



NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
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Visit to Jammu & Kashmir:
to review the status of Child Rights in the UT and to
conduct Interdepartmental review cum consultation
meeting with UT Administration

11-12 March, 2020

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List of Abbreviations

AHTU	Anti Human Trafficking Unit
CCL	Child in conflict with law
CLPRA	Child Labour (Prohibition and Regulation) Act
CPCR	Commission for Protection of Child Rights
CNCP	Child in need of Care and Protection
CRC	Child Resource Centre
CWC	Child Welfare Committee
CWSN	Children with Special Needs
DCPO	District Child Protection Officer
DCPU	District Child Protection Unit
DISE	District Information System for Education
ICPS	Integrated Child Protection Scheme
ICDS	Integrated Child Development Scheme
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2015
JJB	Juvenile Justice Board
NCPCR	National Commission for Protection of Child Rights
NRSTC	Non Residential Special Training Centre
POCSO	Protection of Children from Sexual Offences
RSTC	Residential Special Training Centre
SCPCR	State Commission for Protection of Child Rights
SOP	Standard Operating Procedures
SJPU	Special Juvenile Police Unit
UNCRC	United Nation's Convention for Rights of Child
UNICEF	United Nations Children's Fund
WCD	Women and Child Department

Introduction

The National Commission for Protection of Child Rights (NCPCR) was set up as a statutory body in March 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005. The Commission's mandate is to ensure that all Laws, Policies, Programmes and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and UNCRC.

The Commission also have responsibility of monitoring of implementation of laws relating to children such as; Juvenile Justice (Care and Protection of Children) Act, 2015 (u/s 109); Protection of Children from Sexual Offences (POCSO) Act, 2012 (u/s 44) and Right to Education (RTE) Act, 2009 (u/s 31).

Some of the key functions of the Commission mandated u/s (13) (1) of the CPCR Act, 2005 are to: examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights; 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 thereof. NCPCR believes that all constitutional rights of children within the age group of 0 to 18 years are of equal and concomitant importance and therefore the Commission strives to monitor the State's obligation to protect these rights. As a seed is nurtured with care and nourishment in order to become a fruit yielding tree, the child envired in the diversity and plurality of the customs and cultures of India has to be provided with a protective and nurturing environment with all due entitlements from the day child is born.

Brief description of Visit

The Government of India revoked Article 370 of Indian Constitution from the erstwhile State of Jammu & Kashmir and introduced the amended reorganisation of Jammu & Kashmir Act which resulted into formation of two new Union Territories i.e. Jammu & Kashmir and Ladakh. After the abrogation of Article 370, according to the Gazette notification no 34 of 2019, 106 Central Laws/Acts are now applicable to newly formed Union Territory of Jammu & Kashmir. These laws include the CPCR Act, 2006; the Juvenile Justice (Care & Protection of Children) Act, 2015; Protection of Children from Sexual Offences (POCSO) Act, 2012 and Right to Free & Compulsory Education (RTE) Act, 2009 and other child related Acts. NCPCR being a national Statutory Body to safeguard the rights of children under the existing

laws across the country, has mandate to monitor the implementation of the laws for children in the UT of Jammu & Kashmir.

In this regard, Commission has constituted a separate Cell to effectively deal with the issues of child rights in Jammu & Kashmir and Ladakh and also created an exclusive online facility to register grievances related to child rights violation. The online facility is functional, child-friendly, easy to use and bilingual in nature. The link of this special portal is available on the Home Page of NCPDR's Website and the link is: <http://www.ebaalnidan.nic.in/JKL/registercomplaint.aspx>



The Commission has reviewed previously enacted State Acts related to children's protection and development with reference to Central Acts now applicable in Jammu and Kashmir and drafted a document 'Child Rights in Union Territory of Jammu & Kashmir and Ladakh- A situational Analysis' (Annexure-I). It highlights the gaps persist in the

implementation of these Acts such as lack of institutional mechanism and infrastructure facilities required along with suggested recommendations to be adopted by the UT. The document has been shared with the J&K, UT Administration seeking their inputs.

Therefore, to assess the situation of children in Child Care Institutions and to understand the functioning of child rights mechanism in J&K and to conduct a review meeting with the concerned officials of UT Administration, a visit was planned.

Composition of the Team

A team comprised of the followings was constituted by the Commission:

1. Shri Priyank Kanoongo, Chairperson, NCPCR
2. Smt. Rupali Banerjee Singh, Member Secretary, NCPCR
3. Smt. Shaista K. Shah, Sr. Technical Expert, NCPCR
4. Smt. Shweta Sehgal, Technical Expert, NCPCR
5. Shri Rahul Pawa, Individual Expert

Program Schedule

Date	Activities
11th March, 2020	Meeting with Officials of ICPS
11th March, 2020	Inspection/visits to: <ul style="list-style-type: none">- Observation Home, R.S. Pura, Jammu- Bal Ashram, R.S. Pura, Jammu- Nari Niketan, R.S. Pura, Jammu- Model Police Station, Gandhi Nagar, Jammu- Govt. Girls High School, Jammu- Child Welfare Committee (CWC), Jammu- Juvenile Justice Board (JJB), Jammu- Childline Jammu- Vision Bal Niketan J&K. Sewa Fellowship, Karan Bagh, Jammu- Vocational Training Centre, Jammu
12th March, 2020	Interdepartmental Review cum Consultation meeting with officials of J&K Administration

Inspection/Visit to Child related Institutions

1. Observation Home, R.S. Pura, Jammu

The NCPCR team led by Chairperson, NCPCR along with Member Secretary and Experts with the members of ICPS Jammu & Kashmir visited the Observation Home (OH) for boys at R.S. Pura, Jammu run by Department of Social Welfare, J&K. During the visit, 9 children were residing in the Home. The OH is running with required basic facilities.

While interacting with the children, it was observed that 6 boys were apprehended under Section 376 of IPC and their cases are under investigation. However, placement of following two children in OH was directed to review.

- i. A 17 year old boy with intellectual disability from Bangladesh who was charged for trespass through Arunachal Pradesh Border and entered India. Chairperson, NCPCR directed the Mission Director, ICPS and DCPO to take immediate action for restoration of the child to fit facility according to his medical condition. It was also directed that JJB to revisit the case and issue appropriate orders keeping in the mind his medical conditions. Chairperson, NCPCR recommended to look into the best possibilities for appropriate repatriation of the child.
- ii. A child was used for drugs/substance peddling by a group and apprehended under the Narcotics Drugs and Psychotropic Substance (NDPS) Act, 1995. Chairperson, NCPCR recommended to revisit the case u/s Section 78 of J.J. Act, 2015 as the said child is victim of the circumstances.

The Superintendent of the OH was asked to provide the copies of case files of said children so as to enable the NCPCR to take up these matters with concerned authorities for the betterment of the children.

2. Nari Niketan, R. S. Pura, Jammu

The team visited the Nari Niketan, R. S. Pura. 20 women and girls were residing in this Home. Jammu District has no children home for girls. Therefore, girl child (0-18 years) were also placed in Nari Niketan. The Home has 6-7 girls below the age of 18 years.

The team observed that a girl child (around 6 years of age) from Sansi community of Rajgarh Madhya Pradesh whose parents were accused for a theft and are in prison is residing in the Home. Chairperson, NCPCR took up the matter with Superintendent of Police, Rajgarh, Madhya Pradesh and requested to facilitate the restoration of the said girl in a child care institution at Rajgarh.

Later, the team interacted with other girls in the Home including a minor survivor of trafficking from Nepal who is residing in this Home from the last 9 years. Chairperson, NCPCR directed the concerned officials to ensure education and vocational training of all girl children residing in the Home. It was also recommended to initiate the process of declaring children legally free for adoption. **It was also highly recommended to have separate facility for girl children as per the provision of JJ Act.**

3. Children Home for Boys, R.S. Pura, Jammu

NCPCR team visited a Children Home situated in a Government building near the Nari Niketan and Observation Home. All these Homes are located in a common compound but in different buildings. There were 37 children in the Children Home. During the visit, 10-12 children in the age of 6-14 years were present as their schools were closed due to COVID-19 pandemic.

It was brought to the notice of the Commission that only 7 children have orders of Child Welfare Committee, rest of the children were residing in the Home without CWC order. Chairperson, NCPCR recommended to the In-charge of the Home to produce all children before concerned CWC and to repatriate children to their families. He emphasised upon the fact that no child without the order of CWC will be placed in the Home from now onwards. Further, he mentioned that for orphan children, the department should initiate process to declare them legally free for adoption and initiate the process towards their adoption.

4. Model Police Station- Gandhi Nagar, Jammu

NCPCR team led by Chairperson, NCPCR visited Model Police Station, Gandhi Nagar. It was observed that the SHO of Police Station was not aware about



the procedures, Special Juvenile Police Unit and J. J. Act, 2015. At the time of visit, Child Welfare Police Officer (CWPO) was not available, although, it was a pre-planned and informed visit. No child friendly corner or help desk was found in the Police Station. IEC material, list of NGOs, contact number related to Child line and copy of J.J. Act, 2015 were not available in the police station.

Chairperson, NCPCR directed the SHO to go through the J. J. Act, 2015, attend the monthly meeting of SJPU and maintain a list of emergency contact numbers related to children.

5. Govt. Girls High School, Gandhi Nagar, Jammu

The team visited the Govt. Girls High School at Gandhi Nagar and found that the Board Exam for class 10th was going on. Therefore, the team didn't interact with the students. The team interacted with the Principal. She informed that the school has classes for 6th to 10th. Infrastructure-wise the school was observed as per norms.



6. Child Welfare Committee (CWC), Jammu

The CWC Jammu was operating in a rented building where a shelter home for children is also functional through first floor of the same building. The CWC has full strength at the time of visit since its inception in 2018. However, one Member has resigned due to personal reason which was under consideration. The CWC is working on all days. The ambience of the CWC is child friendly. The Chairperson and Members of CWC were well aware with their roles and responsibilities. Chairperson, CWC shared some success stories with the NCPCR team and raised her concern with regard to some issues being faced by them. She informed that they are disappointed with the working of Childline Jammu and they have to wait for long for recording of statements of children by the Police. Chairperson, NCPCR briefed them about their responsibilities and



rights. He also request CWC to them to visit Children Homes twice a week in their district.

Chairperson, CWC shared a case of a girl child who was trafficked from West Bengal for being engaged in the work of child labour by a placement agency. Later in the matter, CP, NCPCR held a telephonic discussion with Superintendent of Police (SP), Jammu where he recommended to investigate as per section 370 of IPC and lodge FIR against the placement agency and conduct a raid in the office of said placement agency. It was also directed to submit an Action Taken Report to the NCPCR.

7. Juvenile Justice Board (JJB), Jammu

The office of JJB Jammu is running in the building of Office of WCD, J&K. The Chairperson JJB, Jammu was on Child Care Leave for two months. During the visit, two Members of JJB were present. Chairperson, NCPCR asked about the nature of cases received by JJB and also the issues being faced by them while performing their duties. Members of JJB informed that they faced difficulties in liaison for getting SIR.



Further, CP, NCPCR explained them about role, responsibilities of JJB Members given under JJ Act, 2015 and Rules 2016. Also, the cases of children who were placed in Observation Home were discussed with the Members of JJB. Chairperson, NCPCR suggested to the JJB Members to visit the Jails in their district to identify probable juveniles wrongly confined in the jails.

8. Vision Baal Niketan J&K Sewa Fellowship, Karan Bagh, Jammu

The team visited the 'Vision Baal Niketan Home' for children. During the visit, 6 girls were residing in the Home. 2 female care takers and 1 tuition teacher was present in the Home. The tuition teacher was teaching girls. The Home was found neat and clean and well equipped. The



team interacted with the girls and found that all of them are single orphan and residing in this Home from quite some time. However, the girls did not share much with the team and mostly remain silent. The girls were aged between 12-16 years studying in 6th to 9th class at a private school. The team observed that around 15-20 copies of Bible in the Home. It was observed that children in the said Home were imparted moral and religious teachings related to different religious beliefs than the one said children (and their families) substantially follows or peruses. The said Home was registered under Jammu Kashmir JJ Act, 2013 which is valid till December, 2020. Chairperson, NCPCR interacted with the children. Mission Director, ICPS, J&K was recommended to conduct counselling of all girls, inquiry of the Home and submit a report to the NCPCR.

9. Childline Jammu

The team visited the office of Childline Jammu. The Childline Jammu is running by Red Cross Society and the office is located on 2nd floor of a shopping complex, of a market place, Jammu. Display board of Childline was not found at the entrance. The Childline, Jammu had full strength of staff with Childline Coordinator, Counsellor and one male Volunteer. The office of Childline, Jammu was not found child friendly as there was no proper light in the office. Chairperson, NCPCR recommended for capacity building training of Childline team, specifically on Juvenile Justice Act, 2015. Childline team was also encouraged to carry out rescue operations whenever required on their own. Chairperson, NCPCR recommended to review process of selection of selection of NGO for the Childline in Jammu.



Inter-departmental review cum consultation meeting with concerned senior officials of J&K Administration

An inter-departmental consultative meet was held at Conference Hall, Secretariat Jammu on 12.03.2020 at 01:00 pm to understand the child protection mechanisms in Jammu and Kashmir.

Hon'ble Judge High Court, Jammu & Kashmir & Chairman J&K Juvenile Justice Committee, Justice Shri. Ali Mohammad, graced the meeting with his presence through video conference from Srinagar.

NCPCR Chairperson, Shri Priyank Kanoongo, expressed his sincere gratitude to Hon'ble Judge for giving his precious time for interaction with the Commission.

Honorable Judge of Jammu and Kashmir High Court, welcomed the Commission and shared with the Commission that three round table conferences on Juvenile Justice System have been conducted, two at Srinagar and one at Jammu with the support of all the Departments viz; Social Welfare, Women & Children & UNICEF.

He shared that children are involved in use of drugs and substances in J&K and this information has been extracted through Para-Legal volunteers and is available. This information can be provided to the Commission for drafting recommendations to the State as per the mandated of the Commission. He further suggested that this information on substance use among children in J&K should be provided through legal Services authority of J&K at District level and State level. Hon'ble Justice informed the Commission that with regard to misguided children in J&K, an exercise has been undertaken by Juvenile Justice Committee, High Court, J&K with help of Ministry of Social Welfare & Women and Child Department, J&K, the said information will be shared with the Commission. He suggested that a target based training programme for all the stakeholders can be organised by the Commission and information or report of this training may be shared with all the concerned Departments of J&K. He thanked Chairperson, NCPCR and assured his availability for working on the relevant issues of J&K with the Commission.

Chairperson, NCPCR gave thanks to Hon'ble Justice Shri. Ali Mohammad for providing his valuable inputs on important aspects with regard to child rights in J&K, especially drugs and substance use and misguided children. He also assured that Commission

will work under his kind directions on the important issues raised by him. Hon'ble Justice has to leave the meeting due to some important work.

Meeting was continued with a round of introduction by Shri. Priyank Kanoongo, Chairperson, NCPCR. Meeting was attended by Smt. Rupali Banerjee Singh, Member Secretary, NCPCR, Ms. Shaista K Shah, Sr. Technical Expert and Ms. Shweta Sehgal, Technical Expert, NCPCR. Officials from various Departments of J&K viz; Commissioner Cum Secretary, School Education and Social Welfare, Director General, Social Welfare Jammu & Kashmir, Mission Director JK, ICPS, Managing Director SC/ST/OBC/Minority, Director General, Women & Child Development, Project Director *Samagra Shiksha* and Mid-day Meals, Deputy Secretary, Homes, and other concerned officials were present in the meeting. (Details of the participants attended the meeting is at Annexure-II).



A brief presentation on mandate and functions, of the Commission was made by Ms. Shaista K Shah, Sr. Technical Expert. After presentation of NCPCR, concerned Departments gave their presentation. Details are as following-

(i) Department of Women and Child, J&K - Mission Director, Integrated Child Protection Scheme (ICPS) shared the status of the Integrated Child Development Scheme (ICDS). She informed there are 28,423 Anganwadi Centres in J&K out of which 1,097 are functioning in Government-owned buildings and 27326 are functioning in rented buildings. Total children availing the benefits of ICDS services are 6,98,354 children (0-3 yrs: 4,00,426 children and 4-6 yrs: 2,97,928 children). The SABLA Scheme is functional in 20 districts and 17,276 out of school adolescents girls are registered for the same.

Thereafter, Mission Director, ICPS briefed in detail about the process adopted by the ICPS in facilitating the implementation of Child Rights and prevention of crimes against children in the UT. The Child Protection Scheme of MWCD is being implemented. Juvenile Justice Boards (JJBs), Child Welfare Committees (CWCs) and District Child Protection Units (DCPUs) have been established in all the 20 districts of the UT. 20 posts of Child Welfare Officers (CWOs) have been created but none of the posts has been filled so far. 51 Fit Facility/Institutions and 81 Fit persons have been declared by the Department. The UT has 119 Child Care Institutions (CCIs) (42 being run by Govt and 77 being run by NGOs). Out of these 119 CCIs, 91 are registered under the JJ Act.

(ii) Department of Social Welfare Commissioner cum Secretary, Social Welfare J&K shared that the physical audit of all the CCIs has been conducted by the UT administration and is at the final stage. She further informed that the UT has 15 hostels for the boys and girls belonging to SC Category, out of which 10 hostels are completed and 5 are under construction. All the hostels have full-time warden. 3 hostels for OBC children are functional where there is no post of the warden and 3 more such hostels are at various stages of construction. Data was shared with the Commission.

Chairperson, NCPCR suggested for adopting the format of the Social Audit developed by NCPCR for the ongoing physical audit and would share the report.

Mission Director, ICPS requested NCPCR to help in establishing a Child Resource Centre (CRC) for the purpose of providing support to State Child Protection Society and to strengthen the child protection mechanism in the UT.

With regard to issue of Drugs & Substance Use, Department of Social Welfare informed that there are no Govt institutions and Rehabilitation Centres. Chairperson informed that preventive and curative measures needs to be taken.

(iii) Department of School Education- Project Director (SSA), Department of School Education made a presentation on the status of educational facilities in the UT. Chairperson, NCPCR asked about data of out of school children in J&K. Education Department informed that Out of School children are 16,000 (11-14 Years). He stated that the State Rules for RTE Act, 2009 is in the process of notification. The UT has 28,562 schools (23,111 Government schools and 5,451 private schools) in which more than 22 lakhs children are enrolled. The data of these 28,562 schools is available on the UDISE. In addition, 129 schools with

minority status are functioning in the UT, out of which 36 are Madarsas. Chairperson, NCPCR suggested for *conducting a mapping of all the educational institutions in the UT of J&K.*

Chairperson, NCPCR suggested that ICDS and School Education should converge the data of out of school children on the basis of data collected by Aanganwadi and Teachers.

It was further informed that the schools till class 9th follow the curriculum developed by the State Institute of Education (SIE) and for classes 10th and 12th curriculum developed by J&K Board. The curriculum is in consonance with the National Curriculum Framework (NCF), 2005. It was further informed by the Secretary, School Education that Department has submitted a proposal to MHRD, New Delhi to upgrade SIE, Jammu into SCERT. Chairperson, NCPCR added that in addition to the proposal of J&K to upgrade SIE, the Commission will also request NCERT to support the same.

The Project Director further stated that the UT is about to initiate Guidelines on the Safety of children in school. Chairperson, NCPCR informed that the Commission has developed a comprehensive 'Manual on Safety and Security of Children in Schools' including the abstract of 22 guidelines/circulars issued by various authorities in this regards. The UT Administration may download this Manual from the NCPCR's website and implement it instead of preparing new guidelines. He further informed about the NCPCR's POCSO E-box, an online Complaint Management System for registration of the cases/complaints of child sexual abuse and suggested to the Department to sensitize the children regarding the same by displaying its information in the text books.

Chairperson, NCPCR asked about the status of the Non-Residential Special Training Centre (NRSTC)/ Residential Special Training Centre (RSTC) in the UT. It was informed that the UT has no NRSTC/RSTC. NCPCR suggested to place a proposal for the NRSTC/RSTC in the next Project Approval Board (PAB) meeting at MHRD, New Delhi.

The Department shared that the under *Rashtriya Bal Swasthya Karyakarm (RBSK)* the health screening of the children was held once a year. However, they were providing health screening of all school children twice a year with the financial support of the UT Administration.

It was informed that from the next academic year Section 12 (1)(c) of RTE Act, 2009 would be implemented. Chairperson, NCPCR suggested to review the best practices being followed by the other States for implementing this Section and to make this process online and GPS enabled which would help in ensuring transparency and reduce grievances while under implementation.

(iv) Department of Labour & Employment - The Additional Secretary, Department of Labour & Employment informed that during the last one year the Labour Department had rescued 174 children out of which 168 children were from Jammu district. FIR has been registered in only 6-7 cases and the rest of the cases were reported in DD Entry of the concerned police stations.

Chairperson, NCPCR informed the Department that Child Labour is a cognizable offence and from now onwards FIR should be registered in each case of child labour which will help the victim child to avail the benefits of compensation under various schemes/orders such where there is a provision of providing interim compensation to victim child, etc.

The Department further shared that they have 10 functional NCLP Projects running in the UT where 168 children are being provided with the services of NCLP. Chairperson, NCPCR directed the Department to enrol all these children aged below 14 years in the formal education system and provide the bridge courses to them at NCLP as per CLPRA. He also suggested to review the Child Labour Prohibition and Regulation Act (CLPRA) and to constitute all the recommended committees/authorities as per the Act in the UT.

Chairperson informed that 'Standard Operating Procedure to Rescue Children from Child Labour situations' developed by NCPCR to be circulated to all the Districts and to conduct a meeting with CWC, DCPU.

(v) Department of Health - Department of Health was represented by Deputy Director (P&S) Health and Medical Education, J&K. There are 85 Community Health Centres, 777 Primary Health Centres, 49 Urban Primary Health Centres and 5 Nutritional Rehabilitation Centres functioning across J&K. The RBSK is being implemented and under the scheme conducted Department had done a health screening of 18,84,906 beneficiaries children (0-18 years) in the current financial year till January 2020.

With regard to screening of children with disability, Chairperson, NCPCR suggested to develop a mechanism can be developed while referring; their disability certificated can be

made. Data of Disability children can be shared with ICPS and for smooth transaction DCPUs can help in taking these children for screening before Medical Board and for disability certificated with social welfare Department. On asking about the process of providing Medical Certificate to Disabled Children, it was informed by the Department that there is no such mapping of children till now and the beneficiaries contact the nearby hospital for this purpose.

Chairperson, NCPCR suggested to take help of Anganwadi workers for mapping of disabled children. Incentives can be introduced for Aanganwadi workers.

Regarding Special Schools Social Welfare Department was suggested to build Special Schools for differently-abled children in the UT of J&K.

On the issue of substance use, Chairperson, NCPCR recommended the Health Department to create facilities for children and reserve 5 beds in Government hospitals as per the MCI norms. He further said that to review and check the list of notified Schedule H Drugs and process for upgrade the list if required. The Commission further directed to issue an Advisory to the Chemist Associations not to sell Schedule 'H' drugs without prescription. The Commission also suggested monitoring this through a District Level Monitoring Team/Committee. The Department may conduct district-level meetings with the Chemist Associations to sensitize them about substance use among children and not to sell Schedule 'H' drugs without prescription.

(vi) Department of Home - Representative from Department of Home stated that during the year 2019, a total of 182 cases related to POCSO were registered in the UT which included 7 from previous years. Charge sheet was prepared in 129 cases, 42 were under investigation, 11 cases were not covered under POCSO, in 5 cases the accused were acquitted.

The Commission asked about the status of the constitution and training of the Special Juvenile Police Unit (SJPU). It was informed by the Department that they have nominated the SJPU in all the Police Stations. Thereafter, Chairperson, NCPCR shared the experience of NCPCR's visit to Model Police Station- Gandhi Nagar, Jammu where the SHO was not aware of SJPU and procedure to deal with the children. Also, a hard copy of the J.J. Act, 2015 was not available in the Police Station. It was suggested by the Chairperson, NCPCR that SJPU needs to be constituted in all the Police Stations and list of contact details of Child Welfare Police Officers should be shared with all the concerned departments such as ICPS,

CWCs and JJBs. A list of these officers may also be shared with the NCPCR. A hard copy of the J.J. Act, 2015 should be made available to all the Police Stations. Deputy Secretary, Department of Home was told to visit the Observation Home at R.S. Pura, Jammu and to take cognizance of the children who may wrongly confined in the Observation Home. He was advised to conduct a raid against a placement agency which was alleged in a case of child labour and Human Trafficking. Anti Human Trafficking Units needed to be notified in the UT.

Chairperson, NCPCR then asked about the suggestions/comments on the draft document prepared and shared by the Commission namely **‘Child Rights in Union Territory of Jammu & Kashmir and Ladakh- A situational Analysis’** which is analysis of gaps presently persist in the implementation of Laws related to protection and development of children in Jammu and Kashmir and suggested recommendations to be adopted by the UT. It was informed by the Secretary, Department of WCD, J&K that they have not yet prepared their suggestions/comments. Chairperson, NCPCR requested all the departments to go through the draft document and provide their inputs to the Commission at the earliest so as to enable the Commission to finalize the same and submit to the Government of India.

At the end of the meeting, Chairperson NCPCR briefed some of the recommendations that emerged during the meeting and emphasized on the need for convergence between line departments with Social Welfare Department to obtain the maximum output from the schemes under the child protection services. He asked the School Education Department to implement various policies formulated by the Central Government and follow the Standard Operating Procedure (SOP) as laid down on the web site of National Commission for Protection of Child Rights. He also recommended implementation of school safety guidelines, constitution of Medical Board for disabilities, preventive and curative health programmes with creation of facilities in the hospitals, and child-friendly police at police stations throughout Jammu and Kashmir.

The meeting ended with a Vote of Thanks by Ms. Rupali Banerjee Singh, Member Secretary, NCPCR to all the officials of J&K.

Recommendations

Following recommendations were emerged out from the meeting:

Chairperson, NCPCR shared that after 370 invoked in UTs a document has been prepared by NCPCR with all the Acts which were applicable earlier and Acts which will be applicable after invoked of 370. He requested all the departments to go through the draft document prepared by NCPCR 'Child Rights in Union Territory of Jammu & Kashmir and Ladakh- A situational Analysis' and provide their inputs to the Commission at the earliest so as to enable the Commission to finalize the same.

Department of Social Welfare:

1. Secretary, Social Welfare was requested to constitute the State Commission for Protection of Child Rights (SCPCR) as per Section 17 of Commissions for Protection of Child Rights (CPCR) Act, 2005;
2. Foster Care to be continued.
3. For adoption, CWC will issue certificate and declare for legally free for adoption and details will be uploaded at CARINGS. .
4. For sponsorship, a pool of prospective donors can be created as per JJ Rules at District level by DCPOs and direct benefit transfer can be done in the respective accounts of children. A document drafted by NCPCR will be shared.
5. For Aftercare (18-21 years) as per section 46 of JJ Act, 2015 children who have come out of CCIs, a workshop for developing entrepreneurship skills training at Atal Innovation centre of Niti Aayog may be organised by NCPCR. A list of such children can be identified by Department of Social Welfare, J&K.
6. Implementation of section 77 and 78 of the Juvenile Justice (Care & Protection of Children) Act, 2015 in J&K. Convergence to be establish between Police and CWC in such cases under section 77 & 78 of JJ Act, 2015.
7. Implement of section 83 of JJ Act, 2015 for children who are misguided by insurgent group in J&K. An orientation meeting can be planned by NCPCR on this with all SJPU. Child Welfare Officer and CWC and other line Departments will work in collaboration in this. Organise capacity building training programmes for the staff of ICPS, WCD and Childline on J.J. Act, 2015.
8. Separate facility (Children Home) for girls should be established as per the provision of JJ Act, 2015.
9. JJB Members may visit the Jails in their district to identify probable juveniles wrongly confined in the jails.

10. Initiate procedure for Orphan children living in children home to declare them legally free for adoption and their adoption procedure as per JJ Act, 2015 should be initiated.
11. Mission Director, ICPS was directed to conduct inquiry of Vision Baal Niketan J&K Sewa Fellowship (NGO run Children Home), Karan Bagh, counselling of all girls and submit a report to the NCPCR.
12. Department shall request Childline India Foundation (CIF) to change the NGO running the Childline in district Jammu with due process and identify a proactive NGO for the same.
13. Provide the list of all Child Care Institutions (CCIs) functioning in the UT to enable the Commission to conduct social audit of these CCIs.
14. Director, ICDS was directed to share the list of Out of School Girls (11-14 years) with the Department of School Education; verified it with the list of Out of School Children available with Education Department and admit these children in age appropriate classes.
15. District Child Protection Officer (DCPO) to coordinate with Anganwadis for identification and produce disabled children before the Medical Board for preparing their Disability Certificates.
16. Establish a Special Schools for differently-abled children in the UT.

Department of School Education:

17. As informed, State Rules of RTE Act, 2009 are under process of Notification, it was suggested to expedite the process of notifying the State RTE Rules.
18. Secretary School Education was suggested to conduct mapping of all unmapped educational institutions and Madarasas in the UT.
19. Manual on 'Safety and Security of Children in Schools' developed by NCPCR should be downloaded from NCPCR's website and circulated to all the schools for adherence.
20. Review the best practices being followed by other States for implementing Section 12(1)(c) of RTE Act, 2009. Develop an online and GPS enabled admission procedure under Section 12 (1)(c) of RTE Act, 2009 which would help in ensuring transparency and reduce grievances during admission.
21. Prepare proposals of Non Residential Special Training Centre (NRSTC)/ Residential Special Training Centre (RSTC) and submit before the concerned Project Approval Board.

22. Coordinate with the Social Welfare Department, verified its data of drop out girls with the data of Out of School children available with your department. Initiate action towards enrolment of out of school children in their nearby schools.
23. In the matter of upgradation of SIE into SCERT, follow up with the concerned Department.

Department of Labour and Employment:

24. Revisit the Child Labour Prohibition and Regulation Act (CLPRA) and ensure constitution of all mandatory committees/authorities as per the Act in the UT.
25. Ensure availability of funds for compensation under CLPRA in the UT.
26. Ensure proper functioning of National Child Labour Program (NCLP) in the UT.
27. Ensure registration of First Information Report (FIR) in each case of child labour which would help the victim child to avail the benefits of compensation under various schemes/orders.
28. To establish convergence with ICPS.

Department of Health

29. Review the list of Scheduled 'H' drugs to check whether all drugs are covered. In case any drug is left out from this list, recommend competent authority for its notification under Schedule 'H' Drugs.
30. Review the provisions of medical facilities available for children suffering from drug/substance use and arrange beds in the Government/private hospitals and Medical Colleges for treatment of such children.
31. Conduct district level meetings with Chemist Associations and direct them not to sell any Schedule 'H' Drugs without prescription. In case of non-compliance FIR must be filed against them.
32. Issue a circular for prohibition of selling of whitener, bottled thinners of any chemical composition as per the notification of MoHFW vide letter no. X11029/2010-DDAP dated 17.07.2012, Government of India.
33. Initiate measures towards providing Disability Certificate to children through camps or during screening of children under Rasthriya Bal Swasthya Karyakarm (RBSK).
34. Utilize the data of Anganwadi workers for the mapping/identification of disabled children.

Department of Home

35. Provide hard copies of J.J. Act, 2015 in all Police Stations across the UT.
36. Depute Child Welfare Police Officers (CWPOs) and Special Juvenile Police Unit (SJPU) in each Police Station and provide contact details of these officers to the ICPS for liaisoning.
37. Conduct a training of SJPU and CWPOs on Section 75, 76, 77, 78, 79 and 83 (1) & (2) of J.J. Act, 2015.
38. Chairperson, NCPCR informed Deputy Secretary, Department of Home that some Children may wrongly kept in Observation Home, R. S. Pura. Deputy Secretary was requested to conduct an inquiry and submit an action taken report to the NCPCR.
39. Superintendent of Police (Jammu) was directed to investigate the matter of a girl child trafficked from West Bengal by a placement agency, under section 370 of IPC; lodge FIR against the placement agency; and conduct a raid in the office of said placement agency and submit an Action Taken Report to the NCPCR.
40. Anti Human Trafficking Units needs to be Notified in the UT.