

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS  
NEW DELHI

**WINTER INTERNSHIP REPORT**

UNDER THE SUPERVISION and GUIDANCE OF  
Ms. SHAISTA KHAN (SENIOR TECHNICAL EXPERT)

-SHREYA MAHALWAR

1<sup>ST</sup> YEAR

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(INTERNSHIP PERIOD: 3 JANUARY 2014 TO 17 JANUARY 2014)

Verified by  
*[Signature]*  
Shaista Khan  
17/1/14

Shreya Mahalwar was working as an intern from 3<sup>rd</sup> Jan till 17<sup>th</sup> JAN. She analyzed few of the cases on POCSO and RTI under my supervision. She was also a great help for RTI Convention organized by NEPCR on 14<sup>th</sup> & 15<sup>th</sup> JAN. Process. *[Signature]*  
Director *[Signature]* ✓ *[Signature]*  
17/1/14

## INTRODUCTION

“There can be no keener revelation of a society’s soul than the way in which it treats its children”

– NELSON MANDELA

All people from their birth to the age of puberty are considered children. They are all delicate, innocent and dependent. They need good support from their family and society. Today in a world that professes to focus on renewable resources our most valuable assets are being left unguarded at very young ages. It is they who will be the creators and shapers of a nation’s tomorrow. But unfortunately, the precious innocence that we love about children is being robbed from them at ever earlier stages. Our children are being hardened rather than valued and treasured in their environments.

Children today face many forms of abuses such as murder(302 IPC), Foeticides(crime against the a foetus)IPC section 315 and 316,Infanticide(crime against new born child)(0-1 year)IPC section 315,Abetment to suicide(abetment by other persons for a commitment of suicide by children)IPC section 305,Exposure and abandonment(crime against children by parents or others to expose or leave them with intention of abandonment)IPC section 317,Kidnapping and abduction, Procuration of minor girl(for inducement to force or seduce to illicit intercourse)IPC section 366A,Selling of girls for prostitution(IPC section 372),Buying of girls for prostitution(IPC section 373),Rape(IPC section 376)

The National Commission for Protection of Child Rights (NCPCR) and the State(SCPCR) and Union Territory Commissions have a big role to play for the upliftment of children. The NCPCR lays emphasis on child rights and equal protection of all children in the age group of 0-18 years. Under Section 13(1)(j) of CPC Act, the commission is mandated to enquire into complaints in relation to deprivation and violation of child rights. The commissions must see whether all the services under the Act are available to the children. When a complaint reaches NCPCR, firstly the complaint is registered and then it is assessed which right of child is violated. NCPCR then contacts the concerned authorities for further details and also proposes a course of action. Time to time reminder is sent by NCPCR to the required authorities to know the current position of the complaint that was filed. NCPCR also maintains a file for each complaint that is filed in the commission and also updates the file with all the necessary development that takes place. The commission works in the following fields : child labour, right to education, early childhood care and education, corporal punishment, Juvenile Justice, child without parental care, child health and nutrition, children with HIV/AIDS, children with disability and girl child.

## EXPERIENCE

I, Shreya Mahalwar of Faculty of Law, Aligarh Muslim University, Aligarh has interned under the supervision of Ms. SHAISTA KHAN (SENIOR TECHNICAL EXPERT) and as a intern I was asked to go through various cases and files related to Protection of Children against Sexual Offences (POCSO) Act 2012, Right to free and Compulsory Education Act, 2009 and Juvenile Justice Act, 2000. While going through the cases I realized that NCPCR plays a proactive role towards the injustice towards children. However, it was a bit disappointing to see the role of concerned authorities as in some cases appropriate action was not taken by them even after constant reminders by NCPCR. Under the Protection of children against Sexual Offence (POCSO) Act, 2012 NCPCR and SCPCR work to provide protection, medical care, counseling and financial help to get back to their schools or continue their education and to their normal life and that the accused gets punished.

I was also given the opportunity to attend National Convention on Progress of Right to Education (RTE) held on 14-15 January. The convention highlighted how school education is a very crucial part of learning and how it helps a child to develop his/her physical and intellectual abilities. The challenges such as teacher supply, government schools not being the first choice of parents, poor infrastructure for differently abled, student dropout and malnutrition were discussed in great details by the officials who attended the 2 day convention. Many of the NGOs and local level authorities came forward with their success stories related to RTE. A detailed group discussions was conducted on four broad areas-1) infrastructure 2) learning outcomes 3) inclusive education 4) governance and grievance redressal. Many practical and innovative ideas were also suggested during group discussions so that RTE can be a success at the grass root level also.

### **ANALYSIS OF A COMPLAINT FILED IN NCPCR**

**COMPLAINT No-C1328195**

**INCOMING DATE- 15 OCT 2013**

**SUBJECT-**complaint is regarding the apathy of health professionals towards a 6 year old girl, who is differently abled. The psychiatrist at GH Ambala City is alleged to have harassed the girl and her family. The girl has been taken to other doctors for consultation but they have not received proper treatment/advice for their child. The complainants want a MEDICAL CERTIFICATE and MEDICAL MANAGEMENT for their daughter.

NCPCR under Section(1) (j) of CPC Act inquired into the complaint from PRINCIPAL SECRETARY, GOVT OF HARYANA, DEPARTMENT OF HEALTH ON 25 Oct 2013. The department was asked to send ATR to commission by 11 Nov 2013. The report was not received within stipulated time. NCPCR again asked for the requisite report on 25 Nov 2013 with information on following points:

- 1) Detailed inquiry report
- 2) To ensure that the child receives appropriate treatment and care
- 3) What action has been initiated against the Psychiatrist who allegedly harassed the family and child
- 4) Details of the services available for children with special needs in the state

**ATR BY –Dr. Kamla Singh, Department of Health, Haryana**

During investigation Dr K S Rana stated that karuna was brought to her on 10 july 2013 for issuing disability certificate .He further stated that patient was non-cooperative during examination due to which he could not conduct the I.Q assessment test so Dr K S Rana referred the patient to GMCH-32 ,Chandigarh.

The complainants said that they went to the GMCH-32 for the I.Q assessment 8 times but the assessment did not take place. The Doctor then said that this check up will take around 6 months so it will be better to take the patient to a private consultant

The investigation officer concluded that the complainants have complaint against the system instead with Dr K S Rana. Civil surgeon,general hospital, Ambala have directed Dr K S Rana to re-examine the patient. **The patient was issued MEDICAL CERTIFICATE on 27 NOV 2013.**

**DETAILED ANALYSIS OF SOME OTHER COMPLAINTS**

1	HR-19023/35978/2012	20.07.2012	Rape of a minor girl	1.letter sent to District Collector dated 24.07.2012	ATR received on 30.08.2012 by Superintendent of Police,Mewat stating <ul style="list-style-type: none"> <li>➤ The victim reported the incident on 30.06.2012.But the case was again registered on 9.07.2012 after confirmation of incident by medical reports</li> <li>➤ It has been investigated that the Sarpanch is not involved with the case and the victim's family is not pressurized by any police officer to withdraw the case</li> <li>➤ The Superintendent of police has ordered the police station for protection of victim's family</li> </ul>
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2	HR-19023/33676/2010	22.05.2012	Abduction and rape of a minor girl	1.Letter sent to Superintendent of Police dated 24.05.2012 2.Reminder 1 sent to Superintendent of Police dated 3.07.2012	ATR received from Superintendent of Police dated 9.07.2012 stating <ul style="list-style-type: none"> <li>➤ ATR includes copy of medical report and FIR dated 24.02 .2012</li> <li>➤ Current status of investigation shows that the tower location shows different location for the victim as well as culprits at the time the incident happened .</li> </ul>
3	HR-19034/48184/2013-14/	8.07.2013	Kidnap and rape of 15 year old	1.Letter sent to DGP Haryana dated 18.07.2013 2.Letter sent to Director General Of Police dated 23.9.2013 3.Reminder 1 sent to Director General Of Police dated 25.10.2013	1.ATR received from Mr.Vinay Singh,I.A.S.Mewat dated 12.11.2013 2.ATR received on 5.11.2013 BY Superintendent of Police 3.ATR received from Director General of Police dated 13.11.2013 The following report states: <ul style="list-style-type: none"> <li>➤ The girl has been referred to Child Welfare Committee</li> <li>➤ The complainant has received 60,000 under the victim compensation scheme dated 31.10.2013</li> <li>➤ A copy of FIR as well as medical report is attached with the ATR</li> </ul>

## CONCLUSION

The quality of lifestyle and personality of children will determine the kind of destiny a nation will have. NCPCR with its continuous efforts ensures that each child born in this vast and complex country gets the best start in life, thrives and develops to his or her full potential. The commission with its effective and efficient working ensures that all Laws, Policies and Programmes 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 with its organized system makes sure that happy, healthy and loving children are raised in the society where their rights are honoured and where they are taught values of dignity, courage, hopefulness and equality.