

Internship Report

On

“Protection of Child Rights”

Submitted to:

National Commission for Protection of Child Rights

New Delhi

Submitted By:

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Internship Period: 1st July 2011- 31st July 2011

*Pl. put up soon
on file along with
her Internship Certificate.*

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Index

S.No.	Contents	Page No.
1	Acknowledgment	1
2	Brief Review on NCPCR	2
3	Powers of the Commission	2-3
4	Information of RTE Division	3-4
5	Objectives	5
6	Assignment Executed	6-8
7	Learning Outcomes	9
8	Samples assignments	10

ACKNOWLEDGMENT

I would like to extend my sincere thanks to National Commission for Protection of Child Rights (NCPCR) for giving me the opportunity to intern in their organisation under the Right to Education Division for a period of 30 days commencing from 1st July 2011 to 31st July 2011.

I would take this opportunity to thank Prof. Shantha Sinha, the Chairperson NCPCR, Mr. Lov Verma, Member Sec. NCPCR, Mr. Binod Singh Sahu, Registrar NCPCR, Mr. R.Krishnamurthy, the Assistant Director NCPCR and other members of NCPCR who have guided me throughout this journey and supported me in all my endeavors.

Also, I extend my gratitude to our supervisor Ms. Sinu Jain, Consultant NCPCR, who has been an encouraging mentor and a primary source of guidance throughout the internship period.

Lastly I would like to acknowledge Mr. Y.S.R. Murthy and Ms. Dipika Jain, Professors Jindal Global Law School, Sonapat for arranging this internship for me.

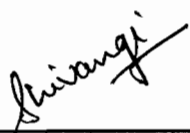
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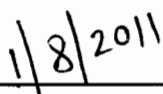
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NCPCR – A Brief Review

The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission for Protection of Child Rights Act, 2005, an Act of Parliament (December 2005). The Commission's Mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child.

The Commission visualises a rights-based perspective flowing into National Policies and Programmes, along with nuanced responses at the State, District and Block levels, taking care of specificities and strengths of each region. In order to touch every child, it seeks a deeper penetration to communities and households and expects that the ground experiences inform the support the field receives from all the authorities at the higher level. Thus the Commission sees an indispensable role for the State, sound institution-building processes, respect for decentralization at the level of the local bodies at the community level and larger societal concern for children and their well-being.

Powers of the Commission

The Commission, while enquiring into any matter, has all powers of the Civil Court trying a suit under the Code of Civil Procedures, 1908 and in particular, with respect to the following matters:

1. Summoning and enforcing the attendance of any person from any part of India and examining them on oath
2. Requiring the discovery and production of any documents
3. Receiving evidence on Affidavits

4. Requisitioning of any Public Record or copy thereof from any Court of Office
5. Issuing commissions for the examination of witnesses or documents
6. Forwarding cases to Magistrates who have jurisdiction to try the same
7. On completion of inquiry, the Commission has the powers to take the following actions:
 - a. To recommend to concerned Government for initiation of proceedings for prosecution or other suitable action on finding any violation of child rights and provisions of law during the course of an inquiry
 - b. To approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary
 - c. To recommend to concerned Government or authority for grant of such interim relief to the victim or the members of his family as considered necessary.

RTE Division

NCPCR has setup an Expert Group on Right to Education with eminent educationists, child rights activists and officials representing all the concerned ministries. The group advises NCPCR on the task of monitoring children's right to education, coordination with the MHRD and MWCD, establishing linkages with States as well as the ministries at the State and Central level, guiding the work plan and providing technical guidance to NCPCR in evolving systemic structures and procedures for monitoring the RTE.

The Model Rules, 2009 on the Right to Education Act have been formulated to help operationalize the Act. These rules provide a broad framework which states could use while devising their own State Rules on RTE. The model rules however, do not include mechanisms of grievance redressal and the NCPCR is working on

formulating the same. The States must ensure their RTE Rules include all aspects of grievance redressal including the method of lodging complaints, specific authorities from the State machinery to be approached for complaints, timeline for grievance redressal etc.

The RTE Model Rules document in its current form lays down details on:

1. Provisions and methods special training of children in order to bring them up to the learning level of their peers
2. The limits of neighborhood schools
3. Duties of the state govt. and local authorities in up gradation of schools, provision of transport facilities, or residential facilities and all forms of learning support to children with disabilities to ensure completion of elementary education.
4. Method and details of records to be maintained of children within the jurisdiction of a local authority.
5. Responsibilities of schools and teachers with regard to enrollments and classroom transactions with children from weaker sections and disadvantaged groups.
6. Documents as age proof required for every child
7. Application and procedure to be followed by all schools '*other than a school established, owned or controlled by the State Government or Local Authority*' in order to gain recognition as mandated by the Act.
8. Conditions and procedures under which this recognition could be withdrawn.
9. Composition and function of the school management committee.
10. Details on the school development plan to be designed and monitored by the SMC.
11. Teacher qualifications norms.
12. The role and functions of SCPCRs with regard to the RTE Act, 2009.

OBJECTIVES AS AN INTERN

1. *Comprehending the operations of an NGO.*
2. *Identify the Role of NCPCR in the protection of child rights.*
3. *Studying laws established for protection of child rights.*
4. *Understand the action taken at the time of violation of these Rights.*
5. *Understanding the role and function of the RTE division in the working of
NCPCR.*
6. *Learning the process in which complaints are managed.*

Assignment Executed

In the due course of the internship I was exposed to various functions and segments of the RTE division. I gained an in depth understanding and knowledge of the ways in which the division operated. My assignment included performing the following tasks:

1. Summarizing cases and Drafting Action Taken Reports:

Approximately 40 cases were ATRs were drafted by me. This also included case summary. In these, I was expected to outline the main issue of the case and specify the letters that had been issued to the concerned authorities.

I had to state what kind of action they had been asked to take and whether the action taken by the authorities was appropriate and satisfactory. File numbers and the dates of issue of letters held a lot of importance in these reports.

2. Diary Dispatch and Disposal:

The Action taken report (ATR) is under the process of diary system. Diary system plays a major role under the RTE department. This system is basically concerned with a software program where data of the complaint files are lodged at one click.

Action taken Report (ATR) is given its unique number. Because of the numbers these files could be traced easily. These numbers are called Diary numbers. Through these diary numbers, the consultant or the person dealing with the files can trace the files by following the process of diary system by typing the diary number. It also displays the current status of the files. Around 97 files were given these numbers by me by the process of dispatching and 87 reports were disposed. Disposal basically meant transfer of files from one authority to another.

3. Complaint Management:

The division receives, classifies and registers complaints through a specially designed "complaint management system" [CMS] for RTE complaints. It is a web-based system that allows a complaint to be simultaneously registered at point of redressal which can be tracked by NCPCR to check status of the complaint.

In compilation of complaints the address of the complainant, victim and the incident area had to be specified along with the gist of the complaint. It was very important to specify the language in which the letters had to be issued. Around 33 complaints were compiled by me in this prescribed manner.

The CMS system was really helpful as it compiled the complaint in a manner in which all the information necessary was included.

4. Issuing Reminders and DO Letters

I issued 80 reminders and 6 DO Letters with the aid of CMS. It includes in it not only the recording of the data but also provides the letters which are forwarded to the concerned authorities of the case if their reply regarding the investigation is not received in the time allotted to them.

- a) Fair Letter: it is the letter sent by the commission to the concerned authorities of investigation to make proper investigation of the case and send the report within the period of 30 days so that the commission can give the answer to the complainant as well as provide the victim with justice.
- b) Reminder one: it is sent by the commission to the concerned authority of investigation when the reply of the fair letter is not received from them within the period of 30 days.
- c) Reminder two: it is sent by the commission to the concerned authority of investigation when the reply of the fair letter is not received from them within the period of 20 days.

d) DO Letter- formally known as Demi Official Letter which is sent after lapse of 15 days of reminder 2 and no reply yet is received by the commission. This letter signifies that now parties have to formally come and meet the commission members in front of a specially constituted bench which will adjudicate the case.

5. Indexing Ongoing Cases:

Indexing of case files holds a lot of importance in a case at the time of hearing as these files is to be presented before the judge and the opposition party. I did Indexing of annexure of two cases from Delhi and Kolkata.

6. Research and Compilation of Minutes of PAB Meetings:

I also researched and compiled minutes of PAB meetings of 7 states namely:

- Manipur
- Assam
- Meghalaya
- Nagaland
- Arunachal Pradesh
- Tripura
- Sikkim

7. Assembling number of Public Hearings:

In this I mentioned the number of complaints received during the public hearings in few states.

8. Segregation of nature of Complaints:

This mainly included separating complaints under various heads such as Infrastructure, non-availability etc.

LEARNING OUTCOMES

This assignment presented me an opportunity to work for a non-governmental organization and know about its functioning. I learnt how the complaints are received, managed and segregated by the department. The working on the CMS system was a great aid in teaching me this.

The drafting of ATRs taught me how the complaints are summarized and worked upon in favor of their goal to protect the rights of a child. I was also once asked to type few sections of the Right to Education Act, 2009 which helped me gain more knowledge about the laws prescribed by the government in favor of children and their rights.

It helped me to learn how to give back to the society and bring about a change in the way things work. It most importantly taught me the significance of team work in our life. While working with the members of RTE division, other members of NCPCR and my co-interns, I learnt how teamwork can help bringing about a difference in the society and how easy the toughest situations become.

Sample of ATR drafted

CR No. - 23404

Ref to prepage notes

53 complaints regarding non-compliance of teaching norms by various Municipal Corporation Schools and Rajkiya Sarvodya Girls/boys Schools in Trilokpuri and Kalyanpuri region in Delhi was received by the commission during Delhi Public Hearing in the month of April.

These complaints included failure of the teachers to reach the class on time, usage of inappropriate language in class and inefficiency in the method of teaching. Letter was issued to the Chief Secretary, govt. of NCT, on 18/05/2011.

ATR was received from DY. Director of Education vide F.No.DE.47/E/A/11/3380 dated 27/04/2011. In response to the complaint filed by Master Saurabh stating that there was no science teacher for the entire academic year for the students of VIIth standard.

The complaint was found to be wrong, as the investigation confirmed that there were six teachers for science. They were allotted classes as per the norm in the time table. A report about who taught the class and the performance report was also attached with it.

Another ATR was received from the vice principal of Prem Chand RSVB with regard to the following two complaints:

- (a) Maths teacher hit Mr. Gautam, a student of his class.
- (b) Usage of abscene language by the drawing teacher in the class.

Explanation was received vide Memo No. 146 dated 18/06/2011 for the 1st complaint stating that the incident never occurred and the student has, in writing, denied his allegations. The report signed by the parents was attached with it.

Explanations for the second complaint was received vide Memo No. 147 dated 18/04/2011 stating that an inquiry was made from the drawing teacher. It was submitted that no obscene language had been used during the class hours.