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WORK REPORT

National Commission For Protection of Child Rights

Under the supervision of:
Mr. J.B.Oli
Sr. Technical Expert (POCSO)
NCPCR

Submitted By:
Ms. Manvi Bhargava

INTERN

(Masters of Social Work)

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[Copy to MS, Registrar NCPCR]



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Certificate

This is to certify that the work submitted by Ms. Manvi Bhargava, is done under my supervision during the internship period.

Mr. J.B. Oli
Sr. Technical Expert (POCSO)
National Commission for Protection of Child Rights



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Introduction

National Commission for Protection of Child Rights ensure's that all laws, policies, programmes and administrative mechanisms are in consonance with the child rights perspective as enshrined in the Constitution of India as well as in, the United Nation Convention on the Rights of the Child, which India ratified in 1992.

The National Commission for Protection of Child Rights (NCPCR) and the State Commissions for Protection of Child Rights (SCPCR) have been entrusted with the task of monitoring children's right to education under Section 31 of the Right of Children to Free and Compulsory Education Act, 2009, which reads as follows:

Monitoring of child's right to education –

(1) The National Commission for Protection of Child Rights constituted under Section 3, or, as the case may be, the State Commissions for Protection of Child Rights Act, 2005 (4 of 2006), shall, in addition to the functions assigned to them under the Act, also perform the following functions, namely:-

- (a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
- (b) inquire into complaints relating to child's right to free and compulsory education; and
- (c) take necessary steps as provided under Sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

(2) The said Commissions shall, while enquiring into any matters relating to child's right to free and compulsory education under clause(c) of sub-section(1), have the same powers as assigned to them respectively under Sections 14 and 24 of the said Commissions for Protection of Child Rights Act.

(3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses(a) to (c) of sub-section(1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

As per Section 31.1 of the RTE Act the NCPCR and SCPCRs are supposed to:

- (i) Examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
- (ii) Inquire into complaints relating to child's right to free and compulsory education;
- (iii) Take necessary steps as provided under Sections 15 and 24 of the Commissions for Protection of Child Rights Act.

Under Section 32(3) and (4) of the RTE Act, the SCPCRs are the appellate authority to receive appeals from the aggrieved persons who would prefer such appeals when their grievances relating to children's right to education are not redressed by the designated local authorities under Section 32(2)

FUNCTIONS OF THE COMMISSION

Under Section 13(1) of the Commissions for Protection of Child Rights(CPCR) Act, 2005, NCPCR has one or all the following functions:

- (a) Examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;
- (b) Present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
- (c) Inquire into violation of child rights and recommend initiation of proceedings in such cases;
- (d) Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;
- (e) Look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;
- (f) Study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;
- (g) Undertake and promote research in the field of child rights;
- (h) Spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means;
- (i) Inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organization; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;
- (j) Inquire into complaints and take suo motu notice of matters relating to,-
 - (i) deprivation and violation of child rights;
 - (ii) non-implementation of laws providing for protection and development of children;
 - (iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children, or take up the issues arising out of such matters with appropriate authorities; and Citizen's Charter of National Commission for Protection of Child Rights (2012-13)
- (k) Such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

Under Rule 17 of the NCPCR Rules, 2006:

- (a) analyze existing law, policy and practice to assess compliance with Convention on the Rights of the Child, undertake inquiries and produce reports on any aspect of policy or practice affecting children and comment on proposed new legislation from a child rights perspective;
- (b) present to the Central Government annually and at such other intervals as the Commission may deem fit, reports upon the working of those safeguards;



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- (c) undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf;
- (d) ensure that the work of the Commission is directly informed by the views of children in order to reflect priorities and perspective;
- (e) promote, respect and serious consideration of the views of children in its work and in that of all Government Departments and Organizations dealing with child;
- (f) produce and disseminate information about child rights;
- (g) compile and analyze data on children;
- (h) promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.

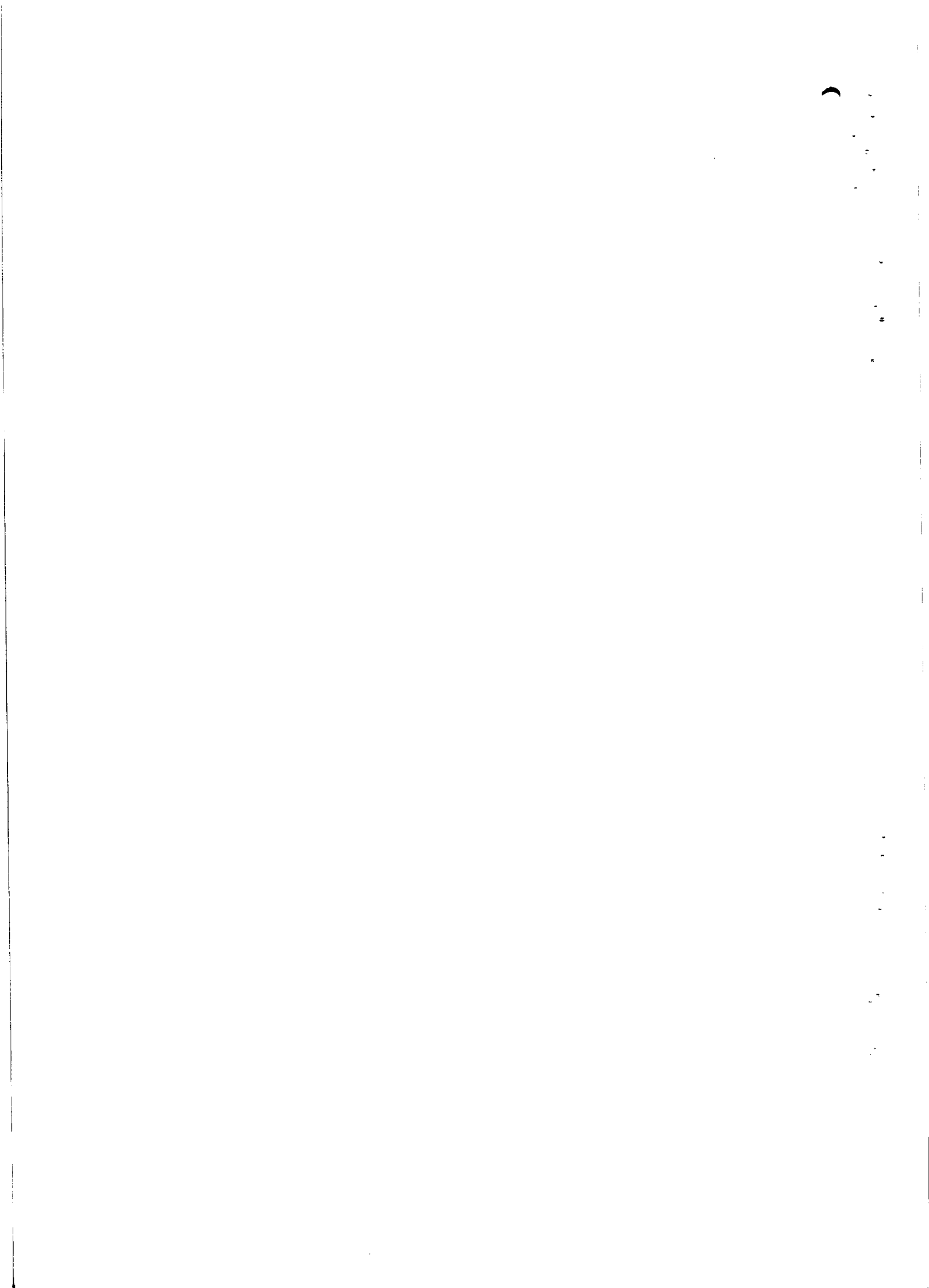
Under the Right of Children to Free and Compulsory Education(RTE) Act, 2009:

- (a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
- (b) inquire into complaints relating to child's right to free and compulsory education.

Reheat

Under Section 44 of the Protection of Children from Sexual Offences(POCSO)Act and Rule 6 of POCSO Rules, 2012:

- (a) To monitor in the implementation of Protection of Children from Sexual Offences (POCSO)Act, 2012;
- (b) to monitor the designation of Special Courts by State Governments;
- (c) to monitor the appointment of Public Prosecutors by State Governments;
- (d) to monitor the formulation of the guidelines described in section 39 of the Act by the State Governments, for the use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child, and to monitor the application of these guidelines;
- (e) to monitor the designing and implementation of modules for training police personnel and other concerned persons, including officers of the Central and State Governments, for the effective discharge of their functions under the Act;
- (f) to monitor and support the Central Government and State Governments for the dissemination of information relating to the provisions of the Act through media including the television, radio and print media at regular intervals, so as to make the general public, children as well as their parents and guardians aware of the provisions of the Act;
- (g) to call for a report on any specific case of child sexual abuse falling within the jurisdiction of a CWC;
- (h) to collect information and data on its own or from the relevant agencies regarding reported cases of sexual abuse and their disposal under the processes established under the Act, including information on the following:-
 - i. number and details of offences reported under the Act;
 - ii. whether the procedures prescribed under the Act and rules were followed, including those regarding timeframes; Citizen's Charter of National Commission for Protection of Child Rights (2012-13)
 - iii. details of arrangements for care and protection of victims of offences under this Act, including arrangements for emergency medical care and medical examination; and,



iv. details regarding assessment of the need for care and protection of a child by the concerned CWC in any specific case.

(i) To assess the implementation of the provisions of the Act and to include a report in a separate chapter in its Annual Report to the Parliament.

NCPCR is also implementing 02 Pilot Projects for protection of child rights in the selected areas of civil unrest through social mobilization activities. They are:

(i) 'Bal Bandhu Scheme for Protection of Child Rights in Areas of Civil Unrest', with support from the Prime Minister's National Relief Fund (PMNRF), implemented in Andhra Pradesh (Khammam), Assam (Chirang and Kokrajhar), Bihar (East Champaran, Jamui, Rohtas, Sheohar), Chhattisgarh (Sukuma).

(ii) 'Pilot Programme for Protection of Children's Rights in Jammu and Kashmir' (PPPCR J&K), with support from the Prime Minister's National Relief Fund (PMNRF), implemented in Jammu and Kashmir (Bandipora & Kupwara).

POWERS OF THE COMMISSION

The Commission, while inquiring into any matter under Section 13(1)(j) of CPC Act, 2005 has all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office; and
- (e) issuing commissions for the examination of witnesses or documents.

The Commission has also the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

STEPS AFTER INQUIRY [under Section 13(1)(j) of CPC ACT, 2005

Right to Education:

National Commission for Protection of Child Rights has been mandated under Section 31 of the Right of Children to Free and Compulsory Education Act, 2009 to examine and review the safeguards of the rights provided under the act and to recommend measures for its effective implementation; to inquire into complaints relating to violation of child's right to free and compulsory education and to take necessary steps as provided under Section 15 of the Commission for Protection of Child Rights, 2005. Towards realizing its commitment of Universalizing Elementary Education during 2013 onwards, the Commission has undertaken varied activities providing for equity, inclusive, quality and sustainable education in India.

POCSO:

In order to effectively address the heinous crimes of sexual abuse and sexual exploitation of children through less ambiguous and more stringent legal provisions, the Ministry of Women and Child Development championed the introduction of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

The Act defines a child as any person below eighteen years of age, and regards the best interests and well-being of the child as being of paramount importance at every stage, to ensure the healthy physical, emotional, intellectual and social development of the child. It defines different forms of sexual abuse, including penetrative and non-penetrative assault, as well as sexual

