



National Commission for Protection of Child Rights

Guidelines for the procedures of and the participation before Bench of NCPCR for taking complaints pertaining to violation of child rights

NCPCR u/s 13 (1) has a mandate inter alia to inquire into violations of child rights; non-implementation of laws providing for protection and development of children; and examine factors that inhibit the enjoyment of rights by children under various circumstances. NCPCR is also the monitoring authority of Juvenile Justice Act, 2015; Right to Education Act, 2012 and; POCSO Act, 2012. To fulfill its function, the Commission takes cognizance of complaints and representations received through different modes including by post; by email; through POCSO e-Box and/or by the online complaint registration portal of the Commission- 'eBaalnidaan'. However, large scale meetings are also organized to provide an opportunity to the important stakeholders in various child rights including children to express their concerns and put across their suggestions/opinions/views in form of representations pertaining to child related issues. This will not only help NCPCR in taking up the matters of child rights violation but also to gather inputs that will help in making recommendations to concerned authorities. Also, the sitting of the Bench will serve as a platform to disseminate information amongst stakeholders about child rights and role of NCPCR in ensuring child rights.

The sittings of the Bench will be held in phased manner. For the first phase, the Bench will be visiting 50 select Divisions containing atleast one District from the select 115 Aspirational District by NITI Aayog. The Aspirational Districts are assessed based on Key Performance Indicators (KPIs) across six themes:

Indicators	Weightage	No. of Indicators	Indicators pertaining to children
Health and Nutrition	30%	13	Antenatal care, postnatal care, gender parity, health of new-borns, growth of children, contagious diseases, health infrastructure
Education	30%	08	transition rate from primary to upper primary, and subsequently to secondary schooling, average scores in mathematics and language etc.; toilet access for girls, drinking water and electricity supply; Right to Education mandated pupil-teacher

			ratio programme, timely delivery of textbooks
Agriculture and Water Resources	20%	10	--
Financial Inclusion & Skill Development	10%	11	--
Basic Infrastructure	10%	07	availability of latrines, drinking water, electricity, road connectivity

The indicators of three out of the five themes come under the monitoring mandate of NCPCR as the indicators are related to various rights of children provided under different laws/legislations/policies/schemes. Under this mandate, NCPCR plays a crucial role in working towards achieving the desired goals on basis of the complaints that will be put forth by the beneficiaries and its immediate redressal by concerned authorities.

Protocol

All persons including children, who want to report any violation of rights of children will be afforded an opportunity to provide written submissions and be heard by the Bench. The rules of procedure shall be in accordance with this protocol, except as modified by the Bench if considered necessary. The usual rules of procedure to be followed and are as follows:

Publicity

The responsibility to disseminate the information regarding the sitting of the Bench lies with the District Collector/Magistrate. The procedure of the same is as follows:

- i) District Collector/Magistrate of the Host district shall make arrangement for sitting of the Bench of the National Commission at District Head Quarters preferably Court room of the DC/DM.
- ii) District Collector/Magistrate shall send the notice regarding the Bench to all the Departments and Officials as per the enclosed List.
- iii) DC/DM shall put-up '*chaspas* notices' for information of public including all such places where children reside.
- iv) All Village Panchayats, Tehsil and Block Headquarters shall also put-up '*chaspas* notices' for information of public.
- v) The Public Relation Officer (PRO) shall release weekly press release (Minimum 3) before the commencement of the sitting of the Bench.

- vi) Information to be disseminated to villages/remote areas through proclamations (*munadi*), atleast twice a week.
- vii) All the listed Officials/Departments are required to be present during the sitting of the Bench along with requisite staff for assistance in addressing the complaints.
- viii) All listed Officials/Departments will put-up notices at their respective offices.
- ix) In case, far off districts are not able to be present to appear before the Bench, the DC/DM of such Districts shall bring the representations from such population and submit to the Bench.
- x) The DC/DM through District Education Officers shall ensure that all schools (government as well as private), hostels and coaching institutions where children are residing put-up the information on their notice boards, websites and should inform parents, SMC members and Parent-Teacher Association (PTAs) as per the medium followed by the school to percolate information. The same shall also be announced by schools during morning assembly.
- xi) Similarly, District nodal officers from Department of Tribal Affairs, Department of Social Justice, Department of Welfare of SCs & STs; Department of Welfare of OBCs; Department of Welfare of Minorities etc. shall ensure that all schools and hostels under the respective departments shall put-up the information on their notice boards, websites and should inform parents about the Bench.
- xii) Also, the Anganwadi Workers (AWWs) will also conduct awareness meetings with parents atleast once a week
- xiii) DC/DM shall also conduct a meeting with local NGOs in the area for providing logistic support such as deputing volunteers for assisting the complainants in writing complaints for submission before the Bench or any other such assistance.
- xiv) DC/DM shall provide list of the volunteers and officials with name, emailed and phone number for digital certificates to be given by NCPCR.
- xv) DC/DM may establish an advance registration for the complainants, if required.
- xvi) DC/DM shall nominate a Nodal Officer, not below the rank of ADC/ADM for coordinating with the Nodal Officer nominated by the Commission.
- xvii) SCPCR of the respective State shall coordinate the arrangements with District Authorities and will be present during the sitting of the Bench.
- xviii) DC/DM shall designate atleast ten clerical/support staff for assisting the NCPCR team.

- xix) Arrangement shall also be made for atleast two computers, printers, Xerox machine and other requisite stationery such a paper, stapler, pins, pen etc.
- xx) Upon receiving NCPCR's letter, a preparatory meeting shall be conducted by DC/DM. DC/DM shall invite the respective SCPCR to be present in the meeting. Thereafter, review meetings with concerned officials shall also be conducted to monitor the progress.
- xxi) The Team of NCPCR will review the arrangements a day before the sitting of the Bench.

Detailed list of officials and their responsibilities are enclosed.

On the day of sitting of the Bench

- i) The Bench shall consist of Members from NCPCR.
- ii) **Submission of written grievance by the applicant-** The applicant will make a written submission to NCPCR with details of the grievance. The complaint should include complete name of the complainant along with contact details. A token number shall be provided to the complainant.
- iii) **Initial analysis of the complaint-** The NCPCR officials shall examine the complaint and prepare a gist of the matter on the prescribed format along with proposed action and concerned authority for redressal. The gist along with original complaint shall be forwarded to the Bench.
- iv) **Opportunity for presentation by the applicant-** The applicant will be provided an opportunity to represent the matter before the Bench.
- v) **Directions/order of the Bench-** The Bench shall give its decision for redressal of the grievance and recommendation of further action to the concerned authority. If required, the concerned authority present during the sitting of the Bench shall be consulted for their views.

Enclosures

- A. Detail Schedule
- B. List of Departments/Officials and their responsibilities
- C. Format of notice along with suggestive list of nature of complaints

A. Schedule of first eight sittings of the Bench

Sr. No.	Date	Host District (State)	Other Districts included
1.	21.06.2019	Arunachal Pradesh (Namsai)	<ol style="list-style-type: none"> 1. Namsai 2. Lohit 3. Anjaw 4. Tirap 5. Changlang 6. Dibang Valley 7. Lower Dibang Valley 8. East Siang 9. Upper Siang 10. Longding 11. Siang
2.		Tamil Nadu (Ramanathapuram)	<ol style="list-style-type: none"> 1. Ramanathapuram 2. Virudhunagar 3. Kanyakumari 4. Madurai 5. Tirunelveli 6. Pudukkottai 7. Sivagangai 8. Dindigul 9. Thoothukudi 10. Theni
3.	28.06.2019	Telangana (Adilabad)	<ol style="list-style-type: none"> 1. Adilabad
4.		Himachal Pradesh (Kangra)	<ol style="list-style-type: none"> 1. Kangra 2. Chamba 3. Una

5.	05.07.2019	Karnataka (Kalaburgi)	<ol style="list-style-type: none"> 1. Kalaburgi 2. Ballari 3. Bidar 4. Koppal 5. Raichur 6. Yadgir
6.		Mizoram (Mamit)	<ol style="list-style-type: none"> 1. Mamit
7.	12.07.2019	Chhattisgarh (Rajnandgaon)	<ol style="list-style-type: none"> 1. Durg 2. Kabirdham (Kawardha) 3. Bemetara 4. Balod 5. Rajnandgaon
8.		Kerala (Wayanad)	<ol style="list-style-type: none"> 1. Wayanad 2. Kasaragod 3. Kannur 4. Kozhikode

Note: Districts in bold are Aspirational Districts identified by NITI Aayog. Total nine Aspirational Districts will be covered in eight sittings of the Bench.

B. LIST OF OFFICIALS/DEPARTMENTS TO BE PRESENT DURING THE SITTING OF THE BENCH & THEIR RESPONSIBILITIES/DUTIES

Sr. No.	Official/Department	Duties
1.	State Commission for Protection of Child Rights (SCPCR)	<ul style="list-style-type: none"> • To coordinate the arrangements of the sitting of the Bench with District Authorities • Publicity through press conference • To be present during the Sitting of the Bench.
2.	District Collector/District Magistrate of the Host District	<ul style="list-style-type: none"> • Overall arrangements for the Sitting of the Bench including logistics, publicity and participation of concerned departments • Arrangement for holding the Sitting of the Bench at District Head Quarters preferably Court room of the DC/DM. • Coordination with NCPCR and SCPCR • To be present during the sitting of the Bench for redressal of grievances
3.	District Collector/District Magistrate of the other Districts	<ul style="list-style-type: none"> • Overall arrangements for the sitting of the Bench including logistics, publicity and participation of concerned departments • To be present during the sitting of the Bench for redressal of grievances • In case, far off districts are not able to be present in the sitting of the Bench, the DC/DM of such districts shall bring the representations from such population and submit to the Bench.
4.	Sub-Divisional Magistrate	<ul style="list-style-type: none"> • Publicity including <i>chaspa</i>-notice, munaadi etc.
5.	Tehsildar and Naib-Tehsildar	<ul style="list-style-type: none"> • Publicity including <i>chaspa</i>-notice, munaadi etc.
6.	Members of Juvenile Justice Board	<ul style="list-style-type: none"> • To be present during the sitting of the Bench for redressal of grievances
7.	Chairperson/Members of Child Welfare Committee	<ul style="list-style-type: none"> • To be present during the sitting of the Bench for redressal of grievances • Publicity of the sitting of the Bench

8.	Superintendent of Police	<ul style="list-style-type: none"> To be present during the sitting of the Bench for redressal of grievances Publicity including <i>chaspa</i> notice in police stations
9.	Child Welfare Police Officers	
10.	Special Juvenile Police Units	<ul style="list-style-type: none"> To be present during the Sitting of the Bench for redressal of grievances
11.	Nodal Officers for ICDS	<ul style="list-style-type: none"> Publicity of the sitting of the Bench at AWCs through AWWs by putting up notices and by conducting awareness meetings with parents atleast once a week To be present during the sitting of the Bench for redressal of grievances
12.	Nodal Officers for ICPS	<ul style="list-style-type: none"> Publicity of the sitting of the Bench at CCIs Participation of children from CCIs To be present during the sitting of the Bench for redressal of grievances
13.	Chief Medical Officer	<ul style="list-style-type: none"> To be present during the Sitting of the Bench for redressal of grievances Publicity at Primary Health Centre (PHCs) through notices and ASHA workers
14.	District Legal Services Authority	<ul style="list-style-type: none"> To be present during the sitting of the Bench for providing assistance through their offices/institutions redressal of grievances
15.	Assistant Labour Commissioners (District level in-charge)	<ul style="list-style-type: none"> To be present during the sitting of the Bench for redressal of grievances Publicity of the sitting of the Bench
16.	District Social Justice Officer	<ul style="list-style-type: none"> To be present during the sitting of the Bench for redressal of grievances Publicity of the sitting of the Bench
17.	District nodal officer for Welfare of SCs & STs	<ul style="list-style-type: none"> Publicity of the sitting of the Bench at hostels for children Participation of children To be present during the sitting of the Bench for redressal of grievances

18.	District nodal officer for Welfare of OBCs	<ul style="list-style-type: none"> • Publicity of the sitting of the Bench at hostels for children • Participation of children • To be present during the sitting of the Bench for redressal of grievances
19.	District nodal officer for Welfare of Minorities	<ul style="list-style-type: none"> • Publicity of the sitting of the Bench at hostels and other institutions for children including madarsas, vedic paathshalas, gumpas • Participation of children from all the above institutions • To be present during the sitting of the Bench for redressal of grievances
20.	District nodal officer for Tribal Welfare Department	<ul style="list-style-type: none"> • Publicity of the sitting of the Bench at ashramshalas, hostels and other institutions for children • Participation of children • To be present during the sitting of the Bench for redressal of grievances
21.	District- level Education Officer (primary to secondary)	<ul style="list-style-type: none"> • Publicity of the sitting of the Bench at schools (government as well as private), hostels and coaching institutions for children, through morning assemblies, notice boards, websites and should inform parents, SMC members and Parent-Teacher Association (PTAs) • Participation of children • To be present during the sitting of the Bench for redressal of grievances
22.	Representative from DIETs	<ul style="list-style-type: none"> • To be present during the sitting of the Bench
23.	Divisional/District Fee Regulatory Authority	<ul style="list-style-type: none"> • To be present during the sitting of the Bench for redressal of grievances
24.	District nodal officer from Public Health Engineering Department	<ul style="list-style-type: none"> • To be present during the sitting of the Bench for redressal of grievances
25.	District nodal officer from Rural Road	<ul style="list-style-type: none"> • To be present during the sitting of the Bench

	Development Authority	for redressal of grievances
26.	District nodal officer from Department of Road Transport	<ul style="list-style-type: none"> To be present during the sitting of the Bench for redressal of grievances
27.	District nodal officer from Public Works Department	<ul style="list-style-type: none"> To be present during the sitting of the Bench for redressal of grievances
28.	District Food & Supplies Controller	<ul style="list-style-type: none"> To be present during the sitting of the Bench for redressal of grievances
29.	Block Development Officers (BDOs)	<ul style="list-style-type: none"> Publicity of the sitting of the Bench To be present during the sitting of the Bench
30.	District Panchayat Officer	<ul style="list-style-type: none"> To be present during the sitting of the Bench Publicity of the sitting of the Bench through <i>munaadi</i> (proclamation) and other available means
31.	Chairperson, Local Urban Bodies Chairperson, Local Rural Bodies	<ul style="list-style-type: none"> To grace the occasion with their presence present during the sitting of the Bench
32.	CEO, Local Urban Bodies CEO, Local Rural Bodies	<ul style="list-style-type: none"> To be present during the sitting of the Bench for facilitating in redressal of grievances
33.	Childline	<ul style="list-style-type: none"> To be present during the sitting of the Bench Publicity of the sitting of the Bench

C. DRAFT NOTICE FORMAT

(the notice must include following information)

National Commission for Protection of Child Rights (NCPCR) is statutory body of Govt. of India formed under CPCRA Act, 2007. The core mandate of the Commission is to enable all children to enjoy their rights as enshrined in Constitution and provisioned under different Acts/Laws.

Commission's Bench is visiting the District to take your complaints against any child rights violation. Any person including children, parent, guardian, caretaker or any other individual working for child rights can submit their complaint before the Bench of NCPCR.

Date:

Venue:

Registration starts at 09:00 am

Bench: 10:00 am

Children from all sections including street children, schools, child care institutions, children homes, hostels or any other place where children take education/training or reside etc can make their complaint/representation before the Bench

The complaints can be regarding any of the following areas (but not limited to):

- Engagement of child labour in hazardous occupation, as a domestic labour
- Non payment of dues/compensation
- Repatriation of rescued child labour
- Child selling products on the road
- Acid attack related matters
- Begging on streets along with the parents/ guardians/ any other person
- Forced begging
- Physical abuse/ Assault/ Abandonment/ Neglect
- Child victim of domestic violence
- Discrimination of child on the basis of HIV status
- Child beaten by the police
- Abuse /ill-treatment of child in CCI
- Illegal adoption
- Selling of a child by CCI
- Violence against children
- Selling of a child
- Death due to negligence
- Kidnapping
- Missing child
- Suicide

- Violation of child rights in Electronic/Social/Print media
- Absence of school in the neighbourhood, lack of infrastructure
- Capitation fee related
- Corporal Punishment/Physical abuse in school
- Denial of school admission
- Disability related complaint
- Discrimination
- Non-NCERT/non-SCERT books
- Curriculum/ evaluation procedure not laid down by academic authority
- Misuse of school premises
- No alternate arrangement in case of closure/taking over of school's building
- Sexual abuse, compensation
- Medical negligence
- Delay in treatment
- Inaction related
- Disease related
- Malnutrition
- Mid-day meal
- Substance/drug abuse
- Rehabilitation for all Childhood Developmental disorder

Note: The detailed list of nature of complaints is also enclosed.

Nature of Complaints

1. Elimination of Child Labour or children in distress

(Above 14 yrs and below 14 years)

- Employment of child as a bonded labour
- Engagement of child labour in hazardous occupation
- Engagement of a child as a domestic labour
- Non payment of dues/compensation
- Repatriation of rescued child labour
- Child selling products on the road
- Employment of children below the age of 14 years in any factory.
- Employment of child for begging
- Any other

2. Juvenile Justice or Care of neglected or marginalised children or children with disabilities

A. Acid Attack

- Death due to acid attack
- Compensation related
- Treatment related
- Inaction/Delayed Action by Police/government authority
- Victim Rehabilitation related
- Threats or attempt to attack

B. Begging

- Not attending the schools and begging
- Begging on streets along with the parents/ guardians/ any other person
- Forced begging
- Any other reason

C. Child Abuse and Neglect

- Physical abuse/ Assault/ Abandonment/ Neglect
- Child victim of domestic violence
- Exploitation of a child
- Children without parental care
- Illegal confinement by police
- Children kept locked in the House

- Children not enrolled in school by parents
- Discrimination of child on the basis of HIV status
- Child beaten by the police
- Discrimination of child on the basis of gender
- Handcuffing of child
- Attempt to suicide
- Child illegally confined in jail
- Bullying
- Derogatory remarks by the teacher/family member/any other
- Discrimination on the basis of caste, creed, gender, social strata, religion, race or ethnicity
- Emotional/social abuse inflicted by family/teacher/any other person

D. Child Care Institutions

- Abuse /ill-treatment of child in CCI
- Illegal adoption
- Selling of a child by CCI
- Violence against children
- Corporal punishment by CCI/Institutions
- Infrastructural issues
- Standards of care and protection
- Orphan children not linked to rehabilitation process
- Giving intoxicated liquor or narcotic drug or psychotropic substance to a child (Section 77 of JJ Act)
- Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance (Section 78 of JJ Act)
- Any other

E. Child Trafficking

- Selling of a child by parents/guardians
- Selling of a child by a known person
- Selling of a child by a unknown person

F. Death of child

- Due to wrong medical treatment
- Due to neglect by family members
- Death in child care institutions
- Death due to accident

- Death due to bore well/tank/pot hole/manhole/septic tank etc.
- Death due to electrocution
- Death due to inadequate medical facility
- Death due to negligence
- Death of a child employed as labour
- Killing of child by security forces
- Neonatal/infant death

G. Kidnapping

- For Begging
- For child labour
- For drug paddling
- For extortion/ransom
- For marriage
- For sexual exploitation
- Illegal confinement
- Organ trade
- Any other

H. Missing Child

- From CCIs
- From home
- From School
- Any other

I. Murder

- At home
- At work place
- In child care institution
- In school
- Any other place

J. Suicide

- Suicide committed due to rejection of love proposals
- Suicide committed due to failure in the exams
- Request for euthanasia
- Suicide committed due to depression.

- Suicide committed due to ill health
- Any other

K. Violation of child rights by Media

- Violation of child rights in Electronic/Social/Print media (As per Section 70 of JJ Act)
- Violation of child rights in Electronic/Social/Print media (As per Section -- of POCSO Act)
- Violation of child rights in Electronic/Social/Print media (As per Section -- of IT Act)

3. Education (Category of child victim: 0-5,6-14,15-18)

- Absence of school in the neighbourhood
- Capitation fee related
- Corporal Punishment/Physical abuse in school
- Demand for affidavit for admission
- Demand for entrance fee
- Demand for prospectus/application fee
- Demand for transfer certificate/birth certificate or any other documents for admission
- Denial of admission under EWS category (25% EWS)
- Denial of basic facilities
- Denial of entitlements such as books and uniform (For EWS category)
- Denial of school admission
- Disability related
- Discrimination (Please specify)
- Discrimination on the basis of any other disease (Pl specify)
- Discrimination on the basis of disability
- Discrimination on the basis of economic status (25%EWS)
- Discrimination on the basis of gender
- Discrimination on the basis of HIV/AIDS
- Discrimination on basis of leprosy
- Discrimination on the basis of religion in school
- Engagement of students in non academic activity
- Engagement of teacher in non academic activity
- Expulsion from school
- Financial irregularities in school
- Hygiene and sanitation related

- Matter related to child safety in school
- Mental and emotional abuse in school
- Misuse of school premises
- No alternate arrangement in case of closure/taking over of school's building
- Non-availability of aids and appliances for children
- Non-availability of all weather building
- Non-availability of boundary wall
- Non-availability of drinking water
- Non-availability of mid day meal
- Non-availability of library
- Non-availability of play ground
- Non-availability of play material
- Non-availability of separate class rooms for each class
- Non-availability of separate functional toilets for girls and boys
- Non-availability of teachers
- Non-availability of disabled friendly toilets
- Non-compliance with teaching norms or duties
- Non-functional toilets for girls and boys
- Not getting admission as per age
- Not promoted to higher class
- Private tuition by teacher
- Pupil teacher ratio not maintained
- School management committee not constituted / not functioning
- School not maintaining mandated number of working days
- School running without recognition
- Screening test / interview for admission
- Teacher not taking classes
- Transfer certificate not issued
- Transport not provided
- School development plan not prepared
- Non-availability of special training facility
- Curriculum/ evaluation procedure not laid down by academic authority

4. Laws relating to children including POCSO 2012, Child Marriage Act 2006 and Information Technology Act 2000 etc

Penetrative Sexual Abuse (1. Boys 2. Girls)

- Non penetrative sexual Abuse (Touching /Fondling/ Molestation) (1. Boys 2. Girls)
- Sexual Harassment (Obnoxious remarks / vulgar remarks) (1. Boys 2. Girls)

- Pornography (children forced to watch porn videos/ children engaged in child pornography) (1. Boys 2. Girls)
- Identity disclosure of sexual abuse victim
- Compensation to the sexual abuse victims
- Sexual abuse at home
- Sexual abuse in school
- By member of security force /by public servant/by police/ By staff or management of jail
- By parents/guardian/custodian/person with trust and authority /by relative/known
- Gang sexual abuse/rape/sodomy
- In school /In CCI, observation home, shelter home, children home, special home, foster home, etc.
- Sexual Abuse during natural disasters / calamities/public violence
- Cyber Crime
- Suicide or murder due to sexual assault/sexual abuse
- Elopement
- Child marriage

5. Child Health, Care, Welfare or Child Development

- Medical negligence
- Blood bank related
- HIV related
- Delay in treatment
- Inaction related
- Disease related
- Malnutrition
- Anganwadi related
- Health issues related to mid-day meal
- Drug & Substance Use- Treatment related
- Death due to malnutrition
- Death due to medical negligence
- Female foeticide/infanticide
- Any other

6. Child Psychology and Sociology

- Rehabilitation for all Childhood Developmental disorders, such as: Attention-deficit/hyperactivity disorder (ADHD)/ Autism spectrum disorder

(ASD)/ Intellectual Disability/ Learning Disorder/Conduct Disorder/ Anxiety Disorder /Phobia/Generalized Anxiety Disorder(GAD)/ Behavioural Disorder/Conduct Disorder/ Mood Disorder/Depression & Mania Suicidal thoughts/ Eating Disorder/Bulimia Nervosa/Anorexia/Binge Eating/Obesity or Cerebral Palsy (CP) etc.

- Substance Abuse/Alcohol Abuse/Substance Abuse/ Drug Abuse/ Early Schizophrenia/ Obsessive Compulsive Disorder/Drug & Substance Use – regarding rehabilitation/psychological intervention
- Any other disorder requiring psychosocial aid as specified under DIAGNOSTIC STATISTICAL MANUAL-V or International Classification of Diseases-11
