

File No.11011/37/2019-Admn
National Commission for Protection of Child Rights
5th Floor, Chanderlok Building, 36-Janpath,
New Delhi-110001

4th December, 2019

Office Memorandum

Sub: Minutes of the 40th Statutory Meeting of the Commission held on 18th November, 2019 in the Conference Room (5th Floor) of NCPCR.

Kindly find enclosed herewith a copy of the minutes of the 40th Statutory Meeting of the Commission held on 18th November, 2019, duly approved by the Chairperson, NCPCR, for information and necessary action.


(Rupali Banerjee Singh)
Member Secretary

Encl./As Above:

To

1. The Chairperson
2. Member (YJ)/Member (RGA) / Member (PP)/ Member (RT)
3. Advisor (Education)
4. Sr. CL (Legal)
5. STE (Child Health) / STE (NE Cell)
6. Assistant Director/Accounts Officer
7. PPS to Member Secretary
8. Minutes Register/Guard File.

Minutes of the 40th Statutory Meeting of the Commission held on 18th November, 2019 in the Conference Room (5th floor) of NCPDR, Chandernagore Building, Janpath, New Delhi.

The 40th Statutory Meeting of the Commission was held on 18.11.2019 at 11:30 a.m. in the Conference Room (5th floor) of NCPDR. The following were present:

Shri Priyank Kanoongo, Chairperson
Shri Yashwant Jain, Member
Dr. R.G. Anand, Member
Ms. Pragna Parande, Member
Ms. Rosy Taba, Member
Ms. Rupali Banerjee Singh, Member Secretary

The meeting commenced with a welcome note and brief introductory remarks by the Chairperson.

At the outset, Chairperson informed the Commission that *Bal Swaraj Programmes* have already been organized in 10 State SCPCRs "Celebrating 150th Year of the Mahatma". He stressed the need to organize more such programmes in the States where these have not yet been conducted. He suggested that Member (YJ) may conduct such programmes in Chhattisgarh and Member (RT) to do so in Arunachal Pradesh, while Member (RGA) may conduct these programmes in some of the Southern States.

Confirmation of the Minutes of 39th Statutory Meeting of the Commission held on 27.08.2019:

The Chairperson informed that the Minutes of the 39th Statutory Meeting of the Commission were treated as confirmed as no comments were received.

Action Taken Reports (ATRs) on decisions taken in the 39th Statutory Meeting of the Commission held on 27.08.2019:

Action Taken Reports (ATRs) on decisions taken in the 39th Statutory Meeting of the Commission were reviewed by the Commission. MS was asked to put up the current status of ATRs on file.

[Action: MS to follow-up pending ATRs]

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Pending Action Taken Reports (ATRs) on decisions taken in the 30th to 38th Statutory Meetings of the Commission:

Pending Action Taken Reports (ATRs) on decisions taken in the 30th to 38th Statutory Meetings of the Commission were also reviewed by the Commission. MS was asked to put up the current status of pending ATRs on file.

[Action: MS to follow-up pending ATRs]

I. AGENDA ITEMS PROPOSED BY MEMBER (LAWS RELATED TO CHILDREN) - SHRI YASHWANT JAIN:

Agenda Item No.1: Discussions on comments of NCPCR regarding Amendments in POCSO Rules 2012 received from MWCD:

The Ministry of Women and Child Development (MWCD), Government of India proposed amendments in POCSO Rules, 2012. The Ministry also organized two Consultations in the month of October and November, 2019 with the concerned stakeholders on this issue. The draft POCSO Rules were circulated to various Divisions in NCPCR for comments.

Member (YJ) placed before the Commission the draft document (POCSO Rules, 2019) comprising comments of NCPCR for its information and ratification.

Decision: This was noted and ratified by the Commission.

[Action: Member (YJ)]

II. AGENDA ITEMS PROPOSED BY MEMBER (PSYCHOLOGY / SOCIOLOGY) - Dr. R.G. ANAND:

Agenda Item No.2: One-Day Regional Consultation/ Workshop on the issues of Substance use amongst Adolescents and Youth in the North Eastern Region:

Based on the recent report on 'Magnitude of Substance Use in India 2019' and other research studies, it has been identified that the intensity of substance consumption in North East Region of India is very high. The division of Child Psychology and Sociology in collaboration with teen coalition by SCHOOL and their partnering organization, Family Health India has proposed a one-day regional consultation with all key stakeholders on one platform to solve the problem collectively with defined timelines. The concept note regarding the same has been put up on file. The regional consultation will be done on a pro-bono basis and technical support will be rendered by the Commission.

Decision: This was noted by the Commission. However, the Member was asked to put up the proposal on file for approval.

[Action: Member (RGA)]



Agenda Item No.3: Workshop on Training of Special Educators in Schools:

Based on the recent amendment of The Rights of Persons with Disabilities Act, 2016, it has been identified that there is a major need for Special Educators in the schools and school setting. A special educator is qualified to train and teach children with disabilities. These include children with intellectual impairment, cerebral palsy, physical disabilities, auditory impairment, autism and behavioral and learning disorders. A special educator basically provides curriculum plus training to children with special needs. In India, there is dearth of special educators with proper training. Thus the division of Child Psychology and Sociology propose to have a national workshop on the training of Special Educators in school.

Furthermore, reconsideration of updating and expanding the Handbook on Including Children with Special Needs is suggested based on gap analysis as per The Rights of Persons with Disabilities Act, 2016 for 21 disabilities.

Decision: This was noted by the Commission. However, the Member was asked to put up the proposal on file for approval.

[Action: Member (RGA)]

Agenda Item No.4: A study on the Current Dynamics of School Counselling in India:

Given the growing crime and suicide rate in schools, it may be constructive to examine the relationship between the psychological aspects of children and the provisions made by Board(s) of education as well as State / Central Government initiatives to prevent such mishaps in school environment. Thus, it calls to enquire the accessibility of school counselling and its indicators.

- In order to monitor the status of different state-based-policy and legal provision, the various interpretations under the Right to Education Act 2009 mandated by different states must be documented and analyzed as well for school counselling and approaches to tackle bullying, suicides and violence in school.
- For enhanced service deliverance, a standardized and regionally sensitive set of guidelines shall be formulated are expected after the demographic assessment of the quality of school counselling. These guidelines shall ensure good practice of school counsellors. Recommendations would be sent to concerned Ministries / Commissions to develop a framework to formalize and regulate school counselling.

Expected outcomes of the study:

- An indicative measure can be adopted to ensure that the schools undergo self-evaluation of their school based counselling framework from time to time moderated by government organization. This assessment shall take into account the progress, needs and practices of school counsellors in their demographic area.

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- Trained school teachers (or, if available, counselors or school psychologists) in conjunction with parents and school administration should work together to ensure smooth implementation at the ground.

Decision: *This proposal was withdrawn by the Member.*

[Action: Member (RGA)]

Agenda Item No.5: DRUG TRAFFICKING: Tracking, Recommendation and Elimination of Drug and Substance use in India: Meeting with Police Personnel and Related Stakeholders in various States of India:

The epidemic of substance abuse in young generation has assumed alarming dimensions in India. Cannabis, heroin, and Indian-produced pharmaceutical drugs are the most frequently abused drugs in India.

Considering the scenario of substance use, it is important to trace, recommend and eliminate the use of Drug and Substance use among children in India. Thus, various meeting with police personnel and other related stakeholders from Government and social sector to be organized for ensuring that the supply of drugs is restricted and not sold to the children directly. In the initial phase various review meeting have been held in Pudukottai, Tirupur and Madurai. The prevalence in supply of the drug *Tapantadol* has also been tracked. The minutes of the meeting were pursued on file for further action on the menace of drug trafficking.

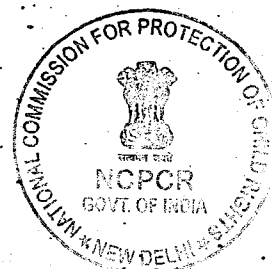
Decision: *The Proposal was considered by the Commission. The Member was asked to put up the proposal on file with tour plans as per procedures of the Commission.*

[Action: Member (RGA)]

Agenda Item No.6: 5-day National Training of Trainers' (ToT) Programme for Counsellors in Child Care Institutes (CCIs) on Psychological Trauma Assessment and Intervention for Child Abuse:

A standard training across the national demographic on a common curriculum developed by AIIMS, New Delhi for *Psychological Trauma Assessment and Intervention for Child Abuse* endorsed by MWCD and NCPCR has been planned by Division of Child Psychology & Sociology. The TOT module is considered for imparting training to counsellors/CCI staff/DCPU and allied population. Based on the visit of M (RGA) across various CCI inspections, the need for training of CCI counselors on child abuse and trauma has also been ascertained. It is imperative to conduct TOT for strengthening of counselors to ensure short-term and long-term rehabilitation as well as to ensure identification and management of abuse.

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A standard training across the country on a common curriculum: Implementation of this training programme for counselors working with CCIs will empower them in:

- (i) Early identification of the signs of psychological trauma and associated psychopathology, appropriate referral, comprehensive assessment and rigorous mental health intervention;
- (ii) Building counsellors' competency in handling similar other traumatic children;
- (iii) Reducing the risk of further harm to such children due to incompetent and unscientific methods used by the lay counsellors;
- (iv) Facilitating speed recovery from trauma and overall healthy development.

The agenda item was pursued on file and the budget has been approved by the competent authority. The tentative date for the programme is scheduled for 07-11 January 2020.

Decision: This was noted by the Commission. The Member was asked to put up file on the proposal.

[Action: Member (RGA)]

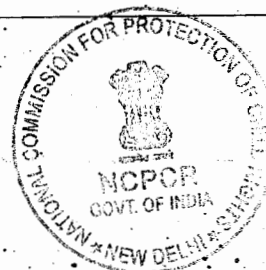
III. AGENDA ITEMS PROPOSED BY MEMBER (CHILD LABOUR) – MS. ROSY TABA:

Agenda Item No.7: Proposed Action Plan of Child Labour Division (Activity-wise) for the year 2019- 2020:

Sr. No.	Activity	Rationale	Strategy
1.	A fact-finding study on trafficking of girl child from Assam's tea garden and East Bengal Muslim areas to Arunachal Pradesh for child labour.	The proposed task has the objective of carrying out fact-finding exercise on the rampant and unchecked trafficking of girl child from the tea-garden areas of Assam- Arunachal Pradesh boundary from Assam to the neighbouring state where they are exploited as workers, labourers and sex-slaves. It is also the objective to carry out same exercise on trafficking of girl child from Muslim communities of East Bengali descent in Assam to Arunachal Pradesh.	The proposed task will collect evidences of the roles by agents, brokers and abductors in trafficking the girl child and the nature of their dealings- luring parents, promise of good life of education and comfort, handsome income. The cases of missing, death and other untraced instances should also be covered and investigated. Lack of awareness and inaccessibility to the state agencies and law enforcement will also be highlighted.

Decision: This activity was withdrawn by the Member. However, she was asked to put up this activity on file.

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2.	A fact-finding study on incidence of child labour and drug use.	<p>For street children harassed by gangs, molesters, municipal authorities and even the police, there's only one recreation that feels safe – drugs. Many children who are forced into begging or child labour also adopt drug abuse as an escape from their cruel lives. It is important to understand the ecosystem which is fuelling this drug menace and child labour so that preventive and corrective actions can be taken.</p> <p>Therefore, a fact finding study in a specific region, e.g., Delhi may be done in the initial phase.</p>	
Decision: This was noted by the Commission. However, the Member was asked to put up this activity on file in consultation with Member (RGA).			
3.	5 Regional Workshops on child labour & trafficking with State Anti Human Trafficking Unit of each region (2 days)	<p>Trafficking of children for indulging them in child labour is a menace in India. The workshops will be held with the AHTU of states concerned on new laws of child labour & guidelines of MHA on measures to be taken for rescue of trafficked child labourers and action against the trafficker / employers. Further sensitization regarding NCPCR SOP for rescue and rehabilitation of child labour is necessary.</p>	
Decision: This was noted by the Commission. However, the Member was asked to focus on child labour. Also the activity be put up on file.			
4.	<p>Fact finding exercised in industries with highest incidence of child labour in India are -</p> <ol style="list-style-type: none"> 1. Garment industry 2. Brick Kilns 3. Unorganised sectors 4. Agriculture 5. Fireworks (based on 2011 census) 	<p>Certain industries make up for the bulk of employers who engage children below 18 years in hazardous/ non-hazardous works. Therefore, a fact finding exercise through TBC shall be conducted, aimed at identifying industries with highest incidence of child labour. Further SOP with</p>	



		industry specific approach will be formulated in order to tackle cyclic nature of child labour in identified industries.	
Decision: This activity was considered and it was decided by the Commission to only conduct this exercise in the industries relating to brick kilns and fireworks as of now. The Member was asked to prepare a concept note in this regard.			
5.	5 Zonal Level Sensitization Workshop on child labour with concerned departments of railways (1 day)	Many children are spotted or found on railway stations are either missing & run away kind. They are very vulnerable to the child labour structure on various levels. So, sensitization of the railway department is of utmost importance for early intervention & prevention of the children to get into child labour.	<p>The workshop will be conducted in any five of the total eighteen railway zones involving the railways officials, GRPF/DRPF, railwaychildline & service providers of the nearest Railway Station.</p> <p>The nine older railway zones are:</p> <ul style="list-style-type: none"> • Northern Railway (NR) • North Eastern Railway (NER) • Northeast Frontier Railway (NFR, sometimes NEFR) • Western Railway (WR) • Southern Railway (SR) • South Central Railway (SCR) • South Eastern Railway (SER) • Eastern Railway (ER) • Central Railway (CR) <p>The seven new zones are:</p> <ul style="list-style-type: none"> • South Western Railway (SWR) • North Western Railway (NWR) • West Central Railway (WCR) • North Central Railway (NCR) • South East Central Railway (SECR) • East Coast Railway (ECoR) • East Central Railway (ECR)
Decision: This was noted by the Commission. However, the Member was asked to put up this activity on file.			

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6.	A fact finding exercise for incidences of sexual abuse in child labour to be conducted as it is a fact that most of the child labourers are subjected to some sort of sexual abuse while working.	It is well known that cases of sexual exploitation involve perpetrators known to the child more often than strangers. The latest data add to this, finding that 25% of rapes of children in the year 2015 were committed by their employers and co-workers. This fact has been extracted from the National Crime Records Bureau (NCRB) 2015 data on the 8,800 child rape cases registered using the Protection of Children Against Sexual Offences Act (POCSO). Therefore a fact finding exercise shall be conducted in hotspots of child labour in order to understand the ecosystem, so that preventive and corrective actions can be taken.	
Decision: This activity was considered by the Commission and it was decided to conduct case studies in the incidences of sexual abuse in child labour whereas the fact finding exercise need not be done.			

[Action: Member (RT)]

Agenda Item No.8: Strengthening of the Child Labour Division:

Member (RT) has requested to provide 4 Consultants and 3 DEOs for smooth functioning of the Division.

Decision: MS was asked to look into it after the performance appraisal of staff is completed.

[Action: Member Secretary]

IV. AGENDA ITEMS PROPOSED BY CHILD HEALTH DIVISION:

Agenda Item No.9: Draft report of National Consultation on Drugs & Substance Use among Children:

A national level consultation on Drugs & Substance Use among children was held on 11th October, 2019 at Constitutional Club of India. Draft report of the consultation has been circulated to all the members of the Commission.

Decision: It was decided to merge this item with Agenda Item No.5 above of the Psychology Division.

[Action: Child Health Division]



Agenda Item No.10: Comments on draft notification on Food Safety Advisory to all the States/UTs for ensuring safe and wholesome food for school children:

The FSSAI has framed Food Safety and Standards (Safe food and healthy diets for school children) Regulations 2019, to clamp down on consumption of unhealthy food by school children. No junk food or high in fat, salt and sugar (HFSS) foods can be served in school canteens, mid-day meals or hostels. It bans sale and marketing of junk food inside schools and within 50 meters of school campuses.

- (i) It is proposed that NCPCR will be giving comments on the draft regulation.
- (ii) NCPCR will be sending advisory to all the States/UTs to ban junk food and ensure safe, healthy and hygienic food in school canteens, mid-day meals or hostels.
- (iii) Letters will be sent with a format for inspection/visit to all SCPCRs to inspect the school canteens, Mid-Day Meal kitchens/hostels for ensuring safe, healthy and hygienic food in schools as per the FSSAI Regulations 2019. *A detailed plan will be submitted on file.*

Decision: This was noted by the Commission.

[Action: Child Health Division]

V. OTHER AGENDA ITEMS:

Agenda Item No.11: Matter to be reported before the Hon'ble High Court of Delhi u/s 15 of CPC Act, 2005 (Rescue operation carried out in Shakurpur JJ Colony on 2nd October, 2018):

The Commission has carried out a rescue operation in Shakurpur JJ Colony on 2nd October, 2018 on the receipt of an information/complaint. The Commission took cognizance of this matter and called for an ATR which was not received in time. After prolonged reminders, an ATR was sent to the Commission by police authorities which was found unsatisfactory and incomplete. Hence, the ACP was summoned in NCPCR who adduced a written statement which he claimed to be given by the Chairperson. The Chairperson in Summon Hearing said he was never called by the police and he has not given any statement in this matter. In fact, the police never approached the Chairperson while investigating in the matter and declared that the claim made by police is totally false and requires investigation. He directed police officials to give an affidavit that this statement was given by Chairperson; the ACP was further directed to file a detailed ATR alongwith affidavit in this matter inter alia giving number of rescued children and other details about rehabilitation of the children. Till date no information has been received from police authorities in this matter.



Since, NCPCR has already completed its action in this matter and nothing is being reported by the police, and hence, it is proposed that we may file a report in the Hon'ble High Court of Delhi u/s. 15 of CPC Act, 2005 in the present matter. Advocates are being consulted for deciding the manner of filing.

Decision: This was agreed in principle by the Commission. However, it was desired that as and when the Legal Cell prepares a report for filing in the Court, the same should be circulated among the Members.

[Action: Sr. CL (Legal)]

Agenda Item No.12: Matter to be reported before the Hon'ble High Court of Delhi u/s 15 of CPC Act, 2005 (Visit of CP, NCPCR to an NBCC site in East Kidwai Nagar where he found a child labor working in the completed flats):

The Chairperson, NCPCR visited an NBCC site in East Kidwai Nagar wherein he found a child labour working in the completed flats. Upon inquiry, the child informed that he had been employed for maintenance work in the flats by the contractor. A team of NCPCR conducted rescue operation on 04.12.2018 at the site and rescued 15 children from the spot. But despite various reminders and summons, and almost 11 months have passed till date Police is not furnishing ATR and taking necessary action in the matter.

Hence, it is proposed that we may file a report in the Hon'ble High Court of Delhi u/s. 15 of CPC Act, 2005 in the present matter. Advocates are being consulted for deciding the manner of filing.

Decision: This was agreed in principle by the Commission. However, it was desired that as and when the Legal Cell prepares a report for filing in the Court, the same should be circulated among the Members.

[Action: Sr. CL (Legal)]

Agenda Item No.13: Matter to be reported before the Hon'ble Supreme Court u/s 15 of CPC Act, 2005 (NCPCR took cognizance of illegal trade of baby selling in Ranchi, Jharkhand on 6th July, 2018):

The Commission took cognizance of illegal trade of baby selling in Ranchi, Jharkhand on 06.07.2018 and conducted inquiry u/s. 13 (1) (j) of CPC Act, 2005, therein certain irregularities were found which were shared with the Chief Secretary and DGP, Jharkhand for necessary action. Further, the Commission got statements of two minor girls, whose babies were also lodged inside the Shelter Home through CWC, while holding the Bench. The Commission took cognizance of the same and sought certain information from District Authorities in respect of FIR etc. in the matter, but till date no response is received in the matter despite repeated communications and reminders.



Since sufficient time has already elapsed and no progress has been seen in the matter on part of the concerned authorities and it is an important matter and requires immediate attention and reporting and action thereupon. Hence, it is proposed that we may file a report in the Hon'ble Supreme Court u/s. 15 of CPC Act, 2005 in the present matter. Advocates are being consulted for deciding the manner of filing.

Decision: This was agreed in principle by the Commission. However, it was desired that as and when the Legal Cell prepares a report for filing in the Court, the same should be circulated among the Members.

[Action: Sr. CL (Legal)]

Agenda Item No.14: Removal and Revision of the SOP for Rescue and Rehabilitation of Street Children in Street Situations that was developed jointly by the Save the Children Foundation and NCPCR from the Website of NCPCR:

A Standard Operating Procedure (SOP) for Rescue and Rehabilitation of Street Children in Street Situations was developed jointly by the Save the Children Foundation and NCPCR. Thereafter the impact analysis of the progress on SOP was carried by Save the Children to check whether SOP are useful or not at the ground level and whether any modification or addition is required in the SOP. In this regard a meeting was held in April, 2019 and it was noted that modifications are required in the SOP as the stakeholders are facing difficulties in following them.

It was therefore felt to re-examine the SOPs in view of the challenges it faced and while doing so it was also decided to redraft the SOPs in consultation with Save the Children. This exercise has just begun and likely to take some time. It is therefore, proposed that the old SOPs which are available on the website of NCPCR may be withdrawn as people might use them and also as the SOPs are going to be revised it will not be appropriate that old SOPs are shown on the website of NCPCR.

In view of the above, it is proposed that the old SOP be withdraw from the website for the time being till the revised SOP is developed and uploaded.

Decision: This proposal was considered and ratified by the Commission.

[Action: Sr. CL (Legal)]



VI. TABLE ITEMS:

Agenda Item No.15: Proposal for comprehensive literature on the issue of complaints pertaining to the dispute over custody of minor(s) in cases of marital discord or other similar circumstances

The Commission has been receiving various complaints pertaining to the disputes over custody of minor(s) in cases of marital discord or such other similar circumstances. The scenario is still unclear and it is therefore suggested that a Comprehensive Literature on the issue be prepared to provide clarity on the Commission's ambit of power to intervene in such matters. Accordingly, a guiding document/comprehensive literature is prepared.

In this regard, a draft Note was prepared and circulated to all the Members vide F.No.32-180/2019/NCPR/LC dated 01.11.2019 for their comments/inputs. However, we have received comments only from Member (Child Labour) and from other Members these are still awaited. Hence, it is proposed that the matter may be taken up as Table Agenda in 40th Statutory Meeting of the Commission being held on 18th November, 2019.

Decision: The proposal was considered by the Commission and it was decided not to take cognizance of such cases / complaints and the same should be returned along with a copy of the Court's order on the subject.

[Action: Sr. CL (Legal)]

Agenda Item No.16: Launching of Pariksha Parv (Phase-II) in 2020:

The National Commission for Protection of Child Rights, launched a month long campaign, celebrating exams 'Pariksha Parv during the exam period i.e. February-March, 2019. The objective was to change the outlook/perspective of children towards exams and to bring positive impact through social media platform, to provide expert advice on exam related stress and anxiety in children, Live Streaming of Q & A sessions with renowned experts- Psychiatrists/Psychologists Motivational Speakers etc through Facebook / Twitter/YouTube and Radio Spots/Jingle broadcast through AIR.

In 2020, *Pariksha Parv 2.0*, next phase will be started by NCPCR and two major activities will be conducted-

a) Live streaming through Facebook/Twitter/YouTube will be done, where renowned experts/personalities- Psychiatrists/Psychologists/ Motivational Speakers will be interacting with the children through social media.



b) Motivational workshops will be organised with SCPCRs at main coaching hubs like; Kota, Vijayawada, Chandigarh, Guwahati, Ranchi, Bhopal etc for children studying in coaching centres. Such motivational workshops will be covered live on social media, radio etc.

The main objective of Pariksha Parv 2.0 will be strategizing on various mechanisms to promote positive outlook of children towards exams and curb the psychological manifestations of stress/tension during exams and studies.

This activity will be conducted by Child Health Division and Child Psychology Division.

Decision: The proposal was approved.

[Action: Member Secretary]

The meeting ended with a Vote of Thanks to the Chair.

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