

9/17/13

Registrar

My internship at National Commission for Protection of Child Rights from 24th December to 14th January 2013.

I have been working under the following heads :

- a). Mr. Binod Kumar Sahu (Registrar of National Commission for Protection of Child Rights, ministry of woman & Child Development Govt. of India.
- b). Advocate Aagney Sail, working on Juvenile cases of Tihar jail and sending them to Reform centre in accordance to High Court Judgement dated 11.05.2012 in the matter of Court on its own motion V. Dept. of Women and Child Development & Ors.
- c) Dr. Vandana Prasad (MBBS, MRCP (Pediatrics) U.K., MPH (UWC), member. I am working on the project of providing free beds to Economically Weaker Section (EWS) according to the High Court judgement dated 22/03/2007 in the matter social Jurist Vs. GNCTD. I am enclosing the following the documents which were the assigned assignments to me during my internship
 - a. Segregating juveniles from other inmates (approximately 1566 cases),
 - b. Data entry of hospitals, which have received the Performa for the availability of pediatric beds under Economically Weaker Section (EWS) scheme,
 - c. Minutes of the National Conference on 'Right to Food' in New Delhi on 04.01.2013.

By: - Ms. Pragya Wazir

(Amity Law School, Noida)

M. put up on file
Sudh. B. Sahu
21.1.2013
CL (Gordon)

Segregation of juveniles from other inmates

High court & National Commission for Protection of Child Rights

The high court directed Delhi Legal Services Authority (DLSA) and National Commission for Protection of Child Rights (NCPCR) members on 11th may 2012, to institutionalized monthly jail visits by a committee of experts to identify juveniles, and then carry out regular follow-ups to ensure that their rights are not being violated by incarceration in jails.

The bench referred to the Juvenile Justice Act which mandates that no juveniles should be lodged in jail, violating the said act the juveniles more than 1500 have been lodged in Tihar jail with hardened criminals.

Hence, under the guidance of Advocate Aagney Sail, i worked on segregating Juvenile cases in Tihar jail.

Research on Right to Food

The National Human Rights Commission organized a day-long National Conference on 'Right to Food' in New Delhi on 04.01.2013.

Addressing it, Mr. Justice K.G. Balakrishnan, Chairperson, NHRC said that the Commission has always been concerned with the issue. Due to its intervention, there is a lot of improvement now in Kalahandi, Bolangir and Koraput (KBK) Districts of Odissa which reported starvations deaths.

The NHRC Chairperson said that there is improvement in food grain production, but its stocking and distribution among the needy is a point of concern.

Malnourished children and falling levels of calorie consumption are some other areas which require attention. Despite, Integrated Child Development Services (ICDS), Mid Day Meal Scheme, Targeted Public Distribution System and other such measures, a lot of ground needs to be covered to ensure Right to Food for all.

Justice Balakrishnan said that the NHRC is committed to taking up any issues affecting the rights of people. If it is brought to the notice of the Commission that the Direct Cash Transfer Scheme is violating rights, the NHRC would not hesitate to take up the matter with the government. However, the Commission would not jump to any conclusions on government schemes in a haste.

Sudhir Kumar, Secretary, Department of Food and Public Distribution, Government of India said that there is a record procurement of food grains, which is sufficient to take care of situation arising out of two bad monsoons. He said that leakages in Targeted Public Distribution System are a point of concern for which the government is taking measures.

Several prominent persons, including NHRC Members and senior officers, Mr. Harsh Mander, Director, Centre for Equity Studies,

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Dr. S.M. Jharwal, Chancellor, Indira Gandhi National Tribal University, Amarkantak, NHRC Special Rapporteurs, and representatives of civil society, SHRCs, Central and state governments participated in the discussions.

Some of the important suggestions, which emerged out of the conference are as follows:

Full nutritional security commitment in the National Food Security Bill has to be incorporated immediately;

Food will not be available unless adequate quantities are produced, properly stored and efficiently distributed;

Food availability cannot be restricted only to cereals; it must include pulses, oils, vegetables, fruits and animal-based proteins.

Food security entails making available adequate nutritional food that is locally acceptable. For this, the availability of safe drinking water is essential. All of this must be accessible and affordable;

Balanced diet should be provided in ICDS centers and Mid Day Meal Schemes;

The experience so far with the Targeted Public Distribution System shows that very large numbers of those who are hungry, poor or malnourished, and who need its support, are excluded. The government must keep this essential need under review, to eventually bring under its coverage all those in need;

Involve panchayati raj institutions in food delivery: NHRC (1) on 04.01.2013

KOCHI: National Human Rights Commission (NHRC) has written to chief secretaries of all states to ensure that the system of food delivery be firmed up by active involvement of Panchayati Raj institutions. "It is mandatory not just to have food as matter of right but also to ensure proper nutrition. Schemes are already available but we have to see and remove the discrepancies in existing schemes. Providing food should not be based on only quantity but on calories of energy", NHRC has recommended. "There is need to dovetail with employment generation schemes

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and other interventions to ensure sustainable livelihood”, it added. The Commission had constituted a core group on Right to Food, comprising experts from across the country. Later a small group was constituted to crystallize the recommendations and suggestions made by the core group. This happened after NHRC took cognizance of starvation deaths in Kalahandi, Bolangir and Koraput districts of Odisha as starvation constitutes a gross denial and violation of right to life. NHRC also had a day-long national conference on ‘Right to Food’ in New Delhi on Friday to analyse the right to food in terms of availability, accessibility, adequacy and sustainability; existing situation in the country regarding fulfilment and realization of the right to food; examination of the programme and policies being followed in realizing right to food; and steps to create awareness on the importance of the right to food.

Right to Food meaning:-

- 1. Human Rights and Justice Right to Food fundamental human right affirmed by the UN and recognized in numerous regional treaties and national constitutions By Shivraj Singh Negi
- 2. What is Right to Food Human right derived from the International Covenant on Economic, Social and Cultural Rights (ICESCR) and is also contained in Universal Declaration of Human Rights. Overlooked by UNCESCR. The definition used by UN Special Reporter on the right to food includes food and resources required to produce it. Evolution of the right and International and Regional Texts .
- 3. Government Obligations They must respect the right to food, protect the right to food, fulfill the right to food of the people who are underfed, meaning they must facilitate and provide access to food. Governments have to take necessary socio-economic and political steps. Finally, governments are obliged to fulfill the right to food of those who, alone, have no chance at all of having an adequate diet. This is imperative both in ordinary situations and in emergencies. The states should also provide redress for violation, refrain from food embargoes and cooperate and help in emergencies and catastrophes to avoid mass deaths from starvation.
- 4. Government Practices Obligation to incorporate the right to food into their national legislation, in some form. Acknowledgement of different rights related to and enabling the right to food. Acknowledgement of Certain Elements of the Right to Food, such as Access to Land, Access to Water, the Guarantee of a Livable Minimum Wage or Social Security. Acknowledgement of regional and international texts in national legislations. Different monitoring and enforcement bodies. Denial of access and availability which is impossible to overcome. Redress mechanisms at national, regional and international levels.
- 5. The case of India Supreme Court has interfered in numerous occasions to protect the right. It has also reinterpreted it. Case filed by PUCL led to court directing the governments to start aid programs for the poorest. Right to Food and its evolution. Arguments for and Against.

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Some other things which arise in the conference were:-

1) Where can a person find food easily for his livelihood?

Ans) In Jail

Suggestion:-

The major problem addressed by Dr. S.M. Jharual, was the monetary allocation addressed by the govt. in budget for providing nutritional food.

I would like to suggest a method by which scheme for right to food can be made effective.

Govt. of India has spoken about birth control, but it has not been implemented properly, as we know that if it becomes a law that 2 kids per couple, who would be covered under law, which will include their education, health, food and other basic amenities which a person require to sustain his livelihood.

This will sort out the issue of allocation of funds for the provision of effectively implementing the government schemes throughout the country, with a limited a population an effective outcome.

Introduction

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).

According to international law and United Nations Convention on the Rights of the Child (UNCRC), a child means every human being below the age of 18 years.

- ✓ Child Rights as Visualised by the United Nations UN-CRC deals with all the aspects of a child and that too in different circumstances. For specific rights, the following thematic clustering is used¹:

1. The Right to Survival²

Components: right to life, the highest attainable standard of health, nutrition and adequate standard of living, the right to a name and nationality.

2. The Right to Development³

Components: The right to education (formal and non-formal), support for early childhood care and development and the right to leisure, recreation and cultural activities.

Child Development Chart⁴.

3. The Right to Protection⁵

Components: freedom from all forms of exploitation, abuse, inhuman or degrading treatment and neglect, including the right to special protection in situations of emergency and armed conflict⁶.

4. The Right to Participation⁷

Components: respect for the views of the child, freedom of expression, access to appropriate information and freedom of thought, conscience and religion.

✓ Existing Law relating to child rights

- In 1950

- a) Constitution of India covered provision for children's well being.
- b) Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A)⁸.

¹ http://www.bernardvanleer.org/files/chetna/Child_rights_booklet-1.pdf

² http://www.unicef.org/crc/files/Survival_Development.pdf

³ Ibid

⁴ <http://www.ask-nanny.com/child-development.html>

⁵ http://www.unicef.org/crc/files/Protection_list.pdf

⁶ Juvenile Justice (Care and Protection of Children) Act 2000, as amended in 2006.

⁷ <http://www.unicef.org/crc/files/Participation.pdf>

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Right to be protected from any hazardous employment till the age of 14 years (Article 24).

- c) Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e)).
- d) Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f)).

- **In 1974**

National Policy for Children formulated by Government of India.

- **In 1992**

India ratified UN-CRC, which was announced by the UN in 1989.

- **In 1985⁹**

The Department of Women and Child Development was set up in the Ministry of Human Resource Development.

- **In 2001**

India's first periodic report on UN-CRC submitted to the UN Committee on Child Rights.

- **In 2003**

National Charter for Children announced.

- **In 2005**

National Plan of Action for Children (NPAC) was launched by the Government of India.

- **In 2005**

The State Plan of Action for Children (SPAC) was revised from the year 2005 to 2010 by the Government of Gujarat.

- **In 2006**

A National Commission to Protect Child Rights Bill was passed by the Parliament.

✓ **Important Judgements¹⁰**:-

a) **Right to Health**

⁸ <http://www.mightylaws.in/149/child-rights-in-india>

⁹ http://www.unicef.org/india/children_3220.htm

¹⁰ <http://www.childlineindia.org.in/pdf/Law-Manual.pdf>

C/L -- Pt. Parmanand Katara vs. Union of India (AIR 1989 S.C. 2039)

b) Right to Education

C/L-- Unni Krishnan, J.P. vs. State of Andhra Pradesh (AIR1993S.C.2178)

c) The Women's and Children's (Licensing) Act 1956

d) The Child Labour (Prohibition and Regulation) Act 1986

C/L -- M. C. Mehta vs. State of Tamil Nadu (AIR 1997 S.C. 699)

e) The Bonded Labour System (Abolition) Act 1976

C/L -- Bandhua Mukti Morcha vs. Union of India (AIR 1984 S.C. 802)

f) The Juvenile Justice (Care and Protection of Children) Act 2000

C/L -- Krist Pereira vs. The State of Maharashtra & Ors. (Criminal Writ Petition No. 1107 of 1996- Bombay High Court)

g) Adoption

C/L -- Lakshmi Kant Pandey vs. Union of India (AIR 1984 S.C. 469)

C/L -- Central Adoption Resource Agency (CARA)

C/L -- Manuel Theodore D'Souza (2000 (2) Bom. C.R. 244)

? Rt to Food &
Independent ?

