Office Memorandum

Sub: Minutes of the 41st Statutory Meeting of the Commission held on 11th February, 2020 in the Conference Room (5th Floor) of NCPCR.

Kindly find enclosed herewith a copy of the minutes of the 41st Statutory Meeting of the Commission held on 11th February, 2020, duly approved by the Chairperson, NCPCR, for information and necessary action.

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
7. PPS to Member Secretary
8. Minutes Register/Guard File.
Minutes of the 41st Statutory Meeting of the Commission held on 11th February, 2020 in the Conference Room (5th floor) of NCPCR, Chanderlok Building, Janpath, New Delhi.

The 41st Statutory Meeting of the Commission was held on 11.02.2020 at 4:30 p.m. in the Conference Room (5th floor) of NCPCR. The following were present:

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

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

Confirmation of the Minutes of 40th Statutory Meeting of the Commission held on 18.11.2019:

The Chairperson informed that the Minutes of the 40th Statutory Meeting of the Commission were treated as confirmed as no comments were received.

Action Taken Reports (ATRs) on decisions taken in the 40th Statutory Meeting of the Commission held on 18.11.2019:

As the Action Taken Reports (ATRs) on decisions taken in the 40th Statutory Meeting of the Commission were not received from all the Divisions, it was decided to review these ATRs in the next Statutory Meeting of the Commission.

Pending Action Taken Reports (ATRs) on decisions taken in the 30th to 39th Statutory Meetings of the Commission:

As the pending Action Taken Reports (ATRs) on decisions taken in the 30th to 39th Statutory Meetings of the Commission were also not received from all the Divisions, it was decided to review these ATRs in the next Statutory Meeting of the Commission.
I. AGENDA ITEMS PROPOSED BY MEMBER (LAWS RELATED TO CHILDREN) - SHRI YASHWANT JAIN:

Agenda Item No.1: Dedicated Staff for maintenance of Data in respect of key legislations:

Member (YJ) has stated that the Commission has statutory obligation for monitoring of implementation of POCSO Act, 2012, under Section 44 of the Act. This role of the Commission has been elaborated in Rule 6 of the POCSO Act, wherein it is expected to maintain all key information on child friendly procedures and provisions regarding timeframe. The record of data in respect of other important legislations is to be done in accordance with the functions mentioned under Section 13 of the CPCR Act 2005. The maintenance of data requires to be taken on priority and needs to be done regularly. Hence, a separate cell is required to be formed for this purpose with a dedicated staff for analysis of data.

Decision: The submission made by Member (YJ) was approved by the Commission. It was decided to create a Programme Division. A Resource Centre will also work under the proposed Division for maintaining all the data collected through various sources by different Divisions of the Commission on child friendly procedures and legislations etc. MS was asked to look into it and establish a mechanism in this regard before the next Statutory Meeting of the Commission.

[Action: MS]

Agenda Item No.2: Information of allocation of Budget for programme activities:

In order to fulfill mandate and thrive for functions of the Commission, all divisions are required to conduct programmes / various activities. To have a better clarity for planning of long term yearlong and month-wise activities, each division may be informed about the share of budget amount well in time.

Decision: This issue was discussed by the Commission and it was decided that the Accounts Section should inform the Members about the allocation of funds as soon as the budget is received from MWCD, for proper planning of their activities. The Members were also advised to provide inputs in stipulated time for perusal of MWCD.

[Action: MS /Accounts Section]
Agenda Item No.3: Redefining process of programme files and information about allocation of Budget for North East region activities:

North East region activities are processed through N.E Cell of the Commission. To establish better coordination amongst all divisions and avoid any form of confusion in taking up the activities, the process of files for conducting activities may be redefined. A dedicated group of experts may be formed for N.E Cell by taking one expert from each division.

Similarly, activities are to be conducted with special focus to NE Region. Therefore for better planning of year long and month-wise activities for North East, each division may be informed about the share of budget amount in the initial phase of the year so that activities may be planned accordingly.

**Decision:** This issue was discussed by the Commission and it was decided that NE Cell should organize a meeting with all the Members / Divisions as soon as the budget is allocated to NE Cell.

*[Action: NE Cell / MS / Accounts Section]*

Agenda Item No.4: Review of Benches conducted so far in Aspirational Districts:

The Commission has been rigorously engaged in visiting various Aspirational districts for the purpose of understanding child rights issues at these places. The work done so far may be reviewed to understand the outcome and impact assessment of the activity.

**Decision:** This issue was discussed in detail. It was desired by the Commission that the work done by Benches conducted so far in Aspirational Districts should be reviewed. This task was assigned by the Commission to Member (YJ) and MS.

Meanwhile, Member (YJ) advised that no Benches should be held till the review is completed. The impact of Benches as to whether these are fulfilling the criteria set by the NITI Aayog will be known only after the review. However, the other two Members conveyed their willingness to continue with the Benches simultaneously as per their convenience.

Further, it was decided by the Commission that after completion of Benches in Aspirational Districts, a view will be taken as to whether more Benches may be held in the remaining districts or not.

*[Action: Member (YJ) / MS]*
II. AGENDA ITEMS PROPOSED BY MEMBER (PSYCHOLOGY / SOCIOLOGY) -
Dr. R.G. ANAND:

Agenda Item No.5: Standard Operating Process (SOP) for Prevention, treatment and rehabilitation for children under the effect of Substance Abuse in India:

In the light of the tracking, recommendation and elimination of Tapentadol use in 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, it was noted that there is need for developing an SOP for prevention, treatment and rehabilitation for children under the effect of Substance Abuse to ensure that the unlawful use, possession, sale, purchase, manufacture, distribution, transfer or consumption of alcohol and all illegal drugs, including legally regulated drugs is strictly prohibited. Further, the FAQ’s developed by the Commission on Substance Abuse in 2012-13 to be revised as per the latest amendment of Narcotic Drugs and Psychotropic Substances Rules.

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

[Action: Member (RGA)]

Agenda Item No.6: Training of Trainers (TOT) for Counselors on Psychological Trauma Assessment and Intervention for Child Abuse in 5 regions:

Based on the existing work plan of 2019-20, the 5-day National ‘Training of Trainers’ (ToT) Programme for Counselors in Child Care Institutes (CCIs) on Psychological Trauma Assessment and Intervention for Child Abuse was conducted. After successful completion of the National training, it is felt that the training should also be conducted in 5 regions. For this purpose, it is proposed to have 3 days model of the standard training curriculum for implementation of the training programme for counselors working with CCIs. The common curriculum has been developed by AIIMS, New Delhi for Psychological Trauma Assessment and Intervention for Child Abuse endorsed by MWCD.

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

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

Proposed 5 regions for the said training are - North, East, West, South and North-East.

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

**Agenda Item No.7: Assisting State in Capacity Building Programmes (Two Days) on Drug Abuse Prevention for functionaries of Child Protection Scheme (CPS) in CWC, JJB members, Child Care Institutions etc., including training of NGOs/Institutions working with children on substance use (at least one programme for each State):**

In accordance with spirit of the United Nations Conventions and the existing NDPS Act, 1985 and NDPS Policy, 2012, a National Action Plan for Drug Demand Reduction (NAPDDR) has been prepared for 2018-2025 which aims at reduction of adverse consequences of drug abuse through a multi-pronged strategy involving education, de-addiction and rehabilitation of affected individuals and their families.

**Objectives of the Program**

Capacity Building Programme for ICPS functionaries is organized with prime motive of developing the necessary skills required for preventing the menace of drug abuse and rehabilitating the victims of drug abuse among children who are in need of care and protection and conflict with law through adopting community policing and legal procedures.

This programme will be conducted in collaboration with National Institute of Social Defence (NISD), Ministry of Social Justice and Empowerment as Pro-bono partners. This activity may be completed in the first quarter of this financial year.

**Decision:** This was noted by the Commission. Member (RGA) was asked to prepare a concept note on the subject matter in consultation with Member (PP) and put up the same on file.

**[Action: Member (RGA) / Member (PP)]**
III. AGENDA ITEMS PROPOSED BY MEMBER (JUVENILE JUSTICE) – Ms. PRAGNA PARANDE:

Agenda Item No.8: Sensitization and Training of the stakeholders defined under the Juvenile Justice (Care & Protection of Children) Act, 2015 in collaboration with National Legal Services Authority (NALSA) and Universities imparting Legal Education, Pan India:

1. To discuss the roles, responsibilities and functions of the various stakeholders defined under JJ Act, 2015 and JJ Rules, 2016;
2. To assess programs, legislations, judicial interventions at State Level, etc.;
3. The outcomes of these trainings have been positive as stakeholders were updated on legislations related to rights of the children.
4. Perhaps the most significant outcome of the study would be regarding the need for instituting support services for children who pursue their cases and their challenges while navigating the system.
5. It is crucial to nurture and increase engagement with NALSA. This could include exploring options of providing support by creating feedback mechanisms and monitoring systems for NCPCR.
6. Innovative interventions to address traditionally ignored groups such as Children in Conflict with the Law (CCLs) may be supported.

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

[Action: Member (PP)]

Agenda Item No.9: Preparing modules and providing effective training to police officers in collaboration with the Bureau of Police Research & Development (BP&RD):

To bring in the needed attitudinal changes in the police personnel who are dealing cases related to children below 18 years of age by transforming the ‘force psychology’ into a ‘service psychology’.

To make appropriate ‘Training Interventions’ for bridging the gap so that the Police personnel are able to discharge their duties more effectively. To identify the traits and capabilities required for each Rank for effective discharge of duties.
Develop skills like listening, counselling, communication, inter-personal conflict resolution, stress management, motivating, writing etc. in the absence of which, complaints of police insensitivity while dealing with complaints related to children are often received.

**Decision:** This issue was discussed by the Commission. In this regard, the Commission was informed that in compliance to Hon'ble Supreme Court's judgment dated 05-05-2017 in the matter of 'Exploitation of Orphanages in State of Tamil Nadu vs. Union of India and others' – WP (Crl)102 of 2007, NCPCR formulated the draft training modules for all the JJ functionaries as prescribed under Rule 89 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 in consultation with NIPCCD, NJA, CARA, BPR&D, DSLSA and other Legal experts.

The Member was asked to examine the existing modules formulated by the Commission.

**[Action: Member (PP)]**

Agenda Item No.10: One-Day National level Workshop on Child Trafficking, kidnapping and modern forms of slavery in the society in alliance with the Anti-Human Trafficking Units:

1. To assess the current situation of Child Rights with focus on child trafficking at the District/State Level;
2. To review the effectiveness of the provisions of ITPA, JJ Act, IPC and other laws for the rescue and post-rescue work;
3. To exchange the experience amongst the concerned agencies with regard to rescue and post-rescue work;
4. To suggest ways to overcome the problems faced by the various government functionaries involved in rescue and post-rescue work;
5. To examine the involvement of NGOs;
6. To discuss the roles, responsibilities and functions of the various stakeholders in combating trafficking;
7. To assess programs, legislations, judicial innovations at State Level, etc.;
8. To analyse the dimensions of child trafficking in the District; and
9. To discuss modus operandi (a particular way of doing something) of traffickers

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

**[Action: Member (PP)]**
**Agenda Item No.11:** To empower the differently abled children and children with special needs residing within the bounds of Child Care Institutions in India by ensuring appropriate skill development by trained professionals of National Skill Development Agency (NSDA), an autonomous body of the Ministry of Skill Development and entrepreneurship:

Children with disabilities (children with special needs) are also entitled to have equal opportunities with other children. Life skill is defined as abilities for adaptive and positive behavior that enable individuals to deal effectively with the demands and challenges of everyday life. "Life skill for children residing in CCIs with special needs are very important and valuable. This skills education program is a part of life skill with a hope that such development will help them to live independently by not / less dependent on others. By learning the various skills expected, children with special needs can gain a perceptual experience, appreciative experience, and creative experience. Children with disabilities include blind children, hearing impaired, mentally disabled, tuna barrel, gifted child, and children with specific learning difficulties through the help of learning life skills children with special needs can be helped in understanding the content of the lessons and which would facilitate vocational skills.

The Ministry of skill and entrepreneurship development is responsible for co-ordination of all skill development efforts across the country, removal of disconnect between demand and supply of skilled manpower, building the vocational and technical training framework, skill up-gradation, building of new skills, and innovative thinking not only for existing jobs but also jobs that are to be created.

Hence, to empower the differently abled children and children with special needs residing within the bounds of Child Care Institutions in India by ensuring appropriate skill development by trained professionals of National Skill Development Agency (NSDA), an autonomous body of the Ministry of Skill Development and entrepreneurship.

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

*[Action: Member (PP)]*

**Agenda Item No.12:** Conduct a study to review and strengthening of the after care policy and schemes of the states with respect to the children leaving CCIs in consonance with the JJ Act, 2015:

"Sec. 46 of the JJ Act, 2015 provides for the after care of children leaving child care institution – Any child leaving a child care institution on completion of eighteen years of age may be provided with financial support in order to facilitate child’s re-integration into the mainstream of the society in the manner as may be prescribed."
Rule 25 of JJ Rules, 2016 provides for the After Care of Children Leaving Institutional Care - (1) The State Government shall prepare a programme for children who have to leave Child Care Institutions on attaining eighteen years of age by providing for their education, giving them employable skills and placement as well as providing them places for stay to facilitate their re-integration into the mainstream of society."

It is proposed that an in depth study and review exercise may be conducted by the Commission to assess whether the implementation of the aforesaid provisions are being carried out effectively and efficiently or not. Whether these children are being benefited as has been provisioned in the Act? If not, where are the lapses and gaps; and how it can be cleared. Further determine ways to strengthen the implementation of the after care policy and schemes so as to ensure effective implementation of the section. This will enable the Commission to ascertain whether these children have been settled properly in the mainstream society and how their situation can be improved.

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

[Action: Member (PP)]

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

As Member (RT) was on leave, Member (YJ) who is her link Officer presented the Agenda of Child Labour Division before the Commission on her behalf.

Agenda Item No.13: Appointment of one Sr. Consultant & two Consultants in Child Labour Division:

Member (RT) has stated that with recent delay in conducting programme & Study already approved in last Statutory Meeting, by CL Division, it is observed that there is an urgent need of appointment of Senior consultant well versed in the field of child labour and expert in making proposal for programmes & study, the Senior Consultant should know about all GFR rules & other related official work. They have already put up the file for appointment of 2 consultants which is still not processed. The Administration of NCPCR should see that each Division is functioning smoothly.

Decision: MS was asked to look into it and settle the issue in a month’s time.

[Action: MS / Estt.]
Agenda Item No.14: Need for transparency in appointment and salary etc. of Consultants:

Member (RT) has stated that there is need for transparency in appointment, salary, increment & promotion of Consultants in the Commission. Important issues of the Commission should be consulted and informed to all Members.

Decision: MS was asked to circulate a copy of the Policy / Guidelines for engagement of Consultants / Contractual staff in the Commission to the Members for their information.

[Action: MS / Estt.]

Agenda Item No.15: Proposals of programme and other monetary files to be routed through Accounts Section:

Member (RT) has stated that the proposals of programme & other monetary related file should move through Account Section too. CL division is facing hardship in understanding the account related issues & it will be good for all if files are sent to Account Section for their comments on the said programs so that there is no undue delay in file process.

Decision: This issue was discussed by the Commission. Member Secretary informed the Commission that all programme files involving financial implications are already being routed through Accounts Section after approval of the Competent Authority.

[Action: MS / Accounts Section]

Agenda Item No.16: Delegation of work and functions of Chairperson:

Chairperson should delegate his work & functions to one of the Members present as per CPCR Act, 2005. As Chairperson has to travel on regular official visits, bench and other programs etc., it will be good if one of Members is delegated as Chairperson in-charge so that there is no delay in approval of tours, program proposals and other administration work.

Decision: In this context, the Chairperson informed the Commission that during his tenure he was on leave for a period of two weeks, i.e., from 10th to 23rd July, 2019 due to sudden demise of his father. He has not taken any other leave during his tenure. There is only provision in the CPCR Act, 2005, to delegate financial powers of Chairperson which is not required now.
Agenda Item No.17: Equal distribution of NE Cell Fund:

The NE Cell Fund to be equally divided into all Divisions. The NE Cell in the NCPCR office has a separate budget and therefore it will be good if the budget is equally divided among all the Divisions and a timeline to be set to spend the fund as required.

Decision: This issue has already been discussed in Agenda Item No.3 presented by Member (YJ).

[Action: NE Cell / MS / Accounts Section]

Agenda Item No.18: Discussion on fund of programmes and other heads of NCPCR:

Fund of programme & other heads of NCPCR should be discussed in the Commission in advance so that it is well distributed among each Division and there is no hurdle in smooth functioning.

Decision: This issue has already been discussed in Agenda Item No.2 presented by Member (YJ).

[Action: MS / Accounts Section]

Agenda Item No.19: Importance to other functions of the Commission:

Other functions of the Commission should be given importance too. The Commissions should give importance to other functions like trainings, study, orientation workshop etc.

Decision: In the absence of Member concerned, Chairperson desired that she should put up the proposed activities for her Division on file or the same may be discussed in the next Statutory Meeting of the Commission.

[Action: Member (RT)]

V. AGENDA ITEMS PROPOSED BY CHILD HEALTH DIVISION:

Agenda Item No.20: 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 Constitution Club of India. Report of the consultation is to be placed before the Statutory Meeting of the Commission.

Decision: The report of the National Level Consultation on Drugs and Substance Use among Children held on 11th October, 2019, was placed in the Statutory Meeting and the same was ratified by the Commission.

[Action: Child Health Division]
Agenda Item No.21: Format to collect information on functioning of NICU/SNCU and PICU:

Keeping in view deaths of newborns in Kota, and other hospitals in different parts of the country, it is proposed to develop a format to collect information on functioning of NICU/SNCU and PICU in all the Districts of States/UTs.

Decision: The proposal was considered and the Commission approved to monitor the functioning of NICU/SNCU and PICU in all the districts of States/UTs. It was desired to circulate the proposed format to the Members on file.

[Action: Child Health Division]

VI. TABLE ITEMS

Agenda Item No.22: Annual Action Plan of Health Division for the Financial Year 2020-21:

The Annual Action Plan of Health Division for the Financial Year 2020-21 is under preparation.

Decision: This was noted by the Commission

[Action: Child Health Division]

Agenda Item No.23: Annual Action Plan of Education Division for the Financial Year 2020-21:

The Annual Action Plan of Education Division for the Financial Year 2020-21 is under preparation.

Decision: This was noted by the Commission

[Action: Education Division]

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