCR, the process of monitoring and data collection is ongoing in the district of Bongaigaon.

Tripura

The Commission's visit to Tripura during September, 2008 followed a complaint received by it from the Asian Indigenous and Tribal Peoples Network (AITPN) relating to the non inclusion of 7,024 children of Bru tribal community (between ages 0 to 8 years) in the ration cards, and the denial of basic services to the children of these camps and their families, in particular the critical lack of health and education facilities. These camps include Narsingpur, Ashapara, Khashithai, Kainskua, Hamsaparu and Khachang.

In the public hearing at Narsingpur, the Commission noticed that there were serious violations of fundamental human rights of the inhabitants in the camps including problems of access by the children to all their entitlements. There were issues of dangerously deteriorating health conditions, and lack of any basic facilities such as drinking water, sanitation, schools, anganwadi centers, in these camps.

NCPDR Recommendations

- ❖ Urgent measures to administer complete immunization to all eligible children and utilising the services of health workers;
- ❖ Setting up of a PHC sub-centre at the Narsingpur and Ashapara camp and provision of dedicated doctors for the camp;
- ❖ Identifying all the acutely ill children and ensuring their treatment and access to health facilities;
- ❖ Immediate investigation into 13 child deaths during August 2008 in Kaskau camp, and 18 child deaths and 11 maternity deaths in 2008 in Ashapara camp in 2008;
- ❖ All children to be covered under the ICDS program and to ensure that they access anganwadi centres;
- ❖ Immediate provisioning of filters to remove iron content in the water, and repair of hand pumps in the camps;
- ❖ Provision of hygienic sanitation facilities in the camps.
- ❖ Provision of infrastructure for the existing schools;
- ❖ Full-time learning and remedial education through Residential and Non-residential Bridge Schools;
- ❖ Mid-day meals and commissioning of additional EGS Schools;
- ❖ Training of 73 education volunteers;
- ❖ Additional support for caregivers of orphaned children;
- ❖ Names of such children to be listed in the ration cards and birth certificates be issued immediately. The disparity between the official lists as against the actual lists to be resolved on priority basis. Rations supply must be streamlined;
- ❖ Job cards under NREGA to be issued to all eligible individuals living in the camps and the district administration monitor the implementation of this schem;
- ❖ Establishing a District and village level co-ordination committee (for monitoring, vigilance etc) to address the issue of prevention of child trafficking in the camps;
- ❖ Local Grievance Redressal Mechanism be set up by nominating a nodal officer from the district administration along with an NGO representative.

Action Taken

a) Health

- ❖ It is reported that there exists one health sub-centre in Ashapara and a PHC at Anandabazar which is at a distance of about 1 km from Narsingpur;

- ❖ Complete immunization schedule has been prepared by the Chief Medical Officer, District Kailashahar, North Tripura. 1 pharmacist, 2 GDAs, 1 medical officer from the department of TRP & PGP (Tribal Rehabilitation Plantation & Primitive Group Programme) posted at Hamsapara relief camp, Ashapara camp, and Kanchanpur;
- ❖ The Health and Family Welfare Department has already trained health volunteers. CMO, North has drawn up action plan for organizing health camps once a week in every camp;
- ❖ It is reported that arrangements for issuance of birth certificates have been made by the CMO to issue in case of institutional delivery and by the SDM to issue in case of delivery at home;
- ❖ It is reported that the SDM, Kanchanpur, is preparing a database of all persons in camps by taking photographs of each but it was objected to by leaders of Reang inmates;
- ❖ After conducting an enquiry, it was found that instead of 13 child deaths during August 2008 in Kaskau camp, only 1 death has occurred
- ❖ With regard to 18 child deaths in 2008 in Ashapara camp, 13 deaths occurred during 2004-08 of which 6 deaths took place in August 2008. Similarly in case of 11 maternity deaths in 2008 in Ashapara camp, only 1 woman had died and other 13 are alive.

b) Education

- ❖ There has been a decision to start mid-day meals in schools with immediate effect;
- ❖ It has also been decided to set up 73 AIE centres in relief camps and training of 73 education volunteers selected from the Reang migrants;
- ❖ Plans have been submitted to the Government of India for sanction of fund towards construction of classrooms for AIE centres.

c) Orphans

- ❖ 89 orphaned children have been identified by District Inspector, Social Welfare & Social Education Department (SW & SE) North Tripura, Kumarghat homes.

d) Nutrition

- ❖ Social Welfare & Social Education Departments (SW & SE) have taken steps for the determination of nutritional status of all children in camps;
- ❖ Department of Social Welfare has supplied weighing machines to all anganwadi centres with Supplementary Nutrition Programme (SNP);
- ❖ Anganwadi workers have been trained by the SW & SE Department from 5th - 7th November, 2008;
- ❖ Revenue department reveals that 3402 names are yet to be included in the list of ration cards.

e) **Food Security**

- ❖ RD department has written to MHRD for according permission for issue of job cards to Bru migrants but a response is awaited.

f) **Governance**

- ❖ A Committee has been formed with SDM, SDMO, CPDO Kanchanpur and representatives of camp inmates for redressing issues at the local level. The committee would meet once in a month and send their recommendations to DM and Collector, North Tripura, Kailashahar for follow-up action.

Chattisgarh

A team from the Commission visited Dantewada in August, 2008, after its first visit in December 2007. It was observed that 11 schools and hostels were occupied by Central Para Military Forces and the State Special Force and at least a dozen other schools and hostels have been allegedly destroyed by Naxals. Another follow up visit was made to Dantewada by the team from 15-19th January, 2009. The Commission reviewed the pilot programme, initiated by it with M.V. Foundation and UNICEF in Sukma Block, Dantewada district, the focus being to work with the community to get children into schools. It witnessed the participation of members of gram panchayats, community, youth and women's groups in Sukma block, who worked relentlessly to identify all out-of-school children and children in the 0-6 years age group and motivated them to access schools and anganwadi centres. They cleared the school premises and requested the teachers to come back to schools. Interestingly, feeling assured that their children would be taken care of and given full protection, parents of neighbouring blocks decided to leave their children in one of the gram panchayats. This is significant because after many years, the community showed courage in holding meetings in an open and transparent fashion without being threatened either by the naxals or the police. Discussion on children, their well-being and rights had become a focal point and was seen as a non-threatening activity that is beyond politics. In other words, the process of bringing stability in the lives of children sowed seeds of renewed hope which would, in the long run, contribute towards harmonizing their society and stabilizing their lives.

NCPCR Recommendations

- ❖ Ensure universal coverage of immunization programme, anganwadi centres, and convergence between health and ICDS;
- ❖ Filling up of the vacancies of supervisors and child development project officers;
- ❖ Immediate withdrawal of CRPF personnel from existing schools and ashrams;
- ❖ Establishing RBCs and starting new ashram schools. It was estimated by the State Government that 400 new ashram schools with a capacity of 100 children each was necessary. To avoid the time constraints in construction of ashram shalas, it was suggested that porta cabins be constructed;
- ❖ Support to panchayats for construction of incomplete school buildings and responding adequately to their demands in connection therewith;
- ❖ Establishment of a grievance redressal cell in the district; and

- ❖ To foster collaboration and sharing of information between the Governments of Chhattisgarh and Andhra Pradesh, formation of an interstate committee.
- ❖ The Commission awaits the action taken report of the State Government on the steps taken regarding the aforesaid.

Action Taken

The following is the action taken as reported by the Additional Secretary, SC & ST and Tribal Welfare Department, Chhattisgarh :

- a) The SC & ST and Tribal Welfare Department has proposed a budget of Rs. 1265 lakhs to set up 25 Ashram schools in Naxalite affected areas in Chhattisgarh which has been accepted by the Ministry. The Department has sent this proposal to Ministry of Tribal Affairs, GOI vide their letter dated 8.8.2008.
- b) In this regard, the corresponding letter from the Ministry dated 23.10.2008 mentions that they have sanctioned release of Rs.630 lakh as the first instalment for the year 2008-09. In addition, the Annexure to this letter states that the Central share is being released vide this sanction of Rs. 630 lakhs.

Andhra Pradesh

It is reported that 30,000 tribal families have fled from Dantewada and sought refuge in Khammam and other districts in the State of Andhra Pradesh. The Commission has visited Khammam several times over the last 3 years, the last visit being on 8th July 2009 to assess the situation of displaced children and their access to health and education.

NCPDR Recommendations

- ❖ Provision of basic services like ICDS, mid-day meals programme and educational facilities for children;
- ❖ Provision of drinking water and sanitation;
- ❖ Appointment and training of anganwadi workers. A large number of vacancies in these centres need to be filled up apart from the fact that there is a requirement for more anganwadi and mini-anganwadi centres in these areas.
- ❖ Provision of health and PDS facilities for the entire family in collaboration with the Government;
- ❖ Starting RBCs for children of IDPs coming from Chhattisgarh to Khammam and Warangal Districts of Andhra Pradesh,

Action taken

It is reported by the Education Department, Govt. of Andhra Pradesh, that a detailed action plan has been evolved to address and improve the health and education status of children of 0-14 years under various existing schemes/ programmes.

Odisha

The Commission visited Bhubaneswar and Kandhamal District from 18.1.2009 to 23.1.2009 to assess the impact of violence and civil unrest on children in Kandhamal District. It noticed that many

schools (21 as per the Govt. report) have been occupied for the relief camps and for accommodating the CRPF. Further, several children were being deprived of admit cards to appear for the Board Examinations in Class X and XII (+2) as they were unable to fill up examination application forms, take the pretest/test examination, fulfill requirement of attendance, pay examination fees and so on. It was also reported that hundreds of children fled to unknown destinations outside the District/State. The Commission also reviewed the status of all other services to children in the relief camps.

NCPCR Recommendations

- ❖ Considering that many such children from poor and tribal communities have been able to reach up to class X and XII (+2) with utmost difficulty, admit cards to all children in Class-X & XII(+2) in the District must be issued with immediate effect on the basis of admission record, pending completion of formalities of filling up application forms;
- ❖ The attendance requirements, appearance/qualifying of pre-test/test for the Board examination, etc. to be waived;
- ❖ Hold extra classes for all children by their respective class teachers to complete their courses/subjects, provision of text books, test papers and model questions to all such children free of cost; provision of residential facilities (free of cost) to the affected/displaced children (those who are living in the relief camp, those who have left the relief camp for their villages and those who have left for outside destination in the wake of violence in the District); and holding Board Examination for all the Class-X & XII(+2) in the District after a period of three months as a special case and thus allowing all children in this area an opportunity to compete on par with their peers;
- ❖ The Commission also emphasized the need for provision of nutritious and hygienic food and safe drinking water, counselling and medical treatment, mosquito net, recreation facilities, etc. free of cost.

Action Taken

The Department of School and Mass Education, Odisha, reported the following action taken:

Education

- ❖ Kandhamal District has 123 schools under Department of School and Mass Education. 5733 students have taken admission in class X in the year 2008-09 out of whom 5102 students have filled up applications for appearing in examinations. 631 students have not filled up forms due to poor academic performance, health problems, and so on;
- ❖ Board has reduced the required percentage of attendance from 66% to 61 % for the students appearing for the Annual High School Certificate or Matric Examination 2009 (AHSC) of Kandhamal district;
- ❖ Instructions have been issued to all headmasters/headmistresses to hold extra classes for Class X students including students of those schools which are occupied by CRPF;
- ❖ Mock tests are being conducted at regular intervals;

- ❖ Text books/test papers have been distributed free of cost among the students from Class I-X affected by communal violence.
- ❖ Headmasters/Headmistresses have been instructed to provide financial assistance to needy students from Poor Boys Fund for appearing at the AHSC examinations.
- ❖ Monitoring and supervision are done by the Inspector of Schools, District Project Coordinator, District Inspector of schools, BRCC, and S.I. of Schools at Block/District Level at regular intervals.

The experience of the NCPDR in Assam, Tripura, Chhattisgarh and Orissa and in other areas of civil unrest has shown the following:

- (i) Importance of protection of child rights for the children concerned as well as restoring the faith of the tribal population in the system;
- (ii) Importance of building a community demand for public services and creating an environment for the schools, ashram schools, and anganwadi centres to function;
- (iii) Importance of involving local bodies such as the gram panchayats or the village councils for protection of child rights and in the process even foster deepening of democracy;
- (iv) Importance of making adequate investments in children's health, nutrition and education having long term implications for the quality of life of the citizens in an area of civil unrest and conflict;
- (v) Finally the need for a youth/community force to build the capacities of the local population to take charge of their lives and that of their children while preparing the community to actively engage with the Government; utilize non-violent means as a non-negotiable; involve community through dialogue and discussion for resolving issues; prepare community to constantly interact with the system and in the process, build institutional capacities to respond to the needs of children.

2.5. Malnutrition and Health

The National Family Health Survey (NFHS) III showed that 46% of children in India remained malnourished and that there has not been much improvement in the status of malnourishment in the country. Simultaneously, the Commission has been receiving reports from the ground on the alarming status of children's health and nutrition.

2.5.1 Visits to States

A team of experts constituted by NCPDR visited the districts of Adilabad in the State of Andhra Pradesh and Satna in the State of Madhya Pradesh. In addition it followed up with the visit it made to Amaravati in the State of Maharashtra in the year 2007.

Maharashtra

Pursuant to the Commission's visit to Amaravati last year, recommendations were made to the District Administration to tackle malnourishment and strengthen the district education structure. As a follow up on the implementation of the Commission's recommendations, NCPDR visited Amaravati in November 2008.

It was observed that despite of the Hon'ble Supreme Court of India Orders in the case of PUCL Vs. Union Of India Writ Petition (Civil) 196 of 2001, directing the Central Government and all the State Governments for the smooth implementation of several schemes including Integrated Child Development Scheme (ICDS) to inform the nature of reporting format which comes from State Government to Union Govt. on the status of malnutrition, the Melghat region reported increase in malnourishment and deaths of children due to hunger and malnourishment. Visits to anganwadi centres informed the team that although there is a significant effort to take children out of severe malnourishment - Grade 3 and Grade 4, the same seriousness is not attached to Grade 1 and 2. At the field level, Anganwadi workers and even health care workers like nurses do not show the same concern towards children suffering from Grade 1 and 2 as compared to Grade 3 and 4. This perception needs to be corrected so that there would not be any complacent attitude and the entire focus is to take children out of any grade completely – make them normal and healthy.

Further recommendations made by NCPDR in this regard are as follows:

- (a) Immediately shift children from the Ashram Shalas to the nearest pucca buildings of the Government and create facilities for classrooms, toilets, storage, bathrooms, boarding, kitchen, school uniforms, soaps and other supplies. Also undertake repairs of all other Ashram Shalas in the district;
- (b) Health Check-up of all children and arrangement for a visit by the nearest PHC doctor at least once every week.
- (c) Monitoring of food, and teacher regularity in Ashram Shalas by the gram panchayat and Block Development/Project Officer of the Tribal Development Department;
- (d) Provision of a female warder at Khairi Ashram School immediately and a helper to assist young children in all ashram schools;
- (e) Audit of Ashram Shalas with a record of assessment of each child at the time of admission for height, weight, nutritional status, educational/scholastic level and repeating the exercise every six months.

Andhra Pradesh

With the increase in the complaints of deaths in tribal areas of Adilabad due to fever, viral infection, typhoid, malaria and reports of the 300 tribal deaths in June, 2008, a follow up visit of the Commission was made to Adilabad in Andhra Pradesh from 29th – 1st July, 2008, to have an insight into the plight of tribals (particularly children) reeling under extreme malnutrition, anemia and other diseases in Narnoor Mandal, District Adilabad, situation assessment of public health system in the affected areas of the district and to suggest specific steps to further strengthen public health measures initiated by the District and State authorities.

The Commission had held a Public Hearing at Gaadiguda Village. Testimonies and a field visit revealed that the health institutions were woefully weak. There was no organized system of collection and analysis of disease surveillance data. Shortage of IDSP funds to support Integrated Disease Surveillance Project (IDSP) activities including capacity building, laboratory

strengthening, hardware connectivity and others was cited by State authorities as the reason for non-implementation of IDSP in the affected areas. The records of all the 5 high risk mandals, as produced by the ICDS officer, were incomplete. There was also a problem of non-availability of safe drinking water.

NCPCR Recommendations

- ❖ Regarding health it was recommended that a District Health Action Plan be prepared to tackle malnourishment amongst children up to 18 years of age;
- ❖ Need for training of Gram panchayats in monitoring children's health and participation in schools. Utilizing the services of community based organizations, such as the Child Rights Protection Forums (CRPF), by PHCs, and referral hospitals and even training them to facilitate communication between health worker, PHC and the household;
- ❖ Hot cooked food to be provided in all anganwadi centres and the mid-day meal in schools to be supplemented so that a wholesome meal is available to all children;
- ❖ Strengthening of IDPS for effective disease surveillance;
- ❖ At the State level, inter-departmental meetings to be held in order to prepare a comprehensive action plan with specified timelines.

Action Taken

It is reported that the following action has been taken:

a) Nutrition

- ❖ Modified therapeutic food was supplied to the beneficiaries;
- ❖ Three rounds of the food security programme has been started;
- ❖ Project officer, ITDA, has been directed to provide supplementary nutrition by tying up with some other schemes and also directed to organize regular awareness programmes through kalajathas.

b) Health

- ❖ National Water Borne Disease Control Programme has been implemented in all habitations. House to house surveillance conducted by paramedical staff, early diagnosis and prompt treatment to patients is given. Asha workers, anganwadi workers, and gram panchayat secretaries are involved;
- ❖ Instructions are given separately to officials concerned across the State for providing medicines and to educate the rural community;
- ❖ People to take preventive measures to avoid occurrence of malnutrition, anemia, etc.
- ❖ Programme Officer has been appointed for streamlining the IDPS.

c) Monitoring and Review

- ❖ It was reported that the total number of deaths of children between 0-15 years of age was 146 during Sept.-Dec.2007 and the cause of death was lack of awareness and preference to herbal medicines, lack of transport, telephone and communication facilities, and lack of balanced diet;

- ❖ District Panchayat Officer to ensure that sanitation is properly maintained;
- ❖ District Malaria Officer to ensure completion of second round of residual spray and rapid diagnostic nets to be used by ASHA workers and ANMs for early detection of malaria cases.

Madhya Pradesh

The Commission took cognizance of the reports in *The Hindu* and *Times of India* on 26.7.2008 and on 4.9.2008 respectively which revealed that a large number of child deaths in Madhya Pradesh were due to malnutrition. Satna has been the worst hit district where a dozen deaths occurred in a span of two months and 60% of children were malnourished. It was also reported that interventions to combat malnutrition have not yielded the desired results, and many villages and settlements were not covered under the ICDS and thus, were without anganwadis, nutritious food and educational activities. To assess the situation, the Commission visited Satna District on 10th February, 2009.

The visit made it evident that the problems faced by children in terms of education, health care and malnutrition are enormous. For example, it was found that many villages were uncovered. Children did not receive nutrient supplement. The Nutritional Rehabilitation Centres (NRCs) were taking care of children in the grade 3 and grade 4 of malnutrition but discharged them in 14 days on the plea that they had to look after over 2000 children and therefore, could not afford to keep each child in the centre till she had fully recovered.

NCPCR Recommendations

- ❖ Health camps in all villages where there have been reports of a large number of child deaths to be immediately conducted;
- ❖ Universal coverage of immunization, and provision of safe water;
- ❖ A child is to remain admitted in an NRC till found medically 'fit for discharge'. If a child is discharged while still in the severe malnutrition Grade 3 or 4, food supplements and subsidy in the form of locally available foods, eggs, milk etc. should be made available through the AWW and ASHA;
- ❖ NRCs to be increased manifold and made child-friendly;
- ❖ Universalisation of anganwadis and provision of Rs.10,000 as untied funds to every anganwadi centre in the district to meet the nutritional needs and also empower communities to take part in the programme;
- ❖ Large scale mobilization of communities on the issue of malnutrition necessary; and
- ❖ Building systemic convergence between Health and ICDS staff at all levels to strengthen the care of malnourished children and prevent the deterioration of their health.

2.6 Panchayati Raj and Child Rights

The Commission has encountered several active gram panchayats involved with the protection of child rights and has taken up issues with the authorities in the Government that needed greater support.

The tribal sarpanch in Nilavaram, Dantewada, Chattisgarh and his gram panchayat have mobilized every child to school. This is quite unusual considering that this is a tribal pocket and an area where there has been civil strife due to the presence of Maoists. The message that the gram panchayat was willing to take charge of children's education inspired more than a hundred parents to leave their wards as well. NCPCR intervened to ensure that the schools in the village are equipped to respond to the community demand and increase in school enrolment.

The Sarpanch from Junnardev Village, Chindwara District in Madhya Pradesh narrated how he had worked hard to get all the children in his village back to school including 18 bonded labourers. He petitioned to the District Collector for release orders and appealed to the NCPCR for action when this was kept pending for six months.

Consequent to the public hearing held in Bhopal in February 2009, with NCPCR's support, all these children have now been released and are studying in the residential bridge course camps. This too is an extraordinary action of the gram panchayat.

In its visit to Palwal District in Haryana in March 2009, at the public hearing of the NCPCR, sarpanch after sarpanch narrated the plight of children's education due to poor infrastructure and irregular school teachers and how it compromised the education of their children-both boys and girls. Contrary to the popular notion that Muslim population cared less for girls' education, these voices from gram panchayats made a plea for girl's education.

Likewise the sarpanch from Ranga Reddy District, Andhra Pradesh shared experiences of how his team of gram panchayat including ward members monitors the education, health and nutritional rights of children. They keep track of each and every child in the 0-18 year's age group and engage with all schools, anganwadi centres and sub-centres in their constituency. This is in defiance of existing social and economic hierarchies.

NCPCR has come across such exemplars of gram panchayats who have even set up sub-committees for education and health within the gram panchayat and enlisted support from the community to build solid institutions for protection of child rights. Drawing inspiration from them we recognize the indispensable role they render as custodians of child rights.

Yet, none of the gram panchayats included children and their well-being in the action plan they sent to the district administration under the Backward Grants Relief Fund (BGRF). It seems that they would require guidance to go beyond construction and public works activities in making their plans. They should know that planning for building human capabilities through children's access to education, health and all other entitlements are equally important and can come under the BGRF. There is a need for coming together of all child related departments in the country to send clear messages to the gram panchayats to begin working on plans for protection of child rights. 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.

2.7. Children affected by HIV and AIDS

2.7.1 Visits to States

Manipur

The issue of children infected/affected by HIV/AIDS is an area of concern. A team of the Commission visited Manipur in September, 2008 to understand the institutional response to the wide prevalence of HIV and AIDS. It made an assessment of the district level medical facilities in the Thoubal and Churachandpur districts and also reviewed the health services in the RIMS Hospital and J.N. Hospital in Imphal. The rampant increase in Injecting Drug Users (IDUs) amongst the youth, was also a cause for alarm. It was also reported in the public hearing that was held, that there was an increase in transmission of HIV and AIDS from mother to child. Testimonies from affected communities and discussions with NGOs and Government and medical personnel revealed the continuing gaps in access to care and treatment food security and nutrition, psycho-social support and alternative placement programmes and education of children living with AIDS.

It was noticed that children infected/affected by HIV were discriminated against and excluded from institutions including schools and juvenile facilities. There was lack of a coordinated, multi-sectoral approach involving all Departments (Health, MSACS, WCD, Social Welfare, Education etc) that systemically addresses health, nutrition, education, care and protection needs of children infected, affected and vulnerable to HIV and AIDS.

NCPCR Recommendations

- ❖ All children undergoing ART treatment have to be covered fully by nutritional supplements either through the ICDS, the midday meal or NRHM programmes. A record of their height and weight has to be maintained and reviewed when they visit the hospital for the supplies of ART;
- ❖ In accordance with NACO guidelines, clear instructions are to be issued to doctors on the need to promote exclusive breast feeding in circumstances where replacement feeding is not safe, affordable, sustainable and cannot be monitored;
- ❖ Counselling resources and services especially for adolescents in their clinical treatment transition from pediatric to adult ART facilities;
- ❖ The availability of medicines to combat Opportunistic Infections for children must be made easily accessible;
- ❖ Mandatory testing conducted by some residential homes must be banned unless it was in the best interest and welfare of the child (such as medical assessment based on undiagnosed poor health). Further, the purpose of testing must always be diagnosis for determining treatment;
- ❖ The need to maintain confidentiality by parents/guardians and care institutions and not disclose a child's HIV status as non-infected children are unlikely to be at risk from an affected child;

- ❖ JJ Homes be advised to accept children affected by HIV/AIDS without discriminating against them;
- ❖ Multiple facilities such as short stay facilities for children and families undergoing treatment etc. must be provided to address the needs of children and their families;
- ❖ Strong monitoring and assessment of standards of care must occur both in Government and private children's institutional care facilities through mechanisms of transparency and interface with professional, specialized agencies or NGOs. At the same time, Government must support and evolve a policy for non-institutional care alternatives;
- ❖ Schools to be monitored to prevent discrimination based on the child's HIV status;
- ❖ With regard to the significant number of vulnerable children and children affected by HIV who are at high risk of dropping out of schools, the Government must strengthen/expand the bridge programmes and hostel facilities to allow such children to continue their schooling;
- ❖ A follow up visit was made in December, 2008. During this period, Carmel Jyoti Orphanage Home was visited. In spite of this home being the only home in the State of Manipur for orphan children infected/affected with HIV/AIDS, it does not receive State funding or support. Also children have no means of transport to and fro from the hospital. In this regard, the State Departments of Health and Social Welfare were requested to ensure that a vehicle or ambulance, as the case may be, is provided to this home.

Action Taken

- a) Dept. of Social Welfare, Manipur, reported that they invited proposals for extending financial assistance to orphanage children home;
- b) Ministry of Women and Child Development suggested that organizations could get registered under JJ Act for consideration of financial assistance for release of grants by the State Government of Manipur.

2.8. Other

2.8.1 Safeguarding the Rights of Children in contact with the Railways

It is estimated that at any given point in time, there are over 112781¹ children either on a train or in a railway platform away from their own families and villages. A working group was constituted to understand their predicament, study the risks associated with their life and the factors to prevent abuse of rights and violence of children on railway platforms.

NCPCR conducted a number of meetings and discussions at various levels with multiple stakeholders dealing with children in need of care and protection, including NGOs, Railway Authorities, RPF/GRP, etc.

S. No.	Date and Venue of the Meetings	Purpose
1.	4th & 7th August, 2008 – NCPCR Office	To discuss multi-lateral cooperation of concerned departments on protecting rights of displaced and missing children on railway platforms
2.	29th August, 2008 - NCPCR Office	To discuss establishment of Child Protection Centres at railway platforms, and its monitoring mechanism.
3.	6th October, 2008- NCPCR Office	To discuss mechanisms to safeguard the rights of children at railway platforms
4.	21st October, 2008- NCPCR Office	To formulate guidelines on protecting rights of children on railway platforms
5.	11th November, 2008 – Vijaywada	To discuss setting up of shelter and booth services at railway stations for displaced and missing children at railway platforms.
6.	18th February, 2009 – NCPCR Office	Follow-up meeting to discuss safeguards for protecting the rights of children at railway platforms

The Working Group recommended the following:

- i. Effective implementation of Integrated Child Protection Scheme;
- ii. Universal expansion of CHILDLINE 1098 to all districts of the country;
- iii. Inter-ministerial coordination to rescue and rehabilitate children found in transit, source and destination locations;
- iv. Presence of Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), Child Protection Committee (CPCs) and Special Juvenile Police Unit (SJPU) in GRP and RPF at all major railway stations, including Child Assistance Booths, and short stay shelter home for children at railway premises; and
- v. Partnership with voluntary organizations and providing free or subsidized travel for the staff of NGOs during restoration of missing children.

NCPCR Recommendations

The Commission is in the process of finalizing its recommendations on the basis of the Working Group Report.

2.8.2 Children's participation in TV serials and reality shows

The Commission constituted a Working Group on 'Children working in teleserials/ competitive reality shows/advertisements'. It carried out on-the-spot inspections of studios/green rooms to formulate guidelines for working hours, working conditions, educational, psychological and recreational needs of child artistes; and to find out shortcomings in the existing laws/regulations on the subject and recommend appropriate measures. One such visit was made on 18th December 2008 to the sets of TV serial "Balika Vadhu" which is being telecast on "Colours" channel. NCPDR conducted a number of discussions at various levels with multiple stakeholders including NGOs, production houses, principals, psychologists, media and others. The Commission is in the process of finalizing its guidelines.

2.8.3. Female Feticide

The Commission constituted a Working Group on 'Female Feticide and Infanticide' to enlist the opinions of NGOs, medical fraternity and departments to stop the practice of foeticide especially in the States of Punjab, Haryana, Rajasthan, Gujarat, Maharashtra and Delhi and also to undertake a review of the existing positive practices of both NGOs and Government. The Working Group held meetings with various stakeholders and submitted the following recommendations to the Commission.

- i. Strict enactment of legislative measures;
- ii. Close monitoring of births to improve the sex ratio;
- iii. Girls to be given equal share in property;
- iv. Education to be made compulsory for women along with skill training and economic schemes;
- v. Sustained campaign against patriarchy and gender discrimination and in favour of girl children through media. Involvement of corporate sector in such campaign.

2.8.4 Child Trafficking and Missing Children

Recommendations

- (a) Recommendations were made by the Commission vide Letter No. NCPDR/Member(SB)/2008 dated 11.6.2008 to the DGPs/ IGPs for issuing instructions to the SSP/SP in every District to register FIR in respect of missing children and strictly enforcing/implementing the guidelines issued by the Hon'ble Supreme Court on the subject in the Case of Horilal Vs. Commissioner of Police, Delhi & Others (Writ Petition (Cri.) No 610 of 1996) (**Annexure- 7**).
- (b) Andaman & Nicobar, Andhra Pradesh, Delhi, Gujarat, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Mizoram, Orissa, Puducherry, Punjab, Rajasthan, Sikkim, Tripura, Uttar Pradesh and West Bengal have informed the Commission about the actions taken by them in the matter in terms issuance of Guidelines/Instructions/Standing Orders to the Police Force.

- (c) Recommendations were also made by the Commission to the DGPs/ IGPs vide letter no. 91/DGP/NCPCR/2009/Member(SB) dated 6.2.2009 for following measures in view of the growing incidents of violence against children by the police affecting their physical integrity, dignity and privacy.
- (i) To issue an instruction to the Police Force specifying the “Dos” and “Don'ts” for them in protecting Child Rights;
 - (ii) To organize sensitization training (both pre-service and in-service) for the police be organized by the Police Training Colleges on the protection of child rights and their role as envisaged under the Juvenile Justice Act, 2000 (as amended from time to time) and corresponding Rules.
- (d) Responses from the Director General of Police from the States of Andhra Pradesh, Delhi and Madhya Pradesh have been received. The details of which are provided as under:
- (i) The Govt. of Andhra Pradesh has circulated the handouts on child protection issues to all Unit Officers in the State with copy endorsed to all DIGPs of Ranges and Regional IGPs for educating the officers.
 - (ii) The Delhi Govt. has imparted training to police officers at their Police Training College on child issues, and conducted refresher training programmes for in-service police personnel both at their Police Training College and the District and Police Stations. The child and juvenile welfare officers are being educated on child rights issues and have been sensitized on needs and handling of children in need of care and protection and in conflict with law. The department has also issued a Standing Order specifying duties of the Police under the Juvenile Justice Act, 2000 and Rules 2007. With the passage of the "Do's and Don'ts" to guide the Police Officers, prepared by the Sub Committee headed by Justice Madan V Lokur, the same will be circulated to Juvenile Welfare Officers and Special Juvenile Police Units.
 - (iii) The Madhya Pradesh Govt. has taken the following steps:-The Police Headquarters has issued GOP providing directions for the effective implementation of the Juvenile Justice (Care & Protection) Act, 2000 to all the Superintendents of Police and JJB Officers. Constant follow up is being done in this regard. The Department has also undertaken the following steps :
 - "Do's and Don'ts" to guide the Police Officers, while dealing with child rights issues has been issued to all the Superintendents of Police and the same has been put up on the Notice boards of each police station;
 - Special Juvenile Police Units has been constituted in all Districts of Madhya Pradesh and the Child Welfare Officers have been appointed in all Police Stations;

- Training has been given to all officers of SJPU's and to all Child Welfare Officers on child rights issues and on JJ Act, 2000;
- Children's help Cells are in the process of formulating directions on all the offences against children and penal provisions for the same.

2.8.5. International Visits during the year 2008-09

S. No.	Location	Dates	Purpose
1.	Dhaka, Bangladesh	15-17 April 2008	To participate in the UNICEF Regional Office for South Asia's Policy Makers Symposium on Social Protection.
2.	Kathmandu, Nepal	13-17 May 2008	To participate in the UNICEF Regional Office for South Asia's Third Regional Training on Juvenile Justice System.
3.	Manila, Philippines	August 29 – 30, 2008	To participate in the International Conference "Changing Asia: Forging Partnerships, Building Sustainability" organized by Roman Magsaysay Award Foundation (RMAF) on 50 th anniversary of granting of annual Ramon Magsaysay Award to bring together Magsaysay laureates to examine the challenges that face Asia today, focusing on poverty & inequality, environmental degradation and social conflict and joined in this year's Awards Presentation Ceremonies on 31 August 2008.
4.	Bern, Switzerland	October 13-14, 2008	To participate in the "Expert Consultation on Legal Frameworks, Procedures and Enforcement: Preventing & Responding to Sexual Exploitation of Children & Adolescents", jointly organized by Swiss Federal Department of Foreign Affairs; Swiss Committee for UNICEF and UNICEF Innocenti Research Centre to focus on theme two of Rio Congress namely legal frameworks and enforcement.

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5. Rio de Janeiro, Brazil 25th-28th November 08 To attend World Congress III Against Sexual Exploitation of Children and Adolescents organized by the Brazilian Government in partnership with UNICEF, ECPAT an NGO Group. Also participated in a meeting of Board of the Global Network of Independent Human Rights Institutions for Children on 24 Nov 2008. The meeting discussed the participation of Ombudspersons in the III World Congress and also reviewed the role of Ombudspersons Network in monitoring of violation of rights of children.
6. The Hague, 22 February 2009 To attend Conference on Violence against Girls Netherlands scheduled to be held in The Hague, being organized by the Human Rights, Good Governance and Humanitarian Aid Department, Netherlands Ministry of Foreign Affairs on 9th and 10th March 2009.

2.9. Complaints

One of the functions assigned to the Commission U/S 13 of CPCR Act is to enquire into complaints in relation to deprivation and violation of child rights such as child labour, displaced children, physical and mental abuse, trafficking, missing children, etc. Since 2007, the Commission had received the highest number of complaints from the State of Uttar Pradesh followed by Delhi, Tamil Nadu, Madhya Pradesh and Andhra Pradesh. The State wise and head wise data on complaints for the year 2008-09 is provided as Annexure-5.

The procedure adopted by the Commission on receipt of the complaint is as follows:

(1) Receipt & Registration of Complaints:

The complaints received by Chairperson, Members, Member Secretary and other officers of the Commission are first diarized in the Computerized Diary System on the day these are received or on the next working day. Thereafter, the complaint is passed on to the Complaints Section immediately. All complaints received in the Complaints Section are noted/recorded in the computerized Complaints Management System (CMS). The Complaint Management System automatically generates a unique file identification number depending on the type of complaint, incident, State, and year of incident which makes it very easy to locate the different files/complaint.

The concerned officer then examines whether the complaint is to be entertained or not. Ordinarily, complaints may not be considered if they are found illegible; anonymous/pseudonymous; vague; if the matter is sub-judice before a Court/Tribunal or pending before another Commission; when the complaint is trivial or frivolous and does not make out any specific violation of children's rights; the issue raised relates to service matters not involving child rights; the matter has already been decided by the Commission or is outside the purview of the Commission or any other reason/ground which Commission considers justifiable not to entertain the complaint.

(2) Preliminary Scrutiny of Complaints :

All new complaints are carefully examined and the urgent cases are segregated from others. Complaints requiring urgent action are placed before the Commission after scrutiny within 24 hours from the date of their receipt/diary. Other complaints are also placed before the Commission for preliminary consideration as expeditiously as possible.

After examining the complaint further course of action would include any or a combination of alternatives below within a stipulated time:-

- a) Filing of the complaint if no further action is required. However, after obtaining orders of the Commission, the complainant shall be informed.
- b) Calling for full details/additional information/statements of witness (s), etc.
- c) Forwarding of the complaint to the appropriate authority for comments / investigation / necessary action in the matter.

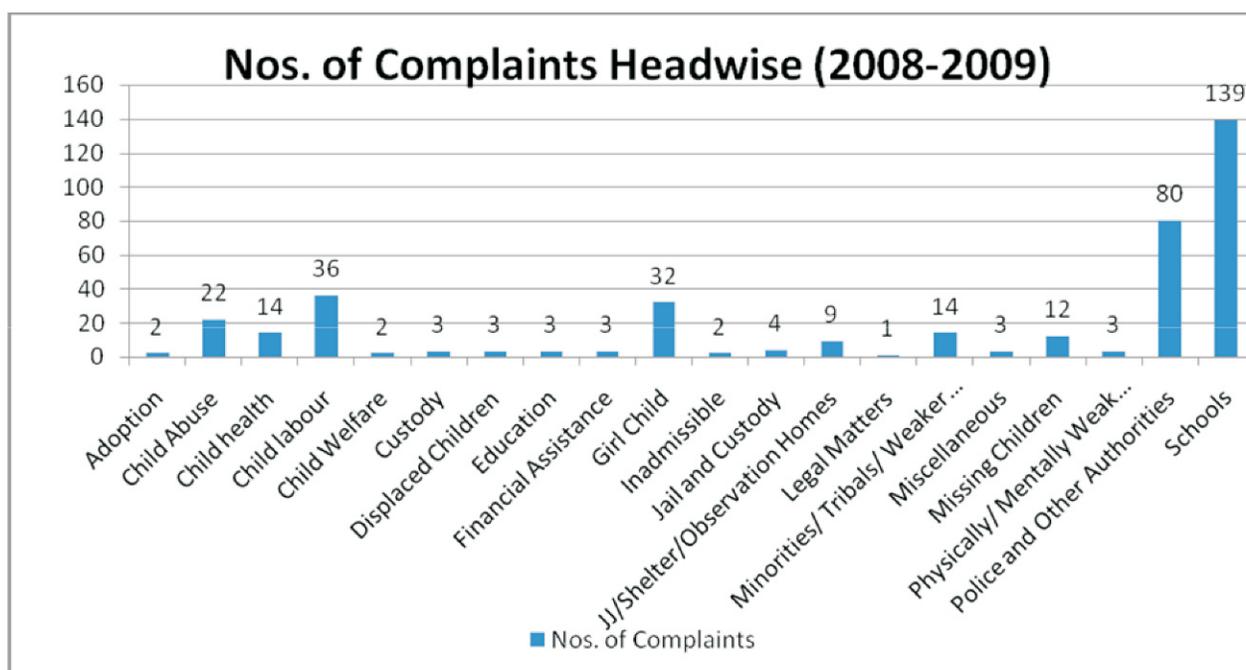
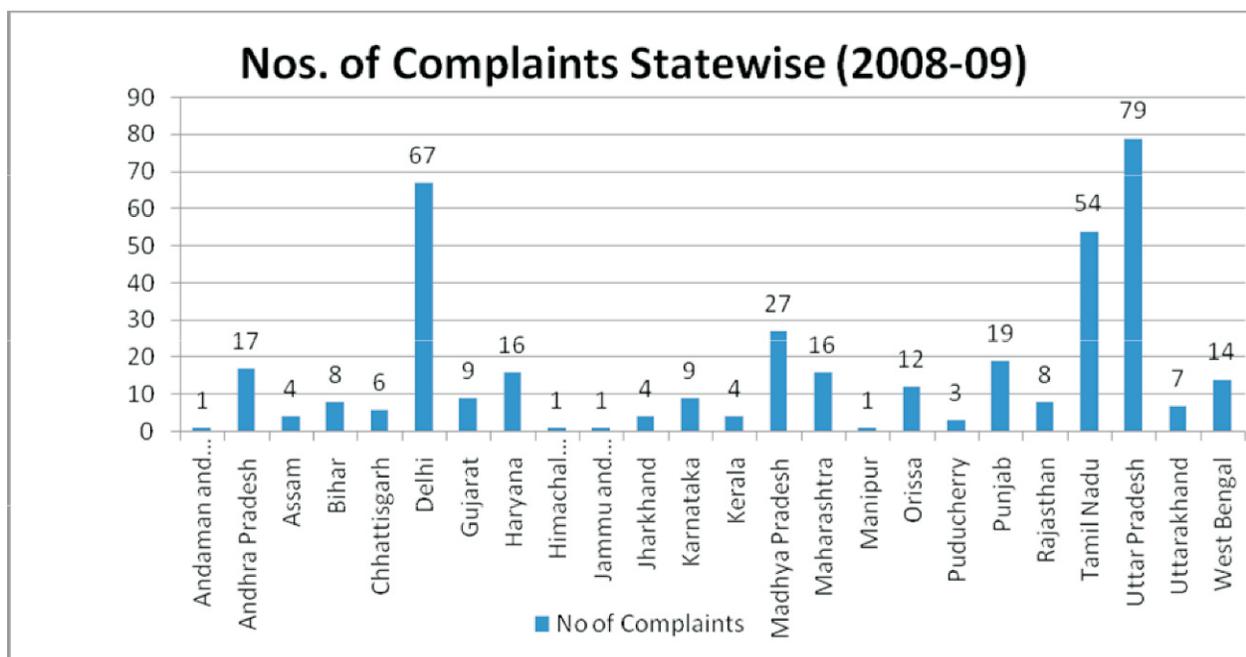
(3) Reminder-I : If the information called for is not received within the prescribed time limit, then reminder is issued within 3 days of the expiry of the prescribed period.

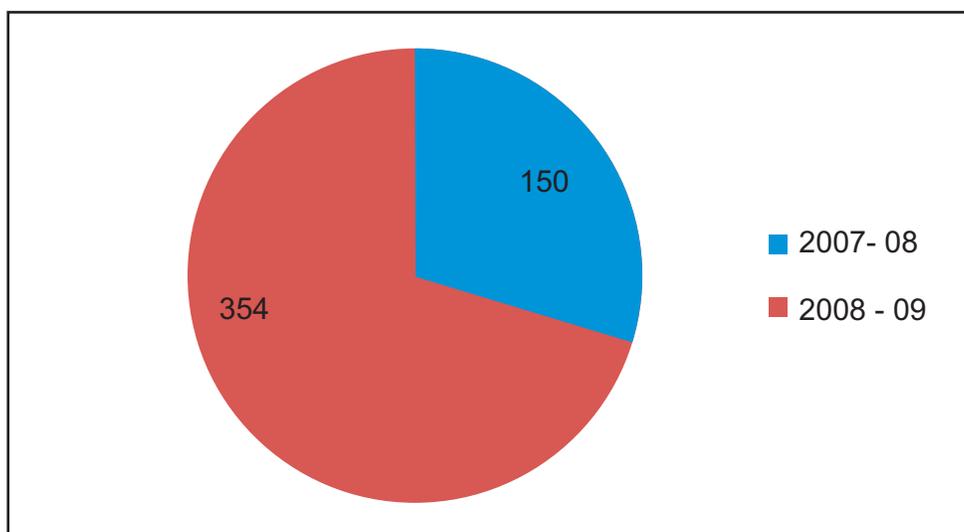
Reminder-II : If Commission does not receive any response after sending the first Reminder then the Second Reminder mentioning powers of summoning is issued to the concerned authority.

(4) Notice- If the response is not received after two reminders, a notice is issued under Section 14 of the Act.

(5) On completion of the inquiry, the Commission decides whether the matter should be closed or Concerned Authority should be called for further explanation or inquiry report.

(6) Suo-motu cognizance by Commission: The Commission conducts direct investigation, which often entails deliberations with experts and Government officials. Matters have been taken up from various sources including newspapers, television, and internet. They are being pursued with the concerned authorities.





2.10 Public Hearings held by the Commission during 2008-09

S. No.	Location	Date	Issues
1.	Narsingpura North Tripura District, Tripura	8th September, 2008	Health, nutrition, education water, & sanitating relief / ration / food security, child and maternal death
2	Vevsri Camp in Chirang District and Chalabila Camp in New Bongaigaon District. ,Assam	5-6 September, 2008	Health, nutrition, education water, & sanitating relief / ration / food security, child and maternal death
3	Satna & Bhopal, Madhya Pradesh	9-11 February 2009	Public Hearing in Satna on 10th February and in Bhopal on 11th February on death of children due to malnutrition and other child right issues
4	Hathin block, Mewat District Haryana	2nd March, 2009	Public Hearing on impact on education of children due to lack of basic facilities in school.

3. Conclusion

Given its mandate, the Commission has its strengths in enquiring into issues, recommending policy and legal actions as well as creation of public awareness on important issues relating to children. It has a quasi-judicial power but cannot take punitive actions. It can recommend changes in policies but cannot execute the same. The expectations from the Commission, therefore, to provide immediate short-term and long-term solutions to the predicament of children, continues to pose a challenge.

It has consolidated many of the interventions that have been taken up in the first year in the areas of child labour, corporal punishment, juvenile justice, children affected by civil unrest and so on. It seems that there has to be a sustained effort and repetitive action and reminders for the issue to be internalized and become a part of institutional memory. It also requires strong support from civil society, giving positive messages and enabling the functionaries to draw from the societal atmosphere to render their duties. As seen from this report, there have been responses from most of the States concerned, but a lot more has to be done for creating a strong process of institution-building that has children as a focal point of the country's democracy.

The Commission proposes to continue with the following activities:

- (i) Child Labour
- (ii) Children affected by civil unrest
- (iii) Rights of children with disabilities
- (iv) Right to Education
- (v) Rights of children affected and effected by HIV and AIDS.
- (vi) Child Jurisprudence
- (vii) Children's participation in TV reality shows

It is evident that lives of our children, their well being and access to all their rights are very integral to the texture of our own daily lives and routines. It is at the cost of their suffering and exploitation that the rest of us have benefited. It is essential to be sensitive to this interconnectedness of lives of deprived and marginalized children and our own comforts, just so that we take the responsibility for correcting the injustice meted out to children. It would also foster a culture of humanness in society having implications for India's democracy and development.

4. Statement of Accounts for the Financial year 2008-09

BALANCE SHEET AS AT 31ST MARCH 2009

(Amount in Rs.)

CORPUS/CAPITAL FUND AND LIABILITIES	Schedule	Current Year	Previous Year
CORPUS/CAPITAL FUND	1	28,612,329.80	18,800,091.00
RESERVES AND SURPLUS	2	-	-
EARMARKED/ENDOWMENT FUNDS	3	15,487.00	150,114.00
SECURED LOANS AND BORROWINGS	4	-	-
UNSECURED LOANS AND BORROWINGS	5		
DEFERRED CREDIT LIABILITIES	6		
CURRENT LIABILITIES AND PROVISIONS	7	3,154,680.00	1,142,760.00
TOTAL		31,782,496.80	20,092,965.00
ASSETS			
FIXED ASSETS	8	8,548,164.00	8,794,987.00
INVESTMENTS - FROM EARMARKED/ENDOWMENT FUNDS	9	-	-
INVESTMENTS - OTHERS	10	-	-
CURRENT ASSETS, LOANS, ADVANCES ET C. MISCELLANEOUS EXPENDITURE (to the extent not written off or adjusted)	11	23,234,332.80	11,297,978.00
TOTAL		31,782,496.80	20,092,965.00
SIGNIFICANT ACCOUNTING POLICIES	24		
CONTINGENT LIABILITIES AND NOTES ON ACCOUNTS	25		

INCOME AND EXPENDITURE ACCOUNT FOR THE PERIOD YEAR ENDED 31ST MARCH, 2009

		(Amount in Rs.)	
INCOME	Schedule	Current Year	Previous Year
Income from Sales / Services	12	0	0
Grants / Subsidies	13	65,823,884.00	54599886.00
Fees/ Subscriptions	14	0	0.00
Income from Investments (Income on Invest f rom earmarked/endow. Funds transf erred to Funds)	15	0	0.00
Income from Royalty, Publication etc.	16	0	0.00
Interest Earned	17	362,644.00	390541.00
Other Income	18	4,800.00	0.00
Increase/(decrease) in stock of Finished goods and works-in-progress	19	0	0.00
TOTAL (A)		66191328.00	54990427.00
EXPENDITURE			
Establishment Expenses	20	13,208,883.00	6336535.00
Other Administrative Expenses etc.	21	40,101,342.20	33045552.00
Expenditure on Grants, Subsidies etc.	22	0	0.00
Interest	23	0	0.00
Depreciation (Net Total at the year-end - corresponding to Schedule 8)		3068864.00	2916480.00
TOTAL (B)		56379089.20	42298567.00
Balance being excess of Income over Expenditure (A-B)		9812238.80	12691860.00
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		9812238.80	12691860.00
SIGNIFICANT ACCOUNTING POLICIES	24		
CONTINGENT LIABILITIES AND NOTES ON ACCOUNTS	25		

RECEIPTS AND PAYMENTS FOR THE PERIOD/YEAR ENDED 1ST APRIL, 2008 TO 31ST MARCH, 2009

(Amount in Rs.)

RECEIPTS	As on 31.03.09	As on 31.03.08	PAYMENTS	As on 31.03.09	As on 31.03.08
(I) Opening Balances:			(I) Expenses:		
a) Cash in hand (Including Imprest)	20,000.00	-	a) Establishment Expenses	12,139,572.00	5,403,225.00
b) Bank Balances	-	-	b) Administration Expenses	38,158,325.20	32,964,476.00
(i) In current accounts(unspent bal.)	-	-	c) International Meet Expenses	-	-
(ii) In desposit accounts	-	-			
(iii) Savings accounts	10,937,016.00	195,073.00	(II) Payments made against funds for various projects:		
Adjustment of previous year advance			(Name of the fund or project should be shown along with the particulars of payments made for each project)	-	-
(II) Grants Received:			(III) Investments and deposit made:		
a) From Government of India:-			a) Out of Earmarked/Endowment funds	-	-
For Capital & Revenue Expenses	56,800,000.00	54,000,000.00	b) Out of Own Funds (Investments-others)	-	-
b) From State Government			(IV) Expenditure on Fixed Assets & Capital Work-in-Progress:		
c) From other sources (details)	125,000.00	750,000.00	a) Purchase of Fixed Assets	2,801,075.00	5,749,889.00
			b) Exp. On Capital Work-in-progress	-	-
(III) Income on Investments from:			(V) Loans & Advances:		
a) Earmarked/Endow. Funds	-	-	a) To the Government of India	-	-
b) Own Funds (Oth. Investment)	-	-	b) To the State Government	-	-
(IV) Interest Received:			c) To others	823,338.00	149,008.00
a) On Bank deposits	362,644.00	390,541.00	(VI) Finance Charges (Interest):	-	-
b) Loans, Advances etc.	-	-	(VII) Other Payments (Specify):		
(V) Other Income (Specify):			Refund of Grant to Panchayati Raj	125,205.00	-
International Meet Registration Fee	-	-	Deposit With NDMC	-	6,000.00
Sale of old News papers and Magzines	1,800.00	-	Deposit With MTNL	-	106,000.00
Tender Money	3,000.00	-	(VIII) Closing Balances:		
Security Money Received	10,000.00	-	a) Cash in hand (Including Imprest)	41,209.00	20,000.00
Security Deposit (Phone) Return	1,961.00	-	b) Bank Balances:-		
(VI) Amount Borrowed:	-	-	(i) In current accounts		
			(ii) In deposit accounts		
			(iii) Savings accounts	14,172,696.80	10,937,016.00
TOTAL	68,261,421.00	55,335,614.00	TOTAL	68,261,421.00	55,335,614.00

SCHEDULES FORMING PART OF BALANCE SHEET AS AT 31ST MARCH, 2009

(Amount in Rs.)

	As on 31.03.09		as on 31.03.08	
	SCHEDULE 1 - CAPITAL FUND :			
Balance as at the beginning of the year	18,800,091.00		6,108,231.00	-
Add : Contributions towards Corpus/Capital Fund	-		-	-
Add: Adjustment due to change in accounting Policy	-		-	-
Add/(Deduct) : Balance of net income/(expenditure) transferred from the Income and Expenditure Account	9,812,238.80	28,612,329.80	12,691,860.00	18,800,091.00
BALANCE AS AT THE YEAR - END		28,612,329.80		18,800,091.00
SCHEDULE 2 - RESERVES AND SURPLUS :				
1. CAPITAL RESERVE				
As per last Account	-		-	
Addition during the year	-		-	
Less : Deductions during the year	-	-	-	-
2. REVALUATION RESERVE :				
As per last Account	-		-	
Addition during the year	-		-	
Less : Deductions during the year	-	-	-	-
3. SPECIAL RESERVE :				
As per last Account	-		-	
Addition during the year	-		-	
Less : Deductions during the year	-	-	-	-
4. GENERAL RESERVE :				
As per last Account	-		-	
Addition during the year	-		-	
Less : Deductions during the year	-	-	-	-
TOTAL		-		-

(Amount in Rs.)

SCHEDULE 3 - EARMARKED/ENDOWMENT FUNDS :	TOTAL	
	As On 31.03.09	As On 31.03.08
a) Opening balance of the funds	150,114.00	-
b) Additions to the Funds :	-	-
(i) Grants (Non-Plan):		
a) Revenue expenses	125,000.00	750,000.00
b) Capital Expenses	-	-
(ii) Income from Investments made on account of funds	-	-
(iii) Other additions (specify nature):	-	-
International Meet Registration Fee	-	-
TOTAL (a+b)	275,114.00	750,000.00
c) Utilisation/Expenditure towards objectives of funds		
(i) Capital Expenditure		
* Fixed Assets	-	-
* Others	-	-
(ii) Revenue Expenditure		
* Salaries, Wages and allowances etc.	76,000.00	79,826.00
* Rent	-	26,200.00
* Other Administrative Expenses	58,422.00	493,860.00
* Refund of Grants	125,205.00	-
International Meet Expenses	-	-
Total (c)	259,627.00	599,886.00
NET BALANCE AS AT THE YEAR-END (a+b-c)	15,487.00	150,114.00
Notes :		
1) Disclosures shall be made under relevant heads based on conditions attaching to the grants.		
2) Plan Funds received from the Central/State Governments are to be shown as separate Funds and not to be mixed up with any other Funds.		

SCHEDULE 7 - CURRENT LIABILITIES AND PROVISIONS:	Current Year	Previous Year
A. CURRENT LIABILITIES		
KBS Computer Mart	48,420.00	48,420.00
Progressive Infotech Pvt. Ltd.	20,966.00	-
C.G.H.S. account	7,990.00	7,220.00
Advances Recovered from Employees payable to Parent Office :		
Computer Advances	400.00	900.00
Vehicle Advances	1,350.00	27,801.00
House Building Advances	5,000.00	-
GPF Organisation Account	104,553.00	114,160.00
PF Contribution Payable	18,962.00	14,862.00
Licence fee and House Rent Payable to Govt for Accomodation	87,398.00	23,787.00
Group Insurance Scheme A/c	8,400.00	4,590.00
TDS Payable	34,704.00	131,867.00
Security Money annd Bank Guaratee Received	10,000.00	-
Payable To Hotel Metro City	4,086.00	-
Payable To Hotel Metro Continental	3,882.00	-
Payable To Hotel Mohan Sheraton	7,763.00	-
Payable To Hotel Omni	6,470.00	-
Payable To Hotel Perfect	3,882.00	-
Payable To Hotel Rupam	3,882.00	-
Payable To Hotel Shiva International	5,176.00	-
Payable To Hotel Star Palace	3,882.00	-
Total A	387,166.00	373,607.00
B. PROVISIONS:		
1. For Taxation	-	-
2. Gratuity	43,478.00	19,275.00
3. Superannuation/pension	606,127.00	130,227.00
4. Accumulated Leave Encashment	164,674.00	98,325.00
5. Trade Warranties/ claims	-	-
6. Others (specify)	-	-
Provision for Expenses (Annexure D)	1,953,235.00	521,326.00
Total B.	2,767,514.00	769,153.00
Total(A+B)	3,154,680.00	1,142,760.00

SCHEDULE 8 - FIXED ASSETS as on 31.03.2009Detail as per Annexure - A
Amount in Rs.

DESCRIPTION	GROSS BLOCK					DEPRECIATION				NET BLOCK	
	Cost/valuation as at beginning of the year	Additions		Deductions during the year	Cost/valuation at the year-end	As at the beginning of the year	On Opening WDV and Additions during the year	On Deductions during the year	Total up to the year-end	As at the Current year-end	As at the Previous year-end
		Upto 30 Sep. 08	After 30 Sep. 08								
A. FIXED ASSETS :	-	-	-	-	-	-	-	-	-	-	-
1. LAND :	-	-	-	-	-	-	-	-	-	-	-
a) Freehold	-	-	-	-	-	-	-	-	-	-	-
b) Leasehold	-	-	-	-	-	-	-	-	-	-	-
2. BUILDINGS:	-	-	-	-	-	-	-	-	-	-	-
a) On Freehold Land	-	-	-	-	-	-	-	-	-	-	-
b) On Leasehold Land	-	-	-	-	-	-	-	-	-	-	-
c) Ownership Flats/Premises	-	-	-	-	-	-	-	-	-	-	-
d) Superstructures on Land not belonging to the entity	-	-	-	-	-	-	-	-	-	-	-
3. PLANT MACHINERY & OFFICE EQUIPMENT	4,864,136	-	302,375	-	5,166,511	729,620	642,855	-	1,372,475	3,794,036	4,134,516
4. FURNITURE & FIXTURES	1,954,169	880,253	411,888	-	3,246,310	188,232	285,213	-	473,445	2,772,865	1,765,938
5. COMPUTER/PERIPHERALS	4,481,846	53,232	1,140,408	-	5,675,485	1,916,365	1,913,350	-	3,829,715	1,845,770	2,565,481
6. LIBRARY BOOKS	411,316	24,615	9,270	-	445,202	82,263	227,446	-	309,709	135,492	329,053
7. TUBEWELLS & W. SUPPLY	-	-	-	-	-	-	-	-	-	-	-
8. OTHER FIXED ASSETS	-	-	-	-	-	-	-	-	-	-	-
TOTAL	11,711,467	958,100	1,863,940	-	14,533,507	2,916,480	3,068,864	-	5,985,343	8,548,164	8,794,987
B. CAPITAL WORK-IN-PROGRESS	-	-	-	-	-	-	-	-	-	-	-
GRAND TOTAL	11,711,467	958,100	1,863,940	-	14,533,507	2,916,480	3,068,864	-	5,985,343	8,548,164	8,794,987

(Amount in Rs.)

SCHEDULE 11 - CURRENT ASSETS, LOANS, ADVANCES ETC.		As on 31.03.09		As on 31.03.08	
A. CURRENT ASSETS :					
1. Inventories :					
a) Stores and Spares		-		-	
b) Loose Tools		-		-	
c) Stock-in-trade					
Finished Goods		-		-	
Work-in-progress		-		-	
Raw Materials		-	-	-	-
	Total				
2. Sundry Debtors :					
a) Debts Outstanding for a period exceeding six months		-		-	
b) Others		-	-	-	-
3. Cash balances in hand (including cheques/drafts and imprest) : (Annexure E)					
		41,209.00		20,000.00	
4. Bank Balances :					
a) With Scheduled Banks :					
* On Current Accounts		-		-	
* On Deposit Accounts (includes margin money)		-		-	
* On Savings Accounts		14,172,696.80	14,213,905.80	10,937,016.00	10,957,016.00
	Total		14,213,905.80		10,957,016.00
b) With non-Scheduled Banks :					
* On Current Accounts		-		-	
* On Deposit Accounts		-		-	
* On Savings Accounts		-		-	
Total			-		-
5. Post Office-Savings Accounts					
			-		-
TOTAL			14,213,905.80		10,957,016.00

(Amount in Rs.)

SCHEDULE 11 - CURRENT ASSETS, LOANS, ADVANCES ETC. (Contd.)	As on 31.03.09		As on 31.03.08	
B. LOANS, ADVANCES AND OTHER ASSETS				
1. Loans :				
a) Staff (Annexure : B)	197,453.00		70,660.00	
b) Other Entities engaged in activities/objectives similar to that of the Entity	-		-	
c) Other (specify)	-		-	
Total		197,453.00		70,660.00
2. Advances and other amounts recoverable in cash or in kind or for value to be received :				
a) On Capital Account	-		-	
b) On Revenue Account (Annexure C)	854,847.00		158,302.00	
c) Other:				
Security Deposit (Phones)	4,039.00		6,000.00	
Security Deposit (Rent paid to NDMC)	7,964,088.00		106,000.00	
Total		8,822,974.00		270,302.00
3. Income Accrued :				
a) On Investments from Earmarked/Endowment Funds	-		-	
b) On Investments - Others	-		-	
c) On Loans and Advances	-		-	
Total		-		-
4. Claims Receivable :				
		-		-
TOTAL (B)		9,020,427.00		340,962.00
TOTAL (A+B)		23,234,332.80		11,297,978.00

(Amount in Rs.)

	Current Year	Previous Year
SCHEDULE 12 - INCOME FROM SALES/SERVICES :		
1) Income from Sales	0.00	0.00
a) Sale of Finished Goods	0.00	0.00
b) Sales of Raw Material	0.00	0.00
c) Sale of Scraps	0.00	0.00
2) Income from Services	0.00	0.00
a) Labour and Processing Charges	0.00	0.00
b) Professional/Consultancy Services	0.00	0.00
c) Agency Commission and Brokerage	0.00	0.00
d) Maintenance Services (Equipment/Property)	0.00	0.00
e) Other (Specify)	0.00	0.00
TOTAL	0.00	0.00
		(Amount in Rs.)
SCHEDULE 13 - GRANTS/SUBSIDIES	Current Year	Previous Year
(Irrevocable Grants & Subsidies Received)		
1) Central Government		
Received in Current Year in Regular Course	56,800,000.00	54,000,000.00
Grants pertaining to F.Y. 2006-07 (Refer Notes to Accounts No. 13.2)	8,889,462.00	0.00
2) State Government (s)	0.00	0.00
3) Government Agencies	134,422.00	599,886.00
4) Institutions/Welfare Bodies	0.00	0.00
5) International Organisations	0.00	0.00
6) Other (Specify)	0.00	0.00
TOTAL	65,823,884.00	54,599,886.00
		(Amount in Rs.)
SCHEDULE 16 - INCOME FROM ROYALTY, PUBLICATION ETC.	Current Year	Previous Year
1) Income from Royalty	0.00	0.00
2) Income from Publications	0.00	0.00
3) Others (specify)	0.00	0.00
TOTAL	0.00	0.00

(Amount in Rs.)

	Current Year	Previous Year
SCHEDULE 17 - INTEREST EARNED		
1) On Term Deposits :		
a) With Scheduled Banks	0.00	0.00
b) With Non-Scheduled Banks	0.00	0.00
c) With Institutions	0.00	0.00
d) others	0.00	0.00
2) On Savings Accounts :		
a) With Scheduled Banks	362,644.00	390,541.00
b) With Non-Scheduled Banks	0.00	0.00
c) With Institutions	0.00	0.00
d) others	0.00	0.00
3) On Loans :		
a) Employees/Staff	0.00	0.00
b) Others	0.00	0.00
4) Interest on Debtors and Other Receivables	0.00	0.00
TOTAL	362,644.00	390,541.00
Note : Tax deducted at source to be indicated		
		(Amount in Rs.)
	Current Year	Previous Year
SCHEDULE 18 - OTHER INCOME		
1) Profit on Sa/e/disposal of Assets		
a) Owned assets	0.00	0.00
b) Assets acquired out of grants, or received free of cost	0.00	0.00
2) Export Incentives realized	0.00	0.00
3) Fees for Miscellaneous Services	0.00	0.00
4) Miscellaneous Income	0.00	0.00
Sale of old newspaper and magazines	1,800.00	0.00
Adjustment of previous year advances	0.00	0.00
Tender Application Fees	3,000.00	0.00
TOTAL	4,800.00	0.00
SCHEDULE 19 - INCREASED/(DECREASE) IN STOCK OF FINISHED GOODS & WORK IN PROGRESS		
a) Closing stock		
i) Finished Goods	0.00	0.00
ii) Work-in-progress	0.00	0.00
b) Less : Opening Stock		
i) Finished Goods	0.00	0.00
ii) Work-in-progress	0.00	0.00
TOTAL	0.00	0.00

(Amount in Rs.)

SCHEDULE 20 - ESTABLISHMENT EXPENSES	Current Year	Previous Year
a) Salaries and Wages	11,482,749.00	5,811,768.00
b) Allowances, Bonus and honorarium	252,731.00	220,634.00
c) Reimbushment of Tution Fee	80,270.00	0.00
d) Pension & leave salary contribution	4,811.00	0.00
e) Medical Expenses	336,213.00	0.00
f) LTC Expenses	139,847.00	15,690.00
g) Employer Contribution to PF	98,281.00	40,616.00
Total A	12,394,902.00	6,088,708.00
Pension Provision	606,127.00	130,227.00
Gratuity Provision	43,180.00	19,275.00
Accumulated leave Salary Provision	164,674.00	98,325.00
Total B	813,981.00	247,827.00
TOTAL (A+B)	13,208,883.00	6,336,535.00

SCHEDULE 21 - OTHER ADMINISTRATIVE EXPENSES	Current Year	Previous Year
Newspaper, Books and Periodicals	120,782.00	46,330.00
Vehicles Hiring (Car)	4,033,462.00	1,616,622.00
Postage and Telegram Charges	121,647.00	14,248.00
Printing and Stationery	1,809,553.00	640,136.00
Travelling Expenses	3,808,387.20	2,686,677.00
Conveyance Expenses	294,780.00	2,300.00
Meeting Expenses	248,104.00	62,965.00
Bank Charges	2,565.00	5,688.00
Hospitality and Office Expenses	157,008.00	648,295.00
Advertisement and Publicity	124,297.00	390,967.00
Telephone & Lease Line Charges	501,524.00	311,021.00
Audit Fees	181,776.00	0.00
Office Renovation Expenses	1,010,104.00	11,401,847.00
Office Rent	14,447,217.00	11,946,819.00
Parking Charges	60,150.00	25,050.00
Water and Electricity charges	393,672.00	108,520.00
Security , Menpower and Cleaning Expenses	3,540,694.00	435,034.00
Repair and Maintenance (Building & Others)	1,110,113.00	171,517.00
Computer Maintenance Expense	147,729.00	252,856.00
Interest Others	31,875.00	0.00
Total	32,145,439.20	30,766,892.00
International Meet Expenses	0.00	0.00
Training and Awarness Programme expenses	7,955,903.00	2,278,660.00
GROSS TOTAL	40,101,342.20	33,045,552.00

Annexure 'B'

Loans / Advances to Staff :

	Name of Employees	Amount outstanding as on 31.3.2009	Amount outstanding as on 31.3.2008
A.	Festival Advance:		
1.	R S Rawat	1,500.00	0.00
2.	Vijay Singh	1,500.00	0.00
3.	Poonam Pahuja	0.00	1,050.00
	Total A	3,000.00	1,050.00
B.	TA Advance:		
1.	Smt. Santha Sinha	0.00	10,450.00
2.	Smt. Deepa Dixit	0.00	48,080.00
3.	Smt. Sandhya Bajaj	31,238.00	11,080.00
4.	Sanjay Tiwari	4,100.00	0.00
	Total B	35,338.00	69,610.00
C	LTC ADVANCE		
1.	B K Sahu	58,500.00	0.00
2.	Deepa Ramesh	23,900.00	0.00
3.	V C Tiwari	36,715.00	0.00
	Total D	119,115.00	0.00
D	COMPUTER ADVANCE		
1.	M.S. Gill	40,000.00	0.00
	Total E	40,000.00	0.00
	Grand Total (A+B+C+D)	197,453.00	70,660.00

Annexure C

DETAILS OF ADVANCES AND OTHER AMOUNTS RECOVERABLE IN CASH OR INKIND			
1	Amount Recoverable from Contractors	7,825.00	79,954.00
2	Amount Recoverable from DDO Road Transport & Highways	6,450.00	2,098.00
3	Postage Advance	20,000.00	20,000.00
4	Asstt. Director Horticulture CPWD	3,600.00	0.00
5	Asstt. Director Estate (Cash) Vigyan Bhawan	62,250.00	56,250.00
6	Central Adoption Resource Authority	93,734.00	0.00
7	Department of Agriculture & Co.	38,784.00	0.00
8	Govt. of NCT of Delhi POA-VI	187,764.00	0.00
9	Department of Finance (Postal)	146,153.00	0.00
10	ITBP	15,837.00	0.00
11	Ministry Of Commerce New Delhi	260,950.00	0.00
12	Prepaid Membership Fees and Documents Charges for developing Library Network	11,500.00	0.00
	Total	854,847.00	158,302.00

Annexure D

DETAILS OF PROVISIONS MADE FOR EXPENSES			
1	Salary Expenses	752,680.00	440,250.00
2	Electricity Expenses	65,379.00	57,911.00
3	Telephone Expenses	35,447.00	18,165.00
4	Parking Charges	0.00	5,000.00
5	Audit fees	79,151.00	0.00
6	Printing and designing expenses	634,400.00	0.00
7	Consultants Remuneration payable	149,696.00	0.00
8	Printing and stationery	182,000.00	0.00
9	Postage and telegrams	7,934.00	0.00
10	Exhibition and conference	46,548.00	0.00
	Total	1,953,235.00	521,326.00

Annexure E

DETAILS OF CASH BALANCES INCLUDING IMPREST			
1	Cash in Hand	4,677.00	
2	Imprest A/c - Mr. Jitender Bhagat	372.00	2,000.00
3	Imprest A/c - Mr. M.K. Koli	(270.00)	
4	Imprest A/c - Mr. R. S. Rawat	(329.00)	
5	Imprest A/c - Mr. Gopal Krishnan	36,977.00	15,000.00
6	Imprest A/c - Smt. Anita	(2,306.00)	1,500.00
7	Imprest A/c - Smt. Neerja	(712.00)	1,500.00
8	Imprest A/c - Smt. Sandhya Bajaj	2,800.00	
	Total	41,209.00	20,000.00

SCHEDULE 24 & 25 - SIGNIFICANT ACCOUNTING POLICIES AND NOTES TO ACCOUNTS.

1. ACCOUNTING CONVERSION

- 1.1 The financial statements are prepared on the basis of historical cost convention, unless otherwise stated and on accrual method of accounting.

2. INVENTORY VALUATION

- 2.1 Stores and spares (including machinery spares) are valued at cost.
- 2.2 Raw materials, semi-finished goods and finished goods are valued at lower of cost and net realizable value. The costs are based on weighted average cost. Cost of finished goods semi-finished goods is determined by considering material, labour and related overheads.

3. INVESTMENTS

- 3.1. Investments classified as “long term investment” are carried at cost. Provision for decline, other than temporary, is made in carrying cost of such investments.
- 3.2. Investments classified as “Current” are carried at cost and fair value. Such investment is made for each investment considered individually and not on a global basis.
- 3.3. Cost includes acquisition expenses like brokerage, transfer stamps.

4. FIXED ASSETS

- 4.1 Fixed assets are stated at cost of acquisition inclusive of inward freight, duties and taxes and incidental and direct expenses related to acquisition. In respect of projects involving construction, related pre-operational expenses (including interest on loans for specific project prior to its completion), from part of the value of assets capitalized.
- 4.2 Fixed assets received by way of non-monetary grants, (other than towards the Corpus Fund), are capitalized at values stated, by corresponding credit to Capital Reserve.
- 4.3 The Fixed wooden structures in office building are not capitalized due to rented office building.

5. DEPRECIATION

- 5.1 Depreciation is provided on WDV method as per rates specified in the Income - tax Act, 1961.
- 5.2 In respect of additions to/deductions from assets during the year, depreciation is considered as per method given in the Income Tax Act, 1961.
- 5.3 Depreciation in respect of assets not put to use during the year also provided due to obsolescence.

6. MISCELLANEOUS EXPENDITURE

6.1 Deferred revenue expenditure is written off over a period of 5 years from the year it is incurred.

7. ACCOUNTING FOR SALES

7.1 Sales include excise duty and are net of sales returns, rebate and trade discount.

8. GOVERNMENT GRANTS/SUBSIDIES

8.1 Government grants which are nature not specified are treated as general nature and transferred to Income and Expenditure a/c as current year Income.

8.2 Grants in respect of specific fixed assets acquired are shown as a deduction from the cost of the related assets.

8.3 Grants received for special purpose are treated as current year income to the extent of expenditure incurred for such special purpose. Balance amount are shown as Endowment fund.

8.3 Government grants/subsidy are accounted on realization basis.

9. FOREIGN CURRENCY TRANSACTIONS

9.1. Transactions denominated in foreign currency are accounted at the exchange rate prevailing at the date of transactions.

9.2. Current assets, foreign currency loans and current liabilities are converted at the exchange rate prevailing as at the year end the resultant gain/loss is adjusted to cost of fixed assets and in other cases is considered to revenue.

10. RETIREMENT BENEFITS

10.1 In respect of officials who are on deemed deputation from other Govt. Departments, the provision for pension contribution is provided at the rates specified in Appendix 2(A) to FR 116 and 117 of FR. & SR. and provision for leave encashment is made @ 11% of pay as specified in appendix 2(B) of F.R. 116 and 117 of F.R. & S.R.

10.2 Provision for accumulated leave encashment benefit to the employees is accrued and computed on the assumption that employees are entitled to receive the benefit as at each year end.

11. CURRENT ASSETS, LOANS AND ADVANCES

11.1 In the opinion of the Management, the current assets, loans and advances have a value on realization in the ordinary course of business, equal at least to the aggregate amount shown in the Balance Sheet.

12. TAXATION

12.1 In view of there being no taxable income-tax Act 1961, no provision for Income tax has been considered necessary.

13. PRIOR PERIOD ITEMS

- 13.1 Any Income/expenditure related to earlier years which could not be located and accounted in the year of actual occurrence due to any omission or mistake will be considered as Income/expenditure in the year in which the same has been traced/located.
- 13.2 Grants amounting to Rs. 88,89,462/- pertaining to F.Y. 2006-07 is located during the current year and considered as current year income and corresponding figures are shown as security deposit with NDMC (Rs.78,58,088/-) and office rent (Rs 10,31,374/-) in the balance sheet and profit & loss account respectively.
14. The amount of receivables and payables is subject to confirmation and reconciliation
15. Corresponding figures for the previous year has been regrouped/rearranged, wherever necessary.
16. Relevant Schedules out of 1 to 25 are annexed to and form an integral part of the Balance Sheet as at 31.03.09 and the Income and Expenditure Account for the year ended on that date.

Bank Reconciliation Statement as on 31.03.2009			
	Balance as per cash Book on 31.03.2009		14,172,696.80
Add:	Cheque issued but not yet presented	1,724,283.00	1,724,283.00
Less:	Cheques Received but not sent to Bank for collection	10,468,310.00	10,468,310.00
	Balance as per Bank on 31.03.2009		5,428,669.80

Cheque issued but not yet presented				
Date	Particulars	Ch. No.	Amount	Realized on
10.11.08	Mrs. Santha Sinha (Arrear of HRA)	737723	5,245.00	not yet cleared
7.01.09	TA Claim for National convention held on 11-12 Dec.	737930	3,590.00	4/4/2009
7.01.09	TA Claim for National convention held on 11-12 Dec.	737932	1,506.00	5/15/2009
3.03.09	Mr. Promod Kulkarni (TA Claim)	738093	4,462.00	4/11/2009
4.03.09	GPF contribution Paid to Parent Office of Employee	161217	32,000.00	5/15/2009
4.03.09	GPF contribution Paid to Parent Office of Employee	161218	1,500.00	4/16/2009
12.03.09	Mrs. Mirnalni Rao (TA Claim)	161244	3,476.00	4/27/2009
16.03.09	Mr. shishil Prasad Shashank (TA Claim)	161254	4,010.00	4/2/2009
20.03.09	Mr. Vikas Das & Mr. Purshottam sahu	161265	9,600.00	4/6/2009
23.03.09	Mr. C. Nambi (TA Claim)	161267	15,516.00	5/2/2009
25.03.09	Mrs. Paromoita Goswami	161273	4,786.00	4/6/2009
26.03.09	Secretary NDMC (Electricity Charges)	161275	23,460.00	4/16/2009
26.03.09	M/s Harmoney Trade Link	161276	9,366.00	4/6/2009
30.03.09	Telephone expenses	161281	3,613.00	4/6/2009
30.03.09	Telephone expenses	161283	1,170.00	4/4/2009
30.03.09	M/s Balaji Travels	161285	225,996.00	4/2/2009
30.03.09	Mrs. Vidya Shankar	161286	11,730.00	4/25/2009
30.03.09	Mr. Arlene Manoharan	161287	1,266.00	4/16/2009
31.03.09	Mr. V. C. Tiwari	161289	30,000.00	4/6/2009
31.03.09	M. V. Foundation	161290	6,386.00	4/25/2009
31.03.09	Mr. T.K. Sarin, Miss Neeraja and Miss Anita	161293/94/95	29,382.00	04& 06/04/2009
31.03.09	Mr.Prashant alreja and mrs. Susma Dua	161296/297	41,135.00	09 & 13/04/2009
31.03.09	Neat & Clean services	161301	72,131.00	4/4/2009
31.03.09	Mr. Ramanath Nayak	161304	24,643.00	4/2/2009
31.03.09	M/s A.J. Rakshak Security P. Ltd.	161307	301,786.00	4/6/2009
31.03.09	M/s Vishnu Enterprises	161308	18,938.00	4/6/2009
31.03.09	M/s Harmoney Trade Link	161291	24,936.00	4/20/2009
31.03.09	M/s Gee ess enterprises	161292	14,850.00	4/20/2009
31.03.09	Mr. Sanjay Kumar Tiwari & Mrs. Shaifali Avasthi	161299/300	38,464.00	09 & 13/04/2009
31.03.09	M/s Icone Marketing P. Ltd.	161302	52,500.00	4/21/2009
31.03.09	M/s City Samadhan Society	161303	14,659.00	4/13/2009
31.03.09	M/s Varun Decor	161305	24,200.00	4/30/2009
31.03.09	M/s Gee ess enterprises	161306	48,418.00	4/17/2009
31.03.09	M/s Pragjyotika Assam emporium	161309	167,487.00	4/20/2009
31.03.09	M/s Varun Decor	161310	14,063.00	4/30/2009
31.03.09	M/s HTC Cab Rental	161311	434,493.00	4/17/2009
31.03.09	M. V. Foundation	161312	3,410.00	5/13/2009
31.03.09	M/s India Islamic Cultural center	161313	110.00	4/22/2009
	Total		1,724,283.00	

Cheques Received but not sent to Bank for collection				
Date	Particulars	Ch. No.	Amount	Realized on
30.03.09	Grant in Aid received		10,400,000.00	4/13/2009
31.03.09	Foreign TA Advance Return by Mrs. Santha Sinha	898064	68,310.00	4/4/2009
	Total		10,468,310.00	



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.-I/4-20/एस.ए.आर./एन.सी.पी.सी.आर./2009-10/ दिनांक: 21-12-2009.

सेवा में,

श्री देवेन्द्र कुमार सिक्री,
सचिव, भारत सरकार,
महिला एवं बाल विकास मंत्रालय,
शास्त्री भवन,
नई दिल्ली-110001.

विषय : वर्ष 2008-09 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 2008-09 के प्रमाणित वार्षिक लेखे 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।

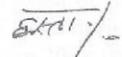
कृपया यह सुनिश्चित किया जाए कि पृथक लेखापरीक्षा प्रतिवेदन को संसद के दोनों सदनों के समक्ष प्रस्तुत करने से पहले वार्षिक लेखाओं को शासी निकाय (Governing body) द्वारा अनुमोदित अवश्य करा लिया जाए तथा यह भी सुनिश्चित करें कि 2008-09 के लेखापरीक्षा प्रतिवेदन एवं लेखापरीक्षा प्रमाण पत्र को संसद के पटल पर रखने 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,



उप निदेशक (ए.एम.जी.-I)

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 31st March 2009.

We have audited the attached Balance Sheet of National Commission for Protection of Child Rights as at 31st March 2009 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 mainly financed by the Ministry of Women & Child Development. During the year 2008-09, NCPCR had received grants-in-aid of Rs 568.00 lakh (Plan). The Commission had unspent grant of Rs. 104.16 lakh from the previous years. It also has internal receipts of Rs. 3.67 lakh during 2008-09. Out of the total fund available the NCPCR utilized Rs. 592.01 lakh during 2008-09.

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.

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 31st March, 2009 and

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

For and on behalf of the C&AG of India.



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

Place : New Delhi.

Date: 16-12-2009.

ANNEXURE-1

1. Adequacy of Internal Audit System

- The internal audit department has not been set up in the organization nor is the internal audit being conducted by the Chief Controller of Accounts of the Ministry of Women and Child Development.

2. Adequacy of Internal Control System

- Essential posts of NCPCR were vacant as detailed below:-

Sl. No.	Name of the Post	Number of Posts	Vacant posts	Date since vacant
1.	Members	6	4	March 2007
2	Presenting Officer	1	1	6 th February 2008

3. System of physical verification of fixed assets

- Physical verification of fixed assets for the year 2008-09 was being conducted and 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 process.

5. Regularity in payment of statutory dues

- No payment over six months in respect of statutory dues was outstanding as on 31-03-2009.

**EXECUTIVE SUMMARY OF REPORT OF VISIT TO
JAMUI AND PATNA DISTRICTS OF BIHAR IN JUNE, 2008.**

The National Commission for the Protection of Child Rights (NCPCR) wishes to build an understanding of the link between the abolition of child labour and the programme for universal education. Considering the Sarva Shiksha Abhiyan's (SSA) efforts in the country to reach out-of-school children who comprise child labour, the MCPC considers it necessary to understand the dynamics of a child's transition from work to school. The Commission focused on the SSA's work in Bihar because the incidence of child labour is higher, as also are the numbers of children migrating to the far corners of the country, both of which are matters of grave concern.

A fact-finding team from the National Commission for the Protection of Child Rights, comprising Dr. Shantha Sinha (Chairperson NCPCR), Mr. Venkat Reddy (National Convenor, M V Foundation) and Ms. Spurthi Reddy (Consultant, NCPCR) visited Jamui and Patna districts of Bihar from 1st-4th June 2008. The visit was aimed at reviewing the process of social mobilization for bringing children to RBCs, and to review the roles played by the community and the education department officials of all levels in this effort. The team visited two RBC camps in Jamui district operated by the Sarva Shiksha Abhiyan, Bihar government, and a non-residential bridge course (NRBC) camp in Patna city run by an NGO, and interacted with the children, their parents, panchayat/ward members and local government officials. Meetings were held with the Hon. Chief Minister, Shri Nitish Kumar, the Chief Secretary and Secretaries of the relevant departments.

The Commission chose to visit Jamui because of its inaccessibility, tribal population, and large numbers of out of school children. Moreover Jamui has naxalite presence and the Commission is looking at systems that can protect children's rights in areas affected by civil-unrest. Schools are one of the principal institutions through which children's rights can be protected and propagated, and assume greater significance in unstable situations. If such development programmes can be effectively operationalised by the government in a Naxalite affected district it is possible in any district, irrespective of its inaccessibility, underdevelopment, and status of civil (un)rest. Moreover if it is happening in one state of the country, other states should also be able to provide assistance to people through implementing developmental programmes and developing social assets.

Recommendations suggested during the visit:

- (a) to increase the numbers of RBC camps and enroll all eligible children.
- (b) to prepare individual plans for mainstreaming the children into full-time formal schools.
- (c) Set up welfare hostels where schools are not available in the children's villages. This requires coordination between the department of education and the SC, ST and BC welfare departments so that full benefits can be provided. Hostels must be equipped and capacities enhanced to receive children from RBCs.

* Annexure 1 of S. No. 2

- (d) The teachers and school administration of all schools where children from RBCs join should be trained to help these children adjust to the school environment. The parents of first-generation learners could also be ill-equipped to understand school practices and thus unable to help their children. The teachers should be sensitized to help the parents' help their children better, thus contributing to an improved quality of education.
- (e) Education volunteers need to be identified for every village so that they can keep track of children's continuance in school. These community education volunteers help children develop skills and knowledge that enhances their school participation. The scope of these '*bal shiksha hitaishis*' should be enlarged to support children from RBCs who have enrolled in schools. They may be given additional training for this.
- (f) Infrastructure of both the RBC camps as well as schools needs to be improved.
- (g) Coordination between the different departments is required so that the existing facilities can be used efficiently for children's education. Simultaneously teachers should be supported and their work continually monitored by the department.

Recommendations were sent to the State government vide letter D.O.No.CP/NCPDR/Child Labour/2008 dated June 6, 2008. The recommendations were as follows:-

1. Strengthen Bridge-Courses and Schools by Increasing capacities of RBCs wherever there is demand, with an emphasis to saturate the areas affected by conflict. There should be increased integration between the Education Department and the SC/ST and BC/OBC Welfare Departments, for the use of the welfare hostels to accommodate the children who have newly joined schools after completing courses from the RBC. The capacities of these hostels should also be increased. We request you to consider giving an executive order for utilization of unused buildings for school purposes.
2. Documentation - The Education department should document the profile, work and reasons of success of this community education volunteer, for nation-wide dissemination. The Education Department to also commission a study to document and analyse the processes by which children are being brought to RBCs and then mainstreamed into schools. NCPDR can facilitate such a study if the Education department can finance it.
3. Child Labour - The government must strengthen its capacities to receive its own child labour who are repatriated from other States. These children should be immediately enrolled in residential bridge camps so as to reduce the possibility of their re-migration. Also cooperation between the NCLP and SSA must be initiated to achieve universal coverage of all children out of school. Enforcement of the child labour laws should be a priority concern of the NCLP and the Labour Department.
4. Panchayats and Child Rights Monitoring - The panchayats and local administrative bodies should be enabled to monitor children and their status at the gram panchayat level. NCPDR has prepared a module for training on child rights which can be incorporated in the panchayati raj representatives training schedules. Under the Backward Region Grant Fund (BRGF) programme, two blocks in 5 Districts of Bihar will be chosen to equip gram panchayats for

protection of children's rights in a systematic fashion. This involves preparing all the gram panchayats in the select blocks to monitor the status of the children in their constituencies, protect their rights and strengthen the capacities of all the institutions/departments in delivering of services to children. Further the processes introduced at the level of the gram

5. Panchayats would inform the block/mandal level panchayat as well as the zilla panchayats.

Conclusion

The Commission was pleased to note the efforts being undertaken by the Government of Bihar to educate its children. At least 1200 children were stopped from migrating out of the State in search of work this year, because they were enrolled in RBCs and schools. Bihar is one of the largest exporters of child labour in the country and such efforts are playing a pioneering role in safeguarding children's rights, not just to education but also care and development, and saving them from exploitative and hazardous work and living conditions.

The RBC camps are spinning a net of hope and confidence in the far-flung districts of India. By bringing education to the door-step of some of the most backward communities of India, the government is equipping children to lead a fulfilling and self-reliant life.

The 'social mobilization for education' has made the community aware of children's needs and enabled them to protect the rights of their children. It was heartening to also witness the astuteness, enthusiasm and dedication of the local education department officials in prioritizing the neglected groups of children for enrollment to RBCs (such as girls, older girls in the age-group of 12-15 and children from backward communities), mobilizing parental and community support, drawing support from other departments, and liaising with local NGO members. The government's community education volunteer programme is a unique step of the Bihar SSA that can be adopted by the other State Governments.

**ABOLITION OF CHILD LABOUR AND MAKING EDUCATION
A REALITY FOR EVERY CHILD AS A RIGHT**

Introduction

Our national policy on abolishing child labour must resonate with the heroic accounts of young children who repeatedly risk their lives in their struggle to escape insults and humiliation in their work place, whether working in their own villages or having been sent away as migrant workers, whether in urban sweatshops and streets or in quarries and mines. It must recognise their voices against loss of childhood, suffering and exploitation, hunger, lack of education and the damage that we cause to them by not meeting their basic rights leading to dignity.

To do so national policy must be founded on some fundamental truths – (i) that among other factors child labour causes and perpetuates poverty; (ii) non-economic factors play a significant causal role in sustaining child labour; (iii) educational attainment is the most important non economic factor, the lack of which continues to entrench child labour generationally within a vicious cycle of poverty, even in the face of increasing economic well being; (iv) child work participation can systemically impede educational attainment for both out of school and in school children; (v) and poor families can and do send and support their children in schools.

As a nation we must be ashamed that 5, 79,841 children in the age group of 0-4 years are currently engaged in household duties in our country (Census 2001). We must be ashamed that these and many more children both in and out of school cannot realise their right of education. We must recognise every such child who has never joined the portals of education, whether she is a school dropout, has her name as enrolled in the school attendance registers but is engaged in work and in fact not anywhere near the school, whether she is rendering domestic chores and all other forms of work, or is hidden and invisible, and goes unnoticed as she is out of school

BASIS FOR LEGISLATIVE AND POLICY REFORM

The following sets out the context and basis for policy and legislative reform, which must address all child labour and link the elimination of child labour to compulsory schooling and educational attainment.

Status of Child Labour – Encompassing the full scope of hidden and excluded child labour -

There is a need to examine the status of child labour in our country. As per the Census 2001 there are 13 million child labourers in the age-group of 5-14 years i.e. children who are economically active. The NSSO's 61st Round (2004-5) estimates the child labour in India as 8.6 million. There are some who have introduced the category of 'nowhere' children who are neither going to school nor to work. Thus while the Census 2001 reports 85 million children not attending schools of whom if we were to accept that the entire set of 12.7 million children working are not going to school this leaves 75 million children who are 'no where'. These are the girls and boys who are neither really 'missing' nor are they idle. Irrespective of whether the child is idle, working in household chores or labouring as a family member, such a child is educationally deprived forming the labour pool. Such children are excluded from the definition of child labour. Another method of excluding all these children from

the purview of policy and the law is by categorising their activity as child work (harmless/good) and not as child labour (harmful/bad). The Ministry of Labour estimated a target of 2 million child labour engaged in hazardous occupations and all planning is done to withdraw these children from the labour force first.

Most perspectives on child labour have significantly left out the large numbers of children working in agriculture and allied activities either for an employer on a wage basis or having been trafficked to far way, unfamiliar workplaces. It is estimated that there are about 9 million child labourers of which majority are in rural areas. Two thirds of such child labours are engaged in agriculture, accounting for 73 per cent of casual wage child labourers and 9 per cent of the regular workers..

A large amount of work in which girls are engaged does not even figure as child labour. It is well established that girl children are largely engaged in running the household from very early age, even before they are capable of wage-earning activities. Yet they very rarely enter into the calculation of child labour and this has an adverse effect on rescuing her from the labour force and ensuring her attainment of education. In ignoring the servitude of girls to the household work her exploitation becomes even more invisible and hidden. Undoubtedly the large numbers of children in the child labour pool are from the scheduled caste and scheduled tribe communities.

By differentiating between child work and child labour; introducing the concept of 'no where' children; focusing on abolishing hazardous or 'worst forms of child labour' and tolerating 'non-hazardous' forms of child labour; disregarding the labour rendered by girls and even boys in similar predicaments, we narrow the definition of child labour and exclude large numbers of children who are deprived of education and form part of the labour pool, at the risk of abuse and exploitation. The compulsion to exclude children who are actually engaged in some forms of work arises out of the narrowed extent of commitment and intention to abolish child labour based on defined categories which constitute child labour.

A broad consensus that has emerged over the years is that definition of child labour should be inclusive. It must consider all children in the workforce whether the work done is paid or unpaid, as part of family labour or for an outside employer, whatever the working conditions imposed on the child.

Out of School Children and Child Labour - There is a consensus emerging in viewing that when a child is not attending school they would perforce be part of the labour pool. It is estimated that they constitute nearly 18 per cent of the children and in absolute numbers of potential child labour pool still remains very high above 40 million. The Second National Labour Commission Report (2002) too establishes the link between child labour and education and states that, "All out of school children must be treated as child labourers or as those who have the potential to become child labourers... Thus, all work done by children, irrespective of where it is done, must be considered as child labourers. Only then girls and children working within the family become a part of the strategy to eliminate child labour, and significant headway will be made towards achieving the goal of eliminating child labour". In linking child labour to education, the tasks of eliminating child labour and of universalizing education become synonymous. One cannot be achieved without the other. The task of withdrawing child from work therefore, becomes the same as inducting the child into school.

CURRENT LEGAL AND POLICY INSTRUMENTS TO COMBAT CHILD LABOUR

As per Article 24 of the Constitution, no child below the age of 14 years is to be employed in any factory, mine or any hazardous employment. Further, Article 39 requires the States to direct its policy towards ensuring that the tender age of children is not abused and that they are not forced by economic necessity to enter avocations unsuited to their age or strength. Recently, with the insertion of Article 21A, the State has been entrusted with the task of providing free and compulsory education to all children in the age group of 6-14 years.

In terms of legislative measures the most significant effort to tackle child labour has been the Child Labour (Prohibition and Regulation) Act 1986. The National Policy on Child Labour announced in 1987 emphasised the need for strict enforcement measures in areas of high child labour concentration. In order to translate the above policy into action, the Government of India initiated the National Child Labour Project Scheme (NCLP Scheme) in 1988 to rehabilitate the working children starting with 12 child labour endemic districts in the country. The Juvenile Justice (Care and

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Protection of Children) Act, 2000 in Section 26 provides that "Whoever astensibly procures a Juvenile or the child for the purpose of any hazardous employment keeps him in bondage and withholds his earnings or uses such earning for his own purposes shall be punishable with imprisonment for a term which may extend to three year and shall also be wable to fine." Education has been made a fundamental right through the landmark judgement of the Apex Court in the case of Unnikrishnana J.P. vs. State of A. P. & Ors. 1993.

LIMITATIONS OF LEGISLATION AND CURRENT POLICY

Child Labour (Prohibition and Regulation) Act 1986-Limitations - There are a number of 'loopholes', which makes the law ineffective. For instance, children working as part of family labour are exempt from the purview of the Act, given the dispersed nature of work all sorts of child labour is passed off as family labour. This provision is widely abused by employers. The Act does not cover agriculture and allied activities, which account for highest incidence of child labour. This is also true of the millions of children engaged in all other forms of work that are not listed as processes and occupations which are prohibited All such children do not come under the purview of the Child Labour Act. **Regulating child labour is under the Act is an affront to the fundamental right to education. It is un-constitutional to allow children to work even under the regulatory provisions of the Act.** The Child Labour (Prohibition and Regulation) Act 1986 does not cover children in the 15-18 years of age. The Act is silent on violation of children's rights and especially right to education. It does not account for compensating the psychological damage done to a child due to her deprivation of her basic rights, her loss of dignity and freedom and so on. Based on the 'poverty argument' the Act limits the extent to which child labour can be legislated against

National Child Labour Program (NCLP) –Limitations - In its implementation the NCLP has shown that targeting children working in some notified sectors alone has not solved the problem of child labour. We have seen that such an approach may have helped some children who have been rescued from child labour but has not stopped recruitment of children in the occupations and processes that have been prohibited. Therefore, it is impractical to focus on children in only certain sectors alone, as long as a larger environment that accepts child labour in all its forms continues to

exist. We also note that many girl children are being left out of receiving the benefits of the NCLP program, as it flows from the non-inclusive definition of child labour in the Act. Since not all children can be covered through such programs there is a self-imposed limitation by focussing on children working in hazardous industries, who despite all the emotional hype surrounding them constitute a very small proportion of child work force. NCLP is not a comprehensive policy for ensuring every child to enjoy right to education, towards total abolition of child labour with a strong strategy to enforce the law and punish the offender. NCLP is based on the view that child labour is an inevitable consequence of the economic forces operating on a family, in other words based on the 'poverty argument'. Therefore the only method of withdrawing a child from work is by compensating the family for the loss of income through monetary incentives, livelihood schemes and so on.

COMPETING DEMANDS : PARENTS FOR EDUCATION Vs MARKET FOR CHEAP LABOUR

Various studies have shown that there is an explosive demand for education among the poor today. Parents, even among the poorest are not only capable of sending their children to formal daytime schools but are also willing to do so. Parents of erstwhile child labour are making enormous sacrifices to see that the education of their children is not disrupted until they finish at least class ten. It has been recorded that there has been a profound change in even those parents who initially resisted the idea of their children being withdrawn from work. It is therefore important to recognise the crucial, and on most occasions, dominant role which cultural and non-economic factors play in influencing

parents' decision to send their children to work rather than to school. It is also important to recognise the role of a larger social environment that encourages the poor to send their children to school and in giving them confidence to do so. Finally it is important to appreciate the difficulties faced by the children of illiterate parents in schools and the lack of preparedness of the school system to absorb poor and first generation learner children.

As against the parental demand for education there is a more powerful force of the market that prefers child labour because it is a source of cheap labour. Children can be forced to work for long hours under sub-human conditions of work. Such an exploitation of children goes unabated because there is neither shock nor outrage in the society that children are in work and not attending schools. Absence of a social norm and corresponding weak action by the State to enforce the laws makes it easy for the market to employ children thus perpetuating child labour. Thus there is a need for legal and policy framework in support of the parental demand for education and their battle for schools and as against the gains of the market forces in perpetuating child labour.

MAIN RECOMMENDATIONS

- ❖ The need to have an inclusive definition of child labour and abolish all forms thereof. For example, the existing Act does not consider the work rendered by the child in one's own household as prohibited. The Act does not prohibit children working in agriculture and allied activities. Our findings have shown that substantial number of working children, especially girls, children of SC/ ST, Muslim and other backward communities, fall under this category. The Commission has also found that with growing informalisation of the workforce, children are preferred as they are a source of cheap labour, which could be compelled to work for long hours and are malleable.

- ❖ To expand the definition of 'child labour' to include children in the age group of 14 to 18 years. Unfortunately there is no policy or legal framework that provides support and protection to children in this age group. Several of them are non-literates or school drop outs even before they have reached primary school. Ignoring or excluding them from the purview of 'Child Labour' as currently defined in the Act and several other legislations, has and will continue to marginalize them for life!
- ❖ Ensure that all children out of school are identified and rescue them from the labour force by strictly enforcing the law. Engaging child labourers is to be made a cognizable offense and the law must be read in consonance with the Juvenile Justice Act 2000 and the Bonded Labour System Abolition Act 1976 as well as their fundamental right to education.
- ❖ Provision for mainstreaming children into full time formal school and ensure that they are prepared for an appropriate class has been emphasized as a non-negotiable for all children rescued as child labourers. It recommends universalisation of education at all stages from pre-school to primary stage, elementary and secondary school education. Education as a right must also be emphasized to prevent child labour.

Non-worker by activity and age See:

http://www.censusindia.gov.in/Census_Data_2001/Census_Data_Online/Economic_Data/NonWorker_by_Activity_and_Age.aspx

Out of School Children are 85 million according to Census 2001, Census of India-2001, Ministry of Home Affairs, Government of India.

The number was 11.3 million during 1991 (Population Census) thus showing an increase in the number of child labourers. Work has been defined in the Census 2001 as 'participation in any economically productive activity with or without compensation, wages or profit.' Such participation could be physical and/or mental in nature. This work includes supervisory work as well as directs participation in the work. The Census includes part-time help or unpaid work on the farm, family enterprise or in any other economic activity such as cultivation and milk production for domestic consumption also as work. All persons engaged in 'work' as defined in the Census are considered workers. Main workers are defined as those who have worked for the major part of the reference period, which is 6 months or more. And marginal workers are those who have worked but for less than 6 months period during the reference period.

Choudhary, D.P. (1998) *Challenge of Child Labour in Rural India: A Multi-dimensional Problem in Need of an Orchestrated Policy Response*, Working Paper presented at the ILO-IPEC Workshop on 'Policy Changes for Elimination of Child Labour in Rural Areas', NIRD, July 1998.

This is based on a survey conducted by the Ministry in 1997. There has not been any figure quoted since then.

Ibid, Table 6.6: Percentage of Child Workers (5-14 years) across Industry Groups by gender 2004-05

Girls do all the work at home in fetching water, fuel wood, carrying siblings, almost like machines as if it were indispensable for their families and for the society at large. Their relentless activity goes unnoticed and unrecognized. In addition several hundreds and thousands of girls work 12 to 13 hours on farms, inhaling pesticides and other chemicals in production of vegetables, paddy, sunflower, pulses, and hybrid cottonseeds. Many such girls are subject to the hazards of physical and sexual abuse even at a young age of 10 to 12 years at the place of work. Girls work for the family is as important as women's work. It remains invisible and unaccounted as well. All this often keeps the girl out of school.

See Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector of the National Commission for Enterprises in the Unorganized Sector (NCEUS) *op.cit* Table 6.4: States with High Incidence of Child Labour and Out of School Children for 2004-2005 (Labor Pool - 5-14 years -Percentage) 2007:101 – www.nceus.nic.in *Ibid*

Report of the Study Group on Women and Child Labour, **Second National Commission on Labour, 2002**, Section VIII - Recommendations, pg.220.

Other laws on child labor are: Juvenile Justice (Care & Protection of Children) Act, 2000 (Section 26), Factories Act, 1948 (Section 67), Mines Act, 1952 (Section 40), Merchant Shipping Act, 1958 (Section 109) and Motor Transport Workers Act, 1961 (Section 21), The Children (Pledging of Labour) Act, 1933, Plantation Labour Act, 1951 (Section 2), Minimum Wages Act, 1948 (Section 2 (ii) (bb)), Apprentices Act, 1961 (Section 3), Beedi & Cigar Workers (Conditions of Employment) Act, 1966 (Section 2 (b) & 24).

Supreme Court of India in Unnikrishnan vs State of Andhra Pradesh: 1993, 1SCC - 645

For example growing numbers of children engaged in the *zari* industry, carpet industry as part of household work and not establishment or workshops.

DISE, NUEPA, 2007; Seventh All India Educational Survey, NCERT; Also see Public Report on Basic Education (PROBE), New Delhi : Oxford University Press, c1999

See for example the results of the programs under the SSA where a large number of children were withdrawn from work and mainstreamed into schools such as the KGBVV after going through a residential bridge course as in the case of the programs in MP, Bihar, UP more recently and Rajasthan and Andhra Pradesh earlier. Most of these children were rescued from going on migration, were workers on farms, quarries and mines, cattle herds . They were also child labour in zari, textiles and other industries.

Amendments Proposed by the National Commission for Protection of Child Rights (NCPDR) to CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986 (Act No. 61 of 1986)

The amendments as proposed below to the CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986 (Act No. 61 of 1986) flow from the provisions of Article 21 and 21A of the Constitution of India.

Sl.	Existing Section/Provision	Amendments	Remarks
1.	1. Short title, extent and commencement – (1) This Act may be called the Child Labour (Prohibition and Regulation) Act, 1986.	The Act may now be re-titled as the "Child Labour Prohibition Act, 1986"	The re-titling of the Act is in consonance with the objective of the proposed amendments to the Act.
2.	2 (i) "appropriate government" means, "in relation to an establishment under the control of the Central Government or a railway Government, and in all other cases, the State Government".	No amendment proposed to Section 2(i) of the Act.	
3.	2 (ii) "child" means a person who has not completed his fourteenth year of age.	2 (ii) now may be read as, " 'Child' means a person who has not completed his eighteenth year of age."	This definition is in consonance with the definition of "child" under the J.J. Act, 2000 [Section 2(k)] & UN CRC (Art.1), ratified by India on 9.12.1992.
5.		A new sub-section may be added after 2 (ii) as 2 (ii) (a) with the following provision: "Child Labour" means any child who is employed directly (by an employer) or through any (contractor) agency or work done by materials given by an Employer or a Contractor whether for wages or not, including casual labour or domestic worker or servant, in any factory, occupations, processes including agriculture and allied activities, establishment, godown, workshop and includes home based work or family based work or that interferes with the child's right to education, leisure and/or is harmful to the child's health and/or physical, mental, spiritual, moral or social development.	The CL (P&R) Act, 1986 does not define the term "child labour". The proposed definition is based upon the provision of Article 32(1) of the United Nations Convention on the Rights of the Child (CRC) which has been recognized and ratified by the Government of India on 11 th of December 1992.

Sl.	Existing Section/Provision	Amendments	Remarks
6		A new sub-section may be added after 2 (ii) as 2 (ii) (b) with the following provision: "Child Labour Prohibition Officer" means the officer to be appointed under Section 17 A (1)	
7		A new sub-section may be added after 2 (ii) as 2 (ii) (c) with the following provision: "Committee" means the Child Labour Monitoring Committee to be constituted under Section 5	
8.		A new sub-section may be added after 2 (ii) as 2 (ii)(d) with the following provision: "Employer" means the owner or the occupier or the manager or contractor and their agents, or any persons responsible for the supervision and control of the establishment, as well as the person who has the ultimate control over the affairs of such employment, including the investor, who employs a child.	
9.	2.(iii) "day" means a period of twenty-four hours beginning at midnight.	No amendment proposed to Section 2 (iii) regarding the definition "day".	
10.	2 (iv) "Establishment" includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating-house, theatre or other place of public amusement or entertainment	The existing provision under Section 2(iv) may be replaced by the following: "Establishment" means any place where any industry, trade, business, manufacture or occupations or processes is carried on and includes a shop, commercial establishment, workshop, farm including agriculture and allied activities, residential hotel, restaurant, eating-house, dhabas (roadside eateries), motels, resorts, spas, recreational centres, theatre or other place of public amusement, entertainment and/or home or family based work, (processes or occupations).	
11.	2 (v) "Family", in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual.	The existing provision under Section 2(v) may be read as follows: "Family", in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother, sister, maternal or paternal uncle, aunt, or cousin or any other relatives of such individual.	
12.		A new sub-section may be added after 2 (v) as 2 (v)(a) with the following provision: "Inspector" means the Inspector appointed under Section 17 (1) of the Act.	

Sl.	Existing Section/Provision	Amendments	Remarks
13.	2 (vi) "Occupier" , in relation to an establishment or a workshop, means the person who has the ultimate control over the affairs of the establishment or workshop;	The existing provision under Section 2(vi) may be replaced by the following: "Occupier" means a person who is the owner or his agents, or one on whose behalf the process or occupation is being undertaken as well the person who has the ultimate control over the employment of a child and including the investor.	
14.	2 (vii) "Port authority" means any authority administering a port.	No amendment proposed to Section 2(vii) regarding "Port authority" .	
15.		A new sub-section may be added after 2 (vii) as 2 (vii)(a) with the following provision: "Prescribed School Vacations" means the school holidays as declared by the competent authorities at both Central and State levels as the case may be.	
16.		A new sub-section may be added after 2 (vii) as 2 (vii) (b) with the following provision: "Right to Education" means a child's participation in formal school upto 18 years of age	
17.		A new sub-section may be added after 2 (vii) (a) as 2 (vii) (c) with the following provision: "School Participation" shall mean presence of a child in a full time formal school during school hours and engaging in activities that enables her participation in school as a student.	
18.	2 (viii) "Prescribed" means prescribed by rules made under Section 18.	No amendment proposed to Section 2 (viii).	
19.	2 (ix) "Week" means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Inspector.	No amendment proposed to Section 2 (ix).	

Sl.	Existing Section/Provision	Amendments	Remarks
20.	2 (x) "Workshop" means any premises (including the precincts thereof) wherein any industrial process is carried on, but does not include any premises to which the provisions of Sec. 67 of the Factories Act, 1948 (63 of 1948), for the time being, apply.	The existing provision under Section 2 (x) may be deleted in view of the inclusive definition of "Establishment" as proposed in the amendment to Section 2 (iv).	This is in view of the inclusive definition of "Establishment" as proposed in the amendment to Section 2 (iv).
21.	PART II: Prohibition of Employment of Children in Certain Occupations and Processes	The title of PART II of the Act may be read as "Prohibition of Child Labour"	As no distinction is made between 'hazardous' & 'non-hazardous' employment/work/occupation/process under the Amendment proposed to Section 3 of the Act.
22.	<p>3. Prohibition of employment of children in certain occupations and processes – No child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on</p> <p>Provided that nothing in this section shall apply to any workshop wherein any process is carried on by the occupier with the aid of his family or to any school established by or receiving assistance or recognition from the Government.</p>	<p>The existing provision under Section 3 may be replaced by the following:</p> <p>3. Prohibition of employment of children-</p> <p>(1) No child shall be engaged in any Establishment that denies her right to education.</p> <p>(2) No child shall be offered, procured, trafficked or used for:</p> <p>(a) bonded or forced labour;</p> <p>(b) prostitution, production of pornography or for pornographic performance;</p> <p>(c) illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties to which India is a party;</p> <p>(d) work which, by its nature or the circumstances in which it is carried out is harmful to her life, health, safety, education or morals.</p> <p><i>[Explanations: 1. 'Bonded Labour' in this Act will have the meaning as defined in the Bonded Labour (Abolition) Act, 1976 and as propounded by Supreme Court in the case of Bandhua Mukti Morcha vs. Union of India, 1984. 2. 'Forced Labour' in this Act will have the same meaning as assigned under the Forced Labour Convention of ILO (No. 29) which has been ratified by India.]</i></p>	As no distinction is made between 'hazardous' & 'non-hazardous' employment/work/occupation/process under the Amendment proposed to Section 3 of the Act.

Sl.	Existing Section/Provision	Amendments	Remarks
23.	<p>4. Power to amend the Schedule – The Central Government, after giving by notification in the official Gazette, not less than three months' notice of its intention so to do, may, by like notification, add any occupation or process to the Schedule and thereupon the Schedule shall be deemed to have been amended accordingly.</p>	<p>The existing provision under Section 4 regarding "Power to amend the Schedule" in the Act may be deleted.</p>	<p>As no distinction is made between 'hazardous' & 'non-hazardous' employment/work/occupation/process under the Amendment proposed to Section 3 of the Act.</p>
24.	<p>5. Child Labour Technical Advisory Committee – (1) The Central Government may, by notification in official Gazette, constitute an advisory committee to be called the Child Labour Technical Advisory Committee (hereinafter in this section referred to as the Committee) to advise the Central Government for the purpose of addition of occupations and processes to the Schedule.</p> <p>(2) The Committee may, if it deems it necessary so to do, constitute one or more sub-committees and may appoint to any such sub-committee, whether generally or for the consideration of any particular matter, any person who is not a member of the Committee.</p>	<p>The existing provisions under Section 5 regarding Child Labour Technical Advisory Committee may be replaced by the following provisions regarding Child Labour Monitoring Committee</p> <p>5. Child Labour Monitoring Committee:--</p> <p>(1) The Appropriate Government shall, by notification in the official gazette, constitute a Committee at Central, State, District, Block and Village Panchayat level to be called the Child Labour Monitoring Committee.</p> <p>(2) The functions of the Committee shall include:</p> <p>(i) To monitor and advise the Central Government, State Government and District Administration.</p> <p>(ii) To take steps for the prevention of child labour,</p> <p>(iii) To monitor the enforcement of prohibition of employment of children.</p> <p>(iv) To support measures for the rescue of child labour</p> <p>(v) To monitor programmes for the rehabilitation of child labour.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
	(3) The term of office of, the manner of filling causal vacancies in the office of, and the allowances, if any, payable to, the Chairman and other members of the Committee, and the conditions and restrictions subject to which the Committee may appoint any person who is not a member of the Committee as a member of any of its sub-committees shall be such as may be prescribed.	<p>(3) The Committee at various levels shall be constituted as prescribed.</p> <p>(4) The Committee shall meet as often as it may consider necessary and shall have power to regulate its own procedure.</p> <p>(5) The Committee may, if it deems it necessary to so do, constitute one or more sub-committees and may appoint to any such sub-committee, whether generally or for the consideration of any particular matter, any person who is not a member of the Committee.</p> <p>(6) The term of office of, the manner of filling causal vacancies in the office of, and the allowances, if any, payable to, the Chairman and other members of the Committee, and the conditions and restrictions subject to which the Committee may appoint any person who is not a member of the Committee as a member of any of its sub-committees shall be such as may be prescribed.</p>	
25.	Part III: Regulation of Conditions of Work of Children	The title of the Part III of the Act may be called "Monitoring of Conditions of Work of Children in the Age group of 15 to 18 Years during Prescribed School Vacations".	
26.	6. Application of Part – The provisions of this Part shall apply to an establishment or a class of establishments in which none of the occupations or processes referred to in Sec. 3 is carried on.	<p>The existing provision under Section 6 may be replaced by the following:</p> <p>6. Application of Part - This Part shall apply to children in the age group of 15 to 18 years only who might be working during Prescribed School Vacations.</p>	In principle children up to 18 years must be given the opportunity to enhance their curricular and co-curricular activities during vacations.
27.	7. Hours and period of work – (1) No child shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments.	<p>The existing provision under Section 7 may be replaced by the following:</p> <p>(1) The period of work on a day during Prescribed School Vacations shall be so fixed that it does not exceed three hours at a stretch and the child has an interval for rest for at least one hour before she resumes her work;</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
	<p>(2) The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for rest for at least one hour.</p> <p>(3) The period of work of a child shall be so arranged that inclusive of his interval for rest, under sub-section(2), it shall not be spread over more than six hours, including the time spent in waiting for work on any day.</p> <p>(4) No child shall be permitted or required to work between 7 p.m. and 8 a.m.</p> <p>(5) No child shall be permitted or required to work overtime.</p> <p>(6) No child shall be permitted or required to work in any establishment on any day on which he has already been working in another establishment.</p>	<p>(2) The total hours of work in any day during Prescribed School Vacation does not exceed five hours including the time spent for rest and waiting for the work;</p> <p>(3) No child shall be permitted to work between 3 p.m. and 9 a.m. at any time.</p>	
28.	<p>8. Weekly holidays – Every child employed in an establishment shall be allowed in each week, a holiday or one whole day, which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.</p>	<p>The existing provision under Section 8 may be replaced by the following:</p> <p>8. Weekly holidays - Every child working in an establishment during Prescribed School Vacations shall be allowed a minimum of three holidays per week as per her wish and convenience. This shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the Establishment, a copy of which shall also be given to the child in a language understood by her.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
29.	<p>9. Notice to Inspector – (1) Every occupier in relation to an establishment in which a child was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely:</p> <p>(a) the name and situation of the establishment;</p> <p>(b) the name of the person in actual management of the establishment;</p> <p>(c) the address to which communications relating to the establishment should be sent; and,</p> <p>(d) the nature of the occupation or process carried on in the establishment.</p> <p>(2) Every occupier, in relation to an establishment, who employs, or permits to work, any child after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars as are mentioned in sub-section (1).</p>	<p>The existing provision under Section 9 may be replaced by the following:</p> <p>9 (1) Every occupier in relation to an Establishment in which a child in the age group of 15 to 18 years working within a period of thirty days from the commencement of the Amended Act, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely :</p> <p>(a) no child is permitted to work in the establishment, except, in the age between 15 and 18 years during Prescribed School Vacations;</p> <p>(b) the name and situation of the establishment;</p> <p>(c) the name of the person in actual management of the establishment;</p> <p>(d) the address to which communications relating to the establishment should be sent; and,</p> <p>(e) the nature of the occupation(s) or process(es) carried on in the establishment.</p> <p>(2) The Employer shall send the list of children between the ages of 15 and 18 years who might be working during Prescribed School Vacations to the Inspector having jurisdiction over the establishment prior to commencement of the work for approval. A copy of the list shall also be sent to the Committee and the headmistress/principal of the school where the child is studying.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
	<p><i>Explanation – For the purposes of sub-sections (1) and (2), “date of commencement of this Act, in relation to an establishment” means the date of bringing into force of this Act in relation to such establishment.</i></p> <p>(3) Nothing in Secs. 7, 8 and 9 shall apply to any establishment wherein any process is carried on by the occupier with the aid of his family or to any schools established by, or receiving assistance or recognition from, Government</p>		
30.	<p>10. Disputes as to age – If any question arises between an Inspector and an occupier as to the age of any child who is employed or is permitted to work by him in an establishment, the question shall, in the absence of a certificate as to the age of such child granted by the prescribed authority, be referred by the Inspector for decision to the prescribed medical authority.</p>	<p>The existing provision under Section 10 may be replaced by the following:</p> <p>10. Disputes as to age – If any question arises as to the age of any child the following procedure shall be followed in determination of age:</p> <p>(1) In every case concerning a child identified by a Child Labour Prohibition Officer, an Inspector or any person the following procedure shall be adopted for determining the age of the child labour:</p> <p>(a) (i) the matriculation or equivalent certificates, school leaving certificate if available; and in the absence whereof, (ii) the date of birth certificate from the school (other than a play school) first attended; and in the absence whereof; (iii) the birth certificate given by a corporation or a municipal authority or a <i>panchayat</i>;</p> <p>(b) and only in the absence of either (i), (ii) or (iii) of clause (a) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the child in the manner that may be prescribed.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
31.	<p>11. Maintenance of register – There shall be maintained by every occupier in respect of children employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment showing</p> <p>(a) the name and date of birth of every child so employed or permitted to work;</p> <p>(b) hours and periods of work of any such child and the intervals of rest to which he is entitled;</p> <p>(c) the nature of work of any such child; and</p> <p>(d) such other particulars as may be prescribed</p>	<p>The existing provision under Section 11 may be replaced by the following:</p> <p>11. Maintenance of register- There shall be maintained by every occupier in respect of a child between 15 and 18 years of age, working in any establishment during Prescribed School Vacations, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment showing:</p> <p>(a) the name and date of birth of every child so working;</p> <p>(b) timing of her work (days, hours and duration)</p> <p>(c) intervals of her work and duration of rest;</p> <p>(d) the nature of work of her work; and</p> <p>(e) the time of her arrival and departure from work for the day with signature.</p>	
32.	<p>12. Display of notice containing abstract of Secs. 3 and 14 – Every railway administration, every port authority and every occupier shall cause to be displayed in a conspicuous and accessible place at every station on its railway or within the limits of a port or at the place of work, as the case may be, a notice in the local language and in the English language containing an abstract of Section 3 and 14.</p>	<p>The existing provision under Section 12 may be replaced by the following:</p> <p>12. Display of notice containing abstract of Secs. 3 and 14 –</p> <p>(1) Every employer shall cause to be displayed in a conspicuous and visible location in any place of employment a notice in the local language and in the English language containing an abstract of Section 3 and Section 14 of the Act including but not limited to all public and government institutions and Local government institutions and establishments in any locality, town and/or city.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
33.	<p>13. Health and safety – (1) The appropriate Government may, by notification in the official Gazette, make rules for the health and safety of the children employed or permitted to work in any establishment or class of establishments.</p> <p>(2) Without prejudice to the generality of the foregoing provisions, the said rules may provide for all or any of the following matters, namely :</p> <ul style="list-style-type: none"> (a) cleanliness in the place of work and its freedom for nuisance; (b) disposal of wastes and effluents; (c) ventilation and temperature; (d) dust and fumes; (e) artificial humidification; (f) lighting; (g) drinking water; (h) latrine and urinals; (i) spittoons; (j) fencing of machinery; (k) work at or near machinery in motion; (l) employment of children on dangerous machines; (m) instructions, training and supervision in relation to employment of children on dangerous machines; 	<p>The existing provision under Section 13 may be replaced by the following:</p> <p>13. Health and safety – (1) The appropriate Government may, by notification in the official Gazette, make rules for the health and safety of the children in the age group of 15 to 18 years working in any establishment during Prescribed School Vacations.</p> <p>(2) Without prejudice to the generality of the foregoing provisions, the said rules may provide for all or any of the following matters, namely :</p> <ul style="list-style-type: none"> (a) cleanliness in the place of work and its freedom for nuisance; (b) disposal of wastes and effluents; (c) ventilation and temperature; (d) dust and fumes; (e) artificial humidification; (f) lighting; (g) drinking water; (h) latrine and urinals; (i) spittoons; (j) fencing of machinery; (k) work at or near machinery in motion; (l) employment of children on dangerous machines; (m) instructions, training and supervision in relation to employment of children on dangerous machines; 	

Sl.	Existing Section/Provision	Amendments	Remarks
	<ul style="list-style-type: none"> (n) device for cutting off power; (o) self-acting machinery; (p) easing of new machinery; (q) floor, stairs and means of access; (r) pits, sumps, openings in floors, etc.; (s) excessive weight; (t) protection of eyes; (u) explosive or inflammable dust, gas, etc.; (v) precautions in case of fire; (w) maintenance of buildings; and (x) safety of buildings and machinery. 	<ul style="list-style-type: none"> (n) device for cutting off power; (o) self-acting machinery; (p) easing of new machinery; (q) floor, stairs and means of access; (r) pits, sumps, openings in floors, etc.; (s) excessive weight; (t) protection of eyes; (u) explosive or inflammable dust, gas, etc.; (v) precautions in case of fire; (w) maintenance of buildings; and (x) safety of buildings and machinery. 	
34.	<p>14. Penalties – (1) Whoever employs any child or permits any child to work in contravention of the provisions of Sec. 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.</p>	<p>The existing provision under Section 14 may be replaced by the following:</p> <p>14. Penalties - (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non-bailable.</p>	<p>This is in consonance with Section 27 of Juvenile Justice (Care & Protection of Children) Act, 2000 & Section 22 of the Bonded Labour (Abolition) Act, 1976.</p>

Sl.	Existing Section/Provision	Amendments	Remarks
	<p>(2) Whoever, having been convicted of an offence under Sec. 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years.</p> <p>(3) Whoever –</p> <p>(a) fails to give notice as required by Sec. 9, or</p> <p>(a) fails to maintain a register as required by Sec. 11 or makes any false entry in any such register; or</p> <p>(b) fails to display a notice containing an abstract of Sec. 3 and this section as required by Sec. 12; or</p> <p>(c) fails to comply with or contravenes any other provisions of this Act or the rules made thereunder;</p> <p>shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to ten thousand rupees or with both</p>	<p>(2) Whoever contravenes the provision of sub-section 1 of Section 3 shall be punishable with imprisonment for a term which shall not be less than 1 year but which may extend to three years and shall also be liable to fine which shall not be less than Rs. 20,000 but which may extend to Rs.1,00,000.</p> <p>(3) Whoever, having been convicted of an offence under Sub-Section (2) above, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to six years and shall also be liable to fine which shall not be less than Rs. 40,000 but which may extend to Rs. 2,00,000.</p> <p>(4) Where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offences shall be liable to prosecution only under such Act that provides for punishment which is higher in degree.”</p> <p>(5) Whoever fails to display a notice containing an abstract of Sec. 3 and this section as required by Sec. 10;</p> <p>Shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than Rs. 10,000 but which may extend to Rs. 20,000 or with both.</p> <p>(6) Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same penalty as is provided for the offence which has been abetted.</p> <p><i>(Explanation: for the purpose of this Act, “abetment” has the meaning assigned to it in the Indian Penal Code (45 of 1860)”.</i></p>	<p>The imprisonment provision is in consonance with Section 26 of Juvenile Justice (Care & Protection of Children) Act, 2000</p> <p>This is analogous to Section 28 of the Juvenile Justice (Care & Protection of Children) Act, 2000.</p> <p>This is analogous to Section 20 of the Bonded Labour (Abolition) Act, 1976</p>

Sl.	Existing Section/Provision	Amendments	Remarks
35.	<p>15. Modified application of certain laws in relation to penalties – (1) Where any person is found guilty and convicted of contravention of any of the provisions mentioned in sub-section(2), he shall be liable to penalties as provided in sub-sections (1) and (2) of Sec. 14 of this Act and not under the Acts in which those provisions are contained.</p> <p>(2) The provisions referred to in sub-section (1) are the provisions mentioned below:</p> <p>(a) Section 67 of the Factories Act, 1948 (63 of 1948);</p> <p>(b) Section 40 of the Mines Act, 1952 (35 of 1952);</p> <p>(c) Section 109 of the Merchant Shipping Act, 1958 (44 of 1958); and</p> <p>(d) Section 21 of the Motor Transport Workers Act, 1961 (27 of 1961).</p>	<p>The existing provision under Section 15 may be deleted in view of the proposal contained in at 14 (4) above. In its place, the following may be adopted:</p> <p>15. Children between 15 & 18 years of age, working in the home-based and family led establishment-</p> <p>(1) .The inspector shall trace out the ultimate employer, occupier and/or middleman or agent who are beneficiaries of the child labour, and prosecute them as per the provisions as of Section (7). A report of the same shall be forwarded to the Child Labour Prohibition Officer within 24 hours of the Act.</p> <p>(2) In case of the child working in the unit from one's own home or farm, independent of employer, occupier, middlemen and/or agents, who are beneficiaries of child labour, it is the duty of the local school teacher to visit the home, talk to the parents and convince them to send their child to school. A report of the same shall be forwarded by the school teacher or <i>Gram Panchayat</i> Member/President to the Child Labour Prohibition Officer within 24 hours.</p> <p>(3) In such a case, it is the responsibility of the concerned authority to ensure admission of the child to the school and prepare him for an age appropriate class.</p> <p>(4) The <i>Gram Panchayat</i> shall have the responsibility to monitor the regular attendance of the child in school and also take appropriate steps to persuade the parents who fail to adhere to the advice given by local school teacher.</p>	
36.	<p>16. Procedure relating to offences – (1) Any person, police officer or Inspector may file a complaint of the commission of an offence under this Act in any Court of competent jurisdiction.</p>	<p>The existing provision under Section 16 may be replaced by the following:</p> <p>16. Procedure relating to offences –</p> <p>(1) Any person (person includes Social organization, Child Labour Prohibition Officer or Inspector) may file a complaint of the commission of an offence under this Act in any court of competent jurisdiction.</p>	<p>This is analogous to Section 20 the Bonded Labour (Abolition) Act 1976.</p>

Sl.	Existing Section/Provision	Amendments	Remarks
	<p>(2) Every certificate as to the age of a child which has been granted by a prescribed medical authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.</p> <p>(3) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the First Class shall try any offence under this Act.</p>	<p>(2) Every certificate as to the age of a child granted as per Section 9 shall for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.</p> <p>(3) No court inferior to that of a Metropolitan Magistrate or a Magistrate of the First Class shall try any offence under this Act. The Magistrate shall have summary trial of the cases of violation under this Act for quick disposal of cases.</p> <p>(4) The traffickers, middlemen, agents, etc. shall also be liable for prosecution for aiding and abetting the procurement/trafficking of children for child labour and shall be punishable as per the provisions under Section 14(2).</p> <p>(5) Special courts, as many numbers as necessary for speedy trial of cases, shall be set up by Appropriate Government within 120 days from the commencement of the Amendment Act for trying cases relating to violation of the Act so as to have quick disposal of cases.</p> <p>(6) Whether a child was working in an establishment in bondage condition or otherwise, the burden of proof in this regard shall lie on the employer.</p>	
37.		<p>A new section in continuation Section 16 may be inserted to the Act as follows:</p> <p>16A. Child Labour Rehabilitation-Cum-Welfare Fund/Account:</p> <p>(1) Strict action shall be taken by the Inspector against the defaulting employer/occupier/abettor found contravening the provision of the Act under Section 3 and shall ensure the recovery of an amount of Rs. 20,000/ 40,000/1 lakh from him under this Act as well as fines under other related Acts, which shall be deposited in a fixed term account in the name of the rescued child which the State Government shall also contribute Rs. 20,000.</p> <p>(2) The proceeds from the savings in the child labour's account shall be utilized towards her education, health care, vocational training, etc.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
		<p>(3) The mother of the child and in the absence of the mother, her father or the legal guardian shall be the custodian of her account until she attains the age of 18 years and ensure that the proceeds/interests accrued from the fixed deposit account is utilized towards her education, health care, vocational training, etc., in a meaningful way.</p> <p>(4) The Committee as envisaged under Section 5 of the Act at block and district level shall monitor and review the recovery from the defaulters as well as the deposit from the Government.</p>	
38.	<p>17. Appointment of Inspectors – The appropriate Government may appoint inspectors for the purposes of securing compliance with the provisions of this Act and any inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).</p>	<p>The existing provision under Section 17 may be replaced with the following:</p> <p>17 (1) Appointment of Inspectors – The appropriate Government may appoint inspectors for the purposes of securing compliance with the provisions of this Act and any inspector so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860).</p> <p>(2) Powers of Inspectors –</p> <ul style="list-style-type: none"> (a) Enter, with such assistants, being persons in the service of the Government, or any local or other public authority, [or with an expert,] as he thinks fit, any place which is used, or which he has reason to believe is used, for employment of Child Labour; (b) Make examination of any factory, mine, plantation, occupations, processes including agriculture and allied activities, establishment, godown, workshop or home based employment. (c) Inquire into any accident or dangerous occurrence involving children, whether resulting in bodily injury, disability or not, and take on the spot or otherwise statements of any person which he may consider necessary for such inquiry; (d) Require the production of any prescribed register or any other document relating to the place of employment and the employer; (e) Seize, or take copies of, any register, record or other document or any portion thereof, as he may consider necessary in respect of any offence under this Act, which he has reason to believe has been committed; 	

Sl.	Existing Section/Provision	Amendments	Remarks
		<p>(f) Direct the employer that any premises or any part thereof, or anything lying therein, shall be left undisturbed (whether generally or in particular respects) for so long as is necessary for the purpose of any examination under this section;</p> <p>(g) Take measurements, and photographs and make such recordings as he considers necessary for the purpose of any examinations under clause (b), taking with him any necessary instrument or equipment;</p> <p>(h) Exercise such other powers as may be prescribed;</p> <p>(3) The Inspectors appointed under the Act are empowered to search and seize, particularly, to search residential premises to detect cases of children engaged as domestic workers.</p> <p>(4) If the Inspector has reason to believe that an offence under this Act has been or is being committed by any employer, the Inspector shall enter and search at all reasonable times with such assistance, if any has he considers necessary, such place of employment where children are employed, on finding any child so employed, shall take into his custody the child or children and produce the child or children before a Judicial Magistrate of the First Class or a Metropolitan Magistrate within 24 hours.</p> <p>(5) The Inspector shall send report on the steps taken to the Child Labour Prohibition Officer within a period of 24 hours.</p>	
39.		<p>A new section in continuation of Section 17 may be inserted to the Act as follows:</p> <p>17A. Child Labour Prohibition Officer(s):-</p> <p>(1) The State Government shall, appoint for the whole State/district/block or such part thereof an officer or officers to be known as the Child Labour Prohibition Officer having jurisdiction over the area or areas.</p> <p>(2) The State Government may also request a (respectable) member of the locality with a record of social service or an officer of the Gram Panchayat or Municipality or an officer of the Government or any public sector undertaking or an office bearer of any non-governmental organisation to assist the Child Labour Prohibition Officer and such member, officer or office bearer, as the case may be, shall be bound to act accordingly.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
		<p>(3) It shall be the duty of the Child Labour Prohibition Officer : –</p> <ul style="list-style-type: none"> (a) to prevent employment of child labour by taking such action as he may deem fit; (b) to collect evidence for the effective prosecution of persons contravening the provisions of this Act and the same shall be forwarded to the Inspector appointed under Section 17 (1); (c) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the employment of child labour; <ul style="list-style-type: none"> a) to create awareness of the evil which results from child labour b) to sensitize the community on the issue of child labour; c) to furnish such periodical returns and statistics as the State Government may direct; and d) to discharge such other functions and duties as may be assigned to him by the State Government. <p>(4) (a) On receipt of a report from the Inspector under Section 17 (5), the Child Labour Prohibition Officer shall inform the parents or guardian of the child about being produced before the magistrate and shall hand over the child or children to their respective parents.</p> <p>(b) If the whereabouts of the parents are not known or if the parents are living away from the place of the employment, the officer shall take all necessary steps to place the child or children in a safe shelter home.</p> <p>(5) The State Government may, by notification in the Official Gazette, subject to such conditions and limitations, invest the Child Labour Prohibition Officer with such powers of a police officer as may be specified in the notification and the Child Labour Prohibition Officer shall exercise such powers subject to such conditions and limitations, as may be specified in the notification.</p> <p>(6) The Child Labour Prohibition Officer shall have the power to move the Court for an order under Section along with the child or his parent or guardian or a member of public.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
		<p>(7) To make a Child Labour Employment Report to the magistrate in such form and such manner as may be prescribed, on his own motion or upon receipt of a complaint about employment of Child Labour;</p> <p>(8) To make available a safe shelter home if the child so requires and forward a copy of his report of having lodged the child in a shelter home to the magistrate having jurisdiction.</p> <p>(9) To ensure that the monetary relief under Section 23 is complied with and executed, in accordance with the procedure described under the Code of Criminal Procedure, 1973 (2 of 1974).</p> <p>(10) The Protection Officer shall be under the control and supervision of the Magistrate, and shall perform the duties imposed on him by the Magistrate and the Government by, or under, this Act.</p> <p>(11) Mainstreaming children taken out of employment and re-admission in the schools/ vocational training/ITI.</p> <p>(12) To perform such other duties as may be prescribed.</p>	
40.	<p>18. Power to make rules –</p> <p>(1) The appropriate Government may, by notification in the official Gazette and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :</p>	<p>No amendment proposed to Section 18 (1) The appropriate Government may, by notification in the official Gazette and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.</p> <p>No amendment proposed to Section 18 (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
	<p>(a) the term of the office of, the manner of filling casual vacancies of, and the allowances payable to, the Chairman and members of the Child Labour Technical Advisory Committee and the conditions and restrictions subject to which a non-member may be appointed to a sub-committee under sub-section (5) of Sec. 5;</p> <p>(b) number of hours for which a child may be required or permitted to work under sub-section (1) of Section 7;</p> <p>(c) grant to certificates of age in respect of young persons in employment or seeking employment, the medical authorities which may issue such certificate, the form of such certificate, the charges which may be made thereunder and the manner in which such certificate may be issued; Provided that no charge shall be made for the issue of any such certificate of the application is accompanied by evidence of age deemed satisfactory by the authority concerned;</p>	<p>Existing provision under Section 18 (2) (a) may be replaced with the following: "the term of the office of, the manner of filling casual vacancies of, and the allowances payable to the child Labour Monitoring Committee and the conditions and restrictions subject to which a non-member may be appointed to a sub-committee under sub-section (5) of Sec.5;"</p> <p>Existing provision under Section 18 (2) (b) may be replaced with the following: "(b) number of hours for which a child may be required or permitted to work under Section 7;"</p> <p>Existing provision under Section 18 (2) (c) may be replaced with the following: "(c) the form, charges, and the manner in which certificates of age towards the determination of the age of a child as required under Sections 3, 6, 7, 9, and 10 (b) may be issued as well as the medical authority who may issue such certificate. Provided that no charge shall be made for the issue of any such certificate of the application is accompanied by evidence of age deemed satisfactory by the authority concerned."</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
	(d) the other particulars which a register maintained under Sec. 11 should contain.	Section 18 (2) (d) may be deleted in view of the particulars specified in the Amendments proposed to Section 11.	
41.	<p>19. Rules and notifications to be laid before Parliament or State legislature –</p> <p>(1) Every rule made under this Act by the Central Government and every notification issued under Sec. 4, shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.</p>	No Amendment proposed to Section 19 regarding Rules and notifications to be laid before Parliament or State legislature.	

Sl.	Existing Section/Provision	Amendments	Remarks
	<p>(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the Legislature of that State.</p>		
42.	<p>20. Certain other provisions of law not barred – Subject to the provisions contained in Sec. 15, the provisions of this Act and the rules made thereunder shall be in addition to, and not in derogation of, the provisions of the Factories Act, 1948 (63 of 1948), the Plantations Labour Act, 1951 (69 of 1951) and the Mines Act, 1952 (35 of 1952).</p>	<p>The existing provision under Section 20 may be replaced with the following:</p> <p>20. Certain other provisions of law not barred –</p> <p>The provisions of this Act and the rules made thereunder shall be in addition to, and not in derogation of the provisions of the Factories Act, 1948 (63 of 1948), the Plantations Labour Act, 1951 (69 of 1951), the Mines Act, 1952 (35 of 1952), the Bonded Labour (Abolition) Act, 1976, The Juvenile Justice (Care and Protection of Children) Act, 2000 and the Indian Penal Code, 1860.</p>	
43.	<p>21. Power to remove difficulties – (1) If any difficulty arises in giving effect of the provisions of this Act, the Central Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty :</p> <p>Provided that no such order shall be made after the expiry of a period of three years from the date on which this Act receives the assent of the President.</p> <p>(2) Every order made under this section shall, as soon as may be after it is made, before the Houses of Parliament.</p>	<p>No Amendment proposed to Section 21 relating to Power to remove difficulties.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
44.	<p>22. Repeal and savings – (1) The Employment of Children Act, 1938 (26 of 1938) is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.</p>	No Amendment proposed to Section 22 regarding the Repeal and savings .	
45.	<p>23. Amendment of Act 11 of 1948 – In Sec. 2 of the Minimum Wages Act, 1948 –</p> <p>(i) for Cl. (a), the following clauses shall be substituted, namely :</p> <p>“(a) ‘adolescent’ means a person who has completed his fourteenth year of age but has not completed his eighteenth year;</p> <p>(aa) ‘adult’ means a person who has completed his eighteenth year of age;”:</p> <p>(ii) after Cl.(b), the following clause shall be inserted, namely :</p> <p>“(bb) ‘child’ means a person who has not completed his fourteenth year of age;”.</p>	<p>The existing provision under Section 23 of the Act relating to the Minimum Wages Act (No 11), 1948 may be replaced with the following:</p> <p>“‘Child’ means a person who has not completed his eighteenth year of age”.</p>	

Sl.	Existing Section/Provision	Amendments	Remarks
46.	<p>24. Amendment of Act 69 of 1951 – In the Plantations Labour Act, 1951</p> <p>(a) in Sec.2 in Cls.(a) and (c), for the word “fifteenth”, the word “fourteenth” shall be substituted;</p> <p>(b) Sec. 24 shall be omitted;</p> <p>(c) in Sec. 26, in the opening portion, the words “who has completed his twelfth year” shall be omitted.</p>	<p>The existing provision under Section 24 of the Act relating to the Plantation Labour Act, 1951 in Section 2 in Cls (a) and (c) may be replaced with the following:</p> <p>“ ‘Child’ means a person who has not completed his eighteenth year of age.”</p>	
47.	<p>25. Amendment of Act 44 of 1958 – In the Merchant Shipping Act, 1958, in Sec. 109, for the word “fifteen”, the word “fourteen” shall be substituted.</p>	<p>The existing provision under Section 25 of the Act relating to the Merchant Shipping Act, 1958 in Section 109 may be replaced with the following:</p> <p>“for the word ‘fourteen’, the word ‘eighteen’ shall be substituted.”</p>	
48.	<p>26. Amendment of Act 27 of 1961 – In the Motor Transport Workers Act, 1961 in Sec.2, in Cls.(a), and (c), for the word “fifteenth”, the word “fourteenth” shall be substituted</p>	<p>The existing provision under Section 26 of the Act relating the Motor Transport Workers Act, 1961 in Sec.2, in Cls.(a) and (c) may be replaced with the following:</p> <p>“for the word ‘fourteen’, the word ‘eighteen’ shall be substituted.”</p>	
49.	<p>Schedule (Part A & B) of the Act</p>	<p>The Schedule (Part A & B) of the Act may be deleted as no distinction is made between ‘hazardous’ & ‘non-hazardous’ employment/work/occupation/process under the Amendment proposed to Section 3 of the Act.</p>	<p>As no distinction is made between ‘hazardous’ & ‘non-hazardous’ employment/work/occupation/process under the Amendment proposed to Section 3 of the Act.</p>

**Report of the National Convention on
Right to Education and Abolition of Child Labour**

An Executive Summary

1. Deliberations

- 1.1 The country's biggest ever national convention on 'the right to education and abolition of child labour,' held at Vigyan Bhavan, New Delhi, on December 11 and 12- 2008, brought together government, NGO's working on child right issues, the corporate sector, children and the UN systems to look at policies and programmes that could restore the lost childhood of about 13 million children in the five to 14 age group currently in the labour force. 'Getting every child into school' was seen as the only way forward.
- 1.2 The convention in which over 1500 people, including 200 children, participated, was jointly organized by the National Commission for Protection of Child Rights, UNICEF and ILO. Union Minister for Rural Development, Mr Raghuvansh Prasad Singh, Minister of State, Women and Child Development, Ms Renuka Chowdhury and Mr Oscar Fernandes, Labour and Employment, several MPs, and representatives of trade unions participated. At a special evening session with Parliamentarians, children presented their charter of demands to Mr Oscar Fernandes.
- 1.3 The census of 2001 shows that 5,79,841 children in the 0-4 age group are involved in the household sector and along with other out-of-school children cannot realize their right to education. The Commission's position paper also refers to the 75 million 'no-where' children who are neither in schools nor in the recognized labour force. They work in homes, in agriculture or have been trafficked to a far off place. While parents, however poor, are eager to educate their children, markets-- that thrive on the cheap labour of the child-- seek to perpetuate child labour.
- 1.4 Discussions centered around the stated position of the Commission that the national policy for children must be founded on the following fundamental truths:
 - (i) That child labour and poverty are mutually reinforcing and child labour causes as well as perpetuates poverty
 - (ii) Non-economic factors play a significant role in sustaining child labour and lack of access to fulltime formal school is the most important non-economic factor that continues to entrench child labour in an inter-generational vicious cycle of poverty
 - (iii) Child work participation can systematically impede educational attainment for both out-of-school children and in-school children
 - (iv) Poor families can and do send their children to school
- 1.5 In her inaugural address, Ms Chowdhury said eliminating child labour and putting all children in school should be achieved through a rights-based approach to ensure children get care, protection and benefits of entitlements like the ICDS (integrated child development services). To ensure ethical standards in industry, she said, the government was working on a logo to certify products where child labour had not been used. In terms of

child labour, the distinction between hazardous and non hazardous industries had to go. Children employed in agriculture, home based work whether it is cooking and sibling-care are equally exploited, she stressed. The definition of a child is non-negotiable. It should include all children up to 18 years. She said the Child Labour (Prohibition and Regulation) Act 1986, which makes employment of children illegal, only if they are below 14 years, had to be amended.

- 1.6 All through the two days of the Convention there was reiteration of these rights. India's nine national commissions—each created by Parliament with a specific mandate—jointly called for total abolition of all forms of child labour whether rendered for an employee, middleman or one's own, up to the age of 18.
- 1.7 The most poignant voices were those of the children. The convention opened with a play written, directed and staged by children called *Akhir Kab Tak* (Till when) where they talked of their life on the streets before they were rescued and asked how long they would have to stage plays to tell people the status of so their brothers and sisters.
- 1.8 At the session of Parliamentarians there was discussion on whether poverty led to child labour or it was vice versa with child labour perpetuating poverty. While poverty deprives the child of the opportunity to go to school and improve his/her condition, increasingly even the poor want their children to be educated. Several speakers endorsed the view that the child who was not in school should be considered as a child labourer.
- 1.9 It was pointed out that millions of children today are exploited and abused not only in manufacturing units but also in homes. Such children perpetuate poverty—due to lack of education and other social advantages, they are unable to break the cycle of deprivation and stay in poverty forever. Child labour makes families poorer. There was consensus on the need to prevent all forms of exploitation and bring the children to school. There was unanimity that child labour had to be abolished not just prohibited or regulated. Existing laws have to be changed to achieve this.

2. Some key recommendations of seven thematic panels

2.1 Enforcement of legislations and towards a legal framework for the total abolition of child labour

- (i) The current child labour laws need to be amended – instead of regulation, the law should totally abolish child labour.
- (ii) Besides, the various articles in the Indian Constitution guarantee the fundamental right to education to every child. Efforts have to be made that these constitutional guarantees are enforced.
- (iii) It was recommended that the anti-child labour laws define children as those less than 18 years
- (iv) The law must make employment of children a cognizable offence and provide for stringent punishments
- (v) Strengthen enforcement of Bonded Labour Act as it is far more effective than the Child Labour Act as there is provision of summary trial and immediate compensation of Rs 20,000 to the victim

2.2 Challenges of addressing migration and trafficking of children

- (i) All discussions, studies on migration should include migration with children
- (ii) Formation of a nodal agency for research, rescue and rehabilitation of child labourers will help in addressing the issue promptly and clearly
- (iii) The Child Labour (prohibition and regulation) Act should be renamed Child Labour Prohibition Act
- (iv) Birth registration should be made compulsory to ensure that the community and the state have a data about the number of children in the labour force as well as the 'no where' children

2.3 Community and family environment for child labour elimination and education for all children

- (i) The intervention of both the government and the community is necessary to overcome the problem of child labour
- (ii) The positive energies of the local community, family and groups like panchayats and SHGs have to be tapped to create a groundswell for the campaign against child labour and to guarantee education to every child
- (iii) Although family and community are not sometimes automatic change agents, they have the potential to make a positive difference. Teachers need to be considered as change agents too and education should be recognised as a common good for the community

2.4 Guaranteeing, reaching and retaining all children in schools – Challenges and responses - recommendations presented by Mr Vinod Raina

- (i) Ten crore children don't complete eight years of compulsory schooling. Sixty years after Independence this huge number of dropouts is unacceptable
- (ii) Quality education should be the right of all children? It should not have to be purchased by those who can afford private schools
- (iii). Instead of blaming teachers for poor quality education, improve their working conditions and skills
- (iv) Right to Education Bill needs to be passed before the elections take place in 2009. While the bill still needs several improvements, it is a giant step in ensuring the right of every child to go to school. The 25 per cent reservations for the poor that it seeks in private schools is an important step towards a common school system

2.5 Investment in education and abolition of Child Labour

- (i) Increase public spending on education. Inadequate funding hinders attainment of good results
- (ii) More allocation of funds needed from the central government to ensure that the Right to Education Bill is implemented after it is passed. The bill will not be successful if there is no financial commitment from the government

2.6 Decentralisation and convergence for abolition of child labour and ensuring children's right to education

- (i) Panchayat raj institutions have to play a bigger role in monitoring child labour. Sustainability of their efforts to keep children out of labour depends on proper environment and support system
- (ii) Replicate the Kerala model of education where panchayat leaders are key stakeholders in the children's education. Capacities of the panchayats – in terms of devolution of funds, training of member – also have to be enhanced. Panchayats need to integrate anti-child labour laws in all activities
- (iii) Urban local bodies have to be strengthened to deal with problems of migrant children
- (iv) Children need to be involved in gram sabha discussions so that they can contribute in the rescue and rehabilitation operations and prevent child labour in their area.

2.7 Role of Corporates, Industry and Media

- (i) The private sector has to mobilize more resources to support and partner with government.
- (ii) The private sector also needs to rethink on how to make its pricing policy more clean and transparent
- (iii) The term corporate social responsibility (CSR) needs to be changed to corporate social accountability (CSA)
- (iv) Uphold rights based approach in supply chain
- (v) The media has a greater responsibility in keeping child related issues alive. For mainstreaming child issues, children and not NGOs should be interviewed. Children should be given a chance to voice their concerns and needs
- (vi) Like the citizen journalist every channel should have a child journalist

3. Conclusion

While the Convention reflected some anger and some sadness, it generated a groundswell of hope for better lives, for equity and social justice for all children. This was aptly put by the NCPCR chairperson, Smt. Shantha Sinha, who said “Education, education and education alone and through it all other entitlements will be seized by children themselves. Education will ensure that children are out of child labour. Education is the only means to make India truly secure.”

Note on Children's Participation in the National Convention – 10.12.2008

1. The National Convention on Right to Education and Abolition of Child labour held on 11th – 12th December, 2008 in which over 1500 people, including 200 children, participated, was jointly organized by the National Commission for Protection of Child Rights, UNICEF and ILO. Union Minister for Rural Development, Mr Raghuvansh Prasad Singh, Minister of State, Women and Child Development, Ms Renuka Chowdhury and Mr Oscar Fernandes, Labour and Employment, several MPs, and representatives of trade unions participated.
2. On 10th December, 2008 at Gandhi darshan, a special session was being organized for the children who were to participate in the National Convention. Children from various parts of the country such as, Madhya Pradesh, Andhra Pradesh, Bihar, Gujarat, Maharashtra, Delhi and Tamil Nadu had come to take part in the National Convention. These children were escorted by several NGO's such as Deepalaya, Chetna, Salaam Baalak Trust, MV Foundation, Pratham, Badthe kadam Shaishav , YUVA. These children were engaged as child labours in agricultural fields, dhabas, clinics, wood carving, cattle grazing, domestic helps, salt pans, zari making units, cotton fields, traffic signals, circus, etc. but with the help of the NGOs the all were rescued and are presently pursuing their studies. In this session, the children were given a brief idea on their association with the various thematic sessions which were to be held on 11th and 12th December, 2008.
3. These thematic sessions were on Enforcement of legislations and towards a legal framework for the total abolition of child labour , Challenges of addressing migration and trafficking of children , Community and family environment for child labour elimination and education for all children , Guaranteeing, reaching and retaining all children in schools, Investment in education and abolition of child labour , Decentralization and convergence for abolition of child labour and ensuring children's right to education and Role of Corporate, industry and media.
4. These children shared their experiences on how they were rescued, later rehabilitated and are now happily pursuing their education. They all unanimously agreed that media can play a big role in enforcement of laws protecting children & education is the only means by which their life has become a full circle and through which they can become good capable citizens and fulfill their ambitions in terms of studies and work.
5. Thereafter in a special evening session with Parliamentarians which was held on 11th December, 2008 at Vigyan Bhawan, children presented their charter of demands to Minister of State for Labour Oscar Fernandes and other MPs last evening and asked when will child rights be put on the national agenda. When will election manifestos reflect our concerns? High on their priority was their right to education, especially for those of 14 to 18 years. They also questioned the shortage of teachers in government schools. Why is there no high school in our village? Why do we have to travel long distances just to access our right to education. Their demands were presented through two colourful scrolls, embellished with huts, trees and scenes around their village homes.

ANNEXURE - 6

Table-1: STATEMENTS SHOWING THE STATE WISE DETAILS OF COMPLAINTS RECEIVED DURING 1st APRIL 2008 TO 31st MARCH 2009

Name of the States	Number of complaints
Andaman and Nicobar Islands	1
Andhra Pradesh	21
Arunachal Pradesh	0
Assam	4
Bihar	8
Chandigarh	0
Chhattisgarh	6
Dadra and Nagar Haveli	0
Daman and Diu	0
Delhi	68
Goa	0
Gujarat	3
Haryana	16
Himachal Pradesh	1
Jammu and Kashmir	1
Jharkhand	4
Karnataka	10
Kerala	1
Lakshadweep	0
Madhya Pradesh	26
Maharashtra	18
Manipur	1
Meghalaya	0
Mizoram	0
Nagaland	0
Orissa	13
Puducherry	3
Punjab	21
Rajasthan	7
Sikkim	0
Tamil Nadu	32
Tripura	0
Uttar Pradesh	76
Uttarakhand	7
West Bengal	6
Total	354

**Table-2: STATEMENTS SHOWING THE SUBJECT WISE DETAILS OF COMPLAINTS
HANDLED DURING 1st APRIL 2008 TO 31st MARCH 2009**

Subject	Nos. Number of complaints
Adoption	2
Child Abuse	20
Child health	11
Child labour	34
Child Welfare	1
Custody	5
Displaced Children	3
Education	3
Financial Assistance	2
Girl Child	31
Jail and Custody	4
JJ/Shelter/Observation Homes	10
Legal Matters	1
Minorities/ Tribals/ Weaker Sections/ Street Children	10
Miscellaneous	3
Missing Children	12
Physically/ Mentally Weak Children	2
Police and Other Authorities	72
Schools	126
Inadmissible	2
Total	354

ANNEXURE - 7

THE GUIDELINES GIVEN BY THE HON'BLE SUPREME COURT OF INDIA ON 14-11-2002

With regard to effective steps to be taken in case of tracing out the missing and kidnapped minor girls and women etc.

The Guidelines given by the Hon'ble Supreme Court of India on 14-11-2002, while hearing the Writ Petition (Cri.) No. 610 of 1996 filed by Horilal V/s Commissioner of Police, Delhi & Ors with regard to effective steps to be taken in case of tracing out the missing and kidnapped minor girls and women etc. :-

- (1) Publish photographs of the missing person in the newspaper; telecast them on the television promptly and in any case not later than one week of the receipt of the complaint. Photographs of the missing person shall be given wide publicity at an the prominent outlets of the city/town/village concerned – that is at the railway stations inter-State bus stands, airport, regional passport office and through 'law enforcement personnel at border check-posts. This should be done promptly and in any case not later than one week of the receipt of the complaint. But in case of a minor / major. girl such photograph shall not be published without the written consent of the. Parents/guardians,
- (2) To make inquiries in the neighborhood, the place of work/study of the missing girl from friends colleagues, acquaintances, relatives etc. immediately Equally all the clues from the papers and belongings of the missing person should be promptly investigated,
- (3) To contact the Principal, class teacher and student at the missing person's most recent school/educational institutions. If the missing girl or woman is employed somewhere, then to contact the most recent employer and her colleagues at the place of employment.
- (4) Conduct an inquiry into the whereabouts from 'the extended family of relatives, neighbors, school teachers including school friends of the missing girl or woman
- (5) To make necessary inquiries whether there have been past incidents or reports of violence within the family. Thereafter, the investigating officer/agency shall:
 - (a) Diligently follow up to ensure that the records requested from the parents are obtained, and examine them for clues,
 - (b) Hospitals and mortuaries are searched had immediately after receiving the complaint.
 - (c) The reward for furnishing clue about the missing person should be announced within a month of her disappearance.
 - (d) Equally hue and cry notices shall be given within a month"
 - (e) The investigation should be made through women police officers as far as possible
 - (f) The concerned Police Commissioner or the D.I.G. / I.G. of the State police would find out the feasibility of establishing a Multi-TaskForce for locating missing girl children and women:
 - (g) Further, in the metropolitan cities, such as Delhi, Mumbai, Kolkata and Chennai, the Investigating Officer should immediately verify the red-light areas and try to find out the minor girls. If any minor girl (may or may not be recently brought there) is found, her possession be taken and she may be sent to the local children's home (Sec. 34 of the Juvenile Justice (Care and Protection of Children), Act, 2000), and the I.O. to take appropriate steps that all medical /other facilities are provided to her.



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