

Internship Report

National Commission for Protection of Child Rights

Vaidehi Krishnia

Duration: 1st July 2013 to 31st July 2013

INTERNSHIP REPORT

By Vaidehi Krishnia (BA LLB 2012; 20120117)

INTRODUCTION:

The student worked with the Right to Education (RTE) Division of the National Commission for Protection of Child Rights (Commission) this summer. The internship was undertaken from the 1st of July 2013 to the 31st of July 2013. During this period the intern was assigned with work in the complaints department of the Division, which involved handling of complaint files, preparation of ^{State wise complaint} grids demarcating file statuses as well as drafting of letters to be sent to the concerned authorities. Throughout the duration of the internship, the intern was also given an opportunity to research extensively on a provision in the Right of Children to Free and Compulsory Education (RTE) Act, 2009 regarding the reservation of a certain ^{RSL} percentage of seats for children belonging to the economically weaker and disadvantaged sections.

The RTE division is divided into two parts. One part works on the programmes while the other works on complaints. The student, working on complaints, was assigned three states, namely, Maharashtra, Assam and Andhra Pradesh. A large number of complaints were perused and these were multifarious in nature. There were complaints regarding corporal punishment, charging of capitation fees,⁷ infrastructural issues and transport problems, to name a few. These complaints mostly required a reference to the RTE Act, 2009; sometimes, the Juvenile Justice (Care and Protection of Children) Act, 2000 was also referred to.

The complaint files are meticulously organised; each file has a unique number which facilitates quick access and reference. Every document prepared, received or sent in relation to a particular complaint is inserted in the respective complaint file. Apart from the complaints that are received via complainants, ^{by victim / or on behalf of} the Commission also takes *suo moto* cognizance of certain issues. For instance, in a file regarding the non-provision of uniforms to the students, the Commission had taken cognizance of news articles published in local and/or national newspapers.

^{grievance redressal procedure} The follow up is identical up to a certain point for all the complaints. Upon the reception of a complaint, a first letter is issued to the concerned authority/authorities, requesting him to get ^{her}

the matter investigated and to send an ^A action ^T taken ^R report on the same within a stipulated period. If the concerned authority fails to reply within the specified duration, then a first reminder is dispatched. This reminder too calls for the requisite report within a certain amount of time. ^{period.} The first reminder is followed by a second reminder and a DO or a Demi-Official Letter (usually issued from the office of the Member Secretary). Sometimes the government replies to these letters with ^{an} the appropriate ATRs but at other times, the reports are inadequate for lack of a definite time frame or the requisite information. In such a situation, another letter is sent to the authority, requesting it to prepare an ^{complete} adequate report which fulfils all the criteria. ^{as per letter issued by the commission} If the Commission, after perusal of and discussion on this report, finds it satisfactory, it may ask the State Representative to verify the report and to send his comments on the same. If the report is found to be satisfactory, the Commission closes the complaint after deliberation. / *acknowledgment from complainant within time bound period*

Of the tasks that were assigned to the intern, one involved suggesting an appropriate course of action for different complaints. Sometimes a pending complaint, for instance, one regarding transport a fee dispute between the parents and the school authorities, was satisfactorily addressed simply by having a telephonic conversation with the complainant and the one against whom the complaint ^{d/was} has been lodged. ^{But the same was discussed} For some other complaints, the reminder letters or the DO letters had to be drafted. For yet other complaints the notes for summon hearings had to be prepared. A complaint is put up for Summon Hearing when the authorities, after repeated reminders, fail to send the satisfactory replies to the Commission. *(note sheet with acknowledgment)*

The intern was also asked to find information and to prepare a brief write-up on Section 12(i)(c) of the RTE Act, 2009. This information was collected for the compilation of a concept note on the provision of 25% reservation for EWS category and disadvantaged children. The intern also came across certain complaint files dealing with this issue, wherein admission had been denied to certain EWS category pupils.

Interaction with various persons working under the Commission, added to the rich experience that was gained in the course of the internship. The internship provided the intern with the opportunity to learn about the functioning of a National Commission. ^{for} The Commission, with its pro-active, sensitive and pragmatic approach has made speedy justice a reality for a large number of people in India.

children

COMPLAINTS FROM MAHARASHTRA

Maharashtra was one state with a large number of pending complaints. The intern was assigned with the task of reading the complaint files, preparing grids, which essentially consisted of the nature and the gist of the complaint, a brief description of the action taken by NCPCR and the action taken by the ^{complaints (involvement / jurisdiction)} authorities. After the completion of the first reading and the preparation of grids, the intern was able to analyse certain patterns in the way the complaints had been followed up. The observations have been noted below.

The complaints were ^{of} varied ~~in~~ nature. There were complaints regarding the charging of capitation or other kinds of fees, the absence of adequate transport facilities, misappropriation of scholarship money or the late or non-payment of scholarships, fee disputes, corporal punishment, non-availability of schools, denial of admissions to students, screening tests, functioning of unauthorized schools, inclusion of disabled children within the 25% reservation for disadvantaged children, non-availability of short-stay homes, mid-day meals and Aanganwadis. A majority of the pending complaints were regarding either corporal punishment, including mental and physical torture, ^{caused} or the refusal to allow the affected pupils ^{by the school authorities} to continue with their education. Many a time, the reason behind the latter was the inability of parents to pay some form of capitation fees to the school authorities. ^{which at first place was violation of the act.}

While most complaints were capable of being classified into broad categories, there were others that were particularly singular in nature. In one complaint, it had been alleged that one school boy had inflicted injury with a stone upon the other. In this case even the first reminder had not been sent. Since the Commission can do little to interfere in such a matter, perhaps a regular fight amongst school children, no action had been taken. Another complaint regarding the functioning of NCLP schools was different from the rest of the complaints. At first, it was difficult to understand the problem with NCLP's special schools but later it was found out that for students attending such schools (former child labourers) there is a provision for payment of a certain amount of money in lieu of the wages that were previously being earned by the children. These schools are not regular schools and even have a different approach towards teaching. From what the intern could understand, these schools have laid more emphasis on skill development and have therefore adopted a more vocation-based learning approach. Such schools are not in confluence with the schools that have been defined under the RTE Act. Also, on several occasions children who are already enrolled in other schools are sent to NCLP's special schools for the compensatory money that is paid to

those who attend such schools. Therefore, NCLP Schools have been directed to close down as they prevent the rescued child labourers from being a part of the mainstream education system.

In Maharashtra, complaints regarding transportation facilities and infrastructural issues were also fairly common. On the transportation front, mostly the complaints dealt with the absence of proper bus/transport services for students from villages where no schools were located. In such complaints, the replies or the actions taken from the government's side were largely unsatisfactory. Many a time the issue was done away with, by stating that ^{the} motorable roads could not be constructed in certain areas say for instance due to a stream or a river that made the designated land marshy. The complaints on infrastructure dealt with non-provision of separate washrooms for boys and girls or unsafe and dilapidated school buildings. There was another complaint which stated that the concerned school had a road passing through its premises. Such a scenario presents an extremely unsafe situation for the students attending the said schools. Apart from these complaints, there were others related to skewed student-teacher ratios in schools, wherein, barely two or three teachers were available for the entire school. _{appointed}

Corruption, being a rampant practice even in the field of education, has hampered with the welfare of the students guaranteed under the Right to Education Act. One such instance was highlighted in a complaint wherein an official had misappropriated the funds that were in fact meant for scholarships. If it isn't corruption and misappropriation, it is bureaucratic delays. In more than one instances, scholarships had not been timely distributed to the students. The whole point of these scholarships is timely distribution. If efficacy is not upheld, then the purpose of this funding becomes diminished. According to the RTE Act, nothing shall prevent a student from pursuing or continuing with his ^{or} education. In such situations of financial strain and with no timely assistance from the government, it becomes extremely difficult for families to fund their children's education. This results in higher percentages of dropouts.

Another type of complaint that often surfaced was regarding corporal punishment. Children were often subjected to mental and/or physical torture. Sometimes the reason for such treatment was the inability of the child's parents to pay fees. Some complaints were truly appalling in nature. The children were humiliated in front of their classmates. Such conduct might have serious repercussions on the mental and social well-being of the child. Not only

is it harmful for the child who is subjected to such torture, but also for the children witnessing it. An evidence of how children tend to emulate the violent actions of their elders has already been established by Albert Bandura through his famed Bobo Doll Experiment. Therefore the Commission can adopt a two-pronged approach towards handling such complaints. Not only should the perpetrators of such violence be penalised, but the children, the victims and the witnesses should be adequately rehabilitated by the intervention of trained child psychologists and NGOs. and ^{↓ counselling} ~~perpetrators~~ / ^{of} violators of the DTF Act.

One last aspect to the complaints from Maharashtra is that relating to pendency. Maharashtra was one state with the largest number of pending complaints. In certain complaint files, a large number of letters had been exchanged between the Commission and the Government authorities to no avail. The complaint hadn't adequately addressed. In yet others, the authorities had simply failed to send even a single reply to the repeated reminders by the Commission. Certain cases were solved simply through telephonic conversations, whereas others had to be dealt with in a more conventional way, that is, through the despatch of a large number of letters and reminders. Many cases were put up for summon hearings. The intern assisted the complaints department by sorting out the files and by preparing briefs of the files' statuses. [↓] Basis

COMPLAINTS FROM ASSAM

The second state that the intern had to handle was Assam. The Assam complaints were somewhat different from the Maharashtra complaints. They were easier to comprehend, were better phrased and more importantly were new complaints. The first letters had been issued in most of these complaints. In some cases, the government too had sent prompt replies to the Commission.

The intern read files pertaining to infrastructural issues, mid-day meals, provision of uniforms, corruption in ^{mishutilization?} utilization of funds, malpractices while distributing textbooks, infrastructural problems and school violence. In comparison to the Maharashtra complaints, the Assam ones were more specific in nature. Most of the complaints that were dealt with by the intern were from a single complainant ^{org.?} pertaining to one school. These complaints had all been lodged in 2013. In one complaint, it had been alleged that there was no boundary wall, no electricity, no library, and no utensils on the school premises. It had also been mentioned that there was no school uniform for girls and the school had not received its TLM/TLE grant since 2007 and infrastructure maintenance grant ^{from} till 2007-2008 and the Cooks honorarium since 2009. The schools, without any financial assistance from the government ^{found} find it very difficult to run without any snags.

Funds that are received from the Government are used to provide scholarships to the students, salaries to the teachers and to the other staff members; and to maintain the school buildings. In the absence of such assistance, the children are the ones who suffer the most. There is possibility of teachers and other staff members resigning in order to pursue jobs at other places for want of decent salaries. The schools fail to maintain and to update the infrastructure when there is a dearth of funds. In such a situation, the state of the buildings becomes ^{unfit} poor, the toilet facilities are compromised and as are the other facilities and provisions such as books, uniforms and mid-day meals, which form a very integral part of the children's school-going experience and incentive. Therefore, the transparent and efficient use of funds is a necessity that can simply not be avoided by the respective state governments.

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In Assam too there are complaints of violence in schools where children are subjected to treatment that instils in them a fear of ^{going to the} the school and of his teachers. If the atmosphere in the school itself is not conducive for learning and healthy development, the whole purpose of the school as an institution of knowledge is destroyed

The intern drafted the requisite letters (first reminders) for the Assam complaint files by following a format that was forwarded to the intern by the supervisor. Since in one of the complaints, the government had not been able to send an adequate reply to the Commission after repeated reminders, the complaint was to be put up for a summon hearing.

The files that were given to the intern were different from the Maharashtra files in more ways than one. Many complaints were in English and hence were readable. The government was comparatively quicker in providing responses.

COMPLAINTS FROM ANDHRA PRADESH

The third state that was assigned to the intern was Andhra Pradesh. After perusing complaints from two other states, the intern was able to classify the Andhra Pradesh complaints into the large number of broad categories. There were complaints regarding financial assistance, corporal punishment, charging of capitation or other fees, one regarding the ^{admission} representation of physically and mentally challenged children, demolition of schools, inadequate pupil-teacher ratio and infrastructural problems.

In one complaint about financial assistance to HIV+ children and in another one related to a dilapidated school building, since no reply had been received from the complainant's side, it had been proposed that the complaint be closed. Since the complainant himself had no interest in pursuing the case anymore, the Commission had no obligation beyond the one which it had already fulfilled to continue with the case. The intern was informed that many a time, the complainants were responsible for the prolonged pendency of cases. The Commission often makes all attempts to contact the complainants, but if even after repeated attempts, the complainant is unsuccessful in responding to the complaint, the Commission can propose putting the case for closure. The rationale behind such a step is fairly obvious; if the complainants are no longer interested in their own problem, the Commission is under no duty to work on such complaints further.

Most of the complaint files were old. In quite a few cases the government had send some form of an interim or other response to the Commission notwithstanding the inadequacy of such a response. As far as the action on the government's part is concerned, in many complaints, the government had sent ATRs, sometimes even more than one for a particular complaint, to the Commission. Therefore, the intern was able to infer from the files that the Government of Andhra Pradesh was more efficient and quick in responding to the Commission.

CONCLUSION AND OBSERVATIONS

The environment of the office was friendly and inspiring. All the employees were treated with respect. The intern got the opportunity to actually watch work being done in a government office; work that helped people at the grassroots levels. By spending a month in the office, the intern was able to identify patterns in the working of the RTE Act in different states. Apart from gaining unprecedented experience, exposure and the knowledge the intern was also able to make the following observations.

One of the biggest problems that mars the working of the Commission is pendency. The said Commission was formed as a monitoring body to reduce the burden on the courts of the country, but the problem of pendency still persists even in this Commission.

The Commission has been receiving complaints from all the regions of the country from the time of its conception. India's being a linguistically diverse nation, poses certain problems for the Commission. The complaints from the non-Hindi and non-English speaking states are difficult to understand. The Commission doesn't have a translator and hence it becomes difficult for the officers to comprehend the real nature of the complaint. The subsequent reports that are received are often written in the local language of the State.

Even if these reports are written in English, they are often difficult to understand for the grammar is poor and ideas are equally poorly conveyed. These reports are often not proof-read by the senders. Reading and deciphering these reports and letters can often take up a large amount of the Commission's time which might otherwise be used constructively in addressing more complaints.

Submitted by :

Vaidehi Krishna (22/8/2013)

Vaidehi Krishna

(Intern)

The intern has made a good attempt in understanding the role of NCPER; challenges involved in redressing the complaints or to bring them to a logical conclusion.

468) Dy. No. 49439.

She has worked on 3 states - Maharashtra, Assam and few cases of Andhra Pradesh and brought an analytical picture by drawing a grid, understanding the thematic issues on RTE in the states allocated to work in a one month period, learnt to prepare draft on the letters and Reminders used by RTE cell in its correspondence with the Govt officials. Though the format of report requires to be worked on, however the content is a good effort by her. Vaideli has been very hard working and it is good to have her as an intern at RTE Cell, NCPDR.

Submitted for your approval and signature, please.

STE(RN)

Shikha
TE(SH)
2/9/2013

Vaideli has been sincere & regular to the duties assigned to her. She may be provided a certificate of working as an intern. Submitted for your signatures please.

Member (Df. VP)

4/3/13

2.9.13
STE (RN)

STE(RN)

4.9.13

Admin. NCPDR (M. Kulkreja)