



सत्यमेव जयते



Annual Report 2020-21



NCPCR

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS



ANNUAL REPORT

2020-2021

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FOREWORD

The journey of the Commission in bringing paradigm shift in its functioning continued in 2020-21. COVID 19 Pandemic situation provided opportunities to strengthen the conviction and commitment of the Commission addressing the core issues of child trafficking, child labour, street children and above all establishing the primacy of “family unit” – a core principle of the Juvenile Justice Act, 2015. This principle of family unit, wherein, a child should not be seen in silos but part of the family unit was well established in the year through various interventions carried out by the Commission.

Children – their developmental and protection issues brought in to the centre stage and adopted a 360 degree approach. A special initiative was the Inter-Departmental review meetings with the States/UTs on implementation of key legislations and programmes of children. There were several core issues of child protection that were unaddressed which were brought into the forefront and addressed successfully such as connecting and repatriating children with their families. These initiatives with regard to child protection in the country were taken up with the believe that New India needs to be built with strong foundation of healthy childhood wherein children can express their full potential and celebrate their childhood with their socio-cultural and ethnic identity.

There was never a demanding period in the history of child protection wherein all authorities and administrations including union, state and local authorities; district administrations; child protection mechanism at all levels; National and State Commissions; Civil Society Organizations had to work in unison to protect children and in taking quick decisions in the best interest of the children. In this crucial phase, NCPCR developed a strategy to keep vigil on the issues pertaining to protection of children and worked 24 x 07 in mitigating hardships through various means of interventions including the use of information technology and digitization of monitoring tools.

Apart from COVID 19 related intervention, several other initiatives were also envisaged and launched in addressing some of the core issues in the areas of child protection such as - children in street situations, drugs and substance abuse by the children, children vulnerable for trafficking, mental health of children, children of martyr etc. Several other initiatives and activities undertaken by the Commission included- Inter-Departmental review Meeting with the State/UTs on Child Protection and Safety of Children; Training of officers of Jammu, Kashmir & Ladakh on laws related to children and Child protection mechanism;

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Series of Baal Sabha (Life skills Session and Personalities); Poshan Maah celebration, monitoring the implementation of key legislations pertaining to child protection by the States several legal interventions on online safety of children; Mechanism for International Standard Child Labour Audit; child rights literacy; social media campaign on child rights; engagement with media on reporting on child rights; activities in north-eastern states; child friendly mela; several fact findings exercises issuing of recommendations ; coordination and consultations with State/UT Commissions; International consultations on *“Current Situation of Hindi Literature of Children and the Way Forward”* and meeting of Recommendation Compliance Committee on 11th World Hindi Conference; celebration of Hindi Pakhwara etc.

I would like to thank and acknowledge the cooperation extended by all the Members of the Commission. A special acknowledgement to Ms. Rupali Banerjee Singh, Member Secretary who has provided administrative support to execute the decisions taken by the Commission and to carry out the functions and its statutory roles of the Commission. In addition, I would like to put on record for the inputs and professional support received from the team of Consultants & Support staff towards achieving the mandate of the Commission.

Lastly, I would like to urge every authority, stakeholder, spirited individual and citizen of the country to help in creating an enabling and protecting environment so that children can celebrate their CHILDHOOD- for every child counts in BUILDING THE NATION and a New India is what we aspire for.

Jai Hind



(Priyank Kanoongo)
Chairperson

Abbreviations

AAC	Alternative Academic Calendar
ABEOs	Assistant Block Education Officers
AIIMS	All India Institute of Medical Sciences
ANMs	Auxiliary Nurse Midwives
ART	Antiretroviral Treatment
ASHA	Accredited Social Health Activist
AWW	Anganwadi Workers
BAC	Behavioral Addictions Clinic
BBBP	Beti Bachao Beti Padhao
BEOs	Block Education Officers
BRCCs	Block Resource Centre Coordinators
BSF	Border Security Force
CAA	Citizenship (Amendment) Act
CAPF	Central Armed Police Forces
CBI	Central Bureau of Investigation
CBSE	Central Board of Secondary Education
CCIs	Child Care Institutions
CDSCO	Central Drugs Standard Control Organization
CERT-In	Computer Emergency Response Team- India
CISCE	Council for the Indian School Certificate Examination
CISS	Child in Street Situations
CNCP	Child in Need of Care & Protection
COTPA	Cigarettes and Other Tobacco Products Act
CPCR	Commissions for Protection of Child Rights
CPGRAMS	Centralized Public Grievance Redress and Monitoring System
CRCCs	Cluster Resource Centre Coordinators
CSA	Child Sexual Abuse
CSAM	Child Sexual Abuse Material
CTVS	Cardiovascular and Thoracic Surgery
CWC	Child Welfare Committee
DARPG	Department of Administrative Reforms and Public Grievances
DCP	Deputy Commissioner of Police
DCPCR	Delhi Commission for Protection of Child Rights
DCPU	District Child Protection Units
DGHS	Directorate General of Health Services
DIETs	District Institutes of Education and Training

DLSA	District Legal Services Authority
DSLSA	Delhi State Legal Services Authority
DSP	Deputy Superintendent of Police
DUSIB	Delhi Urban Shelter Improvement Board
ECCE	Early Childhood Care and Education
EOI	Expression of Interest
EWS	Economically Weaker Section
FAA	First Appellate Authority
FCRA	Foreign Contribution (Regulation) Act
FIR	First Information Report
I-CAN	India Co-win Action Network
ICAR	Indian Council of Agricultural Research
ICDS	Integrated Child Development Scheme
ICPS	Integrated Child Protection Scheme
ID	Identification
IEC	Information Education & Communication
IHBAS	Institute of Human Behaviour and Allied Sciences
IIC	India International Centre
ILO	International Labour Organization
INA	Integrated Nodal Agency
IPC	Indian Penal Code
IRCA	Integrated Rehabilitation Centre's for Addicts
J&K	Jammu and Kashmir
JAP	Joint Action Plan
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2015
JJB	Juvenile Justice Board
KVS	Kendriya Vidyalaya Samiti
LRC	Laws Related to Children
MAM	Moderate Acute Malnutrition
MCPCR	Manipur Commission for Protection of Child Rights
MEITY	Ministry of Electronics and Information Technology
MHA	Ministry of Home Affairs
MIS	Management Information Systems
MOC	Missionaries of Charity (MOC)
MOHFW	Ministry of Health and Family Welfare
MoSJ & E	Ministry of Social Justice and Empowerment
MoS	Minister of State
MWCD	Ministry of Women and Child Development

NACG-EVAC	National Action and Coordination Group for Ending Violence Against Children
NACO	National Aids Control Organization
NALSA	National Legal Services Authority
NCB	Narcotics Control Bureau
NCC	National Cadet Corps
NCERT	National Council of Educational Research and Training
NCPCR	National Commission for Protection of Child Rights
NCRB	National Crime Records Bureau
NCT	National Capital Territory
NCW	National Commission for Women
NER	North Eastern Region
NFHS-4	National Family and Health Survey-4
NGO	Non-Governmental Organization
NHM	National Health Mission
NHRC	National Human Rights Commission
NICFS	National Institute of Criminology & Forensic Science
NIMHANS	National Institute of Mental Health and Neuro Sciences
NIPCCD	National Institute of Public Cooperation and Child Development
NMCME	National Monitoring Committee for Minorities' Education
NSS	National Service Scheme
NVS	Navodaya Vidyalaya Samiti
PCPNDT	Pre-Conception and Pre-Natal Diagnostics Techniques
PIO	Public Information Officer
PM-JAY	Pradhan Mantri Jan ArogyaYojana
POCSO	Protection of Children from Sexual Offences
POSH	Prevention of Sexual Harassment at Workplace (Act)
PSSCIVE	Pandit Sunderlal Sharma Central Institute of Vocational Education
PTA	Parent–Teacher Association
PTSD	Post Traumatic Stress Disorder
Q&A	Question and Answer
QRC	Quick Response Cell
RBSK	Rashtriya Bal Swasthya Karyakram
RIMS	Regional Institute of Medical Sciences
RMP	Rambhau Mhalgi Prabodhini
RTE	Right to Education
RTI	Right to Information
SAA	Specialized Adoption Agency

SAHARA	Supportive Action with Holistic Approach to build Resilience among the children of Armed Forces Personnel
SAM	Severe Acute Malnutrition
SAMVEDNA	Sensitizing Action for Mental Health Vulnerability through Emotional Development Necessary Acceptance
SCERT	State Council of Educational Research and Training
SCPCR _s	State Commissions for Protection of Child Rights
SCPS	State Child Protection Society
SDG	Sustainable Development Goals
SJPU	Special Juvenile Police Unit
SLP	Special Leave Petition
SMCs	School Management Committees
SNCU	Sick Newborn Care Unit
SOP	Standard Operating Procedure
SP	Superintendent of Police
SSUN	Shiksha Sanskriti Utthan Nyas
TISS	Tata Institute of Social Sciences
ToT	Training of Trainers
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNESCO	United Nations Educational, Scientific & Cultural Organization
UNICEF	United Nations Children's Fund
UPSCPCR	Uttar Pradesh State Commission for Protection of Child Rights
US	United States
UTs	Union Territories
WCD	Women and Child Development

INTRODUCTION

As provision provided in Constitution of India under Article 15 (3) for States to make special provisions meant for women and children; the National Commission for Protection of Child Rights (NCPCR), Government of India, was established in the year 2007 as a statutory body, under Section 3 of the Commissions for Protection of Child Rights Act, 2005. The broad objective of the Commission is to take cognizance and redress matters pertaining to violation of the rights of the child and 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 as well as the United Nations Convention on the Rights of the Child.

The last decade has witnessed a broadening of the scope of the Commission to perform a monitoring role for the implementation of some of the special acts relating to children, like Right to Education Act, 2009 (under Section 31), the Protection of Children from Sexual Offences Act, 2012 (under Section 44) and the Juvenile Justice (Care and Protection of Children) Act, 2015 (under Section 109). These monitoring mandates are being carried out by the respective divisions of the Commission, that is, education, laws related to children and juvenile justice, under overall supervision of the Chairperson, NCPCR.

The year under report functioned under the leadership of Chairperson, Shri Priyank Kanoongo, with four Members: Shri Yaswant Jain (Laws Related to Children); Dr R.G. Anand (Child Psychology and Sociology); Ms Pragna Parande (Juvenile Justice); and Ms Rosy Taba (Child Labour). As administrative head- Ms Rupali Banerjee Singh, Member Secretary, has been providing continuous administrative support to execute the decisions taken by the Commission and to carry out the functions and statutory roles of the Commission.

The year 2020-21 has been a very special year for the Commission in respect to addressing the pressing issues affecting children due to COVID 19 as well as to set long term goals in addressing some of the very core issues of child protection. A special focus has also gone in envisioning the future of children currently being served who would be shaping India when the nation celebrates its 100 years of Independence. Thus, the Commission continues to play a transforming role by touching upon the core principles of child rights protection through the lens of Indian perspective and situations with a futuristic approach and could also rise to the occasion in view of the challenges posed by the COVID 19 pandemic.

The Commission established new collaborations with various authorities and institutions including Narcotics Control Bureau (NCB), NITI Aayog, Quality Council of India, Border Security Force (BSF), NIMHANS, India CO-Win Action Network (I-CAN), Civil Society Organizations etc and sought involvement of domain experts on mental health, public health, life skills, history, motivational speakers and personalities in various endeavors of the

Commission. Apart from that , the Commission has also continued to work with all types of authorities, duty bearers and stakeholders who are involved in providing child protection services under various legislations, programmes and schemes.

Highlights of the Year 2020-21

1. Against a backdrop of COVID 19 pandemic, children are challenged primarily due to lack of physical activities, restricted movement and absence of school schedule associated with the closing of educational institutions. Some children are even grief stricken and traumatized due to acute disorders faced by them along with their parents or due to loss of their dear ones to COVID-19. NCPCR conceptualized and launched “SAMVEDNA” (Sensitizing Action for Mental Health Vulnerability through Emotional Development Necessary Acceptance) Toll free number exclusively for children who would like to talk and are in need of counselling during these testing times.
2. Our nation is secured by its forces who stand guarding the national boundaries for the security of its citizens, however, their families especially children bear the burnt when the members of the forces sacrifice their lives in the line of their duty. As a responsible body, NCPCR launched ‘SAHARA’ (Supportive Action with Holistic Approach to build Resilience among the children of Armed Forces Personnel) for providing psychological first-aid, emotional support and counseling through an exclusive toll free number 1800-1-236-236 .
3. Human trafficking especially child trafficking is a complex phenomenon and particularly in the aftermath of a calamity, disaster or pandemic like COVID-19 ; the possibility of exponential increase is heightened. To address the situation, the Commission initiated an exercise of vulnerability mapping through the programme “Samvardhan” to Combat Child Trafficking along with other existing mechanism.
4. Safety of Children with regard to online classes in the COVID-19 lockdown emerged as a challenging issue on which the Commission had to take appropriate steps in recommending States to take into consideration the advisories issued by MHA and CERT-IN regarding the use of Applications and planning online education for children.
5. The pandemic has unleashed many challenges including financial health of the families and various institutions including private schools that resulted into tussles in the payment of school fees by the parents of the children. NCPCR recommended that grievances pertaining to school fee and such complaints can be redressed through the existing grievance redressal mechanism provided under the RTE Act, 2009.

6. In the process of consultations regarding reopening of schools, views and representation of the parents are vital in terms of safety of children. Therefore, based on the MHA Order dated 30.05.2020, NCPCR communicated to Chief Secretaries of all States/Administrators of Union Territories; Secretaries (School Education) Department of all States/UTs; and all State Commissions for Protection of Child Rights (SCPCRs) to hold such consultations with parents/parents' representatives through the convenient mode as deemed suitable.
7. Regarding curriculum for online school education during the COVID-19 pandemic; NCPCR suggested to all State School Education departments to consider following the NCERT's Alternate Academic Calendar for primary and upper primary classes as well as for higher and higher secondary classes may be adopted in all Schools.
8. In respect to the offline exams and reopening of private educational institutions amidst pandemic, the Commission suggested to State School Education Departments and SCPCRs to take appropriate steps for conducting educational activities including exams and ensure that all educational activities in schools are as per the State SoP/Guidelines.
9. The Commission prepared and launched a policy framework – SOP 2.0 to provide care and protection to children in street situations through application of relevant legal mechanisms and provisions provided under different schemes and programmes for their successful rehabilitation either through institutional care or family – based care by linking families with family strengthening schemes and programmes.
10. “Ek Yudh Nashe Ki Virudh” - An inter-departmental joint action plan on prevention of drugs and substance abuse among children and illicit trafficking was prepared in collaboration with Narcotics Control Bureau and launched in 272 vulnerable districts covering 32 States/UTs of the country in first phase.
11. In the history of child protection, NCPCR, for the first time, set a precedence of holding an inter-departmental review meeting with the states and union territories (UTs) on child protection. The meetings were held in the spirit of cooperative federalism to learn, share and improve on all vital parameters toward ensuring a safe and protective environment for the children of the country.
12. The Commission collaborated with Quality Council of India in developing a well structured, sustainable as well as to meet the international standards system and practices for child labour auditing to ensure the industries and sectors are free of child labour. It is envisaged that this endeavor would help achieving the Target 8.7 of

the 2030 Sustainable Development Goals , which calls on governments around the world to end child labour by 2025.

13. Nutrition being the core intervention in terms of growth and development of the children, the, Commission organized a series of consultations with the experts and policy makers including Member , NITI Aayog looking after health and nutrition.
14. In respect to the issue regarding high number of children in institutional care being concentrated in a few states especially in southern India, the Commission had recommended to act upon the provision provided under Section 3 of the JJ Act, 2015 as a result around 1,45,000 children were restored to their families/ guardians in pursuance of this recommendation.
15. The Commission conducted an inquiry into the spreading of Child Sexual Abuse Material (CSAM) and porn sites on the internet/web/social media platforms to take up the matter with appropriate authorities.
16. Issues of illegal religious conversation especially in the protection home that came into the notice of the Commission was also addressed comprehensively.
17. The Commission is maintaining indicator based data on specific parameters pertaining to ground level implementation of some of the child specific laws including Juvenile Justice, POCSO, RTE , Child Labour, Prohibition of child marriage and 1994 to assess the state and district level performances in the year under report.
18. Commission developed an application- *MASI – Monitoring App for Seamless Inspection*- for real time monitoring of the Child Care Institutions (CCIs) across the country . It is user friendly – sophisticated and comprehensive application linked with the monitoring portal so that automatic reports are generated.
19. Review meetings with the administration and authorities of 55 aspirational districts were organized to discuss redressal of grievances received during NCPCR Benches/Camps held in previous year. This exercise has helped in expediting the process of grievance redressal of those districts.
20. Workshops were organized to orient officers and staff of the Jammu , Kashmir and Ladakh administrations on various legislations related to children and child protection mechanism.

21. A series of meetings with State Commissions for Protection of Child Rights were organized on key issues related to child protection on the backdrop of COVID- 19 pandemic. The meetings were organized region-wise through virtual mode.
22. A fact-finding exercise was conducted in Delhi and Moradabad on involvement of children in E-Waste sector to highlight the status of children engaged in e-waste dismantling. A report and a video document were produced as evidence and in capturing different aspects of the issue.
23. NCPCR envisaged and initiated the child friendly Kumbh Mela in Haridwar along with District and Mela administration. The initiative was launched by NCPCR with appropriate guidelines and guidance to the authorities that helped achieving the desired goal of ensuring no rights of the child is violated in the mela.
24. Encouragement of use of Hindi language was promoted in the Commission through organizing various events within the Commission along with a national and international conference on Hindi literature for children.
25. The Commission resolved 11,108 cases of complaints received on child rights violations during the year 2020-21.

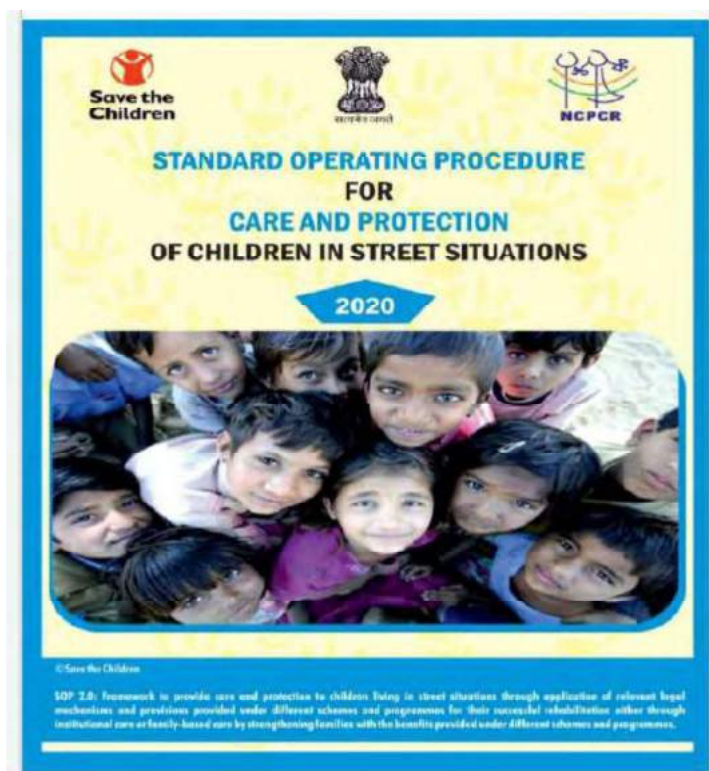
While envisaging and conducting all these activities; various nuances have been looked into and due diligence have also been carried out with the goal of “ Ensuring Child Rights” is everybody’s responsibility. The details of activities mentioned above are provided in respective chapters/sections based on thematic and programmatic areas. The Commission is still striving to do more for the children of the country because they play the most important role in building the future of the nation and for the Commission, ensuring their rights would always be the single point agenda and the principle of “best interest of the child” be the guiding light in its functioning that would help in making “New India” a great India.

Chapter-1

SOP 2.0: Standard Operating Procedure for Children in Street Situations

SOP 2.0: Standard Operating Procedure for Children in Street Situations-

Family is the best place for a child and establishing primacy of family unit over all other living situations of children have been amply emphasized in the Juvenile Justice System. However, children living on streets in various cities across India are one of the common sights but most ignored one. A life on the street constitutes one of the most serious violations of the rights of children—violating their right to education, good health, nutritious food, play, protection and proper development. It is a reality as well as an irony given the fact that there have been several legislations, programmes, schemes and provisions for children and families in need of a support system. It was examined by the Commission that the latest legislations like Juvenile Justice (Care & Protection of Children) Act, 2015 , ICDS -ICPS Scheme, Pradhanmantri Awas Yojana, Micro-finance schemes and various family benefit schemes launched by the present government are potential enough to address the issue of children living in street situations. Therefore, Commission believes that ***“Despite the enactment of several progressive social acts, schemes and programmes, children living in street situations has been a reality because of lack of collective and concerted efforts by the civil society organizations, law enforcement agencies, juvenile justice authorities and concerned departments, and also due to lack of convergence and application of laws pertaining to children. With strong determination and application of all available means, the situation of children living in street situations can be elevated and addressed.***



Consequently, National Commission for Protection of Child Rights (NCPCR), in collaboration with Save the Children, developed and released the “Standard Operating Procedure for Care and Protection of Children in Street Situations 2.0” on the occasion of “International Children’s Day 2020”. The objective of SOP 2.0 is to strengthen the processes and interventions regarding children in street situations (CiSS) in the view that there should not be any child in a street situation; rather, they should be with their families or under institutional care.

The SOP has been developed on the basis of the learning of the NCPCR while dealing with matters under several domains, including children in conflict with law and children in need of care and protection (CNCP) under JJ Act, 2015; rescue of child labour under Child Labour (Prohibition and Regulation) Act, 2016; health and mental health, including substance abuse; RTE Act, 2009; as well as the implementation of the earlier SOP for the years 2018 and 2019 in four states by Save the Children. Thus, it has been prepared in view of the Commission's mandate to ensure all laws, policies, programmes and administrative mechanisms are in consonance with the child rights perspective, as enshrined in the Constitution of India and also the UNCRC. Moreover, the mandate provided under Section 109 of the JJ Act, 2015, to monitor the provisions under the Act, forms the basis towards formulating SOP 2.0.

Primarily, this SOP seeks to create a convergence among the various functionaries, institutions/agencies, government schemes and policies to ensure a more holistic approach in providing care, protection and restoration of CiSS. In case the family needs support, it may be provided keeping in mind the best interest of the child. It is pertinent to mention that Principle XII of the JJ Act, 2015 stresses further upon the need to understand that institutionalization of these children should be assumed as the last resort and that every effort shall be made towards keeping the child with his/her biological parent or guardian and institutionalization of such CNCP shall be opted for only after exhausting all other available options. In both the situations, that is, whether the child is with the family or in an institution, complete care and protection, as provided under the JJ Act, 2015, shall be provided.

The JJ Act, enacted in furtherance of India's accession to UNCRC, is the fundamental law dealing with CNCP by catering to their needs through care, protection, development, treatment and social reintegration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interests of children. Section 2(14[ii]) of the JJ Act defines a child in need of care and protection as: "who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street". Thus, CiSS fall under the category of CNCP.

Moreover, when there is a talk about CiSS in the context of Sustainable Development Goals (SDGs), goals like "No Poverty" (SDG No. 1), "Zero Hunger" (SDG No. 2), "Good Health and Well-being" (SDG No. 3), "Quality Education" (SDG No. 4) and "Clean Water and Sanitation" (SDG No. 6) have been hardly addressed. Moreover, the SOP is focused on providing social protection to children with and without families, adding processes and procedures that have worked earlier for CiSS. It also looks at the role of the stakeholders who can support in strengthening the systems that lead to improvement in the lives of CiSS. Various cross-cutting issues of disability, substance abuse, age and gender are also clearly included for each category of CiSS in SOP 2.0

Categorization of Children for Appropriate Interventions

The JJ Act, 2015 covers all categories of children that fall under CNCP. Accordingly, on the basis of the definition and indicators provided in the Act, children of various situations and nature found in street situations can be enumerated to establish the fact that they are indeed CNCP. This would help in deciding appropriate interventions and measures to address the core issues and reasons the children are in a street situation.

Defining and identifying CiSS appropriately is crucial to provide them with different sets of interventions and services, as per their circumstances and vulnerabilities. For example, those with parents/guardians on the streets will need a different approach and those who have no contact with families or are abandoned or orphans will require a diverse approach and a distinct set of services. Though SOP 2.0 prescribes various measures/steps to be taken to provide care and protection to the CiSS, there will always be a possibility and need for a customized solution depending on the situation. Accordingly, keeping in mind the measures provided in SOP 2.0 and the best interests of child, Child Welfare Committees (CWCs) may use their own discretion under the purview of JJ Act, 2015 and other laws related to children.



For the understanding and need for interventions, the CiSS can be categorized under three broad types as follows:

1. *Children without support living on the streets all alone:* These are children without any parental anchor or family support system living on the streets, pavements or any public places on their own. For them, street is the home. Examples are missing, runaway, abandoned and orphan children. Some of these children may be *voluntarily not in contact with family*; in other words, these children do not keep contact with parent(s), siblings, relatives or guardians, irrespective of whether they know their whereabouts. They survive on streets by working, begging, selling items/goods, performing on streets or adopting any other means.
2. *Children stay on the streets in the day and are back home in the night with their families who reside in a nearby slum/hutments:* These are children who spend their time on

street, loitering in the day time. However, they go home during the night to be with their parents who live in a nearby slum or hutment. These children may be found simply loitering, begging, picking rags or selling goods/items. This set of children lacks parental guidance as their parents too are struggling for their own survival.

3. *Children living on the streets with their families:* These are children living with their families on the streets. They are from different parts of the country and have migrated to the city to earn their subsistence. They mostly work in the unorganized sector, like temporary labour in construction. These families include seasonal as well as permanent migrants. Children of these families also live on the street with them, mostly loitering, begging, picking rags or doing child labour with their parents, selling goods/items, etc.

Procedures to be followed to ensure Care and Protection of CiSS

Considering the range of care and protection measures, the spirit of Juvenile Justice Act, 2015 is to bring all children needing care and protection into the ambit of this Act. The CWC is the focal authority to take decision on children needing care and protection under the purview of the Act. Therefore, effort should be made to produce all children who are CNCP, including CiSS, before the CWC. Once a child is brought into the protection mechanism, s/he can lead a better life. Indeed, it is the right of a child to lead a better life and the effort to bring the child to the CWC gives this opportunity to the child.

Thus, the principle adopted and reflected in JJ Act, 2015, that any child/children who comes under the category of CNCP is to be produced before the CWC, is established under Section 27 of the Act. It may be noted that under the juvenile justice system, there are two categories of children, namely, children in conflict with law and CNCP, to be dealt by the Juvenile Justice Board and CWC, respectively.

Measures to Deal with Various Categories of CiSS

Various measures have been suggested keeping in mind the provisions provided under the laws related to children, primarily the JJ Act, 2015 and Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, provisions of various compensations to the victims and benefits provided under various schemes and programmes. The basic premise upon which these suggestions are formed is that “children as well as the families should not be in street situations”. In support of this, one of the most enabling provisions to be highlighted is the “open shelter” under Section 43 of the JJ Act, 2015, which shall function as a community-based facility for children with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets. As the open shelter is meant for children

living in street situations with their families, effort has also been made to link with such provisions to deal with the issue of children and families living in street situations.

There are 11 categories of CiSS identified for various interventions:

- (1) child is alone in street situation.
- (2) child has no family or no link with the family or family who is incapacitated.
- (3) child has family that lives in the nearby slum/hutment.
- (4) child belongs to parents who are seasonal migrants and live on the streets.
- (5) Children living on the street and begging with their parents or parents do any other odd jobs and cause their children to beg.
- (6) child is begging on the street.
- (7) child belongs to parents who live on streets, do odd jobs and sell goods on the streets.
- (8) child has family that lives on the street or in public places, including railway premises.
- (9) Waste-/rag-picking child (10) Child victim of substance abuse.
- (11) *Divyang* child.

Social Rehabilitation of CiSS and Family Strengthening

In order to provide ease of living to the families, especially those in disadvantageous situations, there are several schemes being implemented by the government. These schemes are rights based, developmental and welfare oriented, that empower the families. Moreover, due to poverty, children are vulnerable and are on the street with their families. So, keeping in mind the best interests of the child, the family should be provided the benefits of the schemes. Accordingly, CWC and district administration, along with all relevant authorities and stakeholders, are requested to provide benefits of the schemes, especially to the families in street situations for their successful rehabilitation. This would not only help the families in their rehabilitation but also break the cycle of abject poverty, displacement and destitution. Such provisions, programmes and schemes are to be chosen for the families by the CWC and district administration on the basis of social investigation report of the child and the family.

Since the journey of preparing the operational procedure carries a legacy that is based on the experience of the Commission and a series of consultations with State Commissions for Protection of Child Rights (SCPCRs), core group members, including representatives from civil society organizations, key functionaries under child protection schemes, experts, practitioners, etc. The unanimous concepts of treating a child as part of the family, institutionalization as last resort and strengthening of families by linking them with various social protection schemes have been adopted as core principles of the SOP.

In view of the overarching monitoring mandate of the Commission, the SOP has been prepared as a policy document guiding all stakeholders and duty bearers in handling the

cause of children living in street situations. Therefore, all the key stakeholders, including SCPCRs of all the states/UTs, CWCs, District Child Protection Units, Special Juvenile Police Units, Child Welfare Police Officers, Childline 1098, non-governmental organizations (NGOs), child care institutions (CCIs), officials/staff of CCIs, labour officers, police, Aadhaar Seva Kendras, medical officers, de-addiction centres, local authorities and school authorities, are the actual actors to play their part in ensuring the rightful entitlements and benefits to the children and their families keeping in mind the principle of best interest of the child. The SOP is available at <https://ncpcr.gov.in/showfile.php?lang=1&level=0&linkid=116&lid=2002>

Journey towards Implementation of SOP 2.0

The SOP is being circulated to all the concerned authorities of the state governments, SCPCRs and all stakeholders. In addition, it is being sent to Lal Bahadur Shastri National Academy of Administration, Bureau of Police Research and Development, National Institute of Criminology and Forensic Sciences, Unique Identification Authority of India (UIDAI), etc., for the purpose of orientation and reference.

The NCPCR is in the process of rolling out a training programme for key functionaries of the states. A management information system (MIS) is also under preparation to capture information and process data using information technology platform for better coordination, convergence and to avoid time lag in the process of ensuring care and protection to the CiSS.

Piloting of SOP 2.0 in 51 Religious Places across the Country

A Pilot Initiative

Based on the standard operating procedures provided under SOP 2.0, a pilot initiative has been taken up by the NCPCR in making 51 religious places free of street children, child labour and child beggars. In this regard, strategic meetings have been conducted with the SCPCRs, state and district administrations, child protection mechanism of the district, local NGOs/agencies, temple or religious trust, etc. The details of religious places where meetings have been conducted are given in the following table.

Sl. No.	Name of Religious Place	City/ District	State
1	Mallikarjuna Jyotirling	Shrisailam, Kurnool District	Andhra Pradesh
2	Kamakhya Devi	Guwahati, Kamrup District	Assam
3	Bodh Gaya	Gaya District	Bihar
4	All Religious Places of Goa	North and South District	Goa
5	Naagnath Jyotirling	Dwarka,Khambhalia,	Gujarat
6	Somnath Jyotirling	Somnath,Gir Somnath	Gujarat
7	Mudugeshwar Shiva Temple	Murdeswar,Karwar	Karnataka
8	Shravanabelagola	Hassan,Hassan District	Karnataka
9	Sanchi Stupa	Sanchi, Raisen	Madhya Pradesh
10	Pitambar Peeth	Datia, District	Madhya Pradesh
11	Khajuraho	Chhatarpur, District	Madhya Pradesh
12	Mahaankaleshwar Jyotirling	Ujjain, District	Madhya Pradesh
13	Omkareshwar Jyotirling	Omkareshwar,Khandwa District	Madhya Pradesh
14	Ram Raja Sarkar Orchha	Orchha,Niwari District	Madhya Pradesh
15	Triyambakeshwar Jyotirling	Nashik District	Maharashtra
16	Vaidhyanath Jyotirling	Parli , Beed District	Maharashtra

17	Grishneshwar Jyotirling	Aurangabad District	Maharashtra
18	Sai Baba Temple	Shirdi , Ahmednagar, District	Maharashtra
19	Haji Ali Dargah	Mumbai District	Maharashtra
20	Siddhi Vinayak Temple	Mumbai District	Maharashtra
21	Shani Shignapur	Ahmednagar District	Maharashtra
22	Bhimashankar Jyotirling	Pune District	Maharashtra
23	Puri Jagannath Temple	Puri District	Odisha
24	Lingaraj Temple	Bhubaneswar, Khordha District	Odisha
25	Khawaja Moinuddin Dargah	Ajmer District	Rajasthan
26	Brahma Temple	Pushkar,Ajmer District	Rajasthan
27	Govind Dev Ji	Jaipur, District	Rajasthan
28	Baba Khatu Shyam	Sikar, District	Rajasthan
29	Sri Nath Ji Temple	Nathdwara ,Rajsamand District	Rajasthan
30	Meenakshi Temple	Madurai District	Tamil Nadu
31	Rameshwar Jyotirling	Setubandh, Ramanathapuram	Tamil Nadu
32	Ramnath Swami Temple	Rameshwaram District	Tamil Nadu
33	Velankanni Church	Nagapattinam District	Tamil Nadu
34	Kanchi Kamakshi	Kanchipuram, Kancheepuram District	Tamil Nadu
35	Tripureshwari	Gomati District,	Tripura

36	Vishwanath Jyotirling	Varanasi District	Uttar Pradesh
37	Shri Krishna Janmbhumi Temple	Mathura District	Uttar Pradesh
38	Sri Ram Janm Bhumi	Ayodhya District	Uttar Pradesh
39	Taj Mahal	Agra District	Uttar Pradesh
40	Fatepuri sikri	Agra District	Uttar Pradesh
41	Imanbada	Lucknow District	Uttar Pradesh
42	Sangam Area	Prayagraj District	Uttar Pradesh
43	Rishikesh	Rishikesh, Dehradun	Uttarakhand
44	Kumbh Mela	Haridwar	Uttarakhand
45	Dakshineswar Kali Peeth	Kolkata , 24 North Parganas District	West Bengal
46	Kalighat	Kolkata , 24 North Parganas District	West Bengal
47	Tara Peeth	Birbhum District	West Bengal
48	Jama Masjid	Central, Delhi	Delhi
49	Hanuman Mandir, CP	New Delhi District	Delhi
50	Kalkaji	New Delhi District	Delhi
51	Vaidyanath Jyotirlinga	Deoghar District	Jharkhand

Child Friendly Kumbh Mela : The concept of Child friendly initiative by the Commission is one of the effective strategies and a guiding principle in making the environment child friendly. The procedures provided under SOP 2.0 have proved to be useful in making child friendly spaces. Under this initiative , Commission has undertaken several interventions including Child Friendly “ Haridwar Kumbh Mela 2021 ” to make it free of child labour, child beggar , no missing children , no drugs or substance abuse, and street children . In this regard, strategic meetings were organized with Mela authorities and district Child Protection mechanism , local NGOs/agencies etc. Chairperson, NCPCR led the initiative in a meeting

with all the authorities and stakeholders. Consequently, the authorities took the following steps:

1. Child friendly police stations, lost and found centres, and children friendly corners were set up throughout the Kumbh Mela.
2. The child friendly corners were well equipped with toys, entertainment activities and child friendly dietary needs.
3. Almost 200 volunteers were given training by experts and they were located at various places such as railway stations, bus stand, crossroads, and the district borders. The authorities ensured 24/7 facilities during the Kumbh Mela.
4. Child identification forms were printed and handed over to the volunteers in the Kumbh Mela.
5. Child identification forms were filled and kept in the pocket of each child attending the Kumbh Mela 2021 for easy identification of the parents in case the child gets lost.
6. Considering that devotees were attending the Kumbh Mela from various parts of the country and spoke various different dialects, interpreters were employed in case a child got lost.
7. The shopkeepers and business people setting up their shops in the Kumbh Mela district were asked to not employ children under the age of 14 years.
8. Helpline numbers for child beggars, child labourers, de addiction, and children welfare centres were announced on the loudspeakers regularly.
9. 12,000 banners were put up with awareness information of of the deaddiction, child labour, child beggars, and Covid-19 guidelines. Missing children reports were filed during the Kumbh Mela. The successful efforts of the authorities to make the MahaKumbh a children friendly place were appreciated.





Chapter - 2

Joint Action Plan to Address Drugs and Substance Abuse among Children and Illicit Trafficking

Joint Action Plan to Address Drugs and Substance Abuse among Children and Illicit Trafficking

The menace of drugs and children falling into drug trap has been a matter of serious concern for this devil of drugs is eating out the tender childhood as well as steadily penetrating among children belonging to all strata of society, socio-economic background and living conditions. This is one of the most glaring child rights issues remained unaddressed till date may be because its complexities, lack of a vision for convergent action or sheer lack of will power. NCPCR having its overarching mandate covering almost all stakeholder departments in its monitoring role took up this matter with commitment and conceptualized an Inter-departmental plan of action along with the Narcotics Control Bureau (NCB) with clear objectives, targets, roles and responsibilities for all authorities, institutions and stakeholders.



This inter-departmental Joint Action Plan (JAP) – Ek Yudh Nashe Ki Virudh - “Prevention of Drugs and Substance Abuse among Children and Illicit Trafficking” was released on 9 February 2021 at the office of NCPCR, in the presence of ADG, NCB, Chairpersons of SCPCRs and representatives from the Ministry of Social Justice and Empowerment (MoSJ&E), Ministry of Education, Ministry of Health and Family Welfare (MoHFW), Gandhi Smriti Darshan Samiti, and All India Institute of Medical Sciences (AIIMS). In addition, release event was virtually attended by all SCPCRs, ministries and departments and officials from the regional offices of NCB. The launch event was followed by district-wise planning by district administrations and authorities of 272 vulnerable districts covering 32 States/UTs in India.

In fact, the idea of a joint action plan was originally floated in a meeting called by the Hon’ble Prime Minister with Director General, NCB, wherein NCB made a presentation on the drug abuse situation in the country. In this meeting, the Prime Minister had given directions to build a JAP to wean away children from using drugs in surrounding areas of schools, high schools and colleges. Subsequently, the NCB approached the NCPCR for the action plan.

Accordingly, the document has been formulated on the basis of deliberations and inputs received from NCB, MoHFW, MoSJ&E, Ministry of Education, NDDTC (AIIMS), Sainik Schools (Ministry of Defense), National Cadet Corps (NCC) and Central Drugs Standard Control Organization (CDSCO), Directorate General of Health Services (DGHS), during a virtual meeting organized on 15 October 2020.

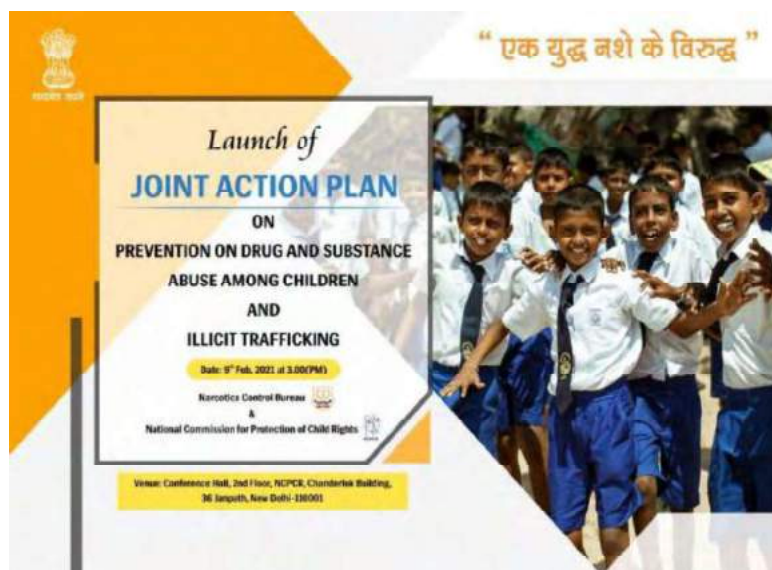
Key Components of the JAP

Some key components of the JAP are as follows:

- *Digitization of data and record on sale of Schedules H, H1 or X drugs to a child without prescription by any pharmacy/chemist shop:* Under Rule (26)(6) of Drugs and Cosmetic Rules, 1945, a separate register will be maintained for these drugs. The digitization of the recording register of selling of scheduled H and X drugs by retail chemists or medical stores into a mobile app-based Management Information System (MIS) is essential. On this MIS, detailed information shall be fed by the drug companies making and supplying such drugs, as also by wholesalers and retail medical stores.
 - *Mandatory installation of CCTV camera:* To keep a vigil, all medical/pharmacy stores selling Schedules X or H drugs should mandatorily install CCTV cameras in their shops. This shall be randomly checked by District Drug Controller Authority. In case such medical stores are functioning without CCTV cameras, a time period of six months shall be given to the existing medical stores to install the CCTVs. This shall be included in the licensing rule of pharmacists and chemists selling Schedules X, H and H1 drugs.
- (i) The CDSCO, DGHS, MoHFW, shall initiate the process to amend the licensing norms and rules under Drugs and Cosmetic Act, 1940, which will be applicable to whole of India.
- (ii) The District Collector, as empowered under Section 133 of the Code of Criminal Procedure, 1973, can issue order with respect to installation of the CCTV cameras at the pharmacy/chemist shop selling Schedules H, H1 and X drugs. Section 133, in respect of the conditional order for removal of nuisance, states:

Whenever a District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government, on receiving the report of a police officer or other information and on taking such evidence (if any) as he thinks fit, considers—

(b) that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated;



- (iii) Therefore, on the basis of information and report supplied by NCB, which is an enforcement agency regarding 272 districts, the District Magistrates are to issue suitable orders in respect to the installation of CCTV cameras in pharmacy/chemist shops, primarily at least in 272 districts identified as highly vulnerable districts jointly by the MoSJ&E and NCB. In case it is required, on the basis of information on high incidences of drugs and substance abuse, the NCPCR, as per functions provided under Section 13(f) of CPCRA Act, 2005, would make appropriate recommendations.
 - (iv) Access to these CCTV cameras, with Internet connection of recordings of medical/pharmacy stores selling scheduled H and X drugs, shall be given to the Child Welfare Police Officer (CWPO) of the particular area where such medical stores are functioning. District Drugs Control Authority shall conduct periodic meetings with the CWPOs.
 - (v) The list and monitoring report of such medical stores with CCTV cameras installation shall be shared in the quarterly review meetings with District Magistrate for periodic review. Report of the review meetings shall be shared by District Magistrate with regional offices of NCB/SCPCRs.
3. *Optimum use of the provision for “detention” under the Prevention of Illicit Trafficking in Narcotic Drugs and Psychotropic Substances Act, 1988:* Since illicit traffic in narcotic

drugs and psychotropic substances poses a serious threat to the health and welfare of people, the Act provides for detention in certain cases for the purpose of preventing illicit traffic in narcotic drugs and psychotropic substances. However, it is observed that the provision is underutilized by the states and empowered authorities.



4. *Actions in respect to existing shops operating within 100 yards radius of the school:* Concerned ministries/state departments shall take out circulars for District Education Officers (DEOs) and school principals to maintain a list of shops of cigarettes, beedis and other tobacco products operating within a 100 yard radius of their school, as per Section 6 of Cigarettes and Other Tobacco Products Act (COTPA), 2003. This list shall be developed with the help of teachers, school management committees (SMCs) and children's clubs and shall be shared by school principals with the DEOs. Further, the DEOs shall share this list with the District Magistrate and SCPCRs. Upon receiving the list, the District Magistrate, through local authorities and police, shall issue orders to take appropriate corrective action to ensure that no cigarettes/beedis or any other tobacco product shops exist within the radius of 100 yards of the schools/educational institutions and other institutions meant for children.
5. *Mechanism for early detection of substance use among children:* Early detection is one of the key interventions that helps to prevent children from becoming drug dependent. It also helps in getting information on how these children are getting into drugs and substances, from where they are getting the drugs, who are involved in giving or encouraging children to use drugs, etc. Therefore, it is a meaningful and sensitive information. In this regard, the benefit of Rashtriya Bal Swasthya Karyakram (RBSK) can be augmented.
6. *Intervention on early detection to cover 272 vulnerable districts in first phase:*As shared by MoSJ&E in a virtual meeting held on 15 October 2020, 272 highly vulnerable districts have been identified based on the inputs received from the NCB and the national survey

conducted. Initially, in first phase, these 272 districts will be taken for early detection by RBSK team in first three months.

7. *Separate or exclusive de-addiction and rehabilitation facilities for children with drugs and substance use:*

Given the fact that children are a special category of population, utmost care is needed in all kinds of interventions. Moreover, the treatment approach and infrastructure facilities should be appropriate for the children. Therefore, there is a



need for a separate or exclusive facility for children's de-addiction.

8. *Exclusive de-addiction and rehabilitation facilities for children in 272 vulnerable districts:* This intervention should start in 272 vulnerable districts. The MoSJ&E shall expedite the process to establish exclusive de-addiction facilities meant for children. However, if there are any constraints or lack of space, a separate portion in the existing facility is to be identified and partitioned for children. The provision for a separate toilet and safety and security of children has to be ensured.
9. *Immediate action to stop access to inhalants that are used by children:* High prevalence of inhalant use among children and adolescents has been an issue of concern. The District Magistrate, while addressing or holding meetings with the traders association, shall take up the matter in respect to the sales of inhalants. S/he will need to explain to the traders association the gravity of the matter and that action can be initiated against such shops selling inhalants to the children under Section 77 of the Juvenile Justice Act, 2015.
10. *Exclusive club on "Awareness on Bad Effect of Drugs and Substance Abuse in Human Life" in all schools:* An exclusive club would be formulated in all the schools of the country. The club would carry out two activities in a year. The MoSJ&E may be requested to explore the possibility to be the nodal ministry to host these clubs. The

awareness activities of the club can be integrated into the existing programmes of the Ministry of Education and MoHFW.

11. *Awareness generation through existing clubs:* Bharat Scouts and Guides, Red Ribbon Club (under National Aids Control Organization, MoHFW), National Service Scheme (NSS), NCC, Cultural Club (under the Ministry of Culture) and Eco Club (under Ministry of Environment and Forest) would organize awareness generation activities.
12. *Stakeholders and authorities at various levels—Reporting and monitoring:* Quarterly meeting will be conducted first at district level, under the chairmanship of District Magistrate/Additional District Magistrate. This will be followed by the state-level meeting, wherein data/information and issues from the districts will be shared. The state-level meeting will be chaired by the SCPCR. Similarly, NCB regional office will hold monitoring meeting with the SCPCRs of the region. Finally, NCB and NCPCR will hold meeting at the national level to monitor the implementation of JAP.

As per the mechanisms provided in the JAP, the NCPCR is holding meetings with the stakeholders and authorities for its implementation. Necessary communications are also being issued to the duty bearers, authorities and stakeholders.

This is first of its kind comprehensive JAP on the issue of drugs and substance abuse among children, wherein all the stakeholders, that is, agencies, duty bearers, authorities, media and parents, are to perform their designated roles indicated in the document. It is envisaged that this action plan will usher a journey to realize the goal of “नशामुक्तभारत” (drug-free India) so that the vision of “New India—A Great India” can be achieved.



272 Vulnerable Districts Based on Extent and Pattern of Substance Use and their Supply

272 vulnerable districts have been identified based on the findings of the National Survey on Extent and Pattern of Substance Use in India, conducted by the MoSJE and districts which are vulnerable from the supply point of view as provided by Narcotics Control Bureau to undertake intervention programmes in vulnerable districts across the country with an aim to: reach out to children and youth for awareness about ill effects of drug use; increase community participation and public cooperation; support government hospitals for opening up de-addiction centres, in addition to existing ministry-supported de-addiction centres (Integrated Rehabilitation Centres for Addicts [IRCAs]); and conducting training programme for participants.



Chapter-3

Inter departmental Review meeting with the States/UTs

Inter-departmental Review Meeting with the States/UTs

In the history of enacting the Commissions for Protection of Child Rights (CPCR) Act, 2005, the National Commission for Protection of Child Rights (NCPCR), for the first time, set a precedence of holding an inter-departmental review meeting with the states and union territories (UTs) on child protection. In this series of meetings in 2020–21, the Commission held 35 meetings, spread over a period of two months, October–November 2020, using virtual platform in the spirit of cooperative federalism. This exercise fulfils the very purpose and mandate for which the Commission was established, which 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.

To organize the meeting with the states/UTs, a detailed exercise pertaining to indicators based on various child-related legislations was carried out. These indicators also included some of the key programmes and provisions provided under child protection. Accordingly, an agenda item with details of indicators was communicated to the Chief Secretaries and Chief Administrators of the states and UTs, respectively, for nominating nodal officers and supplying data and information as per prescribed formats meant for various departments. During the meeting, various aspects of the issues being faced by children were discussed and a state/UT-wise set of recommendations was identified.

Rationale of the Review Meeting

To fulfill multifarious developmental needs of children and take care of the various protection issues, various departments in a state, including the Department of Women and Child Development (WCD), have to work in consonance. Moreover, children are not a homogeneous group but a diverse population in terms of their socio-economic–religious background and habitation. Therefore, considering the fact that there is a range of departments offering various services to the children, the initiative of inter-departmental review came to light.

In a country like India that has quasi-federal structure with constitutional supremacy, state governments play the most important role in ensuring that constitutional rights are made available to the people. The states are also empowered to make special provisions for children as provided in Article 15(3) that mentions: “Nothing in this article shall prevent the State from making any special provision for women and children.” It may be noted that with reference to the Indian Constitution, “State” means union government, the Parliament, state

governments, state legislature, local bodies and other authorities in the territory of India. In this context, state governments perform a vital role in formulating their own policies and laws, as well as executing the legislations, policies, schemes, programmes and various initiatives of the union government.

It has been acknowledged that providing a safe environment for children and ensuring that they remain protected against any violence/threat is the duty of the state and a collective responsibility. Protection of children is the thread that weaves all other rights of children, making them essentially interlinked. In order to extend the services of care, protection and development of children, state governments implement various schemes and programmes and offer benefits through different departments and institutions. Moreover, there are various other schemes and programmes being implemented by the states that are centrally sponsored, which have been formulated keeping in mind the national goals and aspirations.

NCPCR's core mandate is to examine and review the implementation of the acts/laws/policies/schemes currently in place by: examining the safeguards for protection of child rights; identifying the gaps in the execution mechanisms; and addressing the challenges that are faced by both beneficiaries, that is, the children and those responsible for extending the benefits/entitlements, namely, the government authorities. Therefore, the NCPCR, with its mandate to review the laws, programmes and policies, has felt the need to adopt the strategy of organizing inter-departmental review meeting with the states. It is a comprehensive exercise involving all related departments in relation to children, wherein progress made by the state in implementing the programmes, the challenges faced, new initiatives taken and innovative programmes by the states are discussed.

The exercise also gives an opportunity to the state to create a convergent platform for the development and protection of the children in the state. The Commission emphasizes upon an inter-departmental convergent platform in the state to address various issues faced by the children and to decide upon the different initiatives in a convergent manner. Moreover, this offers an opportunity for data matching, information sharing, avoiding any duplicity in effort, finding gaps, taking appropriate decisions, etc. As children in the age group of 0–18 years constitute about 40 per cent of the population, a convergent platform to discuss their issues and challenges is of utmost importance.

India has the largest child population in the world and the well-being of children is a universal aspiration that is rightly reflected in the Constitution of India. It accords rights to children as citizens of the country; and in keeping with their special status, the state has even enacted special laws meant for development and protection of children. It is imperative to mention

that the Indian Constitution, promulgated in 1950, that is, much before the United Nations Convention on the Rights of the Child (UNCRC), encompasses most rights included in the UNCRC as Fundamental Rights and Directive Principles of State Policy. These constitutional provisions have been the guiding lights in formulating special laws, policies, programmes and administrative mechanism for care, protection and development of children.

Subsequently, over a period of time since the Constitution of India was adopted; Government of India has enacted several laws relating to children. Some of these significant Acts are:

- Commissions for Protection of Child Rights (CPCR) Act, 2005;
- Right of Children to Free and Compulsory Education (RTE) Act, 2009;
- Protection of Children from Sexual Offences (POCSO) Act, 2012;
- Juvenile Justice (Care and Protection of Children) (JJ) Act, 2015;
- Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (Act amendment in 2016);
- Prohibition of Child Marriage Act, 2006;
- Mines Act, 1952;
- Immoral Traffic (Prevention) Act, 1956;
- Bonded Labour System (Abolition) Act, 1976; and
- Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994.

Therefore, keeping in view the constitutional provisions available to children and the special legislations enacted for them, the Commission is committed to ensure these benefits, entitlements and rights of the children. It is continuously expanding its reach and coverage through complaint redressal mechanism, policy interventions, regulatory interventions, programme activities, special investigations, recommendations and conduct of studies to reach out to the last child.

The steps taken by the Commission for putting in place a robust and sustainable monitoring system include a wide range of activities, such as: conducting inspection visits to places where children reside; undertaking research studies; and collection of data specific to implementation of various provisions of acts/laws. Further, the NCPCR has always acknowledged the role of collaborative efforts in achieving the goals of a violence-free environment for our children, especially the government authorities responsible for implementing the laws/schemes. In recent years, under its mandate provided by different laws/acts, the NCPCR has initiated a wide range of activities and programmes for children in different situations and circumstances.

Departments and Authorities Invited for the Inter-departmental Review Meetings

The following were invited for the inter-departmental review meetings:

- 1) Department of WCD;
- 2) Department of School Education;
- 3) Department of Police;
- 4) State Project Director (Sarva Shiksha Abhiyan);
- 5) Department of Social Justice (Welfare);
- 6) Department of Tribal Welfare;
- 7) Department of Labour;
- 8) Department of Minority Affairs;
- 9) Department of Panchayati Raj;
- 10) Department of Rural Development;
- 11) Department of Urban Development;
- 12) Department of Health;
- 13) Director, National Health Mission (Rashtriya Bal Swasthya Karyakram [RBSK]);
- 14) Department of Information and Technology;
- 15) State Child Protection Society (SCPS); and
- 16) State Legal Services Authority (SLSA).

Key Issues Emerged during the Review Meetings

Some of the key issues, common to many states/UTs, that emerged during the review meetings are as follows:

- *Mapping of Madrasas:* Largely, there are three types of madrasas functioning in the states/UTs: recognized, unrecognized and unmapped. There is a need to conduct a survey and mapping exercise to bring to the notice of the authorities the kinds of madrasas in existence and the number of children enrolled in them. It is an important activity, which has to be carried out by the states/UTs. It will help to plan how to extend and ensure the right to free and compulsory education to children attending these madrasas.
- *Bank accounts of children for disbursement of interim compensation amount to POCSO victims and other benefits:* During review meetings with the states, it came to light that there is an issue of delay in providing interim compensation to POCSO victims. In addition, there may be other entitlements and benefits meant for children staying in

CCIs. Therefore, it is recommended that the District Magistrates ensure that all the Child Welfare Committee (CWCs) open bank accounts of children in the CCIs, especially POCSO victims, so that there can be smooth disbursement of interim compensation.

- *Compliance with the portal of NCPCR:* NCPCR has taken the step to monitor the implementation and progress made by the states on several important indicators under key legislations related to children. This is a first of its kind initiative of the Commission in the direction of evidence-based monitoring, with the involvement of state and district-level authorities. It is one of the important mechanisms to strengthen and streamline child protection process in the country. There is a need that the state departments comply with the data/information requirement for the portal.
- *Involvement of agencies in WCD programmes :* It has been observed that agencies including UN and NGOs that are working with WCD departments might have access to sensitive data related to children. There is a need of due diligence in view of the data protection.
- *Pending POCSO cases:* It has been observed that not only are there POCSO cases pending investigation but also charge sheets have not been submitted by the police department in some states. There is also pendency with a large number of cases pending for over a year due to lack of submission of final investigation report . It is a matter of concern that justice for the child victims is delayed. It is required that the SLISA examine if there are bottlenecks that can to be eliminated to expedite the justice delivery process.
- *Convergence amongst the departments/unmatched data:* The states/UTs need to establish convergence amongst all stakeholder departments for better coordination and implementation in respect to matters pertaining to child protection and development. It is required that there should be a platform at the state/UT level to hold meetings and sort out important matters.
- *Convergence of departments, like education and Panchayati Raj, for sensitization for smoothening problems, like water, electricity and other infrastructural issues, of the schools:* RTE Act, 2009 has mapped out certain roles and responsibilities of the local authorities, that is, Panchayati Raj Institutions, at the grassroots level, especially under Sections 8 and 9 of the Act. The responsibilities include, inter alia, ensuring compulsory admission, attendance and completion of elementary education; ensuring availability of neighbourhood school; and providing infrastructure, including building, water supply, electricity, learning material, etc. Therefore, convergence of the education department

with Panchayati Raj department is crucial for the effective implementation of RTE Act, 2009.

- *Streamlining of information/keeping data as per implementation of legislations:* The system of keeping information/data is to be robust at the state level, especially on implementation of child-specific legislations.
- *Awareness, sensitization and training of officers on POCSO Act and other child rights matters:* There is a need to create awareness, sensitization and training on POCSO and other child rights matter amongst the officers of various departments of the states/UTs.
- *A separate convergent platform for all the departments in the state for running educational institutions or hostels:* There are various types of educational institutions and hostels being run in the states/UTs. However, all these institutions need coordination and convergence for effective implementation for the benefit of children.
- *Information Education & Communication (IEC) material in regional languages:* Awareness is key to the successful implementation of the acts pertaining to children. Moreover, laws related to children are new. Therefore, there is a need for a regular awareness campaign, of which IEC material is an integral part. In view of this, it is recommended to develop IEC material on various acts related to children in regional language or languages used in the states/UTs.
- *Drugs and substance abuse:* Drugs and substance abuse among children is an issue of concern. There are no/not enough dedicated de-addiction services available for children. Also, a large number of children in street situation are involved in sniffing solvents. Therefore, there is a need to utilize the legal provisions, as provided under JJ Act, 2015, Indian Penal Code or any other legislation, to penalize the culprits. Apart from that, the States/UTs need to have a comprehensive plan of action to address the drugs and substance abuse amongst children, including the provision of dedicated de-addiction services for children.

The Inter-departmental review meeting on child protection with States/UTs has not only helped in strengthening the cooperative federalism in the country; but also offered a platform to exchange views, information, practices, knowledge in addressing the protection issues of children. There is a need for this meeting to continue at-least once a year to take stock of the affairs and progress made on various indicators pertaining to child protection. Above all this will help bringing child protection as the centre stage in planning, allocating resources, governance of the schemes/programmes and monitoring.



Chapter-4

COVID RESPONSE

SAMVEDNA- Sensitizing Action on Mental Health Vulnerability through Emotional Development and Necessary Acceptance



COVID-19 pandemic has affected all of us in some way. Children are challenged primarily due to lack of physical activities, restricted movement and absence of school schedule associated with the closing of educational institutions. Daily structured routine with physical movement and activities are important to everyone, particularly for children as they are in formative age of physical, emotional, psychological and mental development.

Moreover, the problem is more when the children are isolated or quarantined due to infection of COVID either to them or their parents or family members. When this happens, children experience a range of psychological issues such as anxiety, fear, worry,

difficulty in sleeping, loss of appetite etc. Some children are in trauma or grief due to the acute disorders faced by them or their parents or due to loss of their dear ones to COVID.

Therefore, NCPCH has launched 'SAMVEDNA' (Sensitizing Action for Mental Health Vulnerability through Emotional Development Necessary Acceptance) Toll free Tele Counselling exclusively for children who are willing to talk and are in need of counselling during Covid-19 times in collaboration with India Co-Win Action Network (I –CAN) and Technical support from NIMHANS. The objective of this tele counselling service is to provide psychological first-aid and emotional support to children affected by COVID-19 pandemic.

This helpline serves children under the following categories –

1. Children who are in Quarantine/isolation/COVID Care centres
2. Children who have COVID positive parents or family members and near ones.
3. Children who have lost their parents due to Covid-19 Pandemic.
4. Children of doctors and paramedical staff who have lost their lives during duty of COVID-19 pandemic.

Operational Mechanism : NCPCR with India Co-Win Action Network (I-CAN) wellness has created a network of qualified and trained Experts/Counselors/Psychologists on pro-bono basis for providing psycho-social support to the children through tele- counselling. Toll Free Tele counselling named SAMVEDNA (Toll free Tele Counselling No: 1800-121-2830). Prior to launching of the helpline, a comprehensive training programme was conducted for Counsellors/Psychologists/Experts on various psychosocial issues in reference to COVID-19 using various Tele counselling strategies under the expert guidance of Dr. Shekhar Seshadri, Professor, Department of Child and Adolescent Psychiatry and his team from NIMHANS.

This “SAMVEDNA” - toll free tele counselling runs in 2 slots in a day i.e. 10:00am to 1:00pm and in evening slot it functions from 3:00pm to 8:00pm. When a child dials SAMVEDNA, they get to speak to a professional counselor/expert in a safe and child friendly environment. The tele-counseling support is catering children from

all over India also in various regional languages viz- Tamil, Telegu, Kannada, Odiya, Marathi, Bengali etc.

The poster for SAMVEDNA, a toll-free tele-counseling service, features a blue header with the NCPCR logo and address: "National Commission for Protection of Child Rights (NCPCR), 5th Floor, Chanderlok Building, 36 Janpath, New Delhi-110001". Below the header, the "Samvedna" logo is displayed alongside the text: "Sensitizing Action on Mental Health Vulnerability through Emotional Development and Necessary Acceptance" and "Toll free Tele Counselling". The central part of the poster lists the service is "Exclusively for:" children who are isolated/quarantined due to COVID-19, children who have lost their parents or family members due to COVID-19, and children whose parents or family members are in quarantine centers or hospitals due to COVID-19. It also states, "Our experts/professional counselors are here to assist you with any discomfort/ concern you wish to share." The service is available from 10 am to 1 pm and 3 pm to 8 pm (Monday to Saturday). The poster includes illustrations of a child and a counselor, and a "NEW INDIA JUNCTION" logo. At the bottom, it provides social media links: "FOLLOW US: /NCPCR.Official, @NCPCR, /channel/NCPCR, @ncpcr_".

NCPCR has requested the Department of Health & Family Welfare of States/UTs to disseminate this information to all COVID care centres. Further, NCPCR has requested the Department and

SCPCRs to share this number with children of doctors/ frontline medical staff who have lost their lives during COVID-19 pandemic.

Status of Calls Received on “SAMVEDNA” from 1st April 2020 to 31th March, 2021 : Total calls received – 2463 , Inquiry/abandoned calls- 1750 , Response/Service Calls- 713



Details of Calls Received for Mental Health Care

States/ UTs	No of Calls
Andhra Pradesh	102
Assam	2
Karnataka	22
Bihar	39
Tamil Nadu	17
Delhi	73
Goa	2
Gujarat	24
Haryana	2
Himachal Pradesh	3
Jammu & Kashmir	3
Kerala	3
West Bengal	8
Madhya Pradesh	133
Maharashtra	34
Odisha	4
Punjab	10
Rajasthan	25
Uttar Pradesh	93
North East	12
Other/NA	102
TOTAL	713

Presentation and discussion on SAMVEDNA at NITI Aayog : A meeting was organized with NITI Aayog to make a presentation and discuss about SAMVEDNA, its scope for expansion and outreach on 21/10/2020. It was attended by Hon'ble Vice Chairman of Niti Aayog Dr. Rajiv Kumar; Hon'ble Chairperson NCPCR, Shri. Priyank Kanoongo; Dr. R G Anand, Member, Child Psychology & Sociology, NCPCR ; Ms. Rupali Banerjee Singh, Member Secretary, NCPCR . Shri Ravindra Sathe-Mentor & Director General - Rambhau Mhalgi Prabodhini, Shri Ravi Pokharna- Strategy and Dr. Amit Tuteja- Strategy I-CAN –RMP were also participated and discussed various aspects and functioning of SAMVEDNA

Cyber Safety Guidelines, Based on Existing Guidelines/Laws, as Part of “Manual on Safety and Security of Children in Schools”

Creating a safe environment for children is an integral aspect of providing opportunity for quality education and any threat to children may reflect on their ability to learn and hamper their overall well-being. Though the use of technology in teaching–learning is not new, the need for taking the classroom to the children during the pandemic has increased the exposure of children to online/digital world. The children are not just spending more time online for attending school classes, they are also investing more time online for recreation. As a result, children are coming in direct/indirect contact with a large number of people who are at the same time online for various reasons. This also includes those who come with a purpose of targeting children as they are one of the most vulnerable sections among the online user population. Therefore, it is important that the commitment to provide a safe learning environment to children extends to the digital space as well.

To ensure that the digital environment is safe for all children, different departments/institutions have developed guidelines and other informative literature for various aspects of cyber safety, including what are different forms of cyber threats, their identification, measures to mitigate those threats, etc. These guidelines are a part of the comprehensive “Manual on Safety and Security of Children in Schools”, developed in 2017. The manual is a compilation of 20-plus existing and approved manuals/guidelines developed by various authorities/agencies.

To develop the guidelines on cyber safety and security of children, an expert group was constituted consisting of experts from Ministry of Electronics and Information Technology (MeitY); CERT-In; National Informatics Centre; Central Institute of Educational Technology (CIET), NCERT; BAC, AIIMS; NIMHANS; and independent experts. An online meeting of the expert group was held on 29 September 2020. The guidelines have been developed by reviewing and compiling the existing literature (guidelines/handbooks) on cyber safety that has been brought out by different agencies. It has been put together with the objective of providing a comprehensive overview of different aspects of cyber safety. These guidelines include: meaning of cyber safety and cyber security; common threats in cyber safety; and laws relating to cyber safety. It also includes some important frequently asked questions and a checklist for different stakeholders, such as state/district authorities, school managements, teachers and students, to understand the safety parameters in place by the school/educational institution.

Online Consultation on School Education During and Post-COVID

To discuss important issues linked with online education, such as digital curriculum, age-appropriate screen time and digital infrastructure, the NCPCR, on 1 June 2020, held an online consultation meeting, in collaboration with Shiksha Sanskriti Utthan Nyas (SSUN), with important stakeholders, including National Council of Educational Research and Training (NCERT); Indian Computer Emergency Response Team (CERT-In); NIMHANS; Behavioral Addictions Clinic (BAC), AIIMS; Pandit Sunderlal Sharma Central Institute of Vocational Education (PSSCIVE); National Monitoring Committee for Minorities' Education (NMCME); School Education Departments of Kerala, Haryana, Odisha, Tripura and Madhya Pradesh; SCPCRs from Rajasthan, Assam, Andhra Pradesh, Uttar Pradesh and Maharashtra; and State Council of Educational Research and Training (SCERT) from Himachal Pradesh, Gujarat, Meghalaya, Tamil Nadu and Jharkhand; and independent experts.

Safety of children with respect to online classes in COVID-19 lockdown: NCPCR has been receiving complaints/representations raising concerns over use of technology platforms for providing online classes to children. Also, there were several news reports that suggested that in order to provide online education to the children, schools are using various video communication platforms, such as Zoom application. Taking cognizance of this matter under Section 13(j) of the CPCRA Act, 2005 and taking into consideration the advisories by Ministry of Home Affairs (MHA) and CERT-In regarding the use of Zoom application, the NCPCR, vide letter dated 17 April 2020 to Secretaries, School Education Department of all states/UTs, suggested certain important considerations for schools/institutions to be considered while planning online education for children. It was also requested that the information be circulated through the nodal officer(s) for education in the districts to the schools/institutions taking online classes.

Recommendation regarding issues related to fees in private schools during COVID-19 lockdown: Following numerous representations received in the Commission involving fee-related matters in schools, the NCPCR, vide letter dated 21 April 2020, requested Secretaries, School Education Department of all states/UTs, to disseminate information regarding the state's/UT's grievance redressal mechanism to all stakeholders, especially schools and parents, through social media and other means used by the department. Since the grievance redressal mechanisms of the states include cluster/block-level and district/divisional-level authorities, for speedy redressal, such matters may be resolved at local level. Such complaints that are largely due to contradiction in fee charged by the schools/education institutions can be effectively resolved within the grievance redressal mechanism defined under Section 32 of the RTE Act, 2009 and are expected to be redressed

by the respective SCPCRs, along with the local authority or appropriate government. In addition, all the SCPCRs were also requested to disseminate the information pertaining to the grievance redressal mechanism under Section 32 of the RTE Act, 2009 through their respective websites and social media platforms. This would not only help the complainants in lodging the grievances but would also create awareness among the schools regarding the existing redressal procedures.

Suggestions regarding reopening of schools and board exams: The parents/guardians/parents' associations have been reaching out to the NCPCR with their concerns on the time/manner of school reopening and most importantly, about the safety of children in school post-lockdown. The MHA Order No. 40-3/2020-DM-I(A), dated 30 May 2020, specifically describes the manner of reaching a decision for reopening the schools, colleges, educational/training/coaching institutions, etc. This includes consultations at institutional level with parents. Hence, following the MHA Order, to address the concerns of the parents/guardians and involve them in the decision-making process that is crucial for the safety of their children, the NCPCR has suggested to Chief Secretaries/Administrators of all states/UTs, Secretaries (School Education Department) of all states/UTs and all SCPCRs, vide letter dated 11 June 2020, to hold such consultations with parents/parents' representatives through a convenient mode as deemed suitable. This way the parents would also remain informed about the state's efforts for ensuring the well-being of children, thereby avoiding such grievances from the parents. Further, it has been observed that different agencies/non-government organizations (NGOs)/private institutions are coming up with the frameworks/protocols/standard operating procedures (SOPs) on reopening of schools. As the MHA Order also mentions about the SOP to be developed by the Ministry of Health and Family Welfare (MoHFW), it has been recommended that it would be meaningful and fruitful if duplication of efforts by the other agencies/NGOs/private institutions is avoided in this regard. In fact, once MoHFW comes out with the SOP, all efforts, including that by other agencies/NGOs/private institutions, should be directed towards successful implementation of the same. Further, reaffirming the MHA Order, vide letter no. 40-3/2020-DM-I(A) dated 20 May 2020, the Commission, under Section 13(1)(a), (d) and (e), has requested all the States/UTs to follow due procedure as given by the MHA and ensure that the conditions are fulfilled before conducting the board exams in their respective States/UTs.

Suggestive curriculum for online school education during COVID-19 period: Amidst the COVID-19 pandemic, with the schools not opening to ensure safety of children, online education has been the one medium to reach out to the children and provide learning opportunities. The MHA Order No. 40-3/2020-DM-I(A), dated 29 June 2020, also permits and encourages online education. Though schools are providing education through digital means,

NCPCR has been receiving various representations from parents regarding health issues that may arise due to long periods of online education and the curriculum followed by schools. The NCPCR has suggested the following measures, vide letter dated 7 July 2020, to School Education Departments: (i) either follow NCERT's Alternate Academic Calendar (AAC) for primary and upper primary classes or direct the academic authority, as defined in state RTE rules, to adapt and contextualize NCERT's AAC as per the state curriculum; and (ii) issue necessary direction to the concerned schools in respective state/UT to ensure that all schools, as defined under Section 2(n) of the RTE Act, 2009, shall follow for primary and upper primary classes, the AAC by NCERT/SCERT. Similarly, keeping in view the health and overall well-being of the children and considering the limited resources available with parents/children during these times, the AAC for higher and higher secondary classes may also be adopted in all schools. The letter was also sent to SCPCRs and copied to Chief Secretaries of all states, Administrators of all UTs and NCERT.

Regarding offline exams and reopening of private educational institutions amidst the pandemic:

NCPCR has received a number of representations from students/parents of different private institutions from all over India opposing the reopening of schools and conduct of offline exams where physical presence of children in school is required, especially for children of Classes 9–12. The issue that has been emphasized is that the private schools are forcing children to be present for offline exams during pandemic, which can be hazardous to the health of the children and their families. In addition, it has been observed that after the schools reopened, news reports of students/teachers contracting COVID in school premises in several states had multiplied. Keeping in view the health and overall well-being of the children, the NCPCR, under Section 13(1)(i) of CPC Act, 2005, sent a letter dated 10.03.2021 to School Education Departments of all states and SCPCRs that the education departments of the states shall issue specific guidelines for conducting educational activities, including exams, and ensure that all educational activities in schools are as per the state SOP/guidelines. It was further recommended that the education departments may also coordinate with SCPCRs for formation of SOPs/guidelines and their effective implementation.

WEBINARS ON ISSUES PERTAINING TO COVID 19

Parenting in Pandemic (2 May 2020)

From the onset of COVID-19 pandemic, “parenting in pandemic” has been an evolving subject matter for discussion for providing best care to the children. The NCPCR, keeping in view its mandate to create awareness on the matter of child protection and child rights, organized a seminar through Facebook Live with a panel of experts, namely, Ms Nayana Sahasrabudhe,

Dr Renu Singh, Dr Stuti Sharma and Dr Geetanjali Kumar. The entire discussion revolved around how should parents help their children in the process of online education, as well as the ways to manage and deal with their own stress while balancing work life and life at home. The conversation started with the question of changes faced during COVID-19 pandemic in reference to online education. Ms Nayana Sahasrabuddhe brought up the topic of “unlearning” as parents should also understand the perspective of their children in this new situation, which is totally different than earlier. Dr Renu Singh, on being asked about the changing roles of parents during the lockdown, mentioned that now is the time for more activities to help strengthen the bonds amongst all family members, as also balance work and household stress. There is a need to have more conversations and discussions on how to manage the effect of the pandemic as a family unit. Dr Geetanjali Kumar stressed upon various points regarding ways to fix and learn communication, spending time with family and planning for a more structured routine to suit the monotonous days of everyone in the family.

Ms Sahasrabuddhe made a very compelling point by stating that due to lockdown, everyone will be carrying their own stressors, but as parents, they must remember to keep the effect of the stressors away from the children and think of smarter ways to make use of their time in this lockdown phase. There was also conversation concerning families that could not be together physically due to distance and how it is imperative to make the most out of available technology and means of communication. WhatsApp groups, family video calls, informal virtual meets, etc., are all great ways to remain in touch with people away from home.

In conclusion, the conversation with the esteemed panelists essentially revolved around improving mental health and relations between parents and children, while unlearning the normal ways of functioning and dealing. The conversation also highlighted the need for adjustment to remain around each other for whole day in the house, roles of family members, activities to share and spending time in interesting and creative activities.

Care for Children with Special Needs during COVID-19 Pandemic (7 May 2020)

Children with special needs have different needs. Moreover, during the COVID-19 pandemic, other dimensions of their needs opened up. Keeping in view the struggle that these children must be facing in this period, a webinar was organized to throw light on different aspects of care requirements of these children.

A webinar on “Care for Children with Special Needs during COVID-19 Pandemic” was organized with a panel of experts, chaired by Chairperson, NCPDR. The experts who deliberated on the subject were Dr A.K. Singh, National Advisor, RBSK; Dr Shekhar Seshadri, Professor, Child and Adolescent Psychiatry, NIMHANS; Dr Indumathi Rao, Regional Advisor, CBR Network; and Dr Anupam Ahuja, Professor and Head, International Relations Division and

Department of Education of Children with Special needs, National Council of Educational Research and Training (NCERT).

The webinar started with Dr Singh pointing out how it is never good for children to be trapped inside, especially away from nature. This also increases their digital time and decreases their physical activity, which is a cause of concern. During the course of the conversation, Dr Rao, who is working with National Bal Bhavan, pointed out how preparedness regarding disaster management for children with special needs has been a neglected area in our society. In this pandemic situation, lack of physical presence and interaction can be a trigger for them. She also highlighted the issue of lack of education in the areas of caring for children with special needs in rural India. Interestingly, Dr Seshadri pointed out that for children with any kind of special needs, one could find innovative ways to create toys with things from home. He gave an example of using a toffee wrapper to understand sound and texture.

Various panellists, through the course of the discussion, pointed out how education for children with disabilities is being hampered due to online schooling, and that parents of the child must take action and activate their minds while at home. This could be done through a variety of activities and interactions within the family. Dr Ahuja mentioned how lack of socialization may also affect certain children and that once in a while, they should have stable interactions. Dr Rao further mentioned how it is vital for all households to maintain healthy and happy environment so as to enrich the learning and well-being of the children. In conclusion, the takeaway from this discussion was that awareness and education with regard to children with special needs, as well as care towards them, is lacking in India and it is time we improve it.

Impact of COVID-19 Outbreak on the Health and Well-being of Children (13 May 2020)

A webinar on “Impact of the COVID-19 Outbreak on the Health and Well-being of Children” was organized by NCPCR in collaboration with Harvard TH Chan School of Public Health–India Research Center. The esteemed panellists in the webinar were Dr Shekhar Seshadri, Professor, Child and Adolescent Psychiatry, NIMHANS; Dr Karestan Koenen, Professor, Harvard TH Chan School of Public Health; and Dr Archana Basu, Clinical Psychologist, Massachusetts General Hospital and a research scientist.

The conversation began with Dr Koenen explaining how the pandemic can be classified as a traumatic experience as it was an unprecedented phenomenon that had altered the lives of people. Dr Basu, when posed with the question of explaining the pandemic to children of various ages, emphasized that minimizing the severity will not be helpful as it is a life-altering

phase. It is only understanding their worries and making them feel heard that will allow them to release the stress they may be feeling and help them understand the concept of this pandemic. In the conversation, Dr Basu mentioned how it is imperative for parents to take care of themselves before taking care of their children, especially in times like these. She mentioned how it is easier for children to learn from the behaviour of their parents, that is, how to react and adapt to situations. Therefore, if parents learn to balance their lives and take care of themselves, they will prove to be a positive role model for their kids.

Dr Koenen, who is studying post-traumatic stress disorder (PTSD) in people, raised points on how the pandemic is a useful time to focus on mindfulness and internal healing. Internal healing will help to take out time from a hectic day to focus on oneself and the effects of the pandemic on an individual. Dr Awasthi, the host of the discussion, brought up the matter relating to increase of interactions on social media platforms and digital world during the lockdown in the pandemic. Dr Basu, answering the same, pointed out how to a certain extent, it is healthy to gain knowledge on the ongoing pandemic, but at the same time monitoring the content consumed by the kids is what is of main concern. Using digital forms could also be ways of increasing family time, watching the news, accessing child-friendly content, etc.

Dr Seshadri suggested using visualization as a form of escapism for children. It is also a method parents can adopt to centre their child in times of stress and anxiety. Towards the end of the discussion, an important topic relating to low-income families and the impact of online education on their kids was also brought up for discussion. Dr Seshadri suggested opening an institution to help these kids until their families felt financially stable to provide for themselves. In the end, Dr Koenen remarked that just like in PTSD, in pandemic too, the reason why some individuals are more resilient or vulnerable can be attributed to social connections and social support system.

Thus, the essence of the discussion revolved around how children and parents can make the best use of lockdown time, along with tips for parents to deal with children of various ages while validating and supporting each other in such a life-altering period.

Webinar on Yoga in the Context of Health and Well-being of Children in COVID-19 Pandemic (held on 20 June 2020) as Part of Celebrating 6th International Yoga Day

Acknowledging the importance of yoga and to popularize this ancient science of health and well-being, the United Nations (UN) accepted the proposal of Government of India to celebrate a day for yoga. Thus, since 2015, International Yoga Day has been celebrated on 21

June all over the world. Yoga is highly beneficial to help people cope with life's situation and improve overall health and well-being.

Keeping in view the importance of yoga, especially for children, a webinar was organized on 20 June 2020 by the Commission, in collaboration with India Co-Win Action Network (I-CAN), to celebrate the 6th International Yoga Day. Dr Satya Lakshmi, Director, National Institute of Naturopathy, Ministry of Ayush, was the key speaker for the webinar, which was held live on Facebook page of NCPDR. She explained and elaborated on various benefits of yoga for health and well-being during the pandemic.

Dr Lakshmi began by explaining how for every disease, the important source of protection for each individual is the inner immunity. She elaborated that it is the presence of microbes in the body that helps to fight all external diseases. She further explicated that our body is attuned to the sun and its movements, which is called circadian rhythm. The night-time is used by the body to repair and rejuvenate itself so as to properly process during the daytime. Dr Lakshmi mentioned how both nature and yoga have positive impacts on the brain and internal functioning of the body. Therefore, for a young child who is physically active outdoors, yoga may not be as necessary as it would be for an adult who does not engage with nature, as it helps to reduce stress and feelings of anxiety. Dr Lakshmi made it known that even though anaemia is mainly associated with girls, men can also have it. The way to cure anaemia is by focusing on red foods, including tomatoes and red fruits, and green vegetables.

In the middle of the session, Dr Lakshmi demonstrated a few breathing exercises and simultaneously explained how hunching one's back can cause breathing troubles as it closes the chest and does not allow the lungs to expand while breathing. Breathing, according to her, also helps with digestion. During the conversation, it was pointed out that India was the capital of type-II diabetes. The causes for this, according to Dr Lakshmi, ranged from Indian culture of never saying "no" to food and midnight food joints that serve and deliver food. She stated that once all of this is tackled, diabetes may be eradicated. She, however, denied that yoga can cure diabetes.

Throughout the webinar, Dr Lakshmi elaborated on various benefits of yoga, like digestion, stress release, breathing, posture and anaemia. She explained how yoga helps centre the mind, improve blood circulation along with inner functions of the body and can be a great alternative to physical activities like running and walking. She also suggested different nutritional methods that can improve health and well-being of individuals, including what foods are helpful to different age groups.

Yoga has become an internationally acclaimed form of maintaining health and well-being and everyone should practice it.

Chapter –5

SAMVARDHAN

SAMVARDHAN : PREVENTING CHILD TRAFFICKING IN POST LOCKDOWN SITUATION DUE TO COVID-19 PANDEMIC

Human trafficking is a serious crime and worst forms of violation of human rights that occurs throughout the world, including India, which has gained momentum in past few years. In India, trafficking is primarily an offence under the Indian Penal Code, 1860. It defines trafficking as (i) recruitment, (ii) transportation, (iii) harbouring, (iv) transfer, or (v) receipt of a person for exploitation by use of certain forceful means. In addition, there are also other laws which regulate trafficking for specific purposes. The reasons for the increase in this phenomenon are multiple and complex. The exploitative nature of this crime feeds on poverty, despair, war, crises, calamities (both man-made and natural), pandemics, ignorance and unequal status of women and children in most societies.



The trade of humans trafficked is most commonly for the purpose of sexual, slavery, forced labor, or commercial sexual exploitation, for the trafficker or others. Sizeable number of humans trafficked across the globe and within India are children. The gamut of other exploitative situations related to child trafficking includes; providing a spouse in the context of forced marriage, pushing a child into traditional sex work, extraction of organs or tissues, using for surrogacy or ovary removal, conducting medical tests as guinea pigs, sale of babies for adoption, acquiring children for illegal activities through adoption, under the façade of medical tourism etc.

Though human trafficking is a continuous process wherein perpetrators operate in different manners throughout the year, however, in the aftermath of a calamity, disaster or pandemic like COVID-19 there is an exponential increase in this phenomenon. Such circumstances amplify the conditions that enable and attract traffickers. Children become soft targets who fall prey to the clutches of these predators constantly in search of an easy catch offline and online. The crime committed is serious and often committed through an organized nexus. The children they exploit are extremely vulnerable. With family members, bread earners deceased or affected by disaster, land and livelihoods destroyed and food and shelter hard to come by, people are more inclined than ever to take desperate actions. Often the predators operate by



means of allurements of children in the guise of good education, employment and better life. Apart from conventional methods of modus-operandi, the traffickers are also found to be in the guise of placement agents promising lucrative jobs or education, leveraging online technological platforms for targeting children.

The Human Rights violations experienced by children as victims of trafficking are deprivation of their constitutionally guaranteed fundamental rights which are obligated in the form of benefits and entitlements without any discrimination. The Constitution of India accords rights to children as citizens of the country, and in keeping with their special status, the State has even enacted special laws. The fundamental rights, embodied in Part III of the Constitution, guarantee civil rights to all citizens of this country. Also, Constitutional Guarantees that are meant specifically for children include: Article 23 (1), "prohibiting traffic in human beings and beggar and other similar forms of forced labour and making it a penal offence" besides few important rights under the Articles 14, 15, Article 21 A, 23, 24, 29, 39 (e), 39 (f), 45, 46 and Article 47. There are various other legislative provisions enumerated w.r.t trafficking in India



viz. the Immoral Traffic (Prevention) Act, 1956 (ITPA), being the important one amongst others including JJ Act, 2015 and CLPRA, 2017, IPC. Anti-Trafficking Nodal Cells have also been set up to improve the effectiveness in tackling the crime of human trafficking and to increase the responsiveness of the law enforcement machinery.

In this regard multiple Advisories have also been issued by the MHA from time to time including guidelines for private placement agencies. There are significant international instruments, treaties, conventions, protocols and legislations in place to the likes of United Nations.

According to the NCRB records, it is noted that thousands of children go missing each year from India. As per Crime in India (CII) data, during the year 2016 a total of 63,407 children, during 2017, 63,349 children, and during 2018 a total of 67,134 children have been reported as missing. There are several Source and Destination hotspots from where children get trafficked inter-states and across the borders, internationally. Certain pockets of our country viz. the Eastern and North Eastern region are particularly vulnerable due to the porous borders they share with Bangladesh, Nepal, Myanmar, Bhutan and China.

In this backdrop, NCPCR conducted a national level multi-stakeholder **“E-Consultative Meeting to Combat Child Trafficking Post Lockdown Situation due to COVID-19”** on 8th May 2020 comprising of stakeholders from the background viz. Representative from the NITI Aayog, SCPCR, Police, State CID, AHTUs, Experts in the field of Human Trafficking, INGOs viz. UNODC & Grass root Civil Society Organizations (CSOs) working on ground in the field of child trafficking prevention.

Further, based on the inputs received and observations made by the Commission through various meetings conducted virtually with SCPCR, other stakeholders, various rescue operations conducted during lockdown period and inquiries taken up by the Commission, it has been noted that recommendations to “Combat Child Trafficking, Post Lock Down Situation due to COVID-19” needs to be focused on Preventive and Curative aspects at the Source, Transit and Destination Hotspot States. Since apprehensions have been raised by

various stakeholders that Child Trafficking may go on incline during and after COVID-19 lockdown situation, NCPCR has outlined recommendations from preventive aspects, to be referenced to for the time being, during extra ordinary circumstances due to COVID-19 lockdown.

The Commission has formulated the said recommendations in consonance with the Advisory issued by MHA dated 06th July 2020 for “Preventing and Combating Human Trafficking especially during COVID-19 Pandemic period”. The Commission has laid out specific recommendations at Source, Transit and Destination Hotspots. The recommendations formulated by the Commission outlines basic indicators for identification of vulnerable families and children at risk of trafficking at the village/urban habitation level and provided with a safety mesh at the family level. The Commission has observed that providing benefits of various welfare schemes provisioned by the State/Centre Governments to the vulnerable families makes the preventive process more family centric. Once the family is provided with benefits of the relevant Governmental Welfare Schemes from the perspective of the best interest of child, the family in turn becomes child centric; family being considered as the primary unit of child security. Hence, the Commission feels that providing the vulnerable family with the social protection cover shall reduce the risk of a child getting trafficked.

To enable this process, meetings at District, Block and Village levels are required to be undertaken and identification and matching of the vulnerable families having children at risk with the available Governmental Welfare schemes beneficial for the family is required to be done. The entire process needs to be tracked at the Village, Block, District, State and National Level. SCPCR and NCPCR along with CSOs and other stakeholders shall play a key role in monitoring this process.

ACTION INITIATED BY THE COMMISSION:

1. NCPCR has held virtual meeting with all State Commissions for Protection of Child Rights (SCPCR) of Hotspot States.
2. On the occasion of “*World Day against Trafficking in Persons*” with focus on Children, the Commission organized a Webinar on “*Preventing Child Trafficking Post Lockdown situation due to COVID19*” on 30th July 2020 chaired by Chairperson NCPCR and Expert panelists viz. Padmashri Dr. Sunitha Krishnan, Dr. Anamika Singh, IAS, Director WCD, NITI Aayog, Shri Rajesh Kumar, Deputy Director, Narcotics Control Bureau (NCB), Dr. Sunita Changkakati, Chairperson, Assam State Commission for Protection of Child Rights (Assam SCPCR) Smt. Ananya Chatterjee Chakraborty Chairperson West Bengal (WBSCPCR), Dr. P.M. Nair, Former Director General, NDRF, Expert in Human Trafficking Issues

3. The Commission, in collaboration with Jharkhand SCPCR, District Administration has pilot launched **“Samvardhan” Program** first of its kind exercise for mapping of children and their families vulnerable to child trafficking in Khunti District of Jharkhand at District, block, village/panchayat and urban habitation levels. Shri Arjun Munda, Hon’ble Minister, Ministry of Tribal Affairs had inaugurated the said pilot launch. Similar such mapping exercise has been planned in Dumka District of Jharkhand subsequently. The said exercise has been completed wherein data has been collected at village level by various committees as mentioned in NCPCR’s recommendations on “Preventing Child Trafficking Post Lockdown due to COVID-19 Pandemic”. The data collection is complete and the Commission has received information regarding approx.



3825 vulnerable children from various villages in blocks of Khunti District, Jharkhand. The Commission would be treating the same as grievances and sharing with the district administration for needful action.

4. The Commission has initiated a pilot launch of “Mapping of Children & Families Vulnerable to Child Trafficking and matching them with benefits under various Schemes of Government of India and State Government in Baksa District of Assam in collaboration with Assam SCPCR. Similar such exercise shall be undertaken in various Hotspot districts of Tripura.
5. The Commission has conducted a State Level workshop on “Mapping of Children & Families Vulnerable to Child Trafficking and matching them with benefits under various Schemes of Government of India and State Government in Imphal, Manipur on 20th January 2021 in collaboration with Manipur SCPCR.
6. The Commission recommends that such extensive mapping exercise of children and their families vulnerable to child trafficking is required to be undertaken in all the Districts of all the States within the country which are potential “Source”, “Transit”

and “Destination” Hotspots of Child Trafficking, as per the information available with Anti Human Trafficking Units (AHTUs) and NCRB. All such children and their families should be matched with relevant schemes and entitlements of the Government of India and State Governments and the same should be made available to them under the monitoring of NCPCR and State SCPCR.

The Link of NCPCRs Recommendations on “Preventing Child Trafficking Post Lockdown Situation due to COVID -19 Pandemic is <https://ncpcr.gov.in/showfile.php?lid=1914>



Chapter-6

SAHARA

‘SAHARA’ (Supportive Action with Holistic Approach to build Resilience among the children of Armed Forces Personnel)

Thousands of children whose parents laid down their lives in the line of duty for the country face an uncertain situation dominated with trauma and potentially exposing them to varying degree of symptoms of post-traumatic stress disorder (PTSD) and depression in future. Loss of parent in attack may result in the feeling of denial and



anger and may further lead to grave psychological manifestations of grief and trauma. Thus, they are placed at a major risk of developing major mental health related problems, which are otherwise left unnoticed and unattended by them and their family members. This further implies that children of martyrs are one of the most vulnerable child population neglected of immediate psycho-social care and support. Against the purview of this deplorable scenario, it is pertinent to ensure outreach and accessibility of psycho-social support and counselling, given the impoverished state of mental health services available for this vulnerable child population.



In this regard, under section 13(1) of CPCRA Act, 2005, National Commission for Protection of Child Rights (NCPCR) with its team of qualified and trained Counsellors/Psychologists/Experts has introduced ***“SAHARA” Supportive, Action with, Holistic, Approach to build, Resilience among the***

children of, Armed Forces Personnel) for providing psychological first—aid, emotional support and counseling through exclusive dedicated toll free number **1800-1-236-236** for children of Border Security Force personnel who have laid down their lives in line of duty. This toll free number is functional from Monday to Friday (10 am to 5 pm). Further an exclusive web-link has been created on website of NCPCR (www.ncpcr.gov.in) as per its mandate under section

13(1)(j) of CPCR Act, 2005, to redress the grievances of these children pertaining to violation and deprivation of their rights and entitlements on priority, and linking them with welfare schemes of BSF and Government.

Shri. Rakesh Asthana, Director General, Border Security Force(BSF) and Shri. Priyank Kanoongo, Chairperson, along with Dr. R.G.Anand and Shri. Yashwant Jain, Members, National Commission for Protection of Child Rights (NCPCR) with Member Secretary and other senior officials launched SAHARA on 19.02.2021. The launch was attended physically as well as virtually by DGs of CAPFs and senior officials of Ministry of Home Affairs, NCPCR and SCPCRs.



SAHARA
Supportive, Zehn-e-Hamdar
Approach to help children facing the challenges of Armed Police Force Personnel

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Chapter-7

Monitoring App for Seamless Inspection

“MASI – Monitoring App for Seamless Inspection”

The National Commission for Protection of Child Rights (NCPCR) has developed an application- *MASI – Monitoring App for Seamless Inspection*- has been developed for real time monitoring of the Child Care Institutions (CCIs) and their inspection mechanism across the country.

The effective and efficient functioning of the mechanism for inspection of Child Care Institutions provided under the Juvenile Justice Act, 2015 and synchronous monitoring of the system is the rationale behind developing this sophisticated and comprehensive application. The app is linked to the monitoring Portal where the automatic reports will be generated. The key features of MASI are as follows-

- i. MASI enables unified inspections by Child Welfare Committees (CWCs), State Inspection Committees, District Inspection Committees, Members of Juvenile Justice Boards (JJBs) and State Commissions for Protection of Child Rights (SCPCR) as laid down under the JJ Act, 2015.
- ii. It will serve as a single platform for inspections of all the CCIs across the country by any of the above stated authorities.
- iii. The Portal has a data base of inspections from the social audit of 7163 CCIs. Comparative reports will be generated by matching with these existing data base highlighting the improvements/depreciations.
- iv. The digitised uniform inspection tool used in the app consists of three parts/sections–
 - a. Indicators based on rules and regulations provided for proper mechanism of CCI
 - b. Focused Group Discussion with children developed in consultation with NIMHANS and Psychiatric Department of AIIMS, New Delhi.
 - c. The response on each parameter in the report will be colour-coded (red for non-compliance/deficiencies and green for full compliance). The aim is to improve the condition of CCIs and convert red (non-compliance) into green (compliance) in the next two years and maintain the same thereafter.
 - d. Reporting of the irregularities and violation to the Authorities.
- v. To minimize bias, the Team/Inspectors and the CCI to be visited will be randomly selected by the App. Auto generated messages will be sent with date and time for the visit. Moreover, the app will be used by the authorities for random inspections if and when required.
- vi. Regular follow-ups before and after the completion of cycle of inspection.
- vii. The complete reports automatically generated on the Portal as soon as the questionnaire is filled and submitted by the authority.
- viii. On completion of the tenure of authorized person, the login ids provided to the authorities for inspection will be automatically blocked/logged out.
- ix. The App will also be GPS-enabled to check any discrepancies in the location of the CCI and that of concerned authority carrying out inspection.

This App is available on Play Store and iOS. The user id and passwords for conducting inspections through this App have also been shared with the state/district stakeholders and this App is now functional.

Chapter-8

BAAL SABHA

BAAL SABHA

The nationwide lockdown to combat COVID-19 pandemic that started in March 2020 threw up a unique opportunity to contemplate on various issues and creatively engage with the children, parents and teachers. The idea of “Baal Sabha” was thus envisaged to engage children to share and discuss about some heroic and great personalities—scientists, freedom fighters, educationists, organizers, tribal leaders, social reformers, social workers, etc.—who have contributed immensely in the development of the country. Interestingly, this also included some not-so-popular personalities. The programme was organized in virtual mode and it was circulated amongst the State Commissions for Protection of Child Rights (SCPCRs) and others using various social media platforms and social media handles of the National Commission for Protection of Child Rights (NCPCR).

The Baal Sabha had two segments: (i) life skills; and (ii) sessions on historical personalities/events. There were 17 sessions in total, covering both the categories.

Life Skills Sessions

Baal Sabha—Life Skills (1): Personal Development and Character Building

Date: 3 May 2020

Speaker: **Shri Atul Kothari**

Shri Kothari is the National Secretary of Shiksha Sanskriti UtthanNyas (SSUN). He is an educationist and his body of work is based on Indian system of education. He is also an adept organizer and is managing many small groups and branches of the Nyas at the grassroots level.

Topics discussed in the session: Shri Kothari expressed his gratitude to the NCPCR for providing him the opportunity to speak and interact with the children for they are the future of India. He enlightened the audience on various facets of personality development and character building which are crucial for a healthy society. During the discussion, he stated that personality development is not about looking good and wearing expensive brands, but about developing one’s inner self and being a good human being.

He further highlighted that India is a country of culture and civilization where character building has always been emphasized; hence, character building is a very important aspect of our lives. He cited some examples from the life of Swami Vivekanand in his session and touched upon the fundamental concepts of character, habits, power of positive thinking and spirituality. He also emphasized on good habits and value system. He told the students about

how good values always go a long way. In addition, he said that for the new generation, character building is important as an individual's character is actually an amalgamation of his/her qualities which make the person unique and helps him/her to stand apart from the rest. Character should be the one with unique blend of humanity, good habits, power and spirituality.

In order to achieve peace of mind and inner calm, he mentioned a few things that can be practised. For example, listening to music and playing instruments can heal stress. He also said that thinking about own self helps in developing positive thoughts. Satsang (like discussing with influencers), listening to good people, watching Ramayana and discussing it with elders of the family is also beneficial. He further emphasized that it is important to help the poor and underprivileged as COVID has affected the economy of the country and many families are living without food. He suggested that with the help of adults, children can plan on how to help the poor families by providing services, food, etc. He stressed on self-control and said that it can be achieved by not buying things unnecessarily, not eating fast food, etc. According to him, intellectual development is also very important for character formation, which means learning and gaining knowledge by reading and bringing a scientific approach to life. He suggested that one must not take impulsive decisions but think properly and understand the things before reaching a conclusion. Also, spiritual development is very important, which leads to doing things selflessly. Thus, during the pandemic, the children should selflessly help needy people, feed birds, speak to adults/elders, etc.

In conclusion, Kothariji emphasized on COVID and the impact it has had on the children. He further discussed ways to cope and combat the challenges that COVID has brought about.

Link: <https://youtube/Lyd0kOZdjCU>

Baal Sabha :Life Skills (2)

Date: 12 May 2020

Speaker: **Dr Swaroop Sampat Rawal**

Dr Rawal earned her PhD in education from the University of Worcester. She did her doctoral thesis on using drama to enhance life skills in children with learning disabilities. She is an Indian actress who has acted in several Hindi films, such as *Naram Garam*, *Nakhuda*, *Ki and Ka* and *Saptapadi*, and is known for her performance in television serials like *Yeh Jo Hai Zindagi*. She won the Miss India contest in 1979 and represented India at Miss Universe 1979. She is a trainer and travels across India to conduct workshops for teachers to impart her knowledge for the benefit of children.

Topics discussed in the session: Dr Rawal explained that the term “life skills” refers to the skills you need to make the most out of life. Any skill that is useful in your life can be considered a life skill. Broadly speaking, the term “life skills” is usually used for any of the skills needed to deal well and effectively with the challenges of life.

She mentioned that she teaches everyone, including parents, teachers and children, about life skills, which is actually something that is required on everyday basis as it empowers us and gives us the ability to think and take right decisions. The essential life skills can include: understanding feelings/emotions; understanding the self; creative thinking; problem-solving approach; and decision making. She explained that understanding the feelings leads to better communication and makes one take the right decisions. Also, understanding of feelings can be achieved through various approaches, like being involved in drama. She explained further with the example of a newborn as to how crying at the stage of birth is associated with communication and how parents can generally identify the reason behind it. Often, newborn babies change places by rolling over/down to a different place in case they do not like their position. In doing so, they are solving the problem. However, often they fall down while rolling, which means that they were unable to solve the problem and failed at decision making. It is to be noted that the process of taking the right decision comes with time and practice.

Life skills, therefore, always come with the practice and experience. For instance, crossing the road often requires looking right and left, looking at the timer and colour of the signal light, looking at the zebra crossing, etc., and with practice, one can easily achieve it. It means that practice makes one perfect and helps to achieve things in life.

She also shared her personal experience of working in the film industry where she gave a thought to introduce theatre in the lives of children. Theatre helps in learning by doing. Further, it helps to express emotions and enhances communication. However, it is very important to communicate these emotions in the right way (not like extremists). For instance, if you are angry (one can get angry due to any reason), it is not necessary to harm others or oneself (extreme reaction); rather, one can listen to music, do activities like dance and performances, do physical exercise, go for a walk, etc.

Another emotion is fear. Though often considered bad, fear can also act as a motivation. For example, if one has fear of failing in examination, s/he may work hard to perform well. Same is true for homework completed due to fear of teacher. It means that fear is a kind of positive motivation to perform better in life. She shared that often children are seen as the ones who cannot take decisions, but that is not true. Children do take decisions while playing, studying, etc. However, all their decisions may not be right, like sleeping extra hours that leads to delay in reaching the school. Therefore, right decisions are important. In her conclusion, Dr Rawal

highlighted that once our life skills are developed, we all will be able to lead better lives and become better citizens.

Link: <https://youtube/MaP8HVIJZFQ>

Baal Sabha on Leaders/Personalities

Baal Sabha 1 Date: 25 April 2020 Name of leader: Dr A.P.J. Abdul Kalam Speaker: Dr Unnat P. Pandit Link: https://youtube/ZmRt TEWUCA	Baal Sabha 2 Date: 26 April 2020 Name of leader: Swami Vivekanand Speaker: Shri Mukul Kanitkar Link: https://youtube/5fCzWSiA-jY
Baal Sabha 3 Date: 27 April 2020 Name of the topic and leader: Champaran Satyagraha by Mahatma Gandhi Speaker: Shri Dipankar Shri Gyan Link: https://youtube/Diu65v3uukc	Baal Sabha 4 Date: 28 April 2020 Name of leader: Sindh Naresh Raja Dahir Speaker: Shri Gyanendra N. Bartaria Link: https://youtube/Wf5O7QVif4Q
Baal Sabha 5 Date: 29 April 2020 Name of leader: Samrat Lalitaditya Speaker: Professor Rajaneesh Kumar Shukla Link: https://youtube/yZbHcdmuh-l	Baal Sabha 6 Date: 30 April 2020 Name of leader: Srinivasa Ramanujan Speaker: Shri Hitesh Shankar Link: https://youtube/rChHETiTWn8
Baal Sabha 7 Date: 1 May 2020 Name of leader: Ahom Samrajya ka Senapati, LachitBorphukan Speaker: Shri HemantaDhing Mazumdar Link: https://youtube/Auy9G8WrdGc	Baal Sabha 8 Date: 2 May 2020 Name of leader: Bidhan Chandra Roy MRCP, FRCS Speaker: Shri Narayan Chakrabarty Link: https://youtube/8AzZiKd-z8s
Baal Sabha 10 Date: 4 May 2020 Name of leader: Padma Bhushan Rani Gaidinliu, Nagaland Speaker: Shri Pankaj Sinha	Baal Sabha 11 Date: 5 May 2020 Name of leader: Gondwana Veerangna Rani Durgavati Speaker: Shri Laxman Raj Singh Link: https://youtube/CtecpbobEmQ

Link: https://youtube/mKRUTf-EQ8Q	
Baal Sabha 12 Date: 6 May 2020 Name of leader: Veer SambhudhanPhonglo Speaker: Shri Amit Barman Link: https://youtube/Hr6XoY-Dn3Q	Baal Sabha 13 Date: 7 May 2020 Name of leader: Utkal Mani Gopabandhu Das Speaker: Shri SaratChander Sen
Baal Sabha 14 Date: 8 May 2020 Name of leader: Shri BaghaJatin Speaker: Shri Shantanu Mukherji Link: https://youtube/kgcmbaCBp5l	Baal Sabha 15 Date: 9 May 2020 Name of leader: Sangrami Veer Surendra Sai Speaker: Shri Deepak Kumar Panda Link: https://youtube/rpMjBHjm_VM
Baal Sabha 16 Date: 10 May 2020 Name of leader: Maharaja Chhatrasal Bundela Speaker: Dr Hariram Mishra Link: https://youtu.be/Y4B9FXj1UGE	

Chapter-9

Activities Under Division

Activities Under Divisions

EDUCATION

The NCPCR has been mandated under Section 31 of the Right to Education (RTE) Act, 2009 to: (i) examine and review safeguards for rights provided under the Act and to recommend measures for their effective implementation; (ii) inquire into complaints relating to children's right to free and compulsory education; and (iii) take necessary steps as provided under Section 15 of the CPC Act, 2005.

In furtherance of this mandate and the functions assigned to it under Sections 13 and 14 of the CPC Act, 2005, the NCPCR has undertaken a series of initiatives, such as redressing complaints, conducting inquiries, undertaking policy interventions and programme and research initiatives. In 2020–21, to address issues concerning education policy in India and to ensure better implementation of RTE Act, 2009, the Commission organized consultations at both regional and state level.

Sensitization-cum-Review Workshop on Hon'ble Supreme Court's Guidelines on Safe and Secure Transport Facilities for School Children

In the past, several accidents have occurred involving children while they are in school premises. In fact, a large number of accidents leading to death in the country are of children below 18 years of age. Stakeholders, such as ministries, departments and education boards, have issued circulars/instructions to the schools on safety and security of children. In addition, Hon'ble Supreme Court of India, vide judgment dated 16 December 1997 in W.P. (Civil) 13029 of 1985 in the case of *Sh. M.C. Mehta vs Union of India & Others*, sensing the gravity of the issue, passed an order which, inter alia, includes guidelines for safe plying of school buses and to ensure the safety of children travelling in school buses.

Considering the significant number of accidents of school transport, there has emerged a need to focus on the issue of safety and security of school children during transit. The Commission thus decided to conduct a state-level consultation to improve the safety and security of children and simultaneously, spread awareness on safe school transportation by sensitizing stakeholders, such as school transport incharge, teachers, principals and traffic police in charge. Identifying the gaps that exist in the implementation of the Hon'ble Supreme Court's guidelines on school transportation, a workshop was organized in various states (see table).

S. No.	Workshop	State	Date
1.	Sensitization-cum-review workshop on Hon'ble Supreme Courts guidelines on safe and secure transport facilities for school children.	Alwar (Rajasthan)	9 March 2021
2.		North Goa (Goa)	10 March 2021
3.		Cuttack (Odisha)	10 March 2021
4.		Ludhiana (Punjab)	13 March 2021
5.		Prakasham (Andhra Pradesh)	27 March 2021

Sensitization Workshop on “Manual on Safety and Security of Children in Schools”

It is a fact that, apart from home, children spend a lot of time in school. It is thus important to ensure a secure, positive and comfortable environment in schools to help them grow. However, many incidences have occurred wherein several young lives have been lost due to issues pertaining to infrastructure of school, health and hygiene and psychological aspects, like corporal punishment, bullying, isolation and abuse. To reduce such incidences, the Commission has prepared a comprehensive “Manual on Safety and Security of Children in Schools” by compiling various existing guidelines, circulars, notifications and government orders on safety and security issues of children in school. Further, the Commission has been organizing workshops to sensitize and educate stakeholders, like cluster resource coordinators, block resource coordinators and principals, on safety issues and implementation of the provisions of the manual.

The objectives of the manual are to: (i) provide relevant information collated from various existing guidelines on the safety and security of children in school; (ii) inform and equip relevant stakeholders in monitoring the measures of school safety and security so as to ensure a safe and secure environment for the children in school; (iii) facilitate awareness generation and build capacities of relevant stakeholders, namely, school management, teachers, staff and other personnel, school management committees (SMCs)/parent–teacher associations (PTAs) and students, on safety and security of children in school; and (iv) highlight the roles and responsibilities of teachers and other school staff in ensuring safety. The details of workshops organized in the year 2020–21 are given next.

S.No.	Name of the Activity/Workshop/ Consultation	State	Date
1.	Sensitization workshop on “Manual on Safety and Security of Children in Schools”	Kathua (Jammu and Kashmir)	5 March 2021
2.		Noida (Uttar Pradesh)	6 March 2021
3.		Kavaratti (Lakshadweep)	10 March 2021
4.		Dehradun (Uttarakhand)	12 March 2021
5.		Gangtok (Sikkim)	15 March 2021
6.		Nellore (Andhra Pradesh)	17 March 2021
7.		Leh (Ladakh)	17 March 2021
8.		South Andaman (Andaman and Nicobar Islands)	19 March 2021
9.		Khamman (Telangana)	20 March 2021
10.		Kangra (Himachal Pradesh)	23 March 2021

State-level Orientation Workshops on Safety and Security of Children in Residential Schools

The Government (both centre and state) has initiated various schemes for establishment of hostels for promoting education in all areas and habitations of the country. In addition, there are private institutions which provide residential educational facilities for children. In this regard, taking forward its endeavour to create a safe learning environment for children, the NCPCR has developed guidelines for hostels of residential educational institutions. For maintaining the safety and security of children staying in these hostels, it is important that basic uniform norms and standard are followed irrespective of the departments/schemes/programmes and projects under which these hostels are governed. To create awareness among the heads of such institutions with hostels, both government and private, various workshops were organized in 2021.

S. No.	Workshop	State	Date
1	Orientation workshops on safety and security of children in residential schools	Manipur	3 March 2021
2		Rajasthan	8 March 2021
3		Odisha	8 March 2021
4		Uttarakhand	16 March 2021
5		Andhra Pradesh	30 March 2021

State-level Workshops for Teachers on Identification and Coping Strategies with Respect to Stress among Children in Schools

Besides issues of violations pertaining to basic entitlements provisioned under the RTE Act, 2009, several representations have been received in the Commission regarding safety of children in schools, growing academic burden leading to stress on children and student–teacher relations. Considering the incidents of suicide among children due to various stress factors, which have also been reported in the media from time to time, the NCPCR has been conducting activities to sensitize the students on the issue of stress. Since the mode of teaching–learning shifted from face-to-face to online in the previous academic year, it has become all the more important to understand the issues that the children might be facing in adjusting to the new situation and coping with the additional stress. Therefore, the Commission organized workshops for teachers on identification and coping strategies with respect to stress among children in schools. These sessions were conducted by renowned psychologists and education experts.

S. No.	Workshop	State	Date
1.	Workshop for teachers on identification and coping strategies with respect to stress among children in schools	Uttar Pradesh	26 March 2021
2.		Jharkhand	31 March 2021
3.		Telangana	31 March 2021

Union Territory (UT)-level Workshops on Out-of-School Children in the UTs of Jammu and Kashmir (J&K) and Ladakh

In 2019, the Government of India revoked Article 370 of the Indian Constitution that granted a special status to the state of J&K and introduced the Jammu and Kashmir Reorganisation Act, which resulted in the formation of two new UTs: J&K and Ladakh. After the abrogation of Article 370, according to *Gazette* notification no. 34 of 2019, 106 central laws/acts are now applicable to the newly formed UT of J&K. These laws include: the CPR Act, 2006; the Juvenile Justice (Care and Protection of Children) Act, 2015; Protection of Children from Sexual Offences (POCSO) Act, 2012; RTE Act, 2009; and other child-related acts.

In the year under consideration, the NCPCR reviewed previously enacted state acts related to children's protection and development with reference to central acts now applicable in J&K. The Commission identified gaps 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. Also, it was observed that the issue of out-of-school children in the UTs needs to be addressed given that education is a fundamental right under the Constitution and providing free and compulsory education till elementary level is the state's responsibility. If children remain out-of-school, it not only deprives them of their educational right but may also push them into vulnerable situations, such as child labour, child marriage and trafficking. Hence, the Commission, for the first time, conducted workshops in these UTs to orient the authorities regarding the issue of out-of-school children, various factors that lead to children dropping out of school and their role in preventing the same.

S. No.	Workshop	State	Date
1	Workshops on out-of-school children	Jammu (J&K)	4 March 2021
2		Leh (Ladakh)	18 March 2021

New Education Policy 2020: Actionable Points/Framework for Implementation

The NCPCR, within its mandate under Section 13(1) of the CPR Act, 2005, has always endeavoured to contribute towards the successful execution of policies and laws and ensure that they reach the last child of the country. In addition, as NCPCR is the monitoring authority of the RTE Act, 2009 and also looks into issues related to education of all children, the Commission has studied the section on "School Education" in the New Education Policy, 2020 and made suggestions on how the policy objectives can be achieved through collective responsibility. A document titled, "New Education Policy 2020: Actionable Points/Framework

for Implementation”, was prepared and submitted to the Prime Minister’s Office (PMO) and Ministry of Human Resource Development, vide letters dated 22 September 2020, and NITI Aayog, vide letter dated 1 November 2020.

Standard Operating Procedures (SOP) for Implementation of Section 12 (1) (c) of the RTE Act, 2009- Model Procedures for Effective Implementation

The RTE Act, 2009 has mandated NCPCR with the responsibility of monitoring the implementation of the Act. Specifically, section 31 of the Act states that NCPCR shall examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation. Section 13 of the CPC Act, 2005, also mandates NCPCR with the responsibility to examine and review the safeguards provided by or under any law; look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children.

A review of the reports, data and other relevant documents reveal a not so glaring picture of the status of implementation of this particular provision by the States/UTs highlighting significant gaps. In this process, a need of standard procedures be followed in all States was felt, without affecting the impact of local factors for effective implementation of the provision. Accordingly, the SoP has been developed to provide a model framework to all the States/UTs for effective implementation of section 12 (1) (c) of the RTE Act, 2009. It provides step- by-step guide to facilitate the State Government in streamlining the system of admission and to ensure that children enjoy their right throughout the learning process after getting admission in the school. Since, extending the fundamental rights to the children is responsibility of the State, the procedures defined in this document are laid out keeping in view the existing mechanisms that could be utilized in the process.

This SoP is primarily intended for all the authorities involved in the process of implementation of the Act including Appropriate Government, Local Authorities, Officials in Department of Education, schools defined under sub-clause (iii) and (iv) of section 2 (n) of the RTE Act, 2009 for carrying out the process in timely and transparent manner, whereby children and their parents/guardians face minimal problems during the admission process. It would also be useful for parents/guardian to get the understanding of the entire procedure and for making informed choice. This will in turn be helpful in preventing discrimination and harassment of children later in the school due to issues with financial basis. The same was sent to the Principal Secretaries/Secretaries, Department of Education of all States/UTs and SCPCRs and the suggestions received were examined and suitably incorporated.

During formulation of the SOP, it was noted that for Twenty (20) States/UTs no information is available for implementation of the provision of 12 (1) (C) as per PAB minutes of the Ministry

of Education. These States/UTs are; Andaman & Nicobar, Andhra Pradesh, Arunachal Pradesh, Dadra and Nagar Haveli, Daman & Diu, Goa, Haryana, Jammu & Kashmir, Ladakh, Kerala, Lakshadweep, Manipur, Nagaland, Meghalaya, Mizoram, Puducherry, Punjab, Sikkim, Telangana, Tripura and West Bengal.

Study on “Impact of Exemption under Article 15(5) w.r.t. Article 21A of the Constitution of India on Education of Children of Minority Communities”:

The study sought to examine the impact of Article 15(5) with regard to Article 21A of the Constitution of India on education of children of minority communities. The aim of the study was to recommend ways to ensure that children from minority communities get quality elementary education, as guaranteed by their fundamental rights within these minority institutions. The study was carried following two approaches. First approach was aimed to generate insights with regards to number of institutes, community type, enrolment, recognition status, affiliation status, and more. It involved desk review and data analysis of minority institutes belonging to religious and linguistic minority communities in India. The second approach aimed to understand the concerns and understand suggestions of the representatives of minority communities, heads of the education institutions, parents and students studying in the minority institutions with particular attention given to students studying in madrasas owing to their prevalence in terms of numbers and enrolment in India. It involved consultation workshops, document analysis and formal and informal group discussions with CABE, OoSC Review Meetings, Inter-departmental meetings, SCPCR consultations, interactions with UN agencies. The full report can be accessed at the Commission’s

website <https://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=2141&lid=2041>



CHILD HEALTH

Right to life is closely associated with right to good health and nutrition; and a healthy body is the very foundation of all human activities. Indeed, right to life is a core fundamental right provisioned under the Constitution of India. Article 21 states that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” Further, Article 39(f) of the Constitution states “that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”



The year 2020–21 witnessed a year of threat to human health and survival due to COVID-19, a novel coronavirus. The virus unleashed a devastating impact on public health, economy and social and personal lives. Children, in particular, had little or no opportunity to play or exercise in open space and maintaining a school routine was not possible due to restrictions imposed to contain COVID-19 infection.

Given this situation, National Commission for Protection of Child Rights (NCPCR) had to play a key role in monitoring various aspects of health, mental health, nutrition and safety of children. This chapter deals with some of the health and nutrition-related initiatives of the Commission. However, it may be noted that all other activities conducted by the Commission do, in fact, revolve around the health and well-being of children.

“Poshan Maah” Celebration

National Nutrition Month (Rashtriya Poshan Maah) is celebrated in the month of September to disseminate messages related to maternal, infant and young child care and feeding practices and nutrition. It also includes other related interventions, such as growth monitoring, anaemia management, hygiene and sanitation and so on. In 2020,



the NCPCR celebrated Poshan Maah from 1 September to 30 September, with an objective to convey the message of “Har Ghar Poshan Utsav”.

For the purpose, the NCPCR requested all the State Commissions for Protection of Child Rights (SCPCRs) to observe Poshan Maah in their respective states/union territories (UTs) by organizing awareness programmes in virtual mode, organizing nutrition education and information campaigns on social media, along with sharing their ongoing activities with the Commission.

Poshan Maah was also observed during Commission’s benches/camps at aspirational districts identified by the NITI Aayog. Various recipes and foods were displayed by the Integrated Child Development Services (ICDS) during the camps. People were also oriented about nutrition of children.

Other Activities and Meetings

A Joint Action Plan (JAP) on “Prevention of Drugs and Substance Abuse among children and Illicit Trafficking” was circulated to all the concerned ministries, namely, Ministry of Health and Family Welfare (MoHFW), Ministry of Social Justice and Empowerment (MoSJ&E), Ministry of Education and Ministry of Information and Broadcasting, with their roles and responsibilities laid down. The JAP was also circulated to all the SCPCRs and district magistrates of 272 vulnerable districts identified by MoSJ&E.

Meeting for Execution of JAP

A meeting to discuss the execution of the JAP on “Prevention of Drugs and Substance Abuse among Children and Illicit Trafficking” with respect to the constitution of “Prahari Clubs” in schools and orientation on Gandhian principles, as well as training and orientation of Rashtriya Bal Swasthya Karyakram (RBSK) and Rashtriya Kishor Swasthya Karyakram (RKSK) was held on 25 March 2021 at NCPCR. The meeting was attended by representatives/officers from Narcotics Control Bureau (NCB), Gandhi Smriti and Darshan Samiti (GSDS), RBSK, RKSK, MoHFW, Ministry of Education and National Drugs Dependence Treatment Centre (NDDTC), All India Institute of Medical Sciences (AIIMS).

Meeting with National Advisor, RBSK, MoHFW

A virtual meeting was held with National Advisor, RBSK, MoHFW, to discuss various aspects related to sick newborn care unit (SNCU) and newborn emergency transport services/ambulances.

Webinars Conducted under Health Division

Webinar to Celebrate Rashtriya Poshan Maah: Children and Nutrition (25 September 2020)

A webinar was hosted by NCPCR on Facebook Live on the occasion of Poshan Maah, wherein Dr V.K. Paul, Hon'ble Member, NITI Aayog, was the key speaker. He shared his views, expert opinion, findings of some of the key studies and nutrition programmes of Government of India in his deliberations.

He started the webinar by addressing the issue of *kuposhan* (malnutrition) and anaemia in our country which requires behavioural changes. He focused on kuposhan in the entire webinar and said that it is of three types: (i) wasting (thin)—a child with less weight but decent height; (ii) stunting (short)—a child with required weight but less height; and (iii) underweight, which is a deviation from the average weight as per age—this can be a combination of both wasted and stunted kuposhan.

The difference between wasted and stunted kuposhan is that the former is caused due to sudden distress and is an acute problem, whereas the latter is caused due to long-term problems and is chronic in nature. Another major issue is that of children that are born undernourished. According to a graph shown by Dr Paul, the rate of undernourishment grows from 17 per cent to 20 per cent from 0 month to 6 month and 20–40 per cent until 2 years. The height of the 2-year-old child doubles until the age of 4 years and if s/he does not touch the desired height by 2 years, then there is no way to tackle the problem. The brain size of an adult is 1,200 gm and the brain size of a 2-year-old child is 1,000 gm. This means that 85 per cent of the brain develops till the age of 2 years and the brain size does not change after 4 years of birth.

He shared the following conclusions on the basis of his data:

1. The country as a whole is failing to provide proper nutrition to children between 6 months to 24 months.
2. First 1,000 days are a crucial factor and are key in deciding the nutrition of the child.
3. The brain of a child develops until 2 years of birth and behavioural and cognitive development takes place till 2 years.

He further explained the reasons for kuposhan:

1. *Low weight at birth* (25 per cent of the population): A child can be born undernourished due to generational cycle or due to undernourished mother. Preventive measures which can be taken are: women should not be married below the age of 18 years; health of the mother should be taken care of; a woman should give birth to the child after 20 years of age; and there must be a gap of 3 years between two children.
2. *Serious illness, like diarrhoea and pneumonia* (25 per cent of the population): Preventive measures should be taken to avoid such diseases by ensuring sanitization, drinking clean water and hand washing. Also, vaccination for various diseases plays a vital role in preventing such diseases in children.
3. *Inadequate food intake* (50 per cent of the population): Newborns should be fed every hour till the age of 2 years; however, 90 per cent of our young children are nutrition hungry.
 - (i) Newborn care: care at birth, hygiene, cord care, breastfeeding within an hour, exclusive breastfeeding for six months, continuing for 2 years or more.
 - (b) Extra care of low birth weight babies: kangaroo mother care, care of sick and small neonates.
 - (c) Breastfeeding: up to 2 years or more, initiate within one hour, nothing else for the first 6 months.
 - (d) Complementary feeding: from 6 months onward, culturally appropriate recipes, hygienic, increasing amounts, adequate in nutrition.
 - (e) Growth monitoring.
 - (f) Care of an undernourished child.

Another graph shown by Dr Paul was for infant feeding practices in India, from Comprehensive National Nutrition Survey (CNNS) 2016–18 report, giving the following data:

1. Breastfeeding done within one hour of birth (0–23 months) is 56.6 per cent.
2. Exclusively breastfed (0–5 months) is 58 per cent.
3. Timely initiation of complementary feeding (6–8 months) is 53.1 per cent.
4. Continued breastfeeding at age 1 year (12–15 months) is 82.5 per cent.

Further, he showed the data for immediate determinants (2006–16), which show limited progress on infant and young child feeding (IYCF) and child health compromising factors, such as early initiation of breastfeeding, exclusive breastfeeding, timely introduction of

complementary food and adequate diet. He focused on the diet to be followed, which should be the combination of:

- cereal (carbohydrate)—wheat or rice;
- dal (protein)—thick/mashed;
- veg/fruit—seasonal veg/pulp fruit, banana, papaya mashed, green sabzi, boiled potato;
- oil, butter, ghee (add extra on top);
- milk and milk products (take milk without dilution by cup/glass); and
- jaggery, sugar, egg, fish.

Consistency must be semi-solid, thick liquid; 6 months to 1-year-old children must be given half to one *katori* (bowl); after 1 year, the child must be given one to one-and-a-half *katori*. Also, from 6 months to 1 year, the child must be given food three times and after 1 year, a child must be fed five times. For brain stimulation, a child must be fed with love and care.

Key messages given by Dr Paul were as follows:

1. First 1,000 days in life are most crucial.
2. Childhood nutrition is not only about food but also about illness prevention and treatment, as well as maternal health.
3. Ensuring adequate complementary feeding is the biggest challenge.
4. Poshan *abhiyan*'s success depends upon behavioural change.

The tagline of the Poshan Maah is “*Bharat ke sabhi baal khoob khayein poorak ahar*”.

Prevention of Malnutrition with Focus on Severe Acute Malnutrition (SAM) in Children during and after COVID-19 Pandemic (30 September 2020)

As a part of “Poshan Maah 2020” celebration, the Commission organized a webinar with a technical session focused on prevention of malnutrition amongst children during COVID pandemic. The panel of experts comprised of Dr Ashok Babu, Director, Ministry of Women and Child Development, and Dr Ananya Awasthi, Advisory Group Member on Child Health, NCPDR, and Assistant Director, Harvard TH Chan School of Public Health.

Dr Awasthi started by explaining the term “Severe Acute Malnutrition” (SAM) and “Moderate Acute Malnutrition” (MAM). She gave tips to identify malnutrition in children in the early stages and explained the difference between SAM and MAM. She went on explaining further to showcase some practices to tackle malnutrition in various states/UTs. She gave the example of Daman and Diu, where after identification, paediatricians were on call to help guide in addressing the issues of the child identified with SAM. Various measures were taken

to help curb malnutrition by taking care of not only the dietary needs of the child but also the surroundings and the living environment of the child.

Mr Babu, through his presentation, explained the cause and effects, such as weight loss and stunted height, of malnutrition on kids. He said that it could lead to poor learning ability, diseases, death, etc. According to him, the reasons could vary from sanitation problems to childhood infections and immunity problems. He also elaborated on methods to prevent malnutrition, such as breastfeeding, hygiene, sanitation, hygienic food and growth monitoring.

He further explained that the prime focus of “Rashtriya Poshan Maah 2020” was to: identify children suffering from SAM; carry out a plantation drive to promote Poshan Vatika or a nutri-garden; and spread awareness about how the community can help in prevention of malnutrition and the like.

In conclusion, it was learnt that malnutrition is caused not only by eating less but also by low quality of food, sanitation and living environment of the child. It can be identified from a very young age and help and medical interventions should always be sought, especially in case of SAM. Several kids in rural India are suffering from malnutrition due to lack of good, hygienic environment and food.

Research Studies

1. NCPCR has commissioned a research study on “Effects (Physical, Behavioural and Psychosocial) on Children from Using Mobile Phones and Other Devices with Internet Accessibility”. The research study is being conducted by Rambhau Mhalgi Prabodhini (RMP). The main objectives of the study are to: (i) conduct an exclusive study on children and adolescent mobile users to assess harmful impact on their health due to mobile use; and (ii) to assess available screening and treatment facilities, de-addiction clinics and counselling of children having health issues and other behavioural issues due to use of mobile phones and other Internet-related items.
2. The NCPCR is conducting a research study on “Validation and Standardization of Indicators/Markers of Penetrative CSA in Children’s Draw-A-Person-Test (DAPT) with a

National Commission for Protection of Child Rights
5th Floor, Chandrasekhar Building, 36 Janpath, New Delhi-110001

LIVE SESSION

Sister BK Shivani
Goodwill Ambassador-World Psychiatric Association

Webinar on
Mental Health and Emotional Well-being of Children
“Mental Health for All, Greater Investment- Greater Access”

Welcome Note: Shri Priyank Kanoongo
Hon'ble Chairperson, (NCPCR)

Vote of Thanks: Dr. R.G. Anand
Hon'ble Member, (NCPCR)

Date: 17th October, 2020
Time: 2:30pm to 3:15pm

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Purpose of Facilitating Identification of Sexual Abuse Markers in Children's Drawing", in collaboration with Department of Psychiatry, AIIMS. The research study is expected to be completed by November 2021.

CHILD PSYCHOLOGY & SOCIOLOGY

Covid 19 has altered the lives of millions of people including children because of several restrictions they had to oblige for their own safety which in turn can affect their emotional and mental wellbeing. During this pandemic phase, children in diverse situations and backgrounds ranging from families in remote habitations, semi urban and crowded metro cities including in the slum environment demanded a comprehensive approach to be adopted by the Commission. Accordingly, the Child Psychology & Sociology vertical adopted several strategic programmes to educate, sensitize children and their parents to adopt Covid appropriate behaviour as well as to care their emotional wellbeing.

Celebration of World Mental Health Day on 10 October 2020-

World Mental Health Day is observed on 10 October every year, with the overall objective of raising awareness of mental health issues around the world and mobilizing efforts in support of mental health. The Day provides an opportunity for all stakeholders working on mental health issues to talk about their work, and what

more needs to be done to make mental health care a reality for people worldwide. The theme of this year is "Mental Health for All, Greater Investment – Greater Access." Thus a webinar was organised to celebrate World Mental Health Day on 10th October with Dr. Rajesh Sagar (Professor, AIIMS) and Dr. Jitendra Nagpal (Psychiatrist, Moolchand Medcity)

The poster is for a webinar titled "NCPCR CELEBRATING WORLD MENTAL HEALTH DAY". It features the NCPCR logo at the top right and the Government of India emblem at the top left. The text "National Commission for Protection of Child Rights" and "5th Floor, Chanderlok Building, 36 Janpath, New Delhi-110001" is prominently displayed. A "Welcome Note" from Dr. R.G. Anand, Hon'ble Member, Child Psychology & Sociology, is included. The "Speakers" section lists Dr. Rajesh Sagar (Professor, Department of Psychiatry, All India Institute of Medical Sciences, New Delhi) and Dr. Jitendra Nagpal (Senior Consultant Psychiatrist, Mental Health and Life Skills Promotion & Institute of Child Development, Moolchand, Medcity New Delhi). The "Webinar on" section states the theme "Mental Health for All, Greater Investment - Greater Access", the date "10th October, 2020", and the time "5:00pm to 6:00pm". It also features a graphic of a green stethoscope around a head, the "World Mental Health Day" logo, and a "LIVE" Facebook icon with the URL "www.facebook.com/ncpcr.official". The "Moderator" is Ms. Nivedita Tiwari, New India Junction. Social media handles for NCPCR are listed at the bottom.

Webinar on Mental Health and Emotional Wellbeing of Children "Mental Health for All, Greater Investment – Greater Access." on 17 October 2020

In continuation to the celebration of World Mental Health Day, another webinar was organised with Sister BK Shivani on 17th October'20. In the webinar Sister BK Shivani talked about the Mental Health and Emotional Wellbeing of Children and how can children and parents ensure it.

Meeting on New Version of PUBG Gaming App in India

A virtual meeting was organized by the NCPCR on 4 December 2020 to discuss issues pertaining to PUBG gaming app in India, especially in view of the launch of its new version. The meeting was chaired by Shri Priyank Kanoongo, Chairperson, NCPCR, and attended by officials and experts from the Ministry of Electronics and Information Technology (MeitY), National Institute of Mental Health and Neurosciences (NIMHANS), AIIMS, and Cyber Peace Foundation. In the meeting, various aspects of the game were discussed and a unanimous agreement was established regarding the need for addressing issues pertaining to PUBG use and addiction/ill effects on the children from past grievances received. All the participants contributed in the meeting and appreciated the Commission for its move on this serious issue, given the proximity of children to mobiles and Internet for their studies, especially during the pandemic period.

ELIMINATION OF CHILD LABOUR

Child Labour in any form is detrimental to the physical, mental and cognitive growth and development of the child. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (Amendment Act 2016) addresses the social concern and prohibits the engagement of children who have not completed 14 years of age in any employment and of adolescent children (15 to 18 years of age) in hazardous occupations. It is also instrumental in regulating the conditions of work where employment of adolescents is permitted. Furthermore, the Sections 22, 23 and 27 of The Factories Act prohibits employment of children in certain situations in factories. Additionally, The Beady and Cigar Workers Act, 1966 strictly prohibits the employment of children in the said industry. Also, The Plantation Labour Act, 1951 under section 25 regulates the conditions of work for children in plantation industry. The Domestic Workers (Registration Social Security and Welfare) Act, 2008 too prohibits employment of a child as domestic worker or as any incidental or ancillary worker under Section 14 of the Act. Thus, as mandated under section 13 and 14 of the CPCRA Act, 2005: NCPCR has been dealing with the cases of complaints pertaining to child labour or children in distressed circumstances taking initiatives to address the issues of child labour.

Government of India has a comprehensive mechanism to rescue and rehabilitate children from child labour that include application of various provisions provided under all relevant legislations, law enforcement , child help line , NCLP Schools, Child Care Institutions, victim compensation as well as family strengthening schemes. Therefore, no matter how grave the issue of child labour seems to be - through application of all available means and mechanism this issue can surely be resolved.

Child Labour amidst Global Pandemic: Child Labour is a grave issue that needs to be addressed on priority basis, particularly in the dire circumstance of the COVID-19 pandemic. In furtherance of the impact of COVID-19 predicament of Child Labour could only accelerate when children are out of school, they are more likely to be engaged in harmful works which are detrimental to their best interests. Furthermore, it is one of the observations that when household income or earning opportunities drop unexpectedly, child labour tends to increase. It is no doubt a fact that children are at a constant risk of migration-remigration with their families or singly in search of earning opportunities.

Therefore, it was a special year to be more vigilant , watchful , taking quick actions on incidences, issuing guidelines, activating authorities, stakeholders and above all enforcement of laws.

Towards preventing child labour , the Commission adopted a comprehensive approach from all domain/thematic areas of interventions such as prevention of child trafficking – Samvardhan, preparing , pilot initiative of SOP 2.0 for Care & Protection of Children in Street Situations in 51 religious places, Child friendly Kumbh Mela , meeting with SCPCRs, Inter-departmental Review meetings etc.



The Activities undertaken under Child Labour Division are given as Under:

Virtual Meeting with the State Authorities to ensure wellbeing of the children rescued from child labour (22th May, 2020):

A virtual meeting was conducted with the Chairperson & Members of the State Commission for Protection of Child Rights(SCPCR) from Rajasthan & Bihar as well as District Nodal Officer,

Bihar to ensure proper compensation and rehabilitation of each child rescued from child labour. Additionally, the possibility of a surge in the child labour during the pandemic was brought to their notice. In furtherance of the aforementioned, it was decided that all the requisite steps must be undertaken to prevent child labour amidst the globally crisis. Furthermore, it is also explained to implement the provisions of The Child Labour (Prohibition and Regulation) Act, 1986; Juvenile Justice (Care and Protection of Children) Act, 2015; Commissions for Protection of Child Right Act, 2005; relevant sections of CrPC & IPC and SOP of Ministry of Labour briefed by the SCPCR and other instruments.

Communication with Railway Authorities to ensure strict vigilance (26th May 2020).

NCPCR issued letters to the Railway Police in order to ensure that appropriate directions be given to all the Heads of RPF Zonal Headquarters for maintaining proper vigilance at all the Railway Stations in regards to the movement of children for the purpose of child labour. Moreover, proper age verification and other documentation also be done, especially of the migrant labourers arriving at Railway Stations by special trains. In the event of any suspicious case, it should be ensured that the children be handed over to their parents through Child Welfare Committee (CWC) of the area.

Webinar to mark the World Day against Child Labour (12th June, 2020).

The topic of the webinar was, “COVID-19 Protect Children from Child Labour, now more than ever.” The speaker of the webinar was Dr. Helen R. Sekar, Senior fellow(Faculty), V.V.Giri National Labour Institute. She imparted useful information on how the children need protection against labour in the dire circumstance of the global pandemic. The webinar was held on official social media platform of the Commission. Dr. Helen R. Sekar in her interventions covered the subjects like vulnerability of children to labour exploitation, roots of problem, negative effective of pandemic, requirement of responding to negative effects, government response, mitigating the impact of pandemic, reducing vulnerability, responding for combating child labour, holistic approach etc.

Review meeting with the Department of Labour, Government of Arunachal Pradesh on 23 June 2020.

A Review meeting with the Department of Labour, Government of Arunachal Pradesh at Itanagar was held. The National Crime Records Bureau (NCRB) data indicates that Arunachal Pradesh is one of the 10 states which constitutes almost 14 per cent of the total child labour population in India. In furtherance to the meeting, it was established that there was not a single case of child labour recorded amidst the globally-challenging COVID-19 pandemic.

Thus, it was found out that there was a huge gap in the implementation of CLPRA Act & other labour laws in the state. Additionally, most of the provisions of child labour laws were not followed. Furthermore, the inspection of business established where the child labour could be found due to the absence of appointment of inspector in department as per the Act. Moreover, there existed very little awareness programs and almost nil data collection by the department. Also absence of CLPRA was found in all the districts of Arunachal Pradesh. As stated earlier, Arunachal Pradesh embodies one of the maximum child labour populations in India. Yet, not a single case of child labour was compensated. Besides, there was no data on the migrated labour during the ongoing Covid 19 pandemic.

Virtual Meeting on "The Child and Adolescent Labour (Prohibition and Regulation) Act,1986" with the industry owners and stakeholders in Panipat (Haryana)- 09th September 2020 at 11.00am organised by National Commission for Protection of Child Rights.

Under the guidance of Member, Child Labour, a district level virtual meeting with Panipat District was conducted on the topic of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. The meeting highlighted why the predicament of child labour needs to be addressed on a priority basis and how the issue of child labour has reached a new-high amidst the pandemic.

State Level Virtual meeting with state authorities of Rajasthan and Bihar to address issue of trafficking of children for labour on 16.9.2020 at 11:00 am onwards.

The trafficking in children for labour is a severe issue threatening the society at every level. The perpetual dilemma of child labour has further increased in the lockdown with the children out of schools, 'viewed' and 'hired' as cheap labourers. In order to resolve the issue and prevent its further aggravation after the lockdown, the state level virtual meeting with the state authorities of Rajasthan and Bihar was conducted.

LAWS RELATED TO CHILDREN

The Laws Relating to Children (LRC) Division is engaged in carrying out activities to ensure the implementation of the laws meant for children, primarily the POCSO Act, 2012 and the Prohibition of Child Marriage Act, 2006 . The NCPCR, under Section 44 of the POCSO Act, 2012, has been mandated to monitor the implementation of the provisions provided under the Act. Accordingly, the activities that were carried out in 2020-21 are given below.

Monitoring of POCSO Act, 2012

Recommendations in respect of implementation of new POCSO Rules 2020:

The Government of India made amendments in POCSO Rules and new POCSO Rules, 2020 have been notified on 9th March 2020. The new PCSO Rules have been sufficiently elaborated along with the addition of new provisions. It was realized that effective implementation of the newly framed Rules require that all respective duty bearers/stakeholders to be well aware of their roles and responsibilities as mentioned under amended Rules. Hence , for this purpose NCPCR highlighted specific provisions in respect to each stakeholder and suggested to DGPs / Principal Secretary, Health & WCD Department of all 37 State/UTs and all SCPCRs vide letter dated 12.06.2020 to give training/orientation about new provisions of the POCSO Rules, 2020 to all concerned officials whose roles have been defined in amended Rules.

Spot Inquiry in a case of sexual abuse and murder of a six year old minor girl in Tanda ,Hoshiarpur , Punjab .

The NCPCR noticed a incident of Hoshiarpur district from media reports wherein it was highlighted that a half burnt body of a six year old minor girl was found at the residence of accused in Hoshiarpur. The victim was the daughter of a migrant labourer who was living in the same village. A three member team led by Member (LRC) visited the family of the deceased on 26.10.2020, where district officials and Chairperson of Punjab SCPCR were also present. Meeting was held with DC and SSP of Hoshiarpur district to understand the progress of case inquiry and other action. The accused and a suspected family member of the accused family got arrested by the police. As a relief measure, a compensation amount of 4 lakh rupees was provided to victim's family from the administration's side. The family conveyed its satisfaction to the team.

Visit to Jhajjar in a case of sexual abuse and murder of a 5 year old minor girl.

NCPCR noticed the case of sexual abuse and murder of a 5 year old minor girl in Jhajjar through various media reports mentioned that "A five-year-old girl was allegedly raped and killed by a man living in her neighborhood in Haryana's Jhajjar city, police said on 20th December 2020. It was alleged that a 30-year-old man, who has a criminal background, kidnapped the girl from her house at night and took her to his residence where he allegedly raped and then killed her. The body was recovered from the house of the man and he has been arrested"

NCPCR promptly took cognizance on the news report and a three member team under Registrar- NCPCR visited Jhajjar, Haryana on 23rd December 2020 to ascertain the status of the case. It was found that an FIR-0336 was registered at City Jhajjar police station against the accused u/s 6 POCSO Act, 302,365, 376AB under IPC and Sec 3 SC & ST Act on 21.12.2020. Thereafter, all other steps such as collection of samples for forensic examination, Post-mortem and medical examination of the accused was conducted immediately after the incident on 21.12.2020. The accused, a history-sheeter, was facing eight criminal cases. He was in custody of the police under remand. Statements of the parents u/s 164 Cr. PC were recorded in the case and as the compensation amount of Rs 4 lakh has been given to the aggrieved, paperwork for this purpose has also been started by the police. The team observed that district CWC was not trained and aware enough about their duties under POCSO Act. The police took adequate steps as required in the case after the registration of FIR.

Total Cases/ Complaints related to Child Sexual Abuse received through POCSO E -Box:

The POCSO Cell continued to work on grievance redressal of child sexual abuse cases during April 2020– March 2021. A total number of 1153 hits were received on the POCSO E Box during April 2020– March 21 and total number of 125 complaints were found tangible cases of child sex abuse received through POCSO E Box. All the cases received were given prompt attention and reports were sought from concerned authorities of States.

Complaints received through POCSO E-box during 01-04-2020 to 31-03-2021							
Total no. of hits received on POCSO E-box							1153
Total no. of complaints covered under POCSO Act 2012							125
SN	Month	Total no of Hits received through E-box				Total no Complaint covered under POCSO Act 2012	Resolved / Transferred Out
		Calls	E-Button	Email	Total		
1	April 2020	78	15	2	95	14	04
2	May 2020	87	24	0	111	6	06
3	June 2020	65	21	2	88	13	02
4	July 2020	77	33	9	119	15	06
5	August 2020	37	26	5	68	12	00
6	September 2020	50	42	4	96	17	02

7	October 2020	37	42	8	87	10	02
8	November 2020	20	39	3	62	08	02
9	December 2020	52	53	4	109	08	01
10	January 2021	49	29	15	93	11	01
11	February 2021	29	60	12	101	07	00
12	March 2021	59	54	11	124	04	00
TOTAL		640	438	75	1153	125	26

Awareness and training on New POCSO Rules, 2020

The Government of India made amendments in POCSO Rules and new POCSO Rules, 2020 have been notified on 09.03.2020. The new Rules have been sufficiently elaborated along with the addition of new provisions. It was realized that effective implementation of the newly formed Rules requires all respective duty bearers/stakeholders well aware about their roles and responsibilities as mentioned under amended Rules. Thus, for this purpose NCPCR highlighted specific provisions in respect of each stakeholder and suggested to DGPs/Principal Secretary, Health & WCD Department of all 37 States/UTs and SCPCRs vide letter dated 12.06.2020 to give training/orientation about new provisions of the POCSO Rules, 2020 to all concerned officials whose roles have been defined in amended Rules.

Webinar on “Child Sexual Abuse : Forensic Jurisprudence & Role of Police”

With an objective to have an expert view from the point of law enforcement agencies and to understand the issues of investigation in POCSO cases, the Commission organized a webinar through Facebook on the topic “Child Sexual Abuse: Forensic Jurisprudence & Role of Police” on 29th June 2020. Dr. G.K Goswami, Joint Director, CBI, Govt of India elucidated the topic. This was followed by Q & A session.

Webinar on “New Age Cyber Crime & Online Protection of Children : Challenges and Solutions”

To give a momentum to awareness generation on the subject of online child protection and issues of new age cyber security, an online webinar was organized with Mr. Ritesh Bhatia , Cyber security expert and Cybercrime investigator through face book live on 23rd September 2020. The expert elaborated on the topic, New Age Cyber Crime & Online Protection of Children, its Challenges and Solutions and also addressed questions of participants received during the live session .

Prohibition of Child Marriage

Cognizance on the issue of Mass Marriages on Akshay Tritiya

The Commission has observed that Akshay Tritiya or Akha Teej has been celebrated in various parts of India as a day of good fortune and a large number of child marriages are solemnized on this day in various States of the country. In this regard, on 7th April 2020 the Commission suggested all Principal Secretaries of Women and Child Development Department States/ UTs to direct District Magistrates, Deputy Inspector General, Superintendent of Police, Sarpanchs, Civil Society Organizations and Child Marriage Prohibition Officers and Child Welfare Committees in the States/ UTs to take proactive steps and take preventive measures to stop child marriages .

JUVENILE JUSTICE

The Juvenile Justice (Care and Protection of Children) Act India has been evolving constantly over the last two decades since its enactment in 2000. It has evolved over time to fulfil the constitutional mandates and the UNCRC, ratified by India on 11 December 1992. Article 15 of the Constitution, inter alia, confers upon the state powers to make special provisions for children. Articles 39(e) and (f), 45 and 47 further make the state responsible for ensuring that all needs of children are met and their basic human rights are protected. Accordingly, JJ Act, 2000 was enacted. Later on, the need for a comprehensive legislation, inter alia, to provide for general principles of care and protection of children, procedures in case of children in need of care and protection and children in conflict with law, rehabilitation and social reintegration measures for such children, adoption of orphan, abandoned and surrendered children and offences committed against the children emerged and accordingly, JJ Act, 2015 was enacted by repealing the previous Act of 2000. The JJ Act, 2015 is also to ensure proper care, protection, development, treatment and social reintegration of children in difficult circumstances by adopting a child-friendly approach keeping in view the best interests of the child.

As per Section 109 of JJ Act, 2015, the NCPCR has been mandated to monitor the implementation of the provisions provided under this Act. Accordingly, NCPCR, apart from redressal of grievances, carries out several activities as provided under Section 13 of the CPCR Act, 2005 including preparation of inspection tool for inspection of child care institutions, special inquiry in child care institutions and social audits of child care institutions.

Member, Juvenile Justice paid several visits to Andhra Pradesh, Telengana and in Delhi for to conduct inspection of child care institutions to review the child protection and safety measures; held District level meetings with district administration along with all other key stakeholders of JJ system, State level officers.



Chapter-10

North-East Cell, Jammu & Kashmir and Ladakh Cell

North –East Cell , Jammu , Kashmir & Ladakh Cell

North –East Cell

North East is the eastern-most region of India. It comprises of eight States viz. Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. The North Eastern Region of the country has complex geo-socio-political issues posing unique challenges w.r.t its terrain and other geographical complexities unique to each of 8 NE States.



As per the vision of the Government of India, continuous and concerted efforts and focus on development of the North Eastern Region of the country has been underway. In this connection, active measures have been taken by the Union Government to foster inclusivity and change the situation of NE Region through undivided attention and transformational initiatives in continuous process of initiation.

In this regard, as an extension to the vision of Government of India and to fulfil the statutorily mandated obligations u/s 13 (1) of the CPCRA Act, 2005, the Commission has created a dedicated North East Cell to ensure the rights of children as enshrined in the Constitution of India and UNCRC.

The NE Cell of the Commission is mandated to undertake programmatic, research, policy intervention and grievance redressal related activities pertaining to the core areas of the Commission viz. Juvenile Justice (Care and Protection) of Children (JJ), Laws Relating to Children (LRC) which includes Protection of Children Against Sexual Offences (POCSO), Child Health, Child Psychology & Sociology, Child Labor & Children in Distress, Education/RTE and Legal matters.

The NE Cell of NCPCR keeping its commitment to reach-out extensively in the NER, even amidst the extra-ordinary circumstances of COVID-19 pandemic, conducted series of awareness generation workshops, consultations and review meetings, sensitization workshops on various themes of child rights such as Child Health, Child Psychology and Sociology and Child Education. Also, it is imperative to be in consonance with the norms of the Government of India, the Commission has been year-marking 10% of its total budget for undertaking activities in the NER. In order to address child rights issues in North Eastern States and ensure proper implementation of Acts related to children, the Commission

organized a series of State level workshops in collaboration with State SCPCRs coordinated by grass root organisations of North East viz SBP, SSS& FISS in Tripura and Meghalaya of NER.

State Level Consultation cum Review Meeting on Available Facilities and Status of New Born & Paediatric Care in North Eastern Region- Analysing the Gaps and Steps to Improve Quality of Care in Meghalaya in collaborated with Meghalaya SCPCR on 26.03.2021.

National Commission for Protection of Child Rights, (NCPCR) in collaboration with State Commission for Protection of Child Rights (Meghalaya SCPCR) organized a One Day State Level Review Meeting cum consultation on Available facilities and Status of New Born Paediatric care : Analysing the Gaps and Steps to improve Quality care in Meghalaya. The consultation was held on 26th March, 2021, wherein, 220 participants in this high level consultation cum review meeting

The Key areas of deliberations of the Consultation cum Review Meetings were:

(I): Situation Analysis on Status of New born and Paediatric Care facilities, identified gaps in respective NE States (II): HIV/AIDS among New born and Children in the States (III) Role of available Government Schemes and Efforts for Governance (IV) Best practices – Paediatric care & Recommendations to improve the paediatric care in the State.

Conclusion

At the end of the review meeting, following points came up as the way forward : Early childhood care (health care, nutrition, education, basic sanitation, growth & development) – basic child right; Prevention of child abuse, neglect, protection & exploitation of children; Education of parents & guardians; Strengthening & expansion of Neonatal Intensive Care Unit (NICU) / Sick New Born Care Unit (SNCU) facilities & health care activities; Continuous training & refreshing knowledge of health care personnel – in house/ state; and Involvement / active participation with other related departments / organization.

State Level Workshop on the Issue of Heavy Weight of School Bags – Shillong, Meghalaya.

A “One Day State Level Workshop on Issue of Heavy Weight of Schools Bags” in Shillong, Meghalaya on 27.03.2021

The key objective of the said workshop was to (a) Understand the issues faced by children due to heavy bag weight in schools. (b) Discuss the Gaps, Challenges and Best Practices (c) Brain storm for effective solutions and suggestions (d)Frame concrete policy level recommendations and way forward Action Plan.

Ms. Iamon Syiem, *Chairperson, Meghalaya State Commission for Protection of Child Rights* in her welcome address stated that the heavy school bags are assumed to have many adverse effects on children and as per studies, carrying heavy school bag can affect a child's spine and back to the extent that it might have long term ill-effects.

In depth deliberations on themes through technical sessions were also held viz: "Issue of Heavy Weight of School Bag" addressed by Shri Ambrose Ch Marak, IAS, *Director, School Education & Literacy, Meghalaya*. In his intervention, he added that as everyone is aware that children are natural learners and they learn more when they are in a stress free conducive environment but what we have seen is that we give too much load to the children and their development is grounded within that particular area and we have also seen many adverse effects of these heavy loaded bags in these young students both mentally and physically.

Conclusion

At the end of the deliberation following points were highlighted as way forward : The children are the future of the nation, their good mental and physical health will bring all round development which will certainly contribute in nation building. As educators and teachers let us all contain the problem of heavy school bags by implementing the School Bag Policy and ensure the betterment and wellbeing of the children today so that they have a bright future tomorrow.

One Day "State Level Consultation -cum- Review Meeting on Available Facilities and Status of New-Born and Pediatric Care in NE Region the Gaps and Steps to Improve Quality of Life"

The National Commission for Protection of Child Rights (NCPCR) organized a one-day "State Level Consultation -cum- Review Meeting on Available Facilities and Status of New-Born and Pediatric Care in NE Region the Gaps and Steps to Improve Quality of Life" in collaboration with the Tripura State Commission for Protection of Child Rights (TSCPCR) on 26th March 2021.

The objective of the one-day programme was to examine whether the available facilities with regard to new-born health care, as provided by the health department as well as the National Health Mission Tripura (NHM Tripura) were sufficient and reached the desired population in

proper manner, and if not properly channelized, then to discuss probable solutions and prepare a roadmap for future developments through a practical, implementable, and workable plan. The final goal of the discussions was to bring out a series of recommendations from the delegates, which can be presented in front of the policymakers for further considerations.

Objective of the workshop

- ❖ To hold consultation cum review meeting with the relevant stakeholders and assess the facilities available for new born and paediatric care in the Northeast region (especially in Tripura)
- ❖ Analyse and highlight the gaps
- ❖ Strengthening the existing health care system and health care services in the region.
- ❖ Establishment of strategic linkages with different stakeholders to achieve the desired goal.

Opening Remarks and Technical Session

Mrs Nilima Ghosh, Chairperson, TSCPCR, highlighted the two major hazards to implementation of absolute health care for all citizens, i.e., (i) lack of awareness about government facilities and schemes and (ii) lack of manpower. She pointed out that these two are the key problems for which many children have to suffer from poor health during their growing up days.

The representative from NCPCR - Shri Paresh Shah-Senior Technical Expert, North East Cell set the context on the theme of the one-day Review-cum-consultation meeting. He mentioned about the aims and objectives of the programme that include analysing the gaps in infrastructure and come up with recommendations, find solutions to tackle issues such as poor hygiene and lack of manpower. He gave the example of the tragedy at Kota where several new-borns died on the same day because of poor hygiene and lack of manpower to provide appropriate health care, highlight and revisit the role that Anganwadi workers who can play by providing proper family care, various departments such as Health, Social Welfare, PHED, and PWD can come together and help eradicate the health hazards.

Dr. Sanjib Debbarma, HOD, Paediatrics, AGMC, Tripura started his speech by bringing in the importance of convergence of all stakeholders for successful implementation of any scheme and programme. He pointed out that taking care doesn't merely mean providing medical care and emphasized that we need to also discuss aspects of social care and protection to mental health. He emphasized on striving for "absolute" care.

Dr. Tanusree Chakraborty Medical Officer, National AIDS Control Society, Agartala, brought forth a very significant point that childcare begins before the child is born through antenatal care, vaccines, and nutritional supplements provided to the mother; hence to ensure new-born and children's health, it is most essential to ensure that an aspiring mother is provided the utmost care during her pregnancy.

She then pointed out the shortage of human resource, especially the Medical Council of India (MCI) recognized healthcare employees is one of the leading problems for which there hasn't been an overall inclusion of all citizens. In Tripura, Health Services have now come up with a diploma in paediatric medicine, which will help mitigate the problem of lack of human resource, particularly in paediatric and new-born care.

Technical Session1: "Situation Analysis: Status of New-Born and Paediatric Care facilities, Identified Gaps and Role of Government Schemes in Tripura" by Dr. Sanjib Debbarma, HOD, Paediatrics, AGMC.

Technical Session 2: "Role of Available Government Schemes and efforts for convergence" by Shri Siddharth Shiv Jaiswal, IAS MD, National Health Mission, Tripura.

Technical Session 3: "Quality of care in Child Care Institute" by Dr. Bornali Das Senior Lecturer, Dept. of Psychiatry, Guwahati Medical College".

At the concluding session suggestions that came up are recruitment of more staff to mitigate the shortage of human resources. Establishment of Civil Hospital, CHCs & PHCs in the state so that the people in remote area do not have to travel far away towns/cities for treatment.

State Level Workshop on the Issue of Heavy weight of School Bags, Nagaland

The National Commission for Protection of Child Rights (NCPCR) organized a one-day "State Level workshop on the Issue of Heavy Weight of School Bags in Nagaland in collaboration with the Nagaland State Commission for Protection of Child Rights (NSCPCR) on 26th March 2021.

The key objective of the said workshop was to (a) Understand the issues faced by children due to heavy bag weight in schools. (b) Discuss the Gaps, Challenges and Best Practices (c) Brain storm for effective solutions and suggestions (d) Frame concrete policy level recommendations and way forward Action Plan.

State Level Review of Rehabilitation and Counselling approaches for children staying in Child Care Institution (CCIs) Children in need of Care and Protection (CNCP) and Observation Homes -Children in Conflict with Law (CICL), Tripura.

The National Commission for Protection of Child Rights (NCPCR) organized a “One Day State Level Consultation cum Review Meeting on Rehabilitation and Counselling Approaches for Children Staying in Child Care Institutions- Children in need of Care & Protection (CNCP) and Observation Homes-Children in Conflict with Law (CCL)” in collaboration with the Tripura State Commission for Protection of Child Rights (TSCPCR) on 25th March 2021.

Objectives

- ❖ Review of the availability of counsellors, thereafter the counselling and rehabilitation practices imparted by counsellors and rehabilitation-cum-placement officers in juvenile homes and children’s homes.
- ❖ Orientation of the counsellors with the provisions of rehabilitation and counselling as per the JJ Act 2015 and Model Rules 2016.
- ❖ Ensuring convergence between all the identified key stakeholders to establish referral chain mechanisms and sharing best intervention practices used across all CCIs.

Issues highlighted and suggestions

Delegates present in the concluding session including representative from Child Welfare Department, Tripura State Commission for Protection of Child Rights, DCPU, CWC, Child line, Education Department highlighted the following points. There are various lacuna in the existing CCIs of the State as per the guidelines of JJ Act, 2016; Number of Child line in the State is very negligible based on the vast geography of the state, which should be expanded. The rehabilitation and counselling as part of laws relating to CNCP and CCI will help the Child to overcome mental disturbances, trauma, stress or relative psychological issues and act as a support system for the child.

Workshop on Implementation of Hon’ble Supreme Court Guidelines for Safe and Secure Transport facilities for Children.

National Commission for Protection of Child Rights (NCPCR) organized the one-day Workshop on implementation of Hon’ble Supreme Court Guidelines for safe and secure transport

facilities for Children. In collaboration with Tripura State Commission for Protection of Child Rights (TSPCR) on 27th March 2021, in Agartala, Tripura.

Road accidents are now globally recognized as a serious public health problem. According to the World Health Organization (WHO), more than 1 million people are killed on the world as roads each year. The problem is much more serious in our country. In the year 2017 close to 5,00,000 road accidents caused 1,46,377 deaths in India and more than thrice that number sustained injuries. In our beautiful state of Tripura, Road Traffic Accident is the largest public health and injury prevention problem. We should move along the road in a safe manner, keep ourselves free from harm or injury at the roads.

Education is a fundamental right of students. The North-Eastern state Tripura truly works towards making it accessible for all. The state education department is constantly striving towards the universalisation of education across all its districts. Road traffic injury is a growing public health problem among adults and children in India. Children travel to school every day in India. Children's travel to school is a routine and necessary activity. But we do not know about the safety of children who walk, cycle or use motorised modes. It is important to identify risk factors because the school trip is a part of children's daily activity and is amenable to interventions.

An important area that needs supervision and specific measures is the transport facility (school as well as own transport) that children use to commute to school. Hon'ble Supreme Court of India, vide judgement dated 16-12-1997 in W.P. (Civil) 13029 of 1985 in the case of Sh. M.C Mehta Vs Union of India & Others, sensing the gravity of the issue has ordered which, inter alia includes guideline for safe plying of School buses and to ensure the safety of school children travelling in the bus. Based on it, certain points were focused upon:

- i. The need for safety of school children travelling in buses requires that such buses be fitted with door that can be shut.
- ii. It would be in the interest of safety to require the presence of a qualified conductor on board every bus that is being used by an educational institution.
- iii. The Education department to ask all schools including Government and Municipal schools to evolve a similar arrangement as far as possible, so as to ensure that in each bus there is at least one parent present who would be able to oversee the conduct of the driver.
- iv. No bus belonging to or in use of any educational institution, shall seat children in excess of 1.5 times its registered seating capacity. Same applies to the Private Transportation for the usage of educational institutions.

- v. The Police Commissioner to frame appropriate guidelines for regulating processions – religious, Political or otherwise - which tend to obstruct the flow of traffic.
- vi. No bus belonging to or hired by an educational institution shall be driven by a driver who has -
 - a) Less than five years of experience of driving heavy vehicles;
 - b) been challenged more than twice in a year in respect of offences of Jumping red lights. Improper or obstructive parking violating the stop line. violating the rule requiring driving within the bus lane. Violating restricting the overtaking. Allowing unauthorized person to drive;
 - c) been challenged/charged even once for the offence of over speeding, drunken driving and driving dangerously or for the offences under Sections 279,337,338 and 304-A of the Indian Penal Code. All such drivers would be dressed in a distinctive uniform and all such buses shall carry a suitable inscription to indicate that they are in the duty of an educational institution".

The Transport as well as the Police Departments are directed to ensure that the contents of this order are duly publicized so that the people using roads are made aware of the restrictions imposed. They should also give publicity to the basic rules relating to safe driving, particularly those relating to user of bus lanes, changing of lane, overtaking and right of way on roundabout.

The word "buses" add the words "heavy goods vehicles, medium goods vehicles, and A-wheel light goods vehicles plying during the permitted hours.

CBSE has specifically issued a circular, dated 23rd February, 2017 Circular No.: CBSE/AFF/Circular-8/2017/1217401 towards ensuring children's safety in school transport, based on the Supreme Court Guidelines.

Similarly, National Commission for Protection of Child Rights also published Safety and Security Manual in the year 2017.

Objective of the workshop

- Improving the safety and security of children while spreading awareness on safe school transportation.
- Identifying the gaps exist to implement the Hon'ble SC Guidelines on School Transportation.

School Bus Safety Rules of Tripura

- ❖ The word "School Bus" should be displayed on the front and back of the bus
- ❖ For a hired bus, "On School Duty" must be displayed clearly in front of the bus. Every school bus should carry a First-Aid box with essential medicines and equipment's.
- ❖ School bus windows must have horizontal grills fixed in it so that students become more safe
- ❖ All school bus should have an Emergency door and a fire extinguisher, which is visible to everyone
- ❖ School name and telephone number should be displayed on the school bus clearly
- ❖ All school bus doors should have a steady locking system and unlocking system
- ❖ Sufficient space should be provided to all students for keeping their bags safely
- ❖ A trained school bus attendant is necessary for every school bus
- ❖ For better safety, a parent or a teacher can accompany school children.

Conclusion : During the concluding session, it was highlighted that the way forward to address the issue related to transportation/commuting of children is through effective implementation of the guidelines issued by the Hon'ble Supreme Court and the School Bus Safety Rules of Tripura.

Jammu , Kashmir & Ladakh Cell

The erstwhile state of Jammu and Kashmir (J&K), situated at the extreme northern part of the country, enjoyed a special status under Article 370 of the Indian Constitution and was governed by its own legislations/acts from 1951 to August 2019. However, on the recommendations of the Parliament, the Government of India abrogated Article 370 and gave assent to the Jammu and Kashmir Reorganisation Act, 2019. Accordingly, on 31 October 2019, the erstwhile state of J&K was reorganized as two new UTs, namely, J&K and Ladakh.

Constitution of a Dedicated Cell for J&K and Ladakh

As is well known, the NCPCR is mandated to protect, promote and defend the rights of children in the country. It is also mandated to monitor the special acts meant for children,

such as RTE Act, 2009, POCSO Act, 2012 and JJ Act, 2015. However, due to the imposition of Article 370, the mandate of the Commission did not extend to J&K. Thus, though the Commission received complaints on various issues, it could only forward them to the state government for them to take action.

Due to the abrogation of Article 370, as per Gazette Notification No.34 of 2019, 106 central laws/acts are now applicable to the newly formed UTs of J&K and Ladakh. These laws include: CPRC Act, 2005; JJ Act, 2015; POCSO Act, 2012; RTE Act, 2009; Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994; Prohibition of Child Marriage Act, 2006; and other child-related acts. In nutshell, the abrogation of Article 370 has paved the way for the Commission to deal with the matters pertaining to rights of children in J&K and Ladakh.

Therefore, the Commission, in its 39th statutory meeting held on 27 August 2019, decided to create a dedicated cell for J&K and Ladakh, which has been constituted vide order dated 11 December 2019 and is now functional. The objectives of the cell are to coordinate inter-departmental consultative-cum-review meetings on rights of children with concerned officials of both the UTs from different departments/ministries and to monitor the redressal of grievances in the Commission received from these UTs.

Creation of Online Facility (E-button) for the Children of J&K and Ladakh

In order to widen its reach in J&K and Ladakh and deal with the issues of child rights violation in a more effective and efficient manner, the Commission has created a dedicated online portal to register grievances. The portal is active and has been functioning from 7 January 2020. It is a child-friendly portal that is easy to use and bilingual in nature. The link of this special portal is available on the home page of NCPCR's website and can be accessed through <http://www.ebaalnidan.nic.in/JKL/registercomplaint.aspx>.



District Level Sensitization cum Orientation Workshop on Child Rights related Act.

During the inter-departmental review meeting with the Officials of J&K in March, 2020, NCPCR felt that there is an urgent need of capacity building of staff of ICPS, Department of WCD and Childline in the UT of Jammu & Kashmir. In view of the same, the Commission organised 9 online District Level Sensitization cum Orientation Workshops covering all the district of Jammu & Kashmir. During these workshops, the participants were made aware about the key provisions of Juvenile Justice Act, 2015; POCSO Act, 2012; Adoption; and Monitoring of Child Care Institutions. The workshops were attended by Chairpersons and Members of CWCs and JJBs of all the districts; SJPU of all districts; District Social Welfare Officer; Child Welfare Protection Officers; District Child Protection Units; Staff of CCIs; and Staff of Childline.



Chapter-11

Programme Cell

PROGRAMME CELL

As per the decision at the 41st Statutory Committee meeting of National Commission for Protection of Child Rights held on 11.02.2020 – Programme , Planning and Research Cell (PP&RC) was setup in May 2020 . Since its inception, the Cell is carrying out programmatic activities , preparing policy documents and monitoring frameworks for various interventions, conducting research studies through institutions, preparing special reports and extending support in formulating and executing key interventions in the Commission. Some of the key initiatives and special policy documents that are prepared by the Cell include SOP 2.0 Care & Protection of Children in Street Situations, Joint Action Plan for Prevention of Drugs and Substance Abuse among Children & Illicit Trafficking, Framework on International Standard Child Labour Auditing in different Industries & Sectors and MoU with Quality Council of India (QCI), MIS Portal to monitor the implementation of key legislations on Child Protection. In addition, the Cell formulated a review plan and conducted Inter-Departmental Review Meeting with the States/UTs on Child Protection Mechanism and Safety of children. Some of these initiatives are already been described in specific chapters. Some other significant initiatives been taken up by the PP&RC are given as under:

NCPCR Benches/Camps: Video Conferences (VCs) with District level Officers to review the status of grievances received during Benches/Camps

In view of the report and identification of districts lagging behind key parameters related to children i.e. education, health & nutrition as Aspirational districts by NITI Aayog; NCPCR decided to reach out to all these districts to hear the grievances pertaining to rights of the child in those districts. Thus the NCPCR Bench/Camp in Aspirational districts came into action to provide a platform for the children and communities to place their representation/complaints and to provide on spot solution along with the district authorities. The NCPCR approached the concerned District Administration to conduct the Bench/Camp in their district. The Commission so far has successfully completed 55 Benches/Camps (from 21.06.2019 to 01.02.2020) across the country and received around 27,000 complaints/representations related to violation of child rights.

The grievances received were sent to the concerned district officers for redressal. To expedite the redressal process, online meetings/Video Conference with concerned district level officers of each of the 55 districts was conducted from 03.09.2020 to 12.10.2020. The Video Conferences were attended by the District Authorities from the departments to whom the

grievances were along with the Nodal Officer previously nominated by the District Collector/District Magistrate for the Bench/Camp.

Meetings to discuss with Voluntary Agencies/NGOs about the post lockdown preparedness in addressing the problem faced by children

The Commission has been carrying out wide-range of activities in collaboration with different stakeholders. One of the important contributions in ensuring protection of child rights is of the voluntary agencies (VO)/Non-Government Organizations (NGOs). Hence, NCPCR has initiated activities involving the VO/NGOs in highlighting the problems pertaining to children and their rights. Currently, amid Covid situation children are vulnerable and facing problems of different nature and form. Specifically, the issues pertaining to safety of children living on streets; children in Child Care Institutions (CCIs), children whose parents are migrant labourers; children engaged in labour; out of school children and issues pertaining to child health need immediate attention. The region/district and State specific problems require an in- depth deliberation with the stakeholders that work for these children at the local level. Hence, to discuss the preparedness post-lockdown in addressing the problems faced by these children, their safety and ways in which NCPCR can contribute in ensuring their fundamental rights to survival, development and protection, consultation meetings with the NGOs working in the area of child rights, education, child protection etc. were organized. Ten such sessions with about 290 NGOs from different districts was held from 07th May 2020 to 15th May, 2020.

State-level Inter-departmental Review Meeting on issues related to children, their rights and safety

To assess how far the entitlements and benefits meant for children under various child related Laws/Schemes have percolated to finally reach all children, NCPCR, being monitoring authority of major child related laws, conducted 36 online review meetings with the State/UT Departments (except the UT of Jammu & Kashmir) that are responsible for implementation of the Laws/Schemes from 16.10.2020 to 18.11.2020. The meetings also focused on the cooperation and involvement of different State Departments to enable NCPCR to provide informed recommendations and suggestions. The meetings were attended by Officers from Department of Women & Child Development; Department of School Education; SSA; Director General of Police; SSA; Department of Social Justice (Welfare); Department of Tribal Welfare; Department of Labour; Department of Minority Affairs; Department of Panchayati Raj; Department of Urban/Rural Development; Department of Health; Department of Information & Technology; State Child Protection Society (SCPS); State Legal Service Authority.

Meetings with SCPCRs

For dialogue and mutual learning and for meaningful fulfilment of our roles and responsibilities in the best interests of the children, NCPCR and SCPCRs have been regularly interacted through workshops and meetings. Since 2016, seven workshops have been organized on different issues pertaining to child rights and functioning of the Commissions. Also, NCPCR and SCPCRs have been participating together on various other platforms and discussions with other stakeholders. Amid the Covid-19 pandemic children are vulnerable and facing problems of different nature and form. Specifically, the issues pertaining to safety of children living on streets; children in Child Care Institutions (CCIs), children of migrant labourers; children engaged in labour; out of school children, online safety of children and issues pertaining to child health need immediate attention. To discuss the issues during the Covid-19 pandemic period and preparedness post-lockdown in addressing the problems faced by these children, their safety and ways in which the fundamental rights of children to survival, development, protection and participation can be ensured, NCPCR held region-wise online consultation meetings with the State Commissions. The schedule of the meetings are given as under:

Date	States
03.06.2020	Chandigarh, Punjab, Haryana, Himachal Pradesh
04.06.2020	Uttarakhand, Uttar Pradesh, Rajasthan, Delhi
05.06.2020	Madhya Pradesh, Chhattisgarh, Odisha, West Bengal, Maharashtra, Gujarat
09.06.2020	Karnataka, Kerala, A&N Islands
15.06.2020	Andhra Pradesh, Telangana, Goa, Puducherry
16.06.2020	Assam, Sikkim, Nagaland, Manipur, Tripura, Mizoram, Meghalaya

E-waste and involvement of children in Seelampur, Delhi and Muradabad, Uttar Pradesh

Through various activities and interventions including complaint redressal, policy intervention, regulatory intervention, programme activity, special investigations, the Commission observed that a section of children are engaged as child labour in harmful sector like e-waste so that they can meet the earning of their family. These children would have been facing various developmental issues as well as violation of their rights. Various media

reports, national and international, have been published showing infuriating visuals of the children engaged in e-waste sector. National Commission for Protection of Child Rights has been mandated for monitoring of such three Acts enacted for children e.g. Right to Education Act, 2009; Protection of Children from Sexual Offences Act, 2009; and Juvenile Justice (Care and Protection of Children) Act, 2015. The provisions made under said three Acts are also applied to the children, who are engaged in child labour, especially for their protection, rehabilitation, if sexually abused, for their re-engagement in school and providing them with shelter. Therefore, the Commission initiated a fact finding exercise on situation of children in the regions of Delhi and Uttar Pradesh. The objective of this fact finding exercise was to highlight the status of children engaged in e-waste dismantling sector. Accordingly, a survey was conducted in such areas on 09.11.2020 and 14.11.2020 in the Seelampur and Mustafabad in Delhi and Moradabad in Uttar Pradesh respectively. The detailed report of the survey is available at <https://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=2118&lid=2019>

Preventive measures to “Combat Child Trafficking, Post Lockdown Situation due to COVID-19 Pandemic”

In the ongoing situation due to COVID-19 pandemic, the children especially those in difficult circumstances are prone to different kind of crime against them including trafficking. To discuss different aspects of keeping children safe from any violence/threat, the National Commission for Protection of Child Rights (NCPCR) has held series of virtual discussions with State CPRs and other important stakeholders including the NITI Aayog and Civil Society Organizations. Commission has also conducted various rescue operations for children during the lockdown period and taken up inquiries as per its mandate u/s 13(1) of CPR Act, 2005. The Commission has also referenced the recent guidelines issued by Ministry of Home Affairs (MHA) i.e. “Advisory on Preventing and Combating Human Trafficking, especially during the period of COVID-19 pandemic” vide dated 06th July 2020. Based on the various best practices and discussions with relevant stakeholders and experts, NCPCR formulated a document on “Preventing Child Trafficking, Post Lockdown Situation due to COVID-19”. The document gives a detail description of the preventive measures and role of different stakeholders in combating child trafficking in an effective way. The same was circulated among the Chief Secretaries of All States and Administrators of All UTs; Ministry of Panchayati Raj, Ministry of Education; Ministry of Women & Child Development; Ministry of Rural Development vide letters dated 30.07.2020.

Webinars

During the period under Report, the Commission conducted a series of webinars with the experts on various issues concerning child rights. The details of these webinars are as follows:

- ✓ Making Online Schooling Cyber Safe with experts from MietY, NCERT and Cyber Peace Foundation on 18.05.2020.
- ✓ How Can Schools Participate in Cyber Safety – A whole school approach in ensuring cyber safety on 19.05.2020
- ✓ Cyber Safety at Home with experts from CIET-NCERT, UNESCO, Mind Specialist, Internet & Mobile Association of India on 20.05.2020
- ✓ New Education Policy Teachers are the Guardians of Rights of Children with Dr. Vinay Sahasrabuddhe, Hon'ble Member of Parliament on 04.09.2020
- ✓ National Education Policy and its Effectiveness on Reducing the weight of School Bags with Shri Sri Ram Aravkar, Vidhya Bharti on 09.10.2020

Initiative to Conduct Child Labour Audits/Fact Findings in Different Sectors and Industries as Per International Standards Audit System

While global supply chains have the potential to generate growth, employment, skill development and technological transfer, they have also been linked to human rights violations, including child labour. It is an established fact that the involvement of children in supply chains, marketing chains, disposal chains and servicing processes has resulted in their exploitation. In this era of globalization, the Indian markets are also closely integrated with the global market. Therefore, an international standard audit system in the areas of supply chain, disposal chain, marketing chain and service chain is required because if all the processes are audited, children will be safe and their rights will be ensured.

In order to establish a well-structured and sustainable mechanism, in line with international standards and practices, the National Commission for Protection of Child Rights (NCPCR)—a statutory autonomous body constituted under the provisions of the Commissions for Protection of Child Rights (CPCR) Act, 2005 for the protection of child rights and other related matters—and the Quality Council of India (QCI)—an accreditation body of India which was established under the decision of Cabinet Committee as a non-profit autonomous society registered under Societies Registration Act XXI of 1860—have signed a memorandum of association (MoA). The purpose of the MoA is to ensure that the industries and sectors are

free of child labour and also, to help achieve Target 8.7 of the 2030 Sustainable Development Goals, which calls on governments around the world to end child labour by 2025.

The inking of the MoA saw representation of Shri Priyank Kanoongo, Chairperson, NCPCR, Ms Rupali Banerjee Singh, Member Secretary, NCPCR, Shri G.Suresh, Assistant Director, Shri Dushyant Meher, Consultant, NCPCR, and officers from NCPCR, along with Dr Ravi P. Singh, Secretary General, QCI, Dr Manish Pande, Director and Head, Project Analysis and Documentation Division (PADD), Dr Arul Jason, Project Associate, Ms Reeti Mahobe, Junior Associate, QCI, and others.



It was mentioned during the event that the initiative of “conducting child labour audits/fact findings in different sectors and industries” was with the objective of working towards Atmanirbhar Bharat. The effort, for the first time, was to develop an international standard audit system in the areas of supply chain, disposal chain, marketing chain and service chain. It was further mentioned that the QCI was committed to the faith entrusted by NCPCR in designing an internationally accepted evaluation framework keeping in view both technical and social aspects from a child right’s perspective.



As evident, this joint initiative is another milestone in the direction of ease of doing business. It also stresses on the importance of Indian industry to conform to global compliance standards so as to be truly competitive in global markets. The MoA, therefore, marks the beginning of firm commitment to protection of child rights in industry sector, as well as the consolidation of Indian industry in global trade through a third-party assessment system implemented by QCI.

Comments for Task Force of Child Marriages

The Government of India has set up a Task Force to examine matters pertaining to age of motherhood, imperatives of lowering MMR, improvement of nutritional levels and related issues. The Task Force will be provided secretarial assistance by the NITI Aayog. In this regard, the Commission was asked to submit a note on the topic 'Impact of Child Marriage of Children'. Accordingly, a document was prepared and submitted by Chairperson, NCPCR to NITI Aayog in a meeting held on 26.06.2020 under the Chairmanship of Ms. Jaya Jaitly, Chairperson of Task Force.

Case of Sexual abuse of children of north east region in the monastery at Shukatirth, Muzaffarnagar

A case of Sexual abuse of children in the monastery at Shukatirth, Muzaffarnagar district came into light through media report dated 10th July 2020. The Maharaj of the monastery were used to drink liquor with children and sexually abused them. It was found that the total

ten children aged between 8- 18 yrs were residing at the 'Mathh' who were actual residents of Mamit district of Mizoram and North Tripura district of Tripura. To ensure wellbeing of children and better coordination amongst all State/District level authorities for the smooth repatriation of children, NCPCR organised a virtual meeting on 13th July, 2020 with all the stakeholders i.e. NCPCR, Tripura SCPCR, Mizoram SCPCR, Uttar Pradesh SCPCR, concerned CWCs, SPs, and DCPOs of Mamit (Mizoram), North Tripura (Tripura) and Muzaffarnagar (Uttar Pradesh). Repatriation plan for the children was discussed with all stakeholders. NCPCR also requested the District & Sessions Judge, Muzaffarnagar vide its letter dated 14.07.2020 for speedy hearing of this case in the Special Court and directed the concerned officials for providing adequate amount of compensation to the victims.



Chapter - 12

Legal Interventions & Special Inquiry

LEGAL INTERVENTIONS & SPECIAL INQUIRY

SOCIAL AUDIT OF CHILD CARE INSTITUTIONS, REPATRIATION OF CHILDREN & FUNDING RELATED MATTER:

W. P. (Crl.) 102 of 2007 in Re. Exploitation of children in orphanages in State of Tamil Nadu Vs. Union of India before Hon'ble Supreme Court of India

The Hon'ble Supreme Court of India vide its order dated 05.05.2017 in the matter of W. P. (Crl.) 102 of 2007 in **Re. Exploitation of children in orphanages in State of Tamil Nadu Vs. Union of India** *inter-alia* directed National Commission for Protection of Child Rights (NCPCR) to carry out the Social Audit of all the Child Care Institutions (CCIs) [as per Section 2 (21) of Juvenile Justice Act, 2015] in the country to ensure transparency and accountability in the management and functioning of the CCIs and other bodies under the Juvenile Justice (Care and Protection of Children) Act, 2015.

In compliance of the aforesaid directions of the NCPCR after following the valid process engaged a Third Party Agency namely, M/s. AMS, Lucknow to conduct Social Audit of the CCIs of the Country. M/s. AMS concluded the social audit of 7164 CCIs across the country (*except for the State of Jammu and Kashmir where the JJ Act, 2015 was not applicable then and the UTs of Lakshadweep, Daman Diu, Dadra & Nagar Haveli, where there are no CCIs*) and submitted the social audit reports of individual CCIs along with the National and State-wise Reports.

After analysing these Reports, the Commission found serious maladies/grave violations in large number of CCIs; most of them even lacked bare necessities required for the life and well-being of the children. The violations were so grave that the Commission took *suo-motu* cognizance of these irregularities/violations under Section 13(1) (c) and (j) of CPC Act, 2005 being the monitoring authority under Section 109 of Juvenile Justice Act, 2015 and the shortcomings together with the inspection reports were communicated to the District Magistrate/District Collector of districts alongwith the copy to Principal Secretary, Department of Women and Child Development (of respective State Governments) and also to the Joint Secretary, Ministry of Women and Child Development, GOI for their information from time to time; and sought rectification reports from the DMs/DCs which are being received and are under process.

Further, in pursuance to the aforesaid directions of the Hon'ble Court, the Commission submitted the Social Audit (National and State-wise) Reports and also served the soft-copies to Standing Counsels of the respective States for rectification of all the shortcomings of their

CCIs as well as to Standing Counsel and concerned official of Ministry of Women and Child Development on 6th March, 2020.

Further, some startling results came into the notice of the Commission during analyses of the Social Audit Reports. It was observed by the Commission that the maximum number of CCIs and children in need of care and protection (CNCs) placed in these CCIs are located in 5 southern States of the Country i.e., Tamil Nadu, Karnataka, Kerala, Andhra Pradesh, Telangana and also in Maharashtra, which painted an unsettling picture indicating a pitiable condition of children in these CCIs. There are 2,56,369 children living in CCIs across the country, of which 70% are living in CCIs located in the above mentioned 06 States.

In addition to the above six States, it has been observed that two States of North-East India, i.e. Mizoram and Meghalaya, despite having low population a huge number of children are living in CCIs. This indicates that these children are being kept in CCIs for some *mala-fide* intention. In this context, the Commission has been of the view that based on the facts and own experiences (*i.e. by way of inspections and visits to the CCIs*), that 70% of orphans of the country are in these 6 states only.

Due to the Covid 19 pandemic situation, keeping in view the vulnerability of children and cases in respect to children being contracted covid -19 ; the Commission recommended the district and state authorities to present the children living in CCIs before the CWC to explore possibility of their repatriation.

Since, fundamental principles laid down under Section 3 of the JJ Act, 2015 provides that if children have their own families and parents, they should be rehabilitated in their families. Even if it is assumed that some children do not have parents or families, it is enumerated in further provisions of the said Act that the CNC children with no family or relatives to take care of shall be declared free for adoption by the CWC and such children shall be placed for Adoption or put in Foster care, as the case may be.

Furthermore, even the Hon'ble Supreme Court in its order dated 05.05.2017 in the matter of *W. P. (Crl.) 102 of 2007 in Re. Exploitation of children in orphanages in State of Tamil Nadu Vs. Union of India* has emphasised upon the fact that it is the need of the hour to De-institutionalise the children in need of care and protection. Also in *Suo Moto Writ Petition (C) No. 4 of 2020*, titled as "*In Re Contagion Of Covid 19 Virus In Children Protection Homes*" the Hon'ble Apex Court vide its order dated 03.04.2020 reiterated the same.

Since, the case of placing large number of children in CCIs in South India indicates some kind of *mala-fide* intention, thus, the Commission under its mandate provided under Section 109 of the JJ Act, 2015 r/w Rule 91 of the JJ Rules, 2016, UN Convention on the Rights of the Child,

Section 13 (1) of the CPCR Act, 2005 and to ensure a thorough implementation of Principle XII and XIII of section 3 of the JJ Act, 2015, has taken *suo-motu* cognizance of the above and initiated the comprehensive exercise of monitoring the Repatriation and Restoration of the Children placed in CCIs across India back to their parental families or guardians or in foster care or in adoption. Accordingly, the Commission under Section 13 (1) (j) of CPCR Act, 2005 has recommended to start the process in phase wise manner and in the first phase has requested all the DMs/DCs of these 8 States to explore the possibilities if these children can be repatriated and restored back with their families and accordingly initiate the same by following the lawful procedure to repatriate these children and to furnish Action Taken Report in this regard to the Commission. The Commission has also prepared a list of all Social Welfare Schemes and Entitlements that these families living in abject poverty may be linked with, in order to ensure that the child remain with his or her family and not in CCI.

As per the information with NCPCR, presently around 1,45,000 children were restored to their families/ guardians in pursuance of NCPCR's recommendations.

Inquiry by NCPCR on Social Media Platforms in regard to CSAM

Social Media has redefined the ways of communication and expression, websites such as Facebook, Instagram, Twitter, WhatsApp, Google, etc. are providing platforms to remain connected globally with each other. It has embraced so tenaciously that it is an integral part of everyone's life.

On one hand, it is a boon for human civilization as it has brought the whole world together in one place where the individuals can share their views and opinions and have given freedom of learning, developing and enhance the social skills.

On the other hand, it is emerging as a bane for the children as there is rampant dissemination of unfettered information which is if not filtered and grasped judiciously is polluting the young minds.

The Rajya Sabha ad-hoc Committee was constituted to look into the matter pertaining to the "alarming issue of pornography on social media and its effect on children and society as a whole". Since in today's world, the availability and reach of children to pornographic material and the use of children in pornographic material is on the rise. In view of the above scenario, the ad-hoc Committee invited the Commission to make its submissions.

In order of making submissions and to apprise the ad-hoc Committee, the Commission under section 13 (1) (j) and 14 of CPCR Act, 2005, conducted an inquiry into the spreading of porn sites on the internet/web and found indiscriminating evidence on the availability of such sites. Some of the findings that can be shared in a public document are given as under:

- (a) The internet has three layers, namely the surface web, the deep web, and the dark web. The dark web refers to encrypted online content that is not indexed by conventional search engines. It is a component of the deep web that describes the wider breadth of content that does not appear through regular internet browsing activities. To access the dark web one needs special browsers, search engines, and also different networks with regard to the above, a total of 31 sites were explored by NCPCR on the dark web, of these, 5 were pertaining to Indian Territory; 19 were of the possibility of being Indian and were international sites. The contents of these sites are highly vulgar and repulsive in nature. It is, therefore, established that all the Indian, as well as international sites, are easily available and accessible to cross-sections of the society including children who are having unabated access to the internet.

(Note: The Commission also reported these links of CSAM on the Dark web to the Ministry of Home Affairs (MHA) on Cyber Crime Portal.)

- (b) The Commission under Section 13 (1) (a) of the CPCR Act, examined and reviewed the existing safeguards and laws. On perusal of available legal provisions, a peculiar situation emerged that there is no safeguard for the person who happens to download any indiscriminating material which he is supposed to mandatorily report to the authorities under POCSO Act, 2012. Further, the IT Act doesn't specify any authority to whom this report could be made.
- (c) There is a provision of Mandatory reporting under Section 19 of POCSO Act, all the institutions, schools, parents, guardians, and organizations that are aware of any such objectionable use of their network; the service provider should be made accountable for reporting to the appropriate authority. Therefore, a mechanism could be introduced for incorporating this provision in POCSO Rules to ensure that online exploitation of children is reported appropriately.
- (d) It has been observed that the children use internet/social media apps over various connections such as Wi-Fi, mobile internet service, etc., the connections of which are in the name of their parents. Hence, there is no data on how many children are having internet access privately.

- (e) There are numerous apps which were earlier available on the play store and now on sketchy websites along with other portals that distribute links to join social media platform and telegram groups soliciting child sexual abuse material. These links often lead to groups where either content is distributed free or at a premium that is paid using online payment services. Along with already created content, live streaming services of abuse of children and adults are also offered on these groups. There is a possibility that some of these apps may be hosted from within India.
- (f) It has been further observed that the companies providing social media platforms such as Facebook, WhatsApp, Telegram, Twitter, Instagram, etc. are reporting such incidents to NCMEC (National Centre for Missing and Exploited Children) which is a US-based agency for reporting of cybercrime material. But Section 19 of the POCSO Act, provides for mandatory reporting of such offences to the Indian authorities. Hence, there is a gap in reporting of such material/offences.
- (g) Children are accessing social media platforms such as Facebook, Instagram, Twitter, WhatsApp, Telegram, etc., and the pornographic material and the links to access such material are also available and circulated amongst the users on these platforms. Therefore, it was observed that children below 18 years have easy access to these materials without any check.

DETAILS OF INQUIRY

The Commission while conducting aforesaid inquiry came across an article published in the newspaper “The Hindu” dated 14th April 2020, categorically mentioning the data of Pornhub, the world’s largest pornography website that ‘Traffic from India increased by 95% between March 24 and 26, as compared to average traffic before the lockdown’.

It was also observed that child pornographic material is easily available to the users on Social Media Platforms such as on Apple iOS. The user just has to pay \$ 2.99 (USD) and become the Pro user and all such material will be available to them over the phone.

Similarly, such material was also found to be available on Twitter where many links to reach and obtain Child Sexual Abuse Material (CSAM) is available through different Handles, groups through which CSAM can be obtained by any user on their encrypted WhatsApp Chats.

Also, similar material was found to be available on Google Play Store through the Apps provided by them for free of cost and the child pornographic material can easily be accessed by anyone by downloading these apps.

Thus, the following issues have emerged -

- (i) Availability of online Child Sexual Abuse Material (CSAM) and;
- (ii) Pornographic Material accessible to children.

Taking cognizance of the same, the Commission decided to initiate a further inquiry in respect to these platforms and under Section 13 (1) (d) & (j) and 14 of CPCRA Act, 2005 issued notices to social media platforms such as Twitter, WhatsApp, Google and Apple iOS on 23-24th April 2020 to look into the matter and provide their policy/guidelines in such cases and the action taken by them in such cases. The Commission also wrote to them to provide the information pertaining to several complaints received by them on their platforms in regard to CSAM and Pornographic content.

Further, as Section 19 of POCSO Act, 2012 provides for mandatory reporting of such offence the Commission forwarded all the material/links/details obtained during the inquiry to the Cybercrime Portal, MHA for lawful action.

Meanwhile, in April 2020 itself, the Commission received a complaint regarding a video posted on Instagram wherein a boy was seen penetrating a hen. Since posting and circulating such material is an offence under IPC 1860, POCSO 2012 and IT Act 2000 respectively, the Commission took cognizance of the same under section 13 (1) (d), (j) & (k) of CPCRA Act, 2005 and issued notice to Instagram and requested them to stop the circulation of the video and to identify the location, profile of source person who has initiated the circulation along with other possible details.

Instagram vide their letter dated 1st May 2020, provided the outer border details of their policy, and failed to provide the details and information sought by the Commission. Since Instagram tried to skirt out the main concern and issue the Commission was constrained to write again to them and requested to provide details of their policy and action taken by them in the matter.

To which vide letter dated 12th June 2020, Instagram provided their response, but which on perusal was found unsatisfactory as no requested information was provided by them. Rather they just mentioned that they have actioned the video and that they work directly with numerous law enforcement agencies in India and have built robust processes through which law enforcement can contact them. Also, they specifically mentioned that they indeed cooperate with law enforcement and responds to valid information requests from law enforcement agencies with the power to seek information under applicable law.

As Instagram was not sharing any information with the Commission and was not informing the Commission about the steps taken by them in this particular matter. This being the POCSO case the Commission considering the seriousness of the matter and its responsibility under the POCSO Act, again wrote to them vide email dated 25th June 2020 and requested them to understand the spirit of the Commission's efforts to ensure that no child right and prevailing law of land is violated.

It was again brought to their notice that since the child in the video is minor and instigating or abetting the minor to do such an act and further capturing the video and uploading it on the social media is per se an offence that needs immediate registration of an FIR and to do the needful the details of the child or the source of person uploaded the video is required by the Commission.

During the month of May 2020 the response from Google, iOS, WhatsApp and Twitter were also received which on perusal were found to be unsatisfactory as the guidelines and policy were found to be a mere eyewash as they had no much impact in curbing out the menace of CSAM and pornographic material available to children on the social media platforms.

It was observed by the Commission that despite what all the social media platforms are propagating about their policy and guidelines through their replies, it is seen not yielding much result, which is evident from the fact that the material/content pertaining to CSAM and Pornography in large number is available and accessible to the user on these platforms.

However, vide their email dated 4th July 2020 Instagram responded, but reiterated its earlier response and did not provide any requisitioned information.

The casual behaviour of social media platform in such a matter and not willing to cooperate and support making it difficult for NCPCR to take a necessary step as provided under the POCSO Act.

During this inquiry, in August 2020 the Commission received another complaint pertaining to online threats and repeated incident of stalking of a minor girl on Twitter. NCPCR took cognizance of the said complaint under section 13 (1) (j) and (k) of CPC Act, 2005 since the picture of a minor girl was seen to be circulated and posted by various Twitter handles with indecent and disgraceful remarks/comments and forwarded the complaints to Delhi Cyber Cell and Twitter for deemed lawful action.

NCPCR also issued a letter to the concerned SSP for deemed lawful action and to ensure the safety of a minor girl. It was informed by SSP that they have initiated the investigation and registered an FIR U/s. 509 of IPC, 1860 and 12 of POCSO Act, 2012 informed the Commission.

In this matter when Twitter did not provide any information, this being matter of serious nature the Commission was compelled to summon the platform. The Twitter during the summon proceedings and vide their letter pursuant thereto "...that the services in relation to www.twitter.com (for users in India) are provided by Twitter Inc., a company incorporated in the United States of America. Twitter Inc. is a distinct and separate company from Twitter India. Thus, Twitter India doesn't control any information/data pertaining to any of the users of the services on www.twitter.com. In that light, it is requested that the information request/summons may directly be dispatched to Twitter Inc., on the same email address from which response had been received by the Commission in connection with this matter (i.e. on support@twitter.com). Twitter India plays no role in the operation and control of the platform at www.twitter.com and is therefore not in a position to furnish any details as required by the Commission..."

Pending this inquiry, the Commission received a research report titled "Instagram Research on online sale and purchase of sexual and abusive material" from Cyber Peace Foundation, regarding open sale and purchase of child sexual abuse material (CSAM) on social networking sites leading to violation of child rights and provisions of Information Technology Act, 2000, POCSO Act, 2012, Indecent Representation of Women (Prohibition) Act, 1986 and Young Persons (Harmful Publications) Act, 1956.

The Cyber Peace Foundation mentioned therein that some very seriously unlawful activities are prevailing on the social media platforms, especially on "Instagram" related to the sale and purchase of sexually abusive material, including child pornography. As alleged by them Instagram was seen working as an open market for the sale and purchase of abusive and obscene pictures and videos. It was further mentioned therein that on Instagram, there are pages and accounts created by individuals on which, pictures of young children are posted with price tags like an advertisement. Further, while mentioning a particular post that was in breach of community guidelines and terms of use and which was reported to Instagram by them, it is alleged that no action was taken by Instagram on it. It was also mentioned that it is very difficult to contact the help centre of Instagram as no details are provided on the website to reach them.

Since this was a serious issue, the Commission took cognizance of the said report under section 13 (1) (j) of CPC Act, 2005 and requested Instagram to look into this research report of Cyber Peace Foundation and to take prompt action under intimation to the Commission.

Meanwhile, the Commission received another research report titled "End (-to-end encrypted) Child Sexual Abuse Material" from Cyber Peace Foundation, wherein it was highlighted that the CSAM is still available on the social media platform (WhatsApp). as many of the links

shared with or reported to the platform (WhatsApp) by the Cyber Peace Foundation in 2019 were still active and operational.

The Commission took this very seriously as this being the issue concerning children and violation of child rights and that despite reporting no action was taken by WhatsApp on the links and groups by Cyber Peace Foundation they are still operational and active. The Commission took cognizance of this report under section 13 (1) (j) of CPCr Act, 2005 and requested WhatsApp to take prompt action under intimation to the Commission.

It is pertinent to note that the Twitter permits children of 13 years and above to use Twitter. Therefore, the availability of pornographic material, child sexual abuse material and links to access these material and the aforesaid toolkit to reach deep and dark web for obtaining these material makes Twitter a violator under POCSO Act and IPC.

Section 11 of POCSO Act, 2012 provides for Sexual Harassment - A person is said to commit sexual harassment upon a child when such person with sexual intent-

- (iii) shows any object to a child in any form or media for pornographic purposes; or*
- (iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means...*

Whereas, Section 15 of POCSO Amendment Act, 2019 provides that transmitting, propagating, displaying, distributing, storing or possessing CSAM is an offence under the Act. Similarly, Section 292 of IPC provides that public exhibition, distribution, circulation, etc. of an obscene material is an offence.

Therefore, keeping in view of the above-mentioned issues, the Commission taking cognizance in the matter, issued notices to Twitter to look into the matter and provide their policy/guidelines and the action taken by them in such cases. The Commission also wrote to them to provide the information pertaining to number of complaints received by them on their platforms in regard to CSAM and pornographic content.

It was observed by the Commission that the Social Media Platforms (Twitter) do not report such cases to the authorities in India, which is mandatory as per Section 19 of POCSO Act. It was seen that they report the cases to NECMEC a US based agency, which was observed to be a violation of the provisions of POCSO Act, 2012.

During this inquiry, many facts that came to light about the operations of the social media platform Twitter. Twitter Communication India Private Ltd (TCIPL) informed the Commission that the services in relation to www.twitter.com (for users in India) is provided by Twitter Inc., a company incorporated in the United States of America. Twitter Inc. is a distinct and separate

company from Twitter India. Thus, Twitter India doesn't control any information/data pertaining to any of the users of the services on www.twitter.com. Twitter India plays no role in the operation and control of the platform at www.twitter.com and therefore are not in a position to furnish any details as required by the Commission.

The same fact regarding the operations of Twitter, were also informed to Meity, GOI by TC IPL, that Twitter Inc. is the entity that provides the intermediary service in relation to the Platform in India and consequently, does not have any control over information or tweets on the Platform.

During the aforesaid CSAM inquiry it was also observed by the Commission that TC IPL in MOC, GOI for incorporation has mentioned that Mr. Sean Jeffrey Edgett and Mr. Winston SeiSeng Foo are the directors for TC IPL, and in their LinkedIn profile they both have mentioned themselves as employees of Twitter. Further, it is observed by the Commission that Twitter International Company holds 9,999 shares and Twitter Netherlands B. V. holds 01 share, respectively in the Twitter Communications India Private Ltd. These things are contrary to the above stand of TC IPL wherein they have mentioned that Twitter Inc. and TC IPL are two distinct entities and have thereby submitted false information with Meity, GOI and with the Commission during Summon Proceedings under Section 14 of CPC Act, 2005. This fact needs to be thoroughly investigated as it seems to be case of giving false information and an offence under Section 199 of IPC.

It is also to be noted that "Department-related Parliamentary Standing Committee on education, women, children, youth and sports" in its Three hundred and Twenty sixth Report at pg. 18 has recommended as under-

"3.29 For the purpose of child pornography, children are getting exploited for ulterior motives. During the Covid-19 pandemic, Virtual learning has become a necessity for the children. Easy access to this material by the children is a cause of concern of the Committee. The Committee recommends the Ministry along with National Commission for Protection of Child Rights (NCPCR) should take measures to curb sexual exploitation of children and circulation of child pornographic content on social media".

The Commission is of the view to recommend Meity, GOI to initiate a ban on the access and use of Twitter by the children on an immediate basis till the time Twitter makes its platform safe for the children by ensuring complete removal of CSAM and pornographic material from their platform and also ensure mandatory reporting of cybercrime cases by them to the authorities in India.

In view of all this confusion and ambiguity, the Commission wrote to the Ministry of Electronics and Information Technology (MeitY) to understand the legal existence and status of the social media platforms in India.

MeitY informed that as per the information received to them from Twitter, Facebook and Google none of the social media platforms have their offices in India. Their subsidiaries in India are separate legal entities who are appointed by these platforms to undertake certain activities, contractually agreed upon and they do not have any control over the information, data pertaining to users of the platforms.

ISSUES EMERGED

1. These social media platforms do not operate from India and work in India through subsidiary offices with limited role and responsibility, such as advertising, sales, marketing, etc.;
2. These subsidiary offices do not have any role and control over the platform;
3. They are not operating from India hence, they do not abide by the laws of India;
4. There is no legal mechanism in India that can compel these social media platforms to abide by the laws of the land;
5. They do not even report to the Indian authorities and only report to NECMEC (US);
6. To obtain any information the Indian authorities have to juggle a lot and still it is not sure that these platforms provide information.

RECOMMENDATIONS

1. There should be a law to take care of any kind of misuse, abuse, exploitation of Indian citizens including children on these platforms;
2. There should be mandatory reporting of offence for these platforms in India;
3. There should be a mechanism and system for these platforms in India;
4. Awareness needs to be generated among the general public in regard to Child Sexual Abuse Material (CSAM) on platforms and its reporting mechanism.

Legal Action on Death of Minor Sexual Abuse Victim in Child Care Institution at Bhopal, Madhya Pradesh

National Commission for Protection of Child Rights (NCPCR) took notice of a news report published in Raj express e-news dated 12.07.2020 regarding sexual abuse of 6 minors in Ratibad, Bhopal (Madhya Pradesh). Considering its seriousness of the matter, Commission took immediate intervention and sought an Action Taken Report (ATR) from Superintendent of Police (South) Bhopal and Child Welfare Committee (CWC), Bhopal. However, lack of satisfactory ATR from the authorities; Commission issued summons to the District Magistrate, Bhopal. District Magistrate, Bhopal during the summon hearing proceedings apprised the Commission about the steps taken by them for providing compensation to the victim minors, their counselling through CWC and issuing notices for encouraging other minor girls who might have been fallen victim to the alleged accused to come forward to report the crime. He further assured that the adequate compensation amount will be released for the victims.

Further, Chairperson, NCPCR visited this Children's Home on 09.01.2021 and met with the victims. The observations and recommendations based on the conversation with the girls were forwarded to DM, Bhopal. The Commission also communicated to the Hon'ble Chief Minister of Madhya Pradesh vide letter dated 11.01.2021 apprising him about the findings and recommendations of the visit made to the CCI by the Chairperson, NCPCR.

On 21.01.2021 it was brought to the notice of the Commission that one of the victim girl died during her stay at CCI. Since, the entire incident of sexual abuse of minor girls and thereafter sudden death of a minor girl during her stay in CCI raised further doubts and suspicion in the case. Therefore, Commission immediately intervened in the matter and decided to constitute an inspection team for an on-spot inquiry in Bhopal on 27.01.2021. A five member team headed by Registrar, NCPCR was constituted to visit Bhopal to take first hand stock of the situation.

Thereupon based on the observation of the Team, the Commission communicated its recommendations categorically for individual victim girls, department, police, etc. It was also recommended for registration of FIR under relevant sections of CLPRA, 1986 and section 79 of JJ Act, 2015 against the alleged accused person and his family members, in the matter.

Legal action regarding illegal religious conversions in district Sagar, Madhya Pradesh

The Commission took cognizance of a news report published in Patrika News Network. As per the news report, 9 girls were rescued from Euphrasia Bhawan Hostel by the administration, who informed about various irregularities and that they were forced to worship a particular deity. Child Welfare Committee, Vidisha (MP) has opined that the children were illegally kept there and that it seemed to be a case of religious conversion.

Prima facie it seems the incident is in violation of Article 28(3) of the Constitution of India. Therefore, considering the seriousness of the matter, the Commission requested District Magistrate, Sagar to provide certain information with the detailed ATR in the matter. Since no reply/response was received in the matter the Commission was compelled to initiate the Summon Proceedings under Section 14 of CPC Act, 2005.

Subsequently, the Commission issued Summons vide letter dated 17th August 2020; 21st August 2020; 24th August 2020 and 28th August 2020 directing DM, Sagar to provide some information crucial in this case. However, despite repeated communications/directions pursuant to the hearings in the captioned matter the complete information was not provided by the DM, Sagar which resulted in non-completion of the inquiry in the matter.

Therefore, another hearing in this matter was held on 15th September 2020 which was attended by Sub-Divisional Police Officer, Bina; District Probation Officer (DPO) and Assistant District Prosecution Officer (APO), Sagar. In this hearing DPO and APO, Sagar informed that they have since completed their inquiry in the matter and there is no further information that could be provided to the Commission.

Pursuant to this the Commission completed its inquiry. The Commission reached the conclusion that the DM, Sagar has failed in providing necessary information/details in this matter, which tantamount to suppressing the information. The Commission also feels that the DM has not conducted its inquiry/investigation as per the desired protocols and as per the directions of the Commission and was instrumental in not providing the correct information to the Commission in completing its inquiry.

Therefore, the Commission was of the view that DM, Sagar has failed in taking the proper action in the matter and not paid heed to the facts highlighted by the minors in their statements made to CWC. In addition, being a senior functionary in the State machinery and occupying the key post in the district, DM Sagar did not bother to either to take into

consideration the specific statements of the minors and made no attempt to register an FIR in the matter under the provisions of Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968.

This is a serious violation on the part of DM, Sagar since the statements of minors are on record and some of the minors belong to the Scheduled Caste and Tribe. In pursuance to provisions under Section 15 (1) of CPC Act, 2005 the Commission forwarded this matter to Secretary, MHA and to Chief Secretary, Madhya Pradesh to look into this case and take appropriate action against the DM, Sagar who apparently has failed to discharge his duties as per the law & service Rules and to take all necessary steps to complete the inquiry at district level w.r.t. Madhya Pradesh Dharma Swatantrya Adhiniyam, 1968 & Section 82 of Juvenile Justice Act, 2015.

Cognizance taken by NCPCR on the Annual Report of NGO-Persecution Relief :

The Commission took cognizance of a report published by NGO Persecution Relief (an NGO based in Bhopal, Madhya Pradesh), wherein statements have been made alleging persecution of Christians in India citing incidents where churches were burned, hundreds of house churches were closed down, false cases were filed against priests, nuns, pastors, believers etc and had been circulated to many foreign authorities,. In its report, this organization has pointed out incidents with facts and statistics with respect to each State/UT in India highlighting the alleged persecution and hostility being faced by Christians in India.

In this report suggestions/recommendations have also been made to the Central and State Governments to eliminate such persecution of minorities. In one of these recommendations, the NGO had requested to instruct Child Welfare Committees to not to harass Christian orphanages and institutions maliciously across India wherein the children were evacuated in the middle of the night from the child care institutions against the wishes of their parents. Further, it also stated that there are many false POCSO cases registered and that those falsely accused are still in Jail.

Keeping in view the gravity of the matter as the report has also been discussed in United Nations General Assembly (UNGA) showing India in a bad light at global stage-the Commission after perusal of the statements made in the report gave due consideration to the recommendations made by this NGO, particularly with respect to the children staying in such homes/orphanages and wrote to Chief Secretary and DIG, Madhya Pradesh to furnish an action taken report after conducting inquiry. Further, NCPCR also asked to inquire into the allegation of false registration of POCSO cases as referred by the NGO and to get the details of these false POCSO cases.

The Department of WCD, MP informed the Commission that a reply has been sought from the NGO-Persecution Relief and the NGO has sought time to provide its reply. As no satisfactory response was being received from the Department of WCD, MP, the Commission sent a letter to DIG City, Bhopal on 09.01.2021 informing that no factual background for the allegations made by the NGO has been received by the Commission in this matter.

However, the Commission did not get a satisfactory response from the State. Therefore, the Commission sent a letter to DIG City, Bhopal on 09.01.2021 informing that no factual background for the allegations made by the NGO has been received by the Commission in this matter. That in this regard, the Commission recommended necessary action as per provisions of the law, for maligning the child rights mechanisms in this country and making malicious statements against authorities. Subsequently, the Commission received an ATR from DIG, Bhopal vide their letter dated 30.01.2021 wherein it was informed that no case regarding incidences of harassment and persecution of Christians in Bhopal city has been reported so far. Further, the Commission received response from WCD, MP wherein no evidentiary proof of such incidences of harassment of Christian institutions and orphanages, etc. is provided in the report.

On finding the ATR dated 30.01.2021 from DIG, Bhopal non-satisfactory, the Commission issued letter dated 11.02.2021 to DIG, Bhopal citing the violation of various provisions IPC including Section 124A, 505 of the IPC. Accordingly, the Commission requested DIG, Bhopal to take strict and necessary action against the founder of the NGO. It is to be noted that the letter dated 11.02.2021 to DIG, Bhopal issued by the Commission categorically highlighted how the allegations made and published by NGO – persecution Relief, Bhopal is not an act of defamation punishable under Section 500 of IPC, but the same is rather potentially harmed the reputation of India globally. Alleging the occurrence of such incidences of harassment of Christians institutions and orphanages, filing of false cases against priests, nuns, pastors, believers, etc. under the POCSO Act, 2012, evacuation of children in the middle of night against the wishes of their parents, etc. without any evidentiary proofs to substantiate the same has potentially caused injury to the sovereignty and integrity of India on global platform and has brought disrepute and disregard to the country's image which constitutes an act of Sedition on the part of the NGO and therefore attracts criminal liability under section 124A read with Section 505 (1) (a) & (b), Section 505 (2) and Section 505 (3) of IPC, 1860. The child protection mechanisms and officers are working under the statutory mandate of Juvenile Justice Act, 2015 and POCSO Act, 2012 and that such false statements/allegations being made against them make the NGO liable to punishment under the aforementioned provisions as this NGO is indulging in maligning the image and work of offices/authorities established by

law. Thereby disrupting and demotivating them to do sincere and diligent work for the most vulnerable section of the society that are children.

The offences under 505 and 124A IPC are cognizable offences and thus, immediate FIR under section 124A read with Section 505 (1) (a) & (b), Section 505 (2) and Section 505 (3) of IPC, 1860 was recommended to be registered against the founder Mr. Shibhu Thomas and other officials of the said NGO, who have by publishing this annual report has created hatred, ill will and enmity amongst different religious groups and community in India.

The Commission received an ATR dated 16.02.2021 from DIG, Bhopal in which a copy of FIR dated 16.02.2021 under section 155 Cr.P.C., 1973 has been annexed and a case under section 500 IPC with General Diary Ref. no. 033 has been registered against Mr. Shibhu Thomas, founder, NGO – Persecution Relief, Bhopal. Since the ATR was again found unsatisfactory; the Commission vide letter dated 26.02.2021 to DIG, Bhopal requested for the following:

“That the offense under section 505 IPC particularly under section 505 (2) and section 124A IPC are cognizable offense and thus it is requested to your good office to take immediate action in the matter and register an FIR against Mr. Shibu Thomas and other officials of Persecution Relief for creating hatred, ill will and enmity amongst different religious groups and communities.

Further, as account of ATR dated 16.02.2021 was found to be unsatisfactory by the Commission, authenticated copies of the following documents were requested to be supplied to the Commission:

Cognizance taken by NCPCR on Child Care Institutions in Delhi run by Centre for Equity Studies and other Child Care Institutions being run by Association for Rural and Urban Needy-NGO and Rainbow Foundation India under the Rainbow Homes Programme

The Commission took cognizance of the complaint regarding violations of Juvenile Justice Act, 2015 in Ummeed Aman Home for Boys, South Delhi and Khushi Rainbow Home for Girls, South Delhi established by Centre for Equity Studies. In the complaint, the complainant had stated about two media reports against these two shelter homes run by Centre for Equity Studies which were flouting norms and rules of Juvenile Justice Act, 2015 and Rules, 2016. It was also alleged that children from only a particular religion were being housed in the Homes and that this organization was receiving hefty funds which are being used for illicit activities like religious conversion. Keeping in view of the serious allegations made in the complaint

concerned the safety and welfare of children living in these institutions and the fact that the children housed in this institution are child in need of care and protection under Section 2(21) of the Juvenile Justice Act, 2015, the answering respondent took cognizance of the complaint under Section 13(1)(j) of the Commissions for Protection of Child Rights Act, 2005.

The NCPCR upon taking cognizance of the complaint deemed it appropriate in the interest of the security and welfare of the children to conduct inspection of the child care institution- Ummeed Aman Ghar for Boys, South Delhi. The Commission conducted the inspection of the institution. During the inspection of this Home, prima facie many violations of Juvenile Justice (Care and Protection of Children) Act, 2015 and its Model Rules, 2016 and various other irregularities came to the notice of NCPCR including financial irregularities as the institution was reluctant in disclosing their sources of funding and other relevant documents to the inspection team. Keeping in view of the condition that the children were kept in and the statements given by children to NCPCR during the focused group discussion, the Commission deemed it appropriate to further inquire into the violations and irregularities observed in these institutions as per powers of the Commission under Section 14 of the CPCR Act, 2005 and call for necessary and relevant documents from Centre for Equity Studies, Child Welfare Committee, Delhi Police, Department of Education and Department of WCD, Govt. of NCT of Delhi. The Commission had also sought documents from Ummeed Aman Ghar for Boys, South Delhi with respect to the Individual Care Plan of all children, copy of Orders of Child Welfare Committee/DCPU and copy of registration and renewal of registration, audit reports and other relevant documents related to its parent organisation- Centre for Equity Studies.

The Commission during the inspection had made several observations of anomalies, deficiencies and irregularities in Ummeed Aman Ghar which were a violation of the norms of Juvenile Justice Act, 2015 and Rules, 2016. These are including expiry of registration and non production of application for renewal; deficiencies in staff deployment and lack of police verification of the staff; deficiencies in physical infrastructure and no separate facilities for the staff and the children; no proper first-aid box; housing children in Porta Canbins that could be hazardous for children; not enough recreational facilities for children and no space for indoor games; no information about training on first aid for the staff; only one nurse but was absent on the day of inspection; no Rehabilitation cum placement officer was found at the time of inspection; staff-child interaction details not recorded properly; Individual Care Plan of children was not maintained properly.

After conducting the inspection of the institution, the Commission called for documents from Centre for Equity Studies and Ummeed Aman Ghar. The Commission, in furtherance to its inspection of the institution also called for documents from Department of WCD and Department of Education, Govt of NCT of Delhi and Delhi Police. On the basis of the

observations of the inspection and the documents submitted by these authorities, the Commission came across the following findings-

- i. **MoU under Samagra Shiksha Abhiyan-** At the time of inspection, it was informed to the Commission that the institution had a MoU cum agreement with the Govt of NCT of Delhi under Samagra Shiksha Abhiyan and had been receiving funds for operating a universal Residential Hostel for Urban Deprived Children for children not enrolled in schools. The Commission called for documents from Department of Education, Govt of NCT of Delhi and was informed by vide their letter about the approved amount to be given to the Ummeed Aman Ghar for FY 2017-18, 2018-19 and 2019-20 and the copy of the MoU cum agreement was also provided. The MoU provided to the Commission was valid from 01.04.2019-31.03.2020. (The latest MoU for the year 2020-21 was not shared). After examining the documents given by the Department of Education and Ummeed Aman Ghar, the Commission made the following observations-
 - a. Qualification of teachers employed in these institutions was not in consonance with the provisions of the MoU. Some teachers below the prescribed qualification were also employed for imparting education in this institution which was a violation of the terms of the MoU.
 - b. The MoU mandated for police verification of all staff working in the institutions of CES but at the time of inspection, it was seen that police verification of all staff had not been done and Centre for Equity Studies was in violation of the MoU.
 - c. The MoU also provided that DCPCR Act and rules should be implemented by Centre for Equity Studies, however, it was unclear as to what statute the MoU was talking about as there is no DCPCR Act or Rules implemented.
 - d. As per the MoU between the Delhi Govt and the NGO-Centre for Equity Studies, these institutions were to operate classes for children between 6-14 years, however, a play school was also operational in the institution, which was in violation to the purposes of the MoU under SSA.
- ii. **Visit of Foreign nationals-** The Commission at the time of inspection was informed about the visit of foreign nationals in the institution. The Commission had observed that there were frequent visits of foreign nationals said to be providing voluntary services in this institution. As per the information provided by Centre for Equity Studies, the Commission had received a list of foreign nationals who had visited these Homes since 2016. Upon further inquiry of the Commission in this matter, the Commission has been informed that these foreign nationals had travelled to India on employment visas and tourist visas and while they were here, they had given voluntary services in these two institutions. It was unclear to the Commission that on what basis were these foreign

nationals permitted to give voluntary services in these institutions and interact with children while their visit to India was for other purposes.

- iii. **Conflict of Registration of these Homes-** The Centre for Equity Studies has provided information about MoU signed between the Delhi Govt and the NGO-Centre for Equity Studies under the Samagra Shiksha Abhiyan. Through the documents provided to the Commission, it was seen that the validity of the MoU under the SSA was for one year. It was observed by the Commission that although the validity of the MoU for the usage of the building under Samagra Shiksha Abhiyan was for one year as Residential Hostel, this institution was registered as Child Care Institution under Section 41 of the Juvenile Justice Act, 2015 for five years.
- iv. Commission while conducting its inquiry had also come across about the information of child sexual abuse cases being reported in Ummeed Aman Ghar for Boys in 2012. The Commission had later, during its inquiry also had been informed that child sexual abuse cases had been reported in 2013 and 2016 as well in this institution. The Commission, further, while looking into this issue of child sexual abuse had observed that after the child sexual abuse case of 2012 in this institution, a court case before the Hon'ble Delhi High Court ***Child Welfare Committee &Ors. W.P (C) 2012*** had also been filed in which the Hon'ble Court noted and directed the respondents to ensure that the three affected children are to be taken back from the Child Care Institution and sent back to their parents. The Hon'ble Court was assured that respondents will take appropriate disciplinary action as per Hon'ble Court's directions or in any other manner known to law against the concerned Manager who allegedly did not report these child sexual abuse to the institution. The Hon'ble Court directed the Govt of NCT of Delhi to take appropriate action in this regard. However, after examining the documents submitted before the Commission with regard to the steps taken by the Department of WCD, Govt of NCT of Delhi post orders of the Hon'ble High Court, the Commission observed that despite repeated inspections of the Child Welfare Committee of the institution, the institution had not segregated the children age-wise and this observation was also noted many times by the Child Welfare Committee as well post 2012 child sexual abuse case. However, even at the time of inspection of the Commission on 01.10.2020, the institution was not practicing age-segregation and moreover, the same facilities were being used by the staff and the children. The Commission observed this to not only be a violation of the provisions of the Juvenile Justice Act, 2015 and its Rules, 2016 but was also observed to be detrimental to the psychological and social development of the children. That the Commission would also like to state that after conducting its inspection in the institution, an employee of the institution had informed the

Commission about the child sexual abuse cases being reported in the institution presently and that the management of the institution being aware of these child sexual abuse cases was not taking any action in them. The Commission observed this to be a gross violation of the provisions of the POCSO Act, 2012 and had immediately reported about this to Delhi Police for further investigation as well.

- v. During the focused group discussions between the children and the Commission, the children have informed that elder boys were sent in protests and during the focussed group discussions, it was made out that these children had been taken to the protest sites. Therefore, the Commission prima facie was of the view that violation of child rights has happened in this matter and that taking children to the protest sites is prima facie a violation of Section 83(2) of the Juvenile Justice Act, 2015. The Commission prima facie also observed that the inadequate facilities being given to children and the fact that they were not being provided with the minimum standards of norms laid down by the Juvenile Justice Act, 2015 and Rules, 2016 was prima facie a violation of Section 75 of the Juvenile Justice Act, 2015 and Section 491 of the IPC.

Some further actions by the Commission

1. The Commission had conducted its inquiry and received information about the management and monitoring of the institution from Ummeed Aman Ghar, Centre for Equity Studies and the concerned authorities that the Commission then wrote to the concerned authorities with its recommendations and for further investigation on the recommendations of the Commission.
2. The Commission had accordingly, wrote letters to Department of WCD and Department of Education, Govt of NCT of Delhi, Delhi Police, Economic Offences Wing and Ministry of Home Affairs for necessary action. The Ministry of Women and Child Development was informed about the inspection and inquiry of Ummeed Aman Ghar for Boys as well. The Commission keeping in view of its observations as mentioned above and the discrepancies noted recommended for shifting of children from the institution to a suitable institution for them.
3. An FIR in this matter has been filed against the institution-Ummeed Aman Ghar by the Delhi Police under the provisions of JJ Act, 2015 and IPC and an FIR by EOW, Delhi Police has also been filed under Section 406, 409, 420 and 120B IPC against the two institutions and Centre for Equity Studies. Enforcement Directorate vide letter dated 09.07.2021 has also informed that it is conducting certain investigation under the

Prevention of Money Laundering Act, 2002 against Ummeed Aman Ghar for Boys and its officials.

4. The Commission while looking into the sources of funding of the institution, had come to know about the “Rainbow Home Program” which is a collaboration of ARUN and Rainbow Foundation India and are jointly funding and managing a total of 53 child care institutions across the country. This institution, Ummeed Aman Ghar for Boys, South Delhi is also a part of the Rainbow Homes Program and is receiving funds from both ARUN and Rainbow Foundation India. Therefore, the Commission, keeping in view of the gross violations found in the child care institution in Delhi and that these other institutions are funded and managed by the same organizations, was compelled under its functions and powers under Commissions for Protection of Child Rights Act, 2005 to conduct inspections of all child care institutions running under the Rainbow Homes Program across the country to ensure the safety and well-being of the child in need of care and protection living in these institutions. The Commission has so far conducted inspections in Bihar, Karnataka, Tamil Nadu, Telangana, Andhra Pradesh, Maharashtra and West Bengal.
5. The Commission while conducting inspections in the child care institutions of these States have found many violations of Juvenile Justice Act, 2015 and its Rules, 2016 and Indian Penal Code. In many institutions, there were violations of norms of Right to Education Act, 2009 as well. In one of the child care institutions inspected in Patna, the Commission has come across a capacity building register where it was found written that NRC, CAA, Fund Raising Training was conducted on 20.12.2019 of the children by KDDC/MIS/RMU/Finance, State, Org. and one of the participants in the said training was the staff member of the CCI. The Commission at the time of inspection had collected documents and registers which indicated that the children living in this institution were being given training and discussions were being held with them on NRC and CAA, to which these children are not connected. The Commission had forwarded this matter to SSP, Patna for necessary action and the Bihar Police (Danapur Police Station) has now registered an FIR against this CCI under Sections 124A, 153A, 505 (2) of Indian Penal Code, 1860 and 75 of Juvenile Justice Act, 2015 on 23.03.2021.

Inspection conducted by NCPCR of 05 Children Homes in Assam (Dhubri, Goalpara and Nagaon) and one Children Home in Manipur (Thoubal) running under the aegis of Markazul Maarif

National Commission for Protection of Child Rights (NCPCR) under section 13(1) (j) of CPCR Act, 2005 had taken cognizance on a complaint received from Legal Rights Observatory on 05.12.2020 wherein allegations of violations of Juvenile Justice (Care and Protection of Children) Act, 2015 in children homes being run by Markaz DarulYatama in Assam. The complainant had requested NCPCR to inspect these children homes/orphanages housing children as the condition of the children in these homes was alleged to be not good and there were further allegations of misuse of funds by these institutions. Keeping in view the serious allegations made against these Homes, NCPCR sent a letter to Chairperson, Assam State Commission for Protection of Child Rights and Chairperson, Manipur State Commission for Protection of Child Rights on 08.12.2020. In the said letter, NCPCR requested the SCPCR's to constitute an inspection team and conduct an immediate inspection of these Homes. To assist the team of SCPCR's in the inspection of these Homes, 02 consultants from NCPCR also visited these Homes for conducting an inspection and verifying the true and correct state of affairs in these children homes.

In this regard, the team of NCPCR and SCPCRs conducted inspection of 06 children homes in Assam and Manipur between 14th-18th December 2020. Inspection by these teams were conducted in 05 children homes in Assam situated in Dhubri, Goalpara, Hojai and Nagaon and 01 children home in Manipur situated in Thoubal district. The following is the list of homes visited by the team-

- i. Markaz DarulYatama, Dhubri
- ii. Markaz DarulYatama for Girls, Goalpara
- iii. Markaz DarulYatama for Boys, Goalpara
- iv. Markaz DarulYatama for Boys, Udali, Hojai
- v. Markaz DarulYatama for Girls, Kachua, Nagaon
- vi. Markaz DarulYatama, Atoukhong, Thoubal, Manipur

NCPCR after perusing the findings of the inspection team and the documents provided to NCPCR by these Homes noted various alarming discrepancies and irregularities which are in violation of not only the provisions laid down by the Juvenile Justice (Care and Protection of Children) Act, 2015 and Juvenile Justice (Care and Protection of Children) Model Rules, 2016 but also, other provisions related to Indian Penal Code, financial irregularities etc. These Homes at the time of the inspection were not found to be following the minimum standards

of care prescribed for child care institutions under the JJ Model Rules, 2016 and the team had observed that the basic infrastructural norms as laid down under Juvenile Justice (Care and Protection of Children) Model Rules, 2016 were not being followed.

During the inspection, the inspection team was informed that the children in these Homes had not been produced before the Child Welfare Committees and were living in these Homes without the orders of the Child Welfare Committees. Moreover, it was also observed by the team that 03 Homes were running without registration under Section 41 of JJ Act, 2015. It is pertinent to mention here that non-registration of a Child Care Institution under Section 41 of JJ Act, 2015 is a punishable offence under Section 42 of JJ Act, 2015. Further, the team has also observed that these Homes are receiving funds from multiple sources including foreign funds and government grants. In view of such gross non-compliance and violations of JJ Act, 2015 and JJ Model Rules, 2016, the Commission is apprehensive about the well-being and safety of the children living in these homes and accordingly, had prepared a report with its observations and recommendations in this matter.

Further, while inspecting these Homes, the inspection team has found that in Markaz DarulYatam Home, Dhubri funds are being received since 2016 from an international organization, IHH, which is a Turkey based organization for a project named AKIKA. The Commission is apprehensive about the legality of this project AKIKA and the details of the children which had been shared with this organization IHH.

The Commission, for taking appropriate action against these Homes and to inquire further into these violations has sent letter to Department of WCD, Government of Assam and Manipur; Department of Education, Government of Assam and Manipur; Ministry of Home Affairs; Assam Police and Manipur Police.

FIR has been registered against above mentioned CCI i.e. Markaz DarulYatama, Dhubri under Section 120(B)/490/491 IPC and Section 42/75/82 of JJ Act, 2015. FIR has been registered against Markaz DarulYatama for Boys, Hojai (CCI) under Section 491 IPC r/w Section 42/75/82 of JJ Act, 2015.

Anomaly in Nutrition Programme for Adolescent Girls in Madhya Pradesh

To assess the quality of food items served in Aanganwadi centres in different Districts of Madhya Pradesh including Vidisha, Chairperson, NCPCR inspected M.P Agr tonic and M.P Agro industries corporation ltd. During the visit, it was found that a large number of adolescent girls in the age group of 11-14 years were Out of School (Oos).

The Commission sought information on OoS adolescent girls (11-14 yrs.) from Department of Women and Child Development, Madhya Pradesh and in response the Commission received a document containing District-wise information on OoS adolescent girls in the state. The document shows that there were 2,17,211 OoS adolescent girls (11-14 yrs.) out of which 1,71,365 girls were getting the services of Anganwadi as on February, 2019. Further, the Commission took up this matter with Department of Education, Madhya Pradesh. In response, the Education Department informed that they have identified total 23,491 OoS children(11-14yrs.) in the State, out of which 3,680 are adolescent girls in 2018-19.

The Commission noticed the discrepancies in the data of OoS adolescent girls in state WCD Department and Education Department. Therefore, Commission requested the Account General of Madhya Pradesh to inquire in the matter and appraise the Commission. As per the report received from the Auditor from the State huge discrepancies in four districts i.e. Baitul , Dindori, Gwalior & Singrauli were found.

Chapter-13

Grievance Redressal

Grievance Redressal

Redressal of grievances pertaining to violation of the rights of children is one of the core functions provided under the CPCR Act, 2005. As per Section 13(1) of the CPCR Act, 2005, the Commission is to inquire into complaints and take suo-moto notice of matters relating to: deprivation and violation of child rights; non-implementation of laws providing for the protection and development of children; and non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardship and ensuring welfare of the children. Also, in order to provide relief to such children, the NCPCR is required to take up the issues arising out of such matters with appropriate authorities. Thus, keeping all this in view, the mandates on redressal of grievances, a mainstay of Commission's work, have been revamped to reach out to children of the last mile.

Children, as the future citizens of the country, are the builders of the nation. Thus, it is the responsibility of the nation to provide a safe and conducive environment to the children for their holistic development. However, according to the media reports and data recorded in NCRB, cases of crime against children/child rights violation have been increasing expeditiously, which is horrifying and a threat to the future of our country. The Commission receives complaints through post, in person, email, E-BaalNidan and POCSO e-box. The complaints are also forwarded by any ministry/department or registered in Centralized Public Grievance Redress and Monitoring System(CPGRAMS). The Commission has a dedicated system for the effective redressal of these grievances.

During the period 1 April 2020–31 March 2021, the Commission received 5,154 complaints. Out of these, 11,108 complaints were disposed of, including the pending complaints from the earlier period.

State-wise Data of Grievances, 2020-21 (receipt and redressal of complaints)

State wise grievances redressal position						
April 2020- March 2021						
S. No.	States	Pending as on 1-4-2020	Fresh received from April 2020-March 2021	Total Pending	Closed during April 2020 - March 2021	Pending as on 01-04-2021
		1	2	(1+2) 3	4	(3-4) 5
1	Andaman and Nicobar Islands	18	0	18	0	18
2	Andhra Pradesh	1421	38	1459	195	1264
3	Arunachal Pradesh	65	3	68	40	28

4	Assam	139	30	169	17	152
5	Bihar	615	1119	1734	167	1567
6	Chandigarh	19	2	21	5	16
7	Chhattisgarh	4494	52	4546	1156	3390
8	Dadra and Nagar Haveli	0	0	0	0	0
9	Daman and Diu	0	0	0	0	0
10	Delhi	567	349	916	125	791
11	Goa	81	2	83	2	81
12	Gujarat	1484	41	1525	279	1246
13	Haryana	628	168	796	271	525
14	Himachal Pradesh	83	13	96	6	90
15	Jammu & Kashmir	6	23	29	9	20
16	Jharkhand	2756	198	2954	969	1985
17	Karnataka	1837	95	1932	95	1837
18	Kerala	897	60	957	40	917
19	Ladakh	0	0	0	0	0
20	Lakshadweep	0	0	0	0	0
21	Madhya Pradesh	8632	448	9080	3957	5123
22	Maharashtra	1303	137	1440	314	1126
23	Manipur	371	3	374	49	325
24	Meghalaya	273	3	276	36	240
25	Mizoram	195	1	196	132	64
26	Nagaland	319	11	330	28	302
27	Orissa	3931	116	4047	783	3264
28	Puducherry	66	4	70	1	69
29	Punjab	414	55	469	190	279
30	Rajasthan	453	184	637	82	555
31	Sikkim	121	1	122	42	80
32	Tamil Nadu	1762	149	1911	188	1723
33	Telangana	1966	85	2051	784	1267
34	Tripura	734	11	745	81	664
35	Uttar Pradesh	1709	1620	3329	866	2463
36	Uttarakhand	600	29	629	148	481
37	West Bengal	384	93	477	40	437
	Others	14	11	25	11	14
Total		38357	5154	43511	11108	32403

Subject wise summary April 2020 - March 2021					
Position of complaints as on 1-4-2021					
Heads	Pending as on 1-4-2020	Fresh received during April 2020-March 2021	Total Pending	Closed during April 2020-March-2021	Pending as on 01-04-2021
	1	2	(1+2) 3	4	(3-4) 5
1 Education	9042	699	9741	3410	6331
2 Child Health, care, welfare or child development	10195	489	10684	2811	7873
3(i) JJ or Care of neglected or marginalized children or children with disabilities	10129	589	10718	3727	6991
3 (ii) Social Audit/ Legal Cell	7164	0	7164	0	7164
4 Elimination of Child labour or Children in distress	518	1742	2260	382	1878
5 Child Psychology or Sociology	69	38	107	78	29
6 POCSO and laws related to children	1180	1065	2245	667	1578
7 NE States (Other than POCSO matters)	60	532	592	33	559
Total	38357	5154	43511	11108	32403

Mechanisms for Redressal of Grievances

Some distinctive mechanisms introduced by NCPCR for redressal of grievances are given next.

E-BaalNidan

E-BaalNidan, developed in the year 2015, is an online complaint management system of the NCPCR. It is an online portal with the Web address, www.ebaalnidan.nic.in, wherein any person can register a complaint and get a complaint registration number. Through this number, the progress of redressal of the complaint can be tracked. The registration form is prepared in a way that all the aspects of a complaint can be enumerated and details can be provided. The details that are included are the date of incidence, place, the victims, the authority, the nature and category of complaint, what action was initiated, etc. The home page of the NCPCR website provides the link to login to the E-BaalNidan site and the user has to create a login ID and password. This option is being used mostly by the NGOs and concerned citizens who seriously pursue the matter with the Commission. The complaints registered are electronically forwarded to the concerned consultant to deal with the matter, and thereafter they are processed and dealt like any other complaint. The progress is updated online so that the action taken report and the progress of the case can be viewed by the complainant.

CP GRAMS

Public Grievances Redressal is one of the flagship initiatives for the reformation in governance started by the central government through addressing the grievances of general public. Centralized Public Grievance Redress and Monitoring System or CPGRAMS is a web-based application which facilitates ministries/departments/organizations to receive, forward and monitor grievances. The grievances are received from various sources, like nodal organizations, namely, Department of Administrative Reforms and Public Grievances (DARPG), Directorate of Public Grievances (Cabinet Secretariat), President Secretariat, Prime Minister's Office, Department of Pension, etc. Under the public grievance mechanism, any citizen of India can raise his/her problems, grievances or pleas to the Central Government and State Government Ministries and Departments.

The NCPCR is one of the listed statutory bodies receiving grievances directly or forwarded by the MWCD or the office of the Prime Minister.

POCSO E-Box

The POCSO e-box is an easy and direct medium for reporting any case of sexual assault under POCSO Act, 2012. The POCSO e-box was launched in August 2016 by the Commission as an additional facility to enable the children to lodge complaints directly to NCPDR, particularly in cases of sexual abuse. It is displayed prominently on the home page of NCPDR website, where the user has to simply press a button named POCSO e-box, which will navigate to a page asking picture options. User has to simply select at least one picture option, fill a simple form and click on submit button to register the complaint. After this, an acknowledgment is received about the complaint being registered along with a complaint number.



The POCSO e-box of NCPDR continued to work on the grievance of child sexual abuse cases during April 2020–March 2021. A total number of 1,153 hits were received on the POCSO e-box, out of which 125 complaints were found to be tangible cases of child sex abuse. All the cases received were given prompt attention and reports were sought from concerned authorities of the states.

Quick Response Cell (QRC)

There were cases registered, and rescue operations conducted, under QRC in respect to complaints/grievances/situations that required urgent attention. A QRC was constituted in the Commission in 2018 to take quick and prompt action in the matters that required urgent interventions of the Commission to save children involved in situations of distress, such as child labour and others. In order to quickly respond in such rescue operations, protocols were laid down in the Commission. During the period under report (April 2020 -March 2021), the Commission rescued 142 children in 23 rescue operations. The details of the operations are given as under.

S.No	State	No. of Rescue Operation	No. of Children Rescued
1.	Bihar	3	36
2.	Delhi	6	18
3.	Gujarat	1	1
4.	Haryana	1	1
5.	Jharkhand	1	20
6.	Rajasthan	1	19
7.	Tripura	1	1
8.	Uttar Pradesh	4	21
9.	West Bengal	5	25
	Total	23	142

Chapter-14

Media Cell

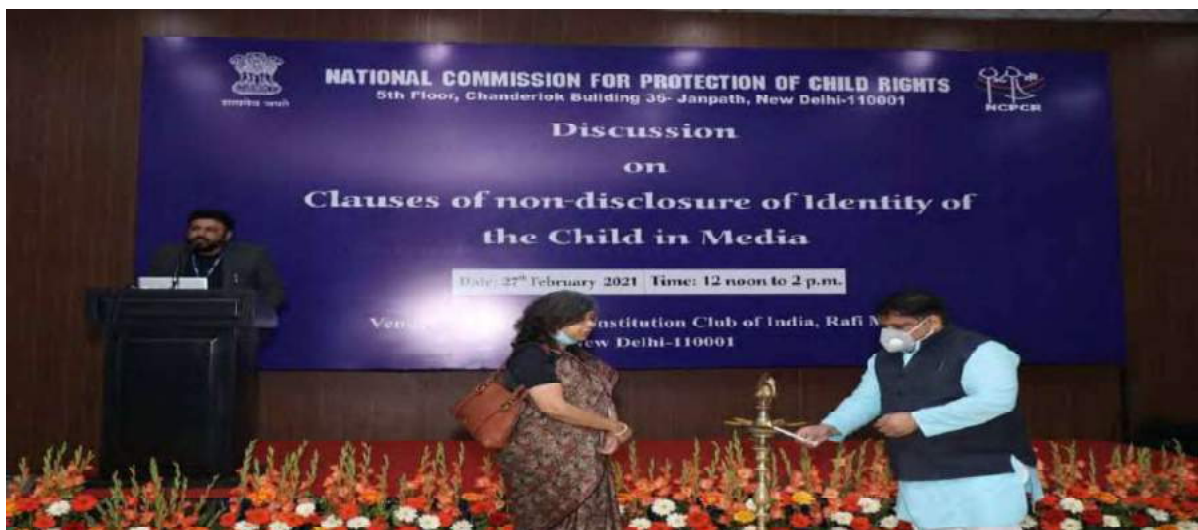
MEDIA CELL

The commission has a dedicated media cell functioning in providing support in the areas of traditional, electronics and social media. The Cell has been taking up thematic areas for creating awareness as well providing vital inputs and information under various domains of child protection. Activities undertaken by the Cell in the year 2020-21 are given as under:

A Media conclave on Clauses of non-disclosure of Identity of the Child in Media

Media is an important aspect of communication but in respect to publishing of Child Sexual abuse content, identity disclosure and other correlated issues, there are some serious concerns that need to be addressed. The following provisions of laws related to children exists such as, U/s 23, 33 (7) of Prevention of Child form Sexual Abuse (POCSO), 2012, U/s 74 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Under Section 228 (A)1 India Penal Code (IPC), 1860. Even that disclosure of the identity of a deceased child also attracts the penal provisions of Section 74(1) of the JJ Act, 2015.

In order to educate media professionals on the issues of rights of the children especially special clauses dealing with non-disclosure of identity of the children, National Commission for Protection of Child Rights (NCPCR) organized a consultation with Media personnel on the issue of non- disclosure of identity of the child in media on 27th February, 2021 at Constitution Club of India, New Delhi. In the event, through the form of presentation key information was disseminated on different Acts/laws on child rights. In the consultation about 100 media persons from different media houses i.e. print, electronic and web media institutions participated in the program and shared their ideas.





Compilation of Press Clippings:

The Cell compiled Press clipping related to the child rights on day to day basis to make aware of incidences and facilitate the authorities, divisions of the Commission to take cognization and appropriate action.

Chapter-15

Administrative Matters and Representation in Courts

Administrative Matters and Representation in Courts

The role of administration is to ensure efficient and optimum performance of all the divisions and departments at various levels of an organization, as well as coordinate with all in order to facilitate the activities in the best possible way. In the context of NCPCR, administration also looks into the procedures for Transaction of Business by the Commission taking the responsibility of the affairs of the Commission and its day to day management. Accordingly, the administrative wing of the NCPCR has provided support for all the activities geared towards achieving the mandate of the Commission. In the financial year 2020-21, the administration was headed by the Member Secretary with the support of the Assistant Director, however, later part of the year the post of Registrar was filled up with a legal officer that helped in re-strengthening and streamlining the grievance redressal process in the Commission. A team of consultants including legal consultants and support staff placed with the administration also supported the smooth functioning of the NCPCR, ensuring that the Commission was able to deliver its mandated duties more effectively. Some of the major works of the administration are highlighted below:

Use of Official Language (*Rajbhasha*)

The following activities were undertaken by the Commission during 2020-21:

Hindi Pakhwara: Hindi Diwas is celebrated on 14 September in the country because on this day in 1949, the Constituent Assembly of India adopted Hindi written in Devanagari script as the official language of India. Thus NCPCR observed Hindi Diwas on 16 September 2020. The messages of Hon'ble Home Minister and Hon'ble Minister of Women and Child Development were circulated to the staff. Hindi Pakhwara(fortnight) was celebrated in NCPCR from 16 September to 24 September 2020, wherein various activities to promulgate Hindi language



were carried out in the Commission through competitions like; Hindi Noting and drafting, Hindi Essay Writing, Hindi Kavya Path, and Hindi Dictation (for Multi Tasking Staff only). The employees of the Commission participated in these events with great enthusiasm. The winning participants were awarded with cash prizes and certificates by the Chairperson, Members and Member Secretary, NCPCR.

International Consultation: After the 11th World Hindi Conference (Vishva Hindi Sammelan), held from 16 August to 20 August 2018 at Mauritius, the first meeting of the “Recommendation Compliance Committee” was held on 22 February 2019, under the chairpersonship of the then Hon’ble Minister of External Affairs, to comply with the recommendations passed during the conference. As a result, a group was constituted including Hon’ble Minister of State (Independent Charge) Culture, Chairperson, NCPCR and Hindi scholar, to comply with the following recommendations passed in the eighth parallel session:

- (i) A column must be included on children’s literature in literary magazines;
- (ii) National as well as International conference on children’s literature must be organized every year;
- (iii) Children’s literature must be analyzed on a yearly basis; and
- (iv) Factual history of Hindi children’s literature must be prepared.

International consultation : “Current Situation of Hindi Literature of Children and the Way Forward”



In pursuance to the recommendations of Compliance Committee , NCPCR organized an international consultation, titled “Current Situation of Hindi Literature of Children and the Way Forward”, with pan-India writers, publishing houses and International eminent personalities of literature at Constitutional Club, New Delhi, on 22 March 2021. The occasion was graced by **Shri Prahlad Singh Patel, Hon’ble Minister of Culture (Independent charge)** as the **Chief Guest** . The consultation was participated by international invitees through virtual medium.

Information under Right to Information (RTI) Act, 2005

NCPCR has a Public Information Officer (PIO) and First Appellate Authority (FAA) under the RTI Act, 2005. In the year 2020-21 , NCPCR received a total number of 337 applications under the RTI Act, through online and offline mode plus transfer cases. Out of 337 RTI applications, the NCPCR has responded to all as follows: reply was given to 303 applications; 28 were rejected; and the reply to rest 6 applications was issued after 31 March 2021.

Status of RTI Applications of 2020–21

Applications under RTI Act Received in 2020-21	Applications Rejected in 20-21	RTI Applications Disposed of in 2020-21	RTI Reply Given in next financial year (after 31 st March, 2021)
337	28	303	06

Details of RTI Appeal

Similarly, the Commission received 53 RTI appeals and 50 appeals were disposed off during 2020-21 ;rest of the three appeals were replied after 31 March 2021

Status of RTI Appeals of 2020–21

RTI Appeals Received 2020-21	Appeals Disposed of 2020-21	Appeals Which were Disposed of in next financial year (after 31 st March 2021)
53	50	3

Statutory Meetings of NCPCR

The Commission, as per mandate under Section 10 of CPC Act, 2005 and Rule 18 of NCPCR Rules, 2006, is mandated: “...to meet regularly at its office such as the Chairperson thinks fit, but three months shall not intervene between its last and next meeting.”



These meetings are called Statutory Meetings where all important decisions of the Commission take place. During the year under report, as per the mandate, the Commission conducted four statutory meetings on 15th May, 2020 (42nd Statutory Meeting), 10th August, 2020 (43rd Statutory Meeting), 9th November, 2020 (44th Statutory Meeting) and 5th February, 2021 (45th Statutory Meeting) under the chairpersonship of Chairperson, NCPCR. The forum of the statutory meetings consists of Chairperson, Members and Member Secretary of the Commission. The minutes of these meetings were prepared and circulated to all concerned; they are also available at <https://ncpcr.gov.in/index1.php?lang=1&level=0&linkid=20&lid=590>

Sexual Harassment Committee

In pursuance of the Hon'ble Supreme Court's guidelines and norms to provide a complaint mechanism for prevention of sexual harassment of women at workplace, NCPCR vide its order No. C-32011/01/2012-Coord/96941 had constituted a Complaints Committee consisting of five members to hear the complaints of women employees posted in NCPCR and take appropriate action on such complaints. There was no formal meeting convened in the year under report due to pandemic situation as mostly employees worked from home.

Representation in Courts

The salient details of important Representations undertaken by the Commission in Courts during 2020-21 are mentioned below:

1. The State of Tamil Nadu vs Union of India and Ors., W.P. (Crl.) 102 of 2007 before the Hon'ble Supreme Court of India, "Re. Exploitation of Children in Orphanage"

- The Hon'ble Supreme Court had, in 2007, taken suo-moto cognizance of some news reports regarding alleged trafficking of children from north-eastern states to the state of Tamil Nadu. The children were found to be languishing in the orphanages in question in inhuman conditions. Notice to the state of Tamil Nadu was sent with regard to the specific incident of transportation of children under reference.
- During the proceedings in the said matter, discussions were held on the provisions of JJ Act, 2000 and the Union Government was directed from time to time to submit suggestions/recommendations for better implementation of provisions of the said Act. However, while the matter was sub-judice, JJ Act, 2015 came into force and discussions were then made on the provisions of the new Act and the issues involved in the case.
- The Hon'ble Court, vide its order dated 5 May 2017, directed NCPCR to carry out the social audit of all the CCIs.
- In compliance to the aforesaid directions, NCPCR engaged a third-party agency to conduct a social audit of the CCIs of the country. The agency concluded the social audit of 7,163 CCIs across the country (except for the state of Jammu and Kashmir where the JJ Act, 2015 was not applicable then and the UTs of Lakshadweep, Daman and Diu and Dadra and Nagar Haveli, where there are no CCIs) and submitted the social audit reports of individual CCIs, along with the national and state-wise reports.
- After analyzing these reports, the Commission found serious maladies/grave violations in a large number of CCIs; most of them lacked even bare necessities required for the life and well-being of the children. The violations were so grave that the Commission, being the monitoring authority under Section 109 of JJ Act, 2015, took suo-moto cognizance of these irregularities/violations under Section 13(1[c] and [j]) of CPC Act, 2005. The shortcomings, together with the inspection reports, were communicated to the district magistrates/district collectors and sought rectification reports which are being received and are under process.
- It is pertinent to note that the matter was disposed of by the Hon'ble Court vide order dated 5 December 2018, with a liberty to Amicus Curiae to make an appropriate application if required.

This State of Tamil Nadu vs Union of India and Ors., W.P. (Crl.) 102 of 2007 before the Hon'ble Supreme Court of India, "Re. Exploitation of Children in Orphanage" was last listed on 06.03.2020 wherein the social audit reports (national as well state level) were

submitted. Thereafter, this court matter was not listed for hearing before the Hon'ble Court due to the outbreak of the COVID-19 pandemic.

2. Sampurna Behrua vs Union of India, W.P. (C) 473 of 2005 with M.A 2069/2018 before the Hon'ble Supreme Court.

- A miscellaneous application was filed in the wake of incidents of sexual abuse being reported in girl's home in Muzaffarpur, Bihar. The Hon'ble Supreme Court heard the application under the case Sampurna Behrua vs. Union of India as the directions given in this case were similar to the directions sought under the miscellaneous application.

During the period, the following developments took place in the matter:

- This matter was last listed on 11.02.2020. Thereafter, the matter was not listed for hearing before the Hon'ble Court due to the outbreak of the COVID-19 pandemic.

3. National Commission for Protection Child Rights vs The Secretary, Calicut Orphanage & Another, SLP (C) 5087 of 2018; Nina P Nayak vs Union of India, SLP (C) 4905 of 2018; and Samastha Yatheem khana & Charitable Homes vs. Calicut Orphanage SLP (C) 8777 of 2018 before the Hon'ble Supreme Court of India.

- All the three special leave petitions have been filed in the Hon'ble Supreme Court challenging the impugned Judgment, dated 20.12.2017, passed by the Hon'ble High Court of Kerala. The Hon'ble High Court of Kerala directed the orphanages to register themselves under the JJ Act, 2015; however, it has excluded orphanages from the definition, scope and purview of the CCIs under the JJ Act, 2015.

During the period, the following developments took place in the matter:

- This court matter was not listed between 2020-2021 for hearing before the Hon'ble Court due to the outbreak of the COVID-19 pandemic.

4. National Commission for Protection of Child Rights vs State of Jharkhand & Ors., W.P. (c) No. 222 of 2020 before the Hon'ble Supreme Court.

- NCPCR took suo-moto cognizance of newspaper report, inter alia, "Ranchi: Sister of Missionaries of Charity arrested for Illegal Child Trade", published in The Indian Express on 6 July 2018, and vide letter dated 10 July 2018, requested the Chief Secretary, Government of Jharkhand, to share a factual report along with requisite

documents in the matter. Subsequently, a team led by Member, Education, visited Nirmal Hriday Centre of Missionaries of Charity (MOC), Ranchi. The findings were conveyed by the Commission to the Chief Secretary and Director General of Police, Jharkhand, recommending the State Government to initiate the inquiry in the matter. The Commission also wrote to Chief Minister, Jharkhand, in respect of MOC and requested his good office to take necessary action in the matter.

- Thereupon the Commission, vide letter dated 4 June 2019 to Joint Secretary (Foreigners Division), Ministry of Home Affairs, highlighted the issues of illegal selling of babies in a shelter home under MOC, Ranchi, and recommended that an inquiry may be initiated to examine whether MOC contravened any of the provisions of Foreign Contribution (Regulation) Act (FCRA) and necessary action to be taken against the alleged NGO.
- On 30 August 2019, a team of NCPCR visited Dumka, Jharkhand, where CWC provided statements of two minor girls as recorded by it on the request of district administration, Ranchi. It was found that the both the minors, in their statement, specifically mentioned that they were sexually abused and their babies were delivered inside the shelter home. Further, in spite of these statements of victims being available on record, no appropriate action had been taken by the authorities of Ranchi. In the absence of any action on behalf of appropriate authorities, the Commission took cognizance of the matter and issued summons to district collector and superintendent of police.
- Further, the Commission wrote to other states of the country and sought information with regard to working of MoC homes in their states. However, the reports from some states were found to be either full of discrepancies or unsatisfactory in nature. Hence, the Commission decided to invoke Section 15 of CPC Act, 2005 and approached the Hon'ble Supreme Court.

During the period, the following development took place in the matter:

- On 10 February 2020, the Hon'ble Supreme Court issued notice to the respondents and thereafter, this Court matter was not listed for hearing before the Hon'ble Court due to the outbreak of the COVID-19 pandemic.

5. Anoop Gupta vs Union of India and 5 Ors., PIL (Civil) 3340 of 2008 before the Hon'ble Allahabad High Court (Lucknow Bench).

- The Hon'ble High Court had impleaded the Commission as respondent in this matter as the issues present in the Petition pertained to social audit of shelter homes in the

state of Uttar Pradesh and other issues related to Juvenile Justice (Care and Protection of Children) Act, 2015.

During the year, the following developments took place in the matter:

- The Court matter was taken up for hearing before the Hon'ble Court on 12.03.2021 wherein directions had been given to the State Government regarding release of funds under the ICPS in a timely manner and other directions pertaining to the children living in child care institution.

6. Suo-Moto vs State of Rajasthan, W.P. (C) 99 of 2016 before the Hon'ble High Court of Rajasthan (Jaipur Bench).

- The division bench of the Hon'ble High Court of Rajasthan has taken suo-motu cognizance of the rise in incidents of suicides being committed by the students studying at various coaching institutions in Kota.
- The Commission got impleaded itself in the present matter on 23 August 2016. Oral suggestions were made by the Committee on stress among students in Kota and these suggestions were made to regulate hostels/coaching centres, PGs, etc., for the welfare and best interests of students taking coaching in Kota.

During the year, the following developments took place in the matter:

- The matter was taken up for hearing on 14.09.2020 wherein the Hon'ble Court had heard and dismissed an application filed seeking modification of the order of the Hon'ble Court dated 29.08.2019. The application had suggested 13 more names to be included in the Committee. The Hon'ble Court dismissed the application and directed the Committee to expedite their interactions and make recommendations to the State Government.
- The matter was taken up on 02.02.2021 wherein the Hon'ble Court was informed that draft legislation has been prepared and the said legislation is being finalized. The Ld. Advocate General sought adjournment on the same ground.

7. Mohammed Zubair Vs. State of GNCT & Ors. W.P. (Crl) 1429/2020 Before Hon'ble High Court of Delhi

- The petitioner has filed the present Writ Petition for directing the respondents to supply the copy of the FIR to the petitioner immediately, quash the FIR against the petitioner by Delhi Police Cyber Cell, pass an order directing the respondent to not take any coercive action against the petitioner, pass an order directing initiation of

criminal proceedings against NCPCR and pass an order directing respondents to pay cost of Rs.50 lakhs for harassing and defaming the petitioner.

- The Commission had taken cognizance of an incident of online stalking and harassment of a minor girl on Twitter by the Petitioner and his followers on Twitter. The same was observed to be in violation of provisions of POCSO Act, 2012, JJ Act, 2015 and IT Act, 2000. The Delhi Police, upon inquiry in the matter had registered an FIR in the matter.

During the year following developments took place in the matter:

- On 09.09.2020, the Hon'ble Court heard the matter and facts and issues involved in this case. The Hon'ble Court after hearing the submissions of the petitioner directed the respondents to provide a copy of the FIR to the petitioner and file a status report and NCPCR was directed to file its reply as well. The Hon'ble Court adjourned the matter to 08.12.2020 with directions to respondents to not take coercive action against the petitioner.
- On 19.02.2021, the Hon'ble Court noted that the copy of the FIR was not supplied to the petitioner and the status report of respondent no. 1 was also not on record. The case was accordingly adjourned to 17.05.2021.

8. The Child Rights Trust & Anr. Vs. UOI & Ors. WP (C) 737/2020 before the Hon'ble Supreme Court of India

- The writ petition was filed under Article 32 of the Constitution of India in public interest for enforcement of fundamental rights of migrant workers under Article 14, 19, 21, 21A, 39, 45 and 47 of the Constitution of India in the wake of and as an aftermath of the Covid-19 pandemic and the resultant extended lockdown. Therefore it is prayed before the Hon'ble Court to pass such necessary directions which will protect the fundamental rights of migrant children and families and will be able to get all the basic necessities in the wake of Covid-19.

During the year following developments took place in the matter:

- The Hon'ble Court has issued notice to the respondents including NCPCR vide order dated 05.08.2020 and thereafter, on 08.03.2021, the Additional Solicitor General was allowed to file reply affidavit on behalf of respondents.

9. Dr. Mithilesh Kumar Gautam Vs. State of Rajasthan & Ors WP.(C) No. 391/2020 before the Hon'ble High Court of Rajasthan at Jaipur.

- The petition was filed before the Hon'ble High Court of Rajasthan in which petitioner assails inaction, inefficiency of State Government of Rajasthan and Health and Family Welfare Department in administration with lack of various basic medical, infrastructural facilities provided at Government owned Children's Hospitals especially Neo Natal Intensive Care Units. Petitioner emphasizes loss of lives of innocent children due to their callous attitude towards such facilities. Petitioner prayed for direction to Respondents to initiate steps and establish such facilities and to take measures to develop and enforce such mechanisms, procedure for protection of infants, children and to lay guidelines to prevent mishaps and to initiate disciplinary as well as penal proceedings against responsible persons.

During the year, the following developments took place:

- On 05.08.2020, learned counsel for the State had sought permission from the Hon'ble Court to file reply during course of the day in this matter. The petitioner was also directed by the Hon'ble Court to file a counter affidavit, if any in this matter. Thereafter, this matter was not listed for hearing.

10. Snehalaya Centre for Child Rights & Anr. vs. UOI &Ors. W.P (C) 6286/2017 before the Hon'ble High Court of Gauhati

- The writ petition had been filed by the petitioner before the Hon'ble High Court challenging the order dated 13.10.2017 passed by the Commission. The petitioner is a charitable trust registered as 'Snehalaya', having two homes and both the homes were not separately registered as per law. The Commission took suo-moto action in the matter and FIR was lodged against the Homes.

During the year following developments took place in the matter:

- On 21.01.2021, the Central Government submitted that the required time to file affidavit-in-reply to the affidavit filed by the petitioners. The Hon'ble Court said that the Interim order passed earlier shall continue till the next date of listing.

11. Rajkumar Chandra Vs. UOI & Ors W.P.No.30014 of 2015 before the Hon'ble High Court of Kolkata

- The petition was filed before the Hon'ble Court for seeking the necessary directions upon the concerned authorities to take immediate steps to rescue the elder daughter of the petitioner aged about 4 years, who was in unlawful detention at Bangladesh and restore her custody to the petitioner.

During the year following developments took place in the matter:

- On 06.01.2021, the petitioner complained that his daughter has gone missing. Learned Government Advocate as well as learned Counsel for the petitioner submitted that the girl along with her grandmother were found in Bangladesh and were reunited with their family. The Writ Petition was accordingly disposed of by the Hon'ble Court.

12. Rajiv Kumar & Ors. Vs. State of Punjab & Ors. CWP No. 8459/2020 before the Hon'ble High court of Punjab & Haryana at Chandigarh

- The petition was filed by the Petitioners against the non-compliance of various provisions of Right to Free and Compulsory Act, 2009 where the Commission was impleaded as respondent.

During the year following developments took place in the matter:

- On 04.08.2020, case was taken up and the matter was adjourned to 21.09.2020 as similar issues were pending before a different bench. Since the petitioners had sought specific relief against respondent No.5, therefore, notice to respondent No.5 was issued.
- On 27.10.2020, learned counsel for the respondent-State submitted that LPA bearing No.409 of 2020 is pending for 12.11.2020. In the meantime, reply, if any, be filed with a copy in advance to the counsel opposite. On 19.01.2021, fresh notice was issued to respondent No.5.

13. Shaista Khursheed Vs. State of UP. & Ors. WP No. 22038/2020 before the Hon'ble High court of Allahabad

- The Writ Petition was filed by the petitioner before the Hon'ble Court of Allahabad against the alleged disconnection and removal of the names of the petitioner's children from the school due to non-payment of school fee amounting to Rs. 17,300 during the period of lockdown due to Covid-19 pandemic.

During the year followings developments took place in the matter:

- On 10.12.2020, the matter was taken up for hearing and notice was issued to the respondents.
- On 18.12.2020, the Hon'ble Court noted that the matter relates to education of children below the age of 14 years, it was ordered by the Hon'ble Court that as an interim measure, the Principal, United Public School, Civil Lines, Kanpur Nagar shall permit the petitioner to attend online classes subject to the petitioner depositing a sum of Rs. 10,000/- towards tuition fee with the Principal within a week of date. The permission to join classes shall, however, be granted forthwith. In the event of default in making good the deposit of Rs.10,000/- as directed, the Hon'ble Court directed for the interim order to be vacated.

14. Court on its own Motion Vs. The State of Tripura &Ors W.P (C) PIL No. 6 of 2020 before the Hon'ble High Court of Tripura

- The Hon'ble High Court took suo-motu cognizance based on a news report published in "The Tribune" that suggested that a minor girl aged 14 years, native of North Tripura was sold to a family in Rajasthan due to abject poverty of her family. Unfortunately, she was also about two and half months pregnant.

During the year following developments took place in the matter:

- On 17.06.2020, taking cognizance of news report, the Hon'ble Court ascertained correct facts and requested all respondents to mull over and suggest appropriate ways to ensure the safety and security of the minor girl.
- On 19.6.2020, the Hon'ble High Court had taken suo-motu cognizance of a newspaper report. Pursuant to notice issued, learned Government Advocate representing the State Government and State authorities had filed certain documents and addressed the issues raised in the said order regarding the safety of the minor girl. Learned counsel for the NCPCR also placed on record certain documents and addressed the issues raised in the order. It was directed that NCPCR shall continue to coordinate between the two State Commissions for Child Protection of Rajasthan as well as the State of Tripura to ensure the safety, health and well-being of the child. The State Commission for Protection of Child Rights (SCPCR), Tripura as well as the Government authorities were also directed to take all necessary steps for ensuring the return of the girl as soon as she is cured of corona virus and her quarantine period is over. For the time being, NCPCR was requested to closely monitor the situation and inform the Hon'ble Court in case the quarantine period of the girl gets over before the next date of hearing.

- On 06.07.2020, it was submitted to the Hon'ble Court that the State Government as well as the State Commission for Protection of Child Rights, Tripura have taken up steps to ensure that she is brought back to Tripura to be reunited with her family. This clears the major hurdle in bringing the girl back and to reunite her with the family. At our request, the National Commission for Protection of Child Rights has also taken multiple steps, to ensure the wellbeing of the child and also to see that she is brought back to Tripura. In particular, the Hon'ble Court noted that the National Commission for Protection of Child Rights would ensure that there is proper coordination between the Commissions of two States as well as provide all other assistance to the State authorities.
- On 13.7.2020, the Hon'ble Court was informed that all arrangements were being made to bring the girl back to Tripura quickly and safely. The Rajasthan State authorities had given full clearances for the return journey of the girl.
- On 17.7.2020, the girl was brought back to Tripura. The State Legal Services Authority in conjunction with the State Commission for Child Protection continue the efforts to reunite the girl with her family. The Hon'ble Court directed that the said Legal Services Authority shall also explore if there are any schemes for payment of periodic or lump sum compensation to the victims in such cases. If there is any such scheme, efforts would be made to ensure that the girl and/or her family receives the benefits of such scheme. If there is a possibility of payment of ex gratia compensation from the funds of the State Legal Authority, the same may also be explored. During the hearing, NCPCR had informed that 4(four) minors from Tripura have been found struggling in Uttar Pradesh. The Hon'ble Court noted that the concerned agencies including the State Government, State Commission for Child Protection, National Commission for Protection of Child Rights as well as the State Legal Services Authority shall perform their statutory duty in ensuring that if there are any such similar cases arising from the State of Tripura, the minors would be brought back to the State as soon as possible and attempt would be made to reunite them with their families. The Hon'ble Court, thus, disposed of this Writ Petition.
- However, the Hon'ble Court stated that at any stage, any of the above referred agencies or any other State or statutory authority requires any intervention from the Court for the purpose of ensuring release of any minors who may be languishing outside the State under similar circumstances, it would be open for the concerned agency to make an application in this Public Interest petition which the Court would consider in accordance with law.

15. NCPCR Vs State of Arunachal Pradesh, through its Secretary W.P. (CRIMINAL) No. 4895/2020 before the Hon'ble High court of GAUHATI HIGH COURT

- The petition had been filed by the National Commission for Protection of Child Rights regarding unfortunate death of a minor girl who was found hanging from the ceiling fan of the guest room and case was not properly enquired into by the police.

During the year following developments took place in the matter:

- On 21.09.2020, the matter was heard by the Hon'ble Court, as well as all the witnesses were examined, it was revealed that the victim had not been employed as a maid at the residence of the employer. The minor's father had been working in the house of the employer for the last 25/30 years. The victim used to come to the house of employer and had befriended the family members and had a love affair with son of the employer. The Hon'ble Court drew this conclusion from Call Details Record Examination and that the son of the employer had confessed before the police that he had sexual intercourse with the deceased on three occasions in the past, a few months before the occurrence. The investigation is said to be pending only awaiting CFSL report on CDR/CCTV footage. Considering the investigation conducted till date, as per the report submitted through affidavit by Superintendent of Police, Itanagar, Arunachal Pradesh, the Hon'ble Court found no reason to keep this Petition pending. The petition was disposed of with direction to Director General of Police, Arunachal Pradesh to personally ensure that the Special Investigation Team constituted for the purpose of investigation of the alleged rape and murder of a minor girl is concluded at the earliest and that the CFSL Agency, should provide the reports at the earliest.

16. Amit S/o Nirmal Kumar Kasliwal & Ors. Vs. Jain International School & Ors. WP. No. 7977/2020 before the Hon'ble High court of Bombay Aurangabad

- The petition had been filed before the Hon'ble court regarding the fees structure that had been fixed by the school for two academic years 2019-2020 and 2020-2021, however, due to Covid-19 pandemic the school was not been running regularly and the school authority had acted in arbitrary manner.

During the year following developments took place in the matter:

- On 03.12.2020, the Hon'ble Court issued notice to the respondents.
- On 21.01.2021, the learned counsel appeared for respondent Nos. 1 and 2 and sought time to file affidavit.

- On 17.03.2021, following issues were discussed in the matter, before the petition was disposed of: The petitioners in the writ petition were seeking directions against the respondents to disclose the bifurcation of the fees charged under the caption of the term fees. The Hon'ble Court noted that it appears that there is a mechanism provided for redressal of the grievance made by the petitioner in the present writ petition. In view of that, the Hon'ble Court observed that it would not be appropriate for it to consider the petition on the merits, so also the argument of the respondents regarding the fees of the institution vis-a-vis un-aided institution. For the grievances regarding the purchase of books and uniforms, the committee was already constituted as per the Government Resolution dated 26.02.2020. The petitioner may approach the authorities in that regard. The writ petition was accordingly disposed of.

17. In Re Contagion of Covid-19 virus in Children Protection Homes Suo-Moto, S.M.W.P. (C) 04 of 2020 before the Hon'ble Supreme Court of India.

- This petition had been listed suo-motu by the Hon'ble Supreme Court because of the COVID-19 pandemic to deliberate and give directions on the issues of children who were in need of care and protection, as well as children in conflict with law who are kept in various homes. During the course of hearings in the matter, directions by the Hon'ble Supreme Court were issued to the concerned authorities for care and protection of children affected during the COVID-19 pandemic.

During the year following developments took place in the matter:

- **On 03.04.2020**, the Hon'ble Court had issued the following directions to the concerned authorities:
 - CWCs, Juvenile Justice Boards (JJB) and Children's Courts were directed to proactively consider steps that are to be taken in light of COVID-19, while conducting their inquiries/inspections
 - The Person in Charge of the CCI and all other staff working in the CCI were directed to proactively and diligently take all necessary steps to keep the children safe and to take preventive measures such as to practice, promote and demonstrate positive hygiene behaviours and monitor their uptake.
 - The Hon'ble Court further directed the Registrar General of every High Court to place this order before the Chairperson of JJC of every High Court to not only ensure due compliance of this order but they shall also regularly monitor the implementation of the directions issued.

- **On 11.06.2020**, the Hon'ble Court observed that 35 out of 57 children in a Protection Home at Royapuram, Chennai have been infected with COVID-19 and are hospitalized. The Court further directed the Secretary, Health and Family Welfare Department, State of Tamil Nadu and Secretary to Social Welfare Department to submit a report giving details of the reasons for the spread of COVID-19 in the said Protection Home. Based on the order of the Hon'ble Supreme Court, a format for monitoring the status of children in child care and institutions due to Covid 19 was developed.
- **On 07.07.2020**, the Hon'ble Court received responses of different states pursuant to the order passed on 11.06.2020 and further directed the AOR of all the States to supply the copy of the response filed by them within two days.
- **On 15.07.2020**, the learned Amicus Curiae before the Hon'ble Court had sought for general directions to be given by the Court regarding the following issues:
 - Education of children in CCIs
 - Contact with children released from CCI
 - Review of cases of children in CCIs
 - Need for institutionalisation
 - Covid related
 - Further, responses of the State Governments were examined before the Hon'ble Court to the order dated 11.06.2020 which includes the state of Andhra Pradesh, Assam, Bihar, Delhi, Chhattisgarh and Gujarat.
- **On 21.07.2020** learned ASG appearing for the Union of India requested for two weeks' time to file an affidavit giving particulars of the funds to be made available to all the State Governments and Union Territories. Further, learned Amicus Curiae was requested to prepare a note on the good practices that are being adopted by various States for the care and welfare of the children.
- **On 14.08.2020**, the UOI had filed an affidavit before the Hon'ble Court giving particulars of the funds that are available in the States and Union Territories. After receiving the inputs from the States and Union Territories, the learned Amicus Curiae had submitted a note in which he had recommended uniform directions which can be given to the States and Union Territories.
- **On 09.10.2020**, a letter of NCPCR to all the District Magistrates/Collectors of the State of Karnataka directing repatriation and restoration of children placed in the Children Homes was brought to the notice of the Hon'ble Court and a notice was issued to the NCPCR and was directed to submit its response to the note circulated by the learned Amicus Curiae on 08.10.2020. The case was listed for next hearing.

- **On 01.12.2020**, the NCPCR responded to the notice issued by the Hon'ble Court on 9.10.2020 by filing an affidavit in which NCPCR made it clear that Section 40(3) of the Juvenile Justice Act must be scrupulously followed before repatriating children from children protection homes to parental care. The AGI appeared on behalf of NCPCR had made some submissions before the Hon'ble Court:
 - A letter was referred, written by the NCPCR to the Union of India on 3.11.2020 in which it was pointed out that the children from children protection homes must not be sent to parental care without an individual assessment of each child keeping in mind the objectives of the Juvenile Justice Act.
 - The matter was listed on 15.12.2020 for consideration of other issues.
- **On 15.12.2020**, The Hon'ble court noted down concerns made by Amicus Curiae relating to the education of children in Child Care Institutions of different states who suffered due to pandemic. Further it was suggested by the Amicus Curiae after considering the responses of the various state governments that education of children should be handed over to their parents, guardians and foster care. Later, the Hon'ble Court after considering the suggestions made by Amicus Curiae, directed the state governments to provide and ensure the necessary infrastructure, stationary, books, printers along with the other equipment that is necessary for children. The Hon'ble Court also directed the following orders to District Child Protection Units:
 - To make an assessment of the children who are restored to their families or guardians or foster homes during the lockdown by taking the assistance of other statutory bodies like the Child Welfare Committees and Juvenile Justice Boards.
 - To enquire about the financial position of the parents or guardians of the children.
 - To ascertain the number of children who are restored to their families due to lockdown in a particular geographical locality.
- **On 12.01.2021**, The Hon'ble Court issued directions to the States of Assam, Bihar and West Bengal to provide the necessary infrastructure for Video Conferencing facilities to enable the recording of testimonies of children who are either victims/ witnesses in human trafficking cases. The matter was listed for next hearing
- **On 01.02.2021**, a number of 18 states had responded of the order passed by the Hon'ble Court dated 15.12.2020, and furnished information to the learned Amicus Curiae about the number of children in the Child Care Institutions and the children who have been restored to their parents/guardians and the steps taken for providing education to them. After considering the submission made by Amicus Curiae, the Hon'ble Court directed the State Governments/UTs to furnish information about the financial stability of the families of children who were sent from the Child Care Institutions to their parental homes/guardians. The matter was listed for next hearing.

Recommendations

Recommendations

Recommendation for Services of Mental Health Workers appointed under District Mental Health Programme to be extended for help of DCPUs for providing counseling to children where counsellors are not available:

It was observed by the Commission that children ; victims of POCSO, Child Labour, Child marriage that are produced before Child Welfare Committees(CWCs) need counseling and psycho-social support. Due to shortage of Counselors in District Child Protection Units (DCPUs)in some of the cases they don't get proper counseling and mental health services. Therefore, NCPCR recommended that "Services of Mental Health Workers appointed under District Mental Health Programme to be extended for help of DCPUs for providing counseling to children where counsellors are not available".

Recommendations regarding implementation of POCSO Rules, 2020:

Amendments were made in POCSO Rules and new POCSO Rules, 2020 have been notified on 9th March 2020. The new Rules have been sufficiently elaborated along with the addition of new provisions. The effective implementation of the newly formed Rules requires all respective duty bearers/stakeholders to be well versed with their roles and responsibilities as mentioned under amended Rules.

In this context, NCPCR recommended to Director General of Police of all states/UTs to provide training/orientation about new provisions of the POCSO Rules, 2020 to all duty bearers. It was also requested to take necessary steps for sufficient training of police officers for an optimum implementation of POCSO Act / Rules with a special focus on the provisions and to opt a child friendly approach while dealing with such child sexual abuse cases.

The Commission communicated to the Department of Women and Child Development of all States/UTs to take responsibility of coordinating with the concerned department handing appointment of Special Public Prosecutors, for their appropriate training. As the Rule 9 (Compensation) (1) states that the Special Court may on its own or an application filed by or on behalf of the child, pass an order of interim compensation, the proactive and well informed SPPs will play a significant role in providing relief to the CSA victim. Thus it was also requested to take necessary steps for sufficient training of concerned officials for an optimum implementation of POCSO Act / Rules with a special focus on the provisions and to opt a child friendly approach while dealing with such child sexual abuse cases.

The Principal Secretaries of Health and Family Welfare of all States/UTs were also communicated with a request to take necessary steps for sufficient training of concerned officials for an optimum implementation of POCSO Act / Rules with a special focus on the provisions and to opt a child friendly approach while dealing with such child sexual abuse cases.

In addition, the Chairpersons of SCPCRs of All States/UTs were also requested to give suitable directions to the concerned officials/departments of their respective states to take necessary steps for sufficient training of officials for an optimum implementation of POCSO Act / Rules.

Recommendation for tracking of children with disabilities:

The Commission during the Camps/Benches at various aspirational Districts, received appx 3,000 cases on non availability of disability certificates and pension for children with disabilities. It has been observed by the Commission that children with disabilities, especially with intellectual disability are not getting their disability certificates, pension and other benefit of Government schemes. Therefore, Commission recommended that a MIS for tracking the children with disabilities and linking them with Government schemes and benefits, shall be developed and Nodal officers from each Department viz; Health, Education, Social Welfare, Disability, RTO, Local authority in each District shall be appointed for MIS. Accordingly, all the concerned Departments of the States were communicated to take appropriate steps in this regard.

Recommendation regarding Safety of children with respect to online classes in COVID-19 lockdown: NCPCR has been receiving complaints/representations raising concerns over use of technology platforms for providing online classes to children. Also, there were several news reports that suggested that in order to provide online education to the children, schools are using various video communication platforms, such as Zoom application. Taking cognizance of this matter under Section 13(j) of the CPCr Act, 2005 and taking into consideration the advisories by Ministry of Home Affairs (MHA) and CERT-In regarding the use of Zoom application, the NCPCR, vide letter dated 17 April 2020 to Secretaries, School Education Department of all states/UTs, suggested certain important considerations for schools/institutions to be considered while planning online education for children. It was also requested that the information be circulated through the nodal officer(s) for education in the districts to the schools/institutions taking online classes.

Suggestive curriculum for online school education during COVID-19 period:

Amidst the COVID-19 pandemic, with the schools not opening to ensure safety of children, online education has been the one medium to reach out to the children and provide learning opportunities. The MHA Order No. 40-3/2020-DM-I(A), dated 29 June 2020, also permits and encourages online education. Though schools are providing education through digital means, NCPCR has been receiving various representations from parents regarding health issues that may arise due to long periods of online education and the curriculum followed by schools. The NCPCR has suggested the following measures, vide letter dated 7 July 2020, to School Education Departments: (i) either follow NCERT's Alternate Academic Calendar (AAC) for primary and upper primary classes or direct the academic authority, as defined in state RTE

rules, to adapt and contextualize NCERT's AAC as per the state curriculum; and (ii) issue necessary direction to the concerned schools in respective state/UT to ensure that all schools, as defined under Section 2(n) of the RTE Act, 2009, shall follow for primary and upper primary classes, the AAC by NCERT/SCERT. Similarly, keeping in view the health and overall well-being of the children and considering the limited resources available with parents/children during these times, the AAC for higher and higher secondary classes may also be adopted in all schools. The letter was also sent to SCPCRs and copied to Chief Secretaries of all states, Administrators of all UTs and NCERT.

Regarding issues related to fees in private schools during COVID-19 lockdown:

Following numerous representations received in the Commission involving fee-related matters in schools, the NCPCR, vide letter dated 21 April 2020, requested Secretaries, School Education Department of all states/UTs, to disseminate information regarding the state's/UT's grievance redressal mechanism to all stakeholders, especially schools and parents, through social media and other means used by the department. Since the grievance redressal mechanisms of the states include cluster/block-level and district/divisional-level authorities, for speedy redressal, such matters may be resolved at local level. Such complaints that are largely due to contradiction in fee charged by the schools/education institutions can be effectively resolved within the grievance redressal mechanism defined under Section 32 of the RTE Act, 2009 and are expected to be redressed by the respective SCPCRs, along with the local authority or appropriate government. In addition, all the SCPCRs were also requested to disseminate the information pertaining to the grievance redressal mechanism under Section 32 of the RTE Act, 2009 through their respective websites and social media platforms. This would not only help the complainants in lodging the grievances but would also create awareness among the schools regarding the existing redressal procedures.

Regarding offline exams and reopening of private educational institutions amidst the pandemic:

NCPCR has received a number of representations from students/parents of different private institutions from all over India opposing the reopening of schools and conduct of offline exams where physical presence of children in school is required, especially for children of Classes 9–12. The issue that has been emphasized is that the private schools are forcing children to be present for offline exams during pandemic, which can be hazardous to the health of the children and their families. In addition, it has been observed that after the schools reopened, news reports of students/teachers contracting COVID in school premises in several states had multiplied. Keeping in view the health and overall well-being of the children, the NCPCR, under Section 13(1)(i) of CPC Act, 2005, sent a letter dated 10.03.2021 to School Education Departments of all states and SCPCRs that the education departments of the states shall issue specific guidelines for

conducting educational activities, including exams, and ensure that all educational activities in schools are as per the state SOP/guidelines. It was further recommended that the education departments may also coordinate with SCPCRs for formation of SOPs/guidelines and their effective implementation.

Suggestions regarding reopening of schools and board exams: The parents/guardians/parents' associations have been reaching out to the NCPCR with their concerns on the time/manner of school reopening and most importantly, about the safety of children in school post-lockdown. The MHA Order No. 40-3/2020-DM-I(A), dated 30 May 2020, specifically describes the manner of reaching a decision for reopening the schools, colleges, educational/training/coaching institutions, etc. This includes consultations at institutional level with parents. Hence, following the MHA Order, to address the concerns of the parents/guardians and involve them in the decision-making process that is crucial for the safety of their children, the NCPCR has suggested to Chief Secretaries/Administrators of all states/UTs, Secretaries (School Education Department) of all states/UTs and all SCPCRs, vide letter dated 11 June 2020, to hold such consultations with parents/parents' representatives through a convenient mode as deemed suitable. This way the parents would also remain informed about the state's efforts for ensuring the well-being of children, thereby avoiding such grievances from the parents. Further, it has been observed that different agencies/non-government organizations (NGOs)/private institutions are coming up with the frameworks/protocols/standard operating procedures (SOPs) on reopening of schools. As the MHA Order also mentions about the SOP to be developed by the Ministry of Health and Family Welfare (MoHFW), it has been recommended that it would be meaningful and fruitful if duplication of efforts by the other agencies/NGOs/private institutions is avoided in this regard. In fact, once MoHFW comes out with the SOP, all efforts, including that by other agencies/NGOs/private institutions, should be directed towards successful implementation of the same. Further, reaffirming the MHA Order, vide letter no. 40-3/2020-DM-I(A) dated 20 May 2020, the Commission, under Section 13(1)(a), (d) and (e), has requested all the States/UTs to follow due procedure as given by the MHA and ensure that the conditions are fulfilled before conducting the board exams in their respective States/UTs.

Consolidated Accounts Statement 2020-2021

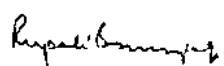
CONSOLIDATED FINANCIAL STATEMENT
National Commission for Protection of Child Rights
 5th Floor, Chanderlok Building 36, Janpath, New Delhi - 110 001

BALANCE SHEET AS AT 31ST MARCH 2021

(Amount in Rs.)

CORPUS/CAPITAL FUND AND LIABILITIES	Schedule	Current Year	Previous Year
CORPUS/CAPITAL FUND	1	15,419,885.03	32,878,204.43
RESERVES AND SURPLUS	2	-	-
EARMARKED/ENDOWMENT FUNDS	3	5,266,998.07	198,000.00
SECURED LOANS AND BORROWINGS	4	-	-
UNSECURED LOANS AND BORROWINGS	5	-	-
DEFERRED CREDIT LIABILITIES	6	-	-
CURRENT LIABILITIES AND PROVISIONS	7	19,170,407.00	17,358,922.00
TOTAL		40,357,290.10	50,435,126.43
ASSETS			
FIXED ASSETS	8	10,575,042.00	9,922,053.00
INVESTMENTS - FROM EARMARKED FUNDS	9	-	-
INVESTMENTS - OTHERS	10	-	-
CURRENT ASSETS, LOANS, ADVANCES ETC.	11	29,782,248.10	40,513,073.43
MISCELLANEOUS EXPENDITURE (to the extent not written off or adjusted)		-	-
TOTAL		40,357,290.10	50,435,126.43
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		




 रुपाली बनर्जी सिंह / Rupali Banerjee Singh
 सदस्य सचिव / Member Secretary
 राष्ट्रीय बाल अधिकार संरक्षण आयोग
 National Commission for Protection of Child Rights
 महिला एवं बाल विकास मंत्रालय
 Ministry of Women & Child Development
 भारत सरकार, नई दिल्ली / New Delhi

CONSOLIDATED FINANCIAL STATEMENT

National Commission for Protection of Child Rights
5th Floor, Chanderlok Building 36, Janpath, New Delhi - 110 001

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR YEAR ENDED 31ST MARCH. 2021

(Amount in Rs.)			
INCOME	Schedule	Current Year	Previous Year
Income from Sales / Services	12	-	-
Grants / Subsidies	13	201,698,000.00	185,845,000.00
Fees/ Subscriptions	14	-	-
Income from Investments (Income on Invest from earmarked Funds transferred to Funds)	15	-	-
Income from Royalty, Publication etc.	16	-	-
Interest Earned	17	-	-
Other Income	18	3,020.00	7,468.00
Increase/(decrease) in stock of Finished goods and works-in-progress	19	-	-
TOTAL (A)		201,701,020.00	185,852,468.00
EXPENDITURE			
Establishment Expenses	20	30,886,705.00	35,292,644.00
Office & Other Administrative Expenses etc.	21	180,825,118.33	165,515,524.45
Expenditure on Grants, Subsidies etc.	22	-	-
Interest	23	-	-
Depreciation (Net Total at the year-end) (Corresponding to Schedule 8)		1,878,518.00	1,881,600.00
TOTAL (B)		213,590,341.33	202,689,768.45
Balance being excess of Income/(Expenses) over Expenditure/Income (A-B)		(11,889,321.33)	(16,837,300.45)
Transfer to Special Reserve (Specify each)		1680419.02	
Transfer to / from General Reserve			
BALANCE BEING SURPLUS/(DEFICIT) CARRIED TO CORPUS / CAPITAL FUND		(13,569,740.35)	(16,837,300.45)
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		



Rupali Banerjee
रुपाली बनेरजी सिंह / Rupali Banerjee Singh
सहस्य सचिव / Member Secretary
राष्ट्रीय बाल अधिकार संरक्षण आयोग
National Commission for Protection of Child Rights
महिला एवं बाल विकास मंत्रालय
Ministry of Women & Child Development
भारत सरकार, नई दिल्ली / Govt. of India, New Delhi

CONSOLIDATED FINANCIAL STATEMENT

National Commission for Protection of Child Rights

5th Floor, Chandrablok Building 36, Janpath, New Delhi - 110 001

RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 31ST MARCH, 2021

(Amount in Rs.)

RECEIPTS	Current Year	Previous Year	PAYMENTS	Current Year	Previous Year
(I) Opening Balances:			(I) Expenses:		
a) Cash in hand (including imprest)	-	-	a) Establishment Expenses	30,896,705.00	35,292,694.00
b) Bank Balances	-	-	b) Office & Other Administration Expenses	173,066,469.06	164,096,505.39
(II) In current accounts (unspent bal.)	-	-	c) Expense on Grant & Subsidies etc.	-	-
(iii) In deposit accounts	12,300.00	12,300.00	d) TDS & Other payable amount of last year	-	-
(iii) Savings accounts	16,189,140.99	30,668,573.38	(II) Payments made against funds		
Adjustment of previous year advance	-	-	for various projects		
(II) Grants Received:			Out of earmarked/endowment funds	-	-
a) From Government of India:-			(Unicef India)	-	-
For Capital & Revenue Expenses	201,698,000.00	185,945,000.00	Nazal Management Division	-	-
b) From State Government	-	-	MHA Grant for Kokrajhar & Chirang	-	-
c) From other sources (Unicef India)	-	-	Grant Refund to Government of India	-	-
d) From Nazal Management Division	-	-			
e) MHA Grant for Kokrajhar & Chirang	-	-	(III) Investments and deposit made:		
(Excess Grant Received - To be Refund)	-	5,000,000.00	a) Out of Earmarked/Endowment funds	-	-
(III) Income on Investments from:			b) Out of Own Funds (Investments-others)	-	-
a) Earmarked/Endowment Funds	-	-			
b) Own Funds (Off. Investment)	-	-	(IV) Expenditure on Fixed Assets &		
			Capital Work-in-Progress		
			a) Purchase of Fixed Assets	2,714,586.00	4,352,561.00
			b) Exp. On Capital Work-in-progress	-	-
			(V) Loans & Advances		
(IV) Interest Received:			a) To the Government of India	-	-
a) On Bank deposits	-	-	b) To the State Government	-	-
b) Loans, Advances etc.	-	-	c) To others	1,345,928.00	2,360,623.00
			d) Recovered & paid to parent office	-	-
			e) To Security Deposit	-	-
(V) Other Income (Specify):					
RTI Fee Received	1,300.00	1,828.00	(VI) Finance Charges (Interest):		
Reimbursement expenses	-	-	(VII) Other Payments (Specify):		
Sale of old News papers and Magazines	1,220.00	5,640.00	Payment for State Cheque	-	-
Tender Money	-	-	Security Money refunded	810,150.00	-
Security Money Received	381,553.00	1,226,395.00	Sundry Creditors	-	-
Security Deposit (Phone) Return	-	2,243.00	Other Payable- Interest Earned Refunded	568,170.00	-
			Excess Grant Received -To be Refund	5,000,000.00	-
Sale of Fixed Assets	183,079.00	-	NCPCR	316,426.00	904,655.00
Core Activities for State Representative	-	-	RTE	-	136,092.00
Security Deposit Refund	316,426.00	-	(VIII) Closing Balances:		
(VI) Amount Borrowed:			a) Cash in hand (including imprest)	453.00	-
			b) Bank Balances:-		
			(i) In current accounts	-	-
(VII) Other Receipts			(ii) In deposit accounts	12,300.00	12,300.00
Advances Recovered	-	-	(iii) Savings accounts	11,445,190.93	16,189,140.99
-NCPCR	6,246,995.00	342,517.00			
-RTE	955,864.00	240,000.00			
Receipts from State Cheque	-	-			
TOTAL	226,166,377.99	223,344,526.38	TOTAL	226,166,377.99	223,344,526.38



Rajesh Kumar
 राजेश कुमार / Rajesh Kumar Singh
 राज्य सचिव / Member Secretary
 राष्ट्रीय नाल अधिनियम अधीन
 National Commission for Protection of Child Rights
 नरियल एवं नाल विकास मंत्रालय
 Ministry of Women & Child Development
 भारत सरकार, नई दिल्ली / Govt of India, New De

Audit Report 2020-2021

Separate Audit Report of the Comptroller & Auditor General of India on the Accounts of the National Commission for Protection of Child Rights, New Delhi for the year ended 31 March 2021

We have audited the attached Balance Sheet of the National Commission for Protection of Child Right (NCPCR), New Delhi as at 31 March 2021, Income & Expenditure Account and Receipts & Payments Account for the year ended on that date under Section 19(2) of the Comptroller & Auditor General's (Duties, Powers & Conditions of Service) Act, 1971 read with Section 29 (2) of the Commissions for Protection of Child Rights Act, 2005. These financial statements are the responsibility of the NCPCR's management. Our responsibility is to express an opinion on these financial statements based on our audit.

2. This Separate Audit Report contains the comments of the Comptroller & Auditor General of India (CAG) on the accounting treatment only with regard to classification, conformity with the best accounting practices, accounting standards and disclosure norms, etc. Audit observations on financial transactions with regard to compliance with the Laws, Rules & Regulations (Propriety and Regularity) and efficiency-cum-performance aspects, etc., if any, are reported through Inspection Reports/CAG's Audit Reports separately.

3. We have conducted our audit in accordance with auditing standards generally accepted in India. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements. An audit includes examining, on a test basis, evidences supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall presentation of financial statements. We believe that our audit provides a reasonable basis for our opinion.

4. Based on our audit, we report that:

- (i) We have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purpose of our audit.
- (ii) The Balance Sheet, Income & Expenditure Account and Receipts & Payments Account dealt with by this report have been drawn up in the Uniform Format of Accounts as prescribed by the Ministry of Finance.
- (iii) In our opinion, proper books of accounts and other relevant records have been maintained by the NCPCR as required under Section 29 (1) of the Commission for Protection of Child Rights Act, 2005, in so far as it appears from our examination of such books.
- (iv) We further report that:

A. Balance Sheet

A.1 Liabilities

A.1.1 Current Liabilities & Provision (Schedule-7): Rs. 1.14 crore.

A.1.1.1 NCPCR had not created Liability for balance of unspent Grant in Aid amounting to Rs. 1.14 crore in its accounts. This resulted in understatement of Liabilities by Rs. 1.14 crore and overstatement of Corpus/ Capital Fund by the same amount.

A.2 Assets

A.2.1 Fixed Assets (Schedule-8)-1.06 crore

A.2.1.1 As per significant accounting policy 6.1, NCPCR provides depreciation on WDV method as per rates specified in Income Tax Act 1961.

WDV of Gross Block of Plant Machinery & Office Equipment for NCPCR Account as at 01.4.2020 was Rs. 81,84,495 and Gross Block of Furniture & Fixtures was Rs. 71,35,545. Gross Block of Plant Machinery & Office Equipment for RTE Account as at 01.04.2020 was Rs.11,48,583 and Gross Block of Furniture & Fixtures was Rs. 7,44,525. However, in the consolidated Accounts Gross Block of Plant Machinery & Office Equipment as at 01.04.2020 was taken as Rs. 88,69,181 instead of Rs. 93,33,078 and Gross Block of Furniture & Fixtures as on 01.04.2020 was taken as Rs. 83,43,967 instead of Rs. 78,80,070. Consequently, opening Gross Block of Plant Machinery & Office Equipment were understated by Rs. 4,63,897 and Furniture & Fixtures were overstated by Rs. 4,63,897. Further, Depreciation on Plant Machinery & Office Equipment for the year 2020-21 was charged at Rs. 576366 instead of Rs.7,93,267 and Furniture & Fixtures at Rs. 3,56,908 instead of Rs. 363059. This resulted in overstatement of Assets by Rs. 2,23,052 (Plant Machinery & Office Equipment understated by Rs 2,16,901 and Furniture & Fixtures overstated by Rs. 6,151) and understatement expenditure on Depreciation by the same amount.

B. General

B.1 As per Schedule-10 of the Format of Accounts prescribed by the Ministry of Finance, each entity is to disclose the accounting policy in relation to investments for both long term and current investments. Audit noted that NCPCR kept average balance of Rs.1.16 crore and Rs.0.62 crore respectively in its two savings bank accounts maintained with bank, which yielded low interest.

NCPCR had no investment policy for the unspent balance lying in the Bank Account. In the absence of short term FDRs, auto-sweep accounts, etc. for these balances NCPCR lost

the opportunity to earn interest income over and above the saving bank interest given by the bank.

B.2 The Commission has not made provision for 'retirement benefits' on actuarial basis as required in AS-15 and as per Uniform Format of Accounts.

C. Grant-in-aid

The grants-in-aid received by NCPCR during 2020-21 and utilisation thereof is given below:

(Rs. in crore)

Particulars	GIA received	Unspent balance of previous year	Internal receipts	Total funds available	Utilisation of funds	Unspent funds
General Grant NCPCR (M/o WCD)	15.27	0.99*	0.67	16.92	16.24	0.69
RTE (M/o HRD)	4.90	0.63*	0.06	5.59	5.14	0.45
Total	20.17	1.62*	0.73	22.52	21.38	1.14

**Error of rounding off corrected now*

Thus, during 2020-21, NCPCR had received Rs. 20.17 crore (Rs. 15.27 crore from the Ministry of Women and Child Development and Rs. 4.90 crore from Ministry of Human Resource Development) as Grants-in-Aid. Out of this, grant amounting to Rs. 0.79 crore was received in March 2020 from Ministry of Human Resource Development. It had unspent balance of previous year amounting to Rs. 1.61 crore (Rs. 0.99 crore from the Ministry of Women and Child Development and Rs. 0.63 crore from Ministry of Human Resource Development) and an internal receipt amounting to Rs. 0.73 crore. Out of total fund available, NCPCR utilized Rs.21.38 crore leaving an unutilized balance of Rs. 1.14 crore (Rs. 0.69 crore from the Ministry of Women and Child Development and Rs. 0.45 crore from Ministry of Human Resource Development) as on 31.03.2021.

D. Management letter

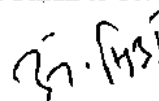
Deficiencies which have not been included in the audit Report have been brought to the notice of the National Commission for Protection of Child Rights (NCPCR) through a management letter issued separately for remedial/corrective action.

v. Subject to our observations in the preceding paragraphs, we report that the Balance sheet, Income & Expenditure Account and Receipt & Payment Account dealt with by this report are in agreement with the book of accounts.

vi. In our opinion and to the best of our information and according to the explanation given to us, the said financial statements read together with the Accounting Policies and Notes on Accounts, and subject to the significant matters stated above and other matters mentioned in Annexure to this Audit Report give a true and fair view in conformity with accounting principles generally accepted in India:

- (a) In so far as it relates to the Balance Sheet of the state of affairs of the National Commission for Protection of Child Rights (NCPCR) as at 31 March, 2021 and
- (b) In so far as, it relates to Income and Expenditure Account of the deficit for the year ended on that date.

For and on behalf of C& AG of India



Pr. Director of Audit (HW&RD),

Place: New Delhi

Date:

Annexure

1. Adequacy of Internal Audit System

Internal audit of NCPCR was last conducted by Internal Audit Wing of the Ministry of Women and Child Development in December 2015 for the year 2011-12 to 2014-15.

2. Adequacy of Internal Control System

The internal control system of NCPCR was not adequate due to:

- (i) Two posts of Members are vacant since November 2018.
- (ii) Grants-in-aid Register, Security Deposit Register, Expenditure Control Register, Advance Register, Investment Register and Register of Contract were not maintained. Fixed Asset register was improperly maintained.
- (iii) 14 external audit paras pertaining to the period 2011-12 to 2017-18 were outstanding. 19 paras of internal audit report were outstanding.
- (iv) Advances were pending for as long as 2007-08. Despite being pointed out in previous years' reports, remedial action was not taken.

2. System of physical verification of fixed assets

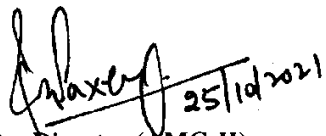
Physical verification of fixed assets was conducted during 2020-21. Assets costing Rs. 4.72 lakh were not traceable which was pointed out in the report of 2019-20. Necessary action yet to be taken by NCPCR.

3. System of physical verification of inventory

The physical verification of library books and other consumable items was conducted by NCPCR during 2020-21.

4. Regularity in payment of dues

No amount was outstanding on account of statutory dues for more than six months as on 31 March 2021.


Dy. Director (AMG-II)

Annexures



प्रियंक कानूंगो
Priyank Kanoongo
अध्यक्ष
Chairperson

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



F. No. 4401/01/2015-16/Street Children/NCPCR
Dated: 31.12.2020

To

Chief Secretaries of all the States/Administrators of UTs- As per the list

Dear Madam/Sir,

National Commission for Protection of Child Rights (NCPCR) is a statutory body of Government of India established in the year 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 also the United Nations Convention on the Rights of the Child (UNCRC). The Commission has also been mandated under Section 109 of the Juvenile Justice (Care & Protection) of Children Act, 2015 to monitor the provisions provided under the Act.

Therefore, Commission in association with the Save the Children, India has developed a Standard Operating Procedures (SOP) for providing care and protection to the children in street situations. Therefore, "Standard Operating Procedure for Care and Protection of Children in Street Situations 2.0" is an endeavour to strengthen the processes and interventions regarding CiSS in the view that there should not be any child in a street situation; rather, they should be with their families. In case the family needs support, it may be provided by linking them with benefits and entitlements appropriate to the families under various schemes and programmes of the Governments keeping in view the best interests of the child. The SOP further stresses upon institutionalization of these children should be assumed as the option for last resort.

Since this SOP is prepared on the principle of convergent action; the document specifies and indicates different roles to be played by various authorities and stakeholders. Therefore, it is kindly requested that the SOP may please be circulated to all concerns in the state for their reference and implementation. Accordingly, a list of authorities and departments is given as Annexure-1. A brief note on SOP is also attached (Annexure-2) herewith.

With regards

Yours faithfully

Sd/-
(Priyank Kanoongo)

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
5th Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
दूरभाष /Ph. :011-23478212, 23731583 फैक्स /Fax: 011-23731584
ई-मेल / E-mail : cp.ncpcr@nic.in वेब /Web:www.ncpcr.gov.in



Annexure- 1

- (1) **Department of Women & Child Development:** Under Child Protection Scheme- Chairpersons and Members of CWCs, District Child Protection Units, SJPU and Childline. Extending Anganwadi Services to CiSS under ICDS.
- (2) **Department of Labour:** Labour Commissioners, District Labour Officers (To deal with Children in Street Situations engaged as child labour).
- (3) **Department of Social Welfare:** District Social Welfare Officer (DSWO) or Dealing with Drugs De-addiction and other programmes.
- (4) **Department of Health:** Chief Medical Officers of all the districts (for treatment, long term treatment of CiSS and medical certificate to the special children/Divyang, assistive device for special children/Divyang)
- (5) **Department of Home Affairs:** For Police Training and sensitization, General Police for Investigation and registering affairs in the case of drugs abuse, drug pedaling, to ascertain the biological parents in case of any doubt and other related matters mentioned in the SOP.
- (6) **State Administrative Staff Training Institute-** For orientation/ training of officers
- (7) **Department of Urban Affairs:** Municipal Commissioners/Municipal Authorities/Municipality for providing temporary shelter and other amenities to the families of Children in Street Situations (CiSS)
- (8) **Department of School Education:** For admission of CiSS and related matter
- (9) **District Magistrates:** For information, coordination and resolving interdepartmental issues in the district in respect to CiSS. Matter pertaining to extending entitlements and benefits to the families of CiSS under different schemes and programmes of the Governments



प्रियंक कानूनगो
Priyank Kanoongo
अध्यक्ष
Chairperson

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



D.O.No 22-01/2020/NCPDR/PD

Dated: 10 /03/2021

To

Chief Secretaries
of all States/UTs
(As per the attached list)

Sir/Madam,

National Commission for Protection of Child Rights (NCPDR) in collaboration with Narcotics Control Bureau (NCB) has prepared and released a Joint Action Plan on "Prevention of Drugs and Substance Abuse Among Children and Illicit Trafficking" on 9th February, 2021. This Action Plan has been formulated on the basis of deliberations and inputs from Narcotics Control Bureau, MoH&FW, MoSJ&E, Ministry of Education, NDDTC-AIIMS, Sainik Schools-Ministry of Defence, NCC & CDSCO-Directorate General of Health Services.

2) The Joint Action Plan - "एक युद्ध नशे के विरुद्ध" - is formulated to streamline and strategies the efforts made by various authorities, institutions, agencies to bring paradigm shifts in the direction of drugs and substance abuse prevention amongst the children in the country. Moreover, it is a framework to wean away children from drug abuse and to stop selling of drugs in surrounding areas of schools/educational and child care institutions through convergent actions in a time-bound manner. It also adopts some of the strategic interventions to prevent the reach of pharmaceutical drugs, substances and other forms of goods used as intoxicants by the children.

3) This is first of its kind comprehensive joint action plan on the issue of drugs and substance abuse among children, wherein, all the stakeholders, agencies, duty bearers, authorities, media and parents are to perform their designated roles indicated in the document. It is hoped that with support of all our State Commissions this Action Plan ushers a journey to realize the goal of "नशा मुक्त भारत" - "Drugs free India" so that the vision of New India- A Great India Can be achieved.

4) You are requested to kindly ensure implementation of this Joint Action Plan in your respective States/UTs. (Soft copy of the Joint Action Plan and link of video tutorial is attached for your kind information and suitable action).

With regards

Enclosed: a/a

Yours sincerely

10-3-2021
(Priyank Kanoongo)

010
11/03/2021

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
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ई-मेल / E-mail : cp.ncpcr@nic.in वेब /Web:www.ncpcr.gov.in



सत्यमेव जयते

Rupali Banerjee Singh
रूपाली बनर्जी सिंह
Member Secretary
सदस्य सचिव

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
राष्ट्रीय बाल अधिकार संरक्षण आयोग
GOVERNMENT OF INDIA
भारत सरकार



D.O.No 22-01/2020/NCPDR/PD/211315

Dated: 05 /04/2021

To

District Magistrate(s)
Of 272 Vulnerable Districts as per the attached list

Sir/Madam,

National Commission for Protection of Child Rights (NCPDR) in collaboration with Narcotics Control Bureau (NCB) has prepared and released a Joint Action Plan on **"Prevention of Drugs and Substance Abuse among Children and Illicit Trafficking"** on 9th February, 2021. This Action Plan has been formulated on the basis of deliberations and inputs from Narcotics Control Bureau, MoH&FW, MoSJ&E, Ministry of Education, NDDTC-AIIMS, Sainik Schools-Ministry of Defence, NCC & CDSO-Directorate General of Health Services.

2) The Joint Action Plan - **"एक युद्ध नशे के विरुद्ध"** - is formulated to streamline and strategise the efforts made by various authorities, institutions and agencies to bring paradigm shifts in the direction of drugs and substance abuse prevention amongst the children in the country. Moreover, it is a framework to wean away children from drug abuse and to stop selling of drugs in surrounding areas of schools/educational and child care institutions through convergent actions in a time-bound manner. It also adopts some of the strategic interventions to prevent the reach of pharmaceutical drugs, substances and other forms of goods used as intoxicants by the children.

3) This is first of its kind comprehensive Joint Action Plan on the use of drugs and substance abuse among children, wherein, all the stakeholders, agencies, duty bearers, authorities, media and parents are to perform their designated roles indicated in the document. It is hoped that with support of all our State Commissions this Action Plan ushers a journey to realize the goal of **"नशा मुक्त भारत"** - **"Drugs free India"** so that the vision of New India- A Great India Can be achieved.

4) Ministry of Social Justice & Empowerment has identified 272 vulnerable Districts based on the finding of the National Survey on Extent and Pattern of Substance Use in India conducted by the MoSJE and districts which are vulnerable from the supply point of view as provided by Narcotics Control Bureau to undertake intervention programmes in vulnerable districts across the country with an aim to: Reach out to Children and Youth for awareness about ill effects of drug abuse; Increase community participation and public cooperation; Supporting Government Hospitals for opening up De-addiction Centres in addition to existing Ministry Supported De-addiction Centres (IRCA's); and Conducting Training programme for participants.

5) In the absence of legal provision, District Magistrates of 272 vulnerable districts as mentioned in point no (4) above, shall issue order to install the CCTVs cameras at the pharmacy/chemist shop selling Schedules H, H1 and X drugs using the power provided under Section 133 of the Code of Criminal Procedures, 1973.

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-2-

6) In view of the above, you are requested to kindly ensure implementation of this Joint Action Plan in your District. The actionable points for the District Magistrate/Collector as indicated in the document are attached for your information and necessary action. NCPCR shall be organising review meetings (virtually) with District Administration and concerned stakeholders on implementation of Joint Action Plan on Drugs and Substance Abuse among children and illicit trafficking from the month of April, 2021 onwards. (Soft copy of the Joint Action Plan and link of video tutorial is attached) for your kind information and necessary action.

With regards

Enclosed: a/a

Yours sincerely,


(Rupali Banerjee Singh)

Copy to

1. **Principal Secretaries/Secretaries**
Department of Health of All States/UTs
(As per the list attached)
2. **Principal Secretaries/Secretaries**
Department of Education of All States/UTs
(As per the list attached)



यशवंत जैन
Yashwant Jain
सदस्य
Member



GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi-110 001



F.No. 2603/21/2020/POCSO/NCPCR
Date: 12.06.2020

To,

The Director General of Police of all State/UTs

Subject: Regarding implementation of POCSO Rules, 2020.

Madam/Sir,

The National Commission for Protection of Child Rights (hereinafter "NCPCR") is constituted under Section 3 of the Commissions for Protection of Child Rights Act 2005 to safeguard the child rights. The Commission has a statutory mandate to monitor the implementation of the POCSO Act 2012 u/s 44 of Act r/w Rule 12 of POCSO Rules 2020.

2. You must be aware that recently amendments were made in POCSO Rules and new POCSO Rules, 2020 have been notified on 9th March 2020. The new Rules have been sufficiently elaborated along with the addition of new provisions. The effective implementation of the newly formed Rules requires all respective duty bearers/stakeholders to be well versed with their roles and responsibilities as mentioned under amended Rules. In this context, it is suggested that all concerned officials whose roles have been defined in Rules (as mentioned below) must be given training/orientation about new provisions of the POCSO Rules, 2020. Specific provisions in respect of the Police are as under:

- Rule 4. Procedure regarding care and protection of child, Sub-rule (1), (3), (4), (8), (10), (13), (14) and (15).
- Rule 5 Interpreters, translators, special educators, experts and support person, Sub-rule (1)
- Rule 6 Medical aid and care, Sub-rule (1) (2).
- Rule 11. Reporting of pornographic material involving a child.
- Rule 12 Monitoring the implementation of the Act.

In addition to this, Form A (Entitlement of Children who have suffered sexual abuse to receive information and services) and Form B (Preliminary Assessment Report) as mentioned under Rule 4 sub-rule (14) of has been incorporated for the convenience of victims which is required to authenticated by the Duty Officers/Station House Officers.

3. The various case studies of child sexual abuse victims indicate that children's experience about abuse and contact with law enforcement system are different from the elders. Thus, you are requested to take necessary steps for sufficient training of police officers for an optimum implementation of POCSO Act / Rules with a special focus on the above provisions and to opt a child friendly approach while dealing with such child sexual abuse cases. Action taken in this regard may please be informed to this Commission.

With regards

Yours sincerely

Sd/-
Yashwant Jain (Member)

Copy to: 1. Home Secretary, Ministry of Home Affairs, North Block, New Delhi – 110001, India. (for information)

2. Chairperson of SCPCRs of All State/UTs (for information and necessary action)

द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
2nd Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
दूरभाष/Ph. : 011-23478261, फैक्स/Fax : 011-23724028

यशवंत जैन
Yashwant Jain
सदस्य
Member



भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS



नई दिल्ली 110 001

New Delhi-110 001

F.No. 2603/21/2020/POCSO/NCPDR

Date: 12.06.2020

To,

The Principal Secretary of WCD of all State/UTs

Subject: Regarding Implementation of POCSO Rules, 2020.

Madam/Sir,

The National Commission for Protection of Child Rights (hereinafter "NCPDR") is constituted under Section 3 of the Commissions for Protection of Child Rights Act 2005 to safeguard the child rights. The Commission has a statutory mandate to monitor the implementation of the POCSO Act 2012 u/s 44 of Act r/w Rule 12 of POCSO Rules 2020.

2. You must be aware that recently amendments were made in POCSO Rules and new POCSO Rules. 2020 have been notified on 9th March 2020. The new Rules have been sufficiently elaborated along with the addition of new provisions. Therefore, effective implementation of the newly formed Rules requires all respective duty bearers/stakeholders to be well versed with their roles and responsibilities as mentioned under amended Rules. In this context it is suggested that all concerned officials of bodies such as Child-Welfare Committee, Child-line, Support Person, District Child Protection Unit, Psychologist, Interpreter, translator, Special educator, Experts, etc, whose roles have been defined in Rules (as mentioned below) must be given training/orientation about new provisions of the POCSO Rules, 2020. Specific provisions in respect of the State Department are as under

- i. Rule 3. Awareness generation and capacity building.
- ii. Rule 4. Procedure regarding care and protection of child. Sub-rule(2), (4), (5) (6), (7), (8), (9), (10), (11) and (12)
- iii. Rule 5. Interpreters, translators, special educators, experts and support persons.
- iv. Rule 6. Medical aid and care
- v. Rule 7. Legal aid and assistance.
- vi. Rule 8. Special Relief.
- vii. Rule 9. Compensation Sub-rule (4), (5) (6).
- viii. Rule 10. Procedure for imposition of fine and payment thereof.
- ix. Rule 11. Reporting of pornographic material involving a child Sub-rule (4)
- x. Rule 12. Monitoring the implementation of the Act.

3. Further, the Department of Women and Child Development must also take responsibility of coordinating with the concerned department handing appointment of Special Public Prosecutors, for their appropriate training. As the Rule 9 (Compensation)(1) states that the Special Court may on its own or an application filed by or on behalf of the child, pass an order of interim compensation, the proactive and well informed SPPs will play a significant role in providing relief to the CSA victim.

4. The various case studies of child sexual abuse victims indicate that children's experience about abuse and contact with law enforcement system are different from the elders. Thus, you are requested to take necessary steps for sufficient training of concerned officials for an optimum implementation of POCSO Act / Rules with a special focus on the above provisions and to opt a child friendly approach while dealing with such sensitive cases. Action taken in this regard may please be informed to this Commission.

With regards

Yours sincerely

Sd/-
Yashwant Jain (Member)

Copy to: Chairperson of SCPCRs of All State/UTs (for information and necessary action)

द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
2nd Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
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यशवंत जैन
Yashwant Jain
सदस्य
Member



भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi-110 001



F.No. 2603/21/2020/POCSO/NCPCR
Date: 12.06.2020

To,

Principal Secretary of Department of Health and family Welfare of All State/UTs

Subject: Regarding implementation of POCSO, Rules 2020.

Madam/Sir,

The National Commission for Protection of Child Rights (hereinafter "NCPCR") is constituted under Section 3 of the Commissions for Protection of Child Rights Act 2005 to safeguard the child rights. The Commission has a statutory mandate to monitor the implementation of the POCSO Act 2012 u/s 44 of Act r/w Rule 12 of POCSO Rules 2020.

2. You must be aware that recently amendments were made in POCSO Rules and new POCSO Rules, 2020 have been notified on 9th March 2020. The new Rules have been sufficiently elaborated along with the addition of new provisions. Therefore, effective implementation of the newly formed Rules requires all respective duty bearers/stakeholders to be well versed with their roles and responsibilities as mentioned under amended Rules. In this context it is suggested that all concerned officials whose roles have been directly or indirectly defined in Rule 6 Medical aid and care of POCSO Rules, 2020 to be read in consonance with Sec 27 of POCSO Act, 2012; Medical Termination of Pregnancy Act 1971; Juvenile Justice (Care and Protection of Children) Act 2015 and The Rights of Persons with Disabilities Act, 2016, must be given training/orientation about new provisions of the POCSO Rules, 2020.

3. Thus, you are requested to take necessary steps for sufficient training of concerned officials for an optimum implementation of POCSO Act / Rules with a special focus on the above provisions and to opt a child friendly approach while dealing with such matters. Action taken in this regard may please be informed to this Commission.

With regards

Yours sincerely

Sd/-
Yashwant Jain(Member)

Copy to: Chairperson of SCPCRs of All State/UTs (for information and necessary action)

द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001
2nd Floor, Chanderlok Building, 36, Janpath, New Delhi-110 001
फ़ोन/Ph. : 011-23478261 फ़ैक्स/Fax : 011-23724028

यशवंत जैन
Yashwant Jain
सदस्य
Member



भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

नई दिल्ली 110 001
New Delhi 110 001



F.No. 2603/21/2020/POCSO/NCPCR
Date: 12.06.2020

To,

Chairperson of SCPCRs of All State/UTs

Subject: Regarding implementation of POCSO, Rules 2020.

Madam/Sir,

The National Commission for Protection of Child Rights (hereinafter "NCPCR") is constituted under Section 3 of the Commissions for Protection of Child Rights Act 2005 to safeguard the child rights. The Commission has a statutory mandate to monitor the implementation of the POCSO Act 2012 u/s 44 of Act r/w Rule 12 of POCSO Rules 2020.

2. You must be aware that recently amendments were made in POCSO Rules and new POCSO Rules, 2020 have been notified on 9th March 2020. The new Rules have been sufficiently elaborated along with the addition of new provisions. Therefore, effective implementation of the newly formed Rules requires all respective duty bearers/stakeholders to be well versed with their roles and responsibilities as mentioned under amended Rules. As the role of SCPCRs is also defined in Rule 12 (Monitoring of implementation of the Act), you are requested to give suitable directions to the concerned officials/ departments of your respective State to take necessary steps for sufficient training of officials for an optimum implementation of POCSO Act / Rules.

With regards

Yours sincerely

Sd/-
Yashwant Jain (Member)

द्वितीय तल, चन्द्रलोक निवास



प्रियंक कानूंगो
Priyank Kanoongo
अध्यक्ष
Chairperson

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

नई दिल्ली-110 001

New Delhi - 110 001

D.O Letter No- NCPCR/CH(2)-2021-22

Date- 31.03.2021



21137

To

Chief Secretaries
of All States/UTs
(As per the list attached)

Sir/Madam,

As you are aware, the National Commission for Protection of Child Rights (NCPCR) is a statutory body formed under section (3) of the Commission for Protection of Child Rights (CPCR) Act, 2005 (No.4 of 2006) to ensure that rights of the children are protected especially those who are most vulnerable and marginalised. NCPCR under section (13) (1)(j) of CPCR Act, 2005 has mandate to inquire into the matters pertaining to violation and deprivation of rights and entitlements of children and other related provisions for children provided under the Constitution of India. In addition, the Commission has also been mandated to monitor the implementation of the Juvenile Justice (Care & Protection of Children) Act, 2015 (section 109, JJ Act, 2015), the Right to Education Act, 2009 and Protection of children from Sexual offences Act, 2012.

2. The Commission as per its mandate u/r (21) of the CPCR Rules, 2006 and u/s of 13(1)(j) of the CPCR Act, 2005 had organised grievance redressal camps/Benches to redress matters pertaining to violation and deprivation of rights and entitlements of rights of children in aspirational Districts identified by NITI Aayog. During these camps/Benches at various aspirational Districts, NCPCR has received appx 3,000 cases on non availability of disability certificates and pension for children with disabilities. It has been observed by the Commission that children with disabilities, especially with intellectual disability are not getting their disability certificates, pension and other benefit of Government schemes.

3. Keeping in view of the above NCPCR u/s 13 (1)(a) of CPCR Act, 2005 recommends that a MIS for tracking the children with disabilities and linking them with Government schemes and benefits, shall be developed and Nodal officers from each Department viz: Health, Education, Social Welfare, Disability, RTO, Local authority in each District shall be appointed for MIS. Following details shall be fed and steps shall be taken through this MIS-

- Firstly the children with disabilities identified by Rashtriya Baal Swasthya Karyakaram (RBSK) during early screening shall be mandatorily linked for providing treatment and Disability certificate by CMHO.
- Further CMHO after providing disability certificate to the children shall link these children with Social Welfare Dept for providing disability pension, disability aids and equipments.
- Further Social Welfare Dept shall link these children with Education Dept for providing education facilities and RTO for giving passes for their transport.
- Children with disabilities shall further be linked with local authorities for providing other benefits.

Yours sincerely,

31.3.2021
(Priyank Kanoongo)

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Copy to

1. **Principal Secretaries/Secretaries**
Department of Health of all States/UTs
(As per the list attached)
2. **Principal Secretaries/Secretaries**
Department of Social Welfare /Disability of all States/UTs
(As per the list attached)
3. **Principal Secretaries/Secretaries**
Department of Education of all States/UTs
(As per the list attached)
4. **Commissioner**
Department of Disability of all States/UTs
(As per the list attached)



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NEW DELHI-110 001



F. No. NCPCR/2020-21/OE/EDU

Date: 17.04.2020

To,

The Secretaries, School Education Department, All States/UTs

Subject: Regarding safety of children w.r.t online classes during the COVID-19 lockdown.

Madam/Sir,

The latest revised Guidelines on measures to be taken to contain Covid-19 issued by MHA vide Order dated 15.04.2020, has specified that all educational, training, coaching institutions etc. shall remain closed during the lockdown period. However, these establishments are expected to maintain the academic schedule through online teaching.

There are several news reports that suggest that in order to provide online education to the children, schools are using various video communication platforms such as Zoom application. The National Commission for Protection of Child Rights (NCPCR) has been receiving complaints/representations raising concerns over use of technology platforms for providing online classes to children.

NCPCR has taken cognizance of this matter under section 13 (j) of the Commission for Protection of Child Rights (CPCR) Act, 2005, and has also taken into consideration the advisories by MHA and CERT-IN regarding the use of Zoom Application. Since, under all circumstances, the safety of children is of utmost importance and every action taken with regard to children should be carefully undertaken so as to prevent any kind of violation, abuse, harassment and should ensure that there is no threat to the well-being of the children. For this, the following points needs to be taken into consideration by the schools/institutions-

- In case the school/institution is conducting online classes using any such application/social media platform, the responsibility to ensure safety of children in the digital space shall that be of the school/institution.
- The schools/institutions should follow all the necessary safety measures given by the authorities from time to time. Also, the criteria for using a particular app for children should also be adhered to.
- The participation of children in virtual classrooms should be under parental supervision. For this, the schools/institutions should provide proper orientation to parents.



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- d. The login ids should not be made in name of the students and the students should only be attending the online classes/interaction as a guest.
- e. The entire control of the virtual classroom should be with the teacher only so that to prevent them falling into prey of cyber bullying/abuse.

As the safety and security of children in school's physical infrastructure is the responsibility of the schools/institutions, similarly safety and security of children in the digital infrastructure (online education) is also the responsibility of the school. Neglecting the safety and security of children in any manner shall attract strict action against the school/institution under section 75 of the Juvenile Justice Act, 2015 and other relevant sections of the existing laws.

You are requested to circulate the information, through the nodal officer(s) for education in the Districts, to the schools/institutions taking online classes.

Sd/-
(Priyank Kanoongo)
Chairperson



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F. No. NCPCR/2020-21/REC./EDU-12260/
Date: 07.07.2020

To,

The Secretaries, School Education Department, All States/UTs

The Chairperson, All State Commissions for Protection of Child Rights (SCPCR)

Subject: Regarding the curriculum for online school education during the Covid period

Madam/Sir,

As you are aware, the National Commission for Protection of Child Rights (NCPCR) is a statutory body formed under CPCRA Act, 2005 to ensure that children enjoy their rights and look into matters related to children from child rights perspective and is also the monitoring authority for implementation of the Right to Education Act, 2009 and other education related provisions for children provided under the Constitution of India.

2. During this time, amidst the COVID-19 pandemic when the schools have not opened yet considering the safety of children, online education is one medium to reach out to the children and provide learning opportunities. The MHA Order No. 40-3/2020-DM-I (A) dated 29.06.2020 also permits and encourages online education. Though schools are providing education through digital means, NCPCR has been receiving various representations from parents regarding the health issues that may arise due to long periods of online education and the curriculum followed by schools.

3. In this regard, it is stated that the National Council of Educational Research and Training (NCERT), which is the Academic Authority under section 29 (1) of the RTE Act, 2009, has prepared Alternate Academic Calendar for all classes from primary to higher secondary. The academic calendar includes themes/topics that have been selected from syllabus and are linked with the learning outcomes. The guidelines for conducting interesting activities are based on these learning outcomes. These are available at <http://ncert.nic.in/aac.html>.



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Cont'd page 2

4. Hence, NCPER, under section 13 (1) (j) recommends the following measures

- a) Either follow the NCERT's Alternate Academic Calendar for primary and upper primary classes or may direct the Academic Authority as defined in State RTE Rules to adapt and contextualize NCERT's Alternate Academic Calendar as per the State curriculum.
- b) Issue necessary direction to the concerned schools in your State/UT to ensure that all schools, as defined under section 2 (n) of the RTE Act, 2009, shall follow the Alternate Academic Calendar, for primary and upper primary classes, by NCERT/SCERT.

5. Similarly, keeping in view the health and overall well-being of the children and considering the limited resources available with parents/children during these times, the Alternate Academic Calendar for higher and higher secondary classes may also be adopted in all Schools.

6. This will help in reducing the inconsistencies between the online education being extended to children and shall also help in controlling the harmful effects of extended online instruction hours.

This is for your perusal and further necessary action.


(Rupali Banerjee Singh)
Member Secretary

Copy to

1. **The Director,**
National Council of Education Research & Training (NCERT)
New Delhi
Email: director.ncert@nic.in
2. **The Chief Secretaries of All States**
3. **The Administrators of all Union Territories**



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F. No. NCPCR/2020-21/SF/EDU

Date: 21.04.2020

To,

The Secretaries, School Education Department, All States/UTs

The Chairperson, All State Commissions for Protection of Child Rights (SCPCR)

Subject: Regarding issues related to fees in private school during the COVID-19 lockdown.

Madam/Sir,

The National Commission for Protection of Child Rights (NCPCR) has been receiving complaints/representations from parents/parents' organizations from across the country regarding the issue directly or indirectly linked to fees charged by the private schools. These complaints/representations include issues such as discontinuation of education (offline/online) to children due to non-payment of fees; schools charging hiked fee without following adequate procedure; striking off name of the children; demand for fee waiver during lockdown etc. Such incidents can add to stress among children especially under the current circumstances.

The Commission reaffirms its earlier recommendation dated 12.02.2018, that no child should be harassed/neglected/discriminated due to any non-agreement or conflict between parents and the school or other educational institution catering to children till the age of 18 years. Such disagreements should be addressed only between the parents and school/educational institution without involving the child in any manner.

Though many States/UTs have already set up fee regulatory system for deciding on the fee charged by the private school/educational institution, this system coupled with effective grievance redressal mechanism shall be helpful in addressing the core of such grievances. Hence, you are requested to disseminate the information regarding State's/UT's grievance redressal mechanism to all stakeholders, especially schools and parents, through social media and other means used by the Department. Further, since the grievance redressal mechanism of the States include cluster/block level, district/divisional level authorities, for speedy redressal, such matters may be



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It has also been observed that in many cases the complaints are separately forwarded to NCPCR as well as concerned SCPCR. In such matters, the respective State Commission for Protection of Child Rights (SCPCR), in light of section 13 (2) of CPCR Act, 2005, may take cognizance as per the existing SOP of the concerned State/UT w.r.t educational activity.

Yours sincerely,


(Priyank Kanungo)



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F. No. NCPCR/2020-21/R/EDU

Date: 11.06.2020

To,

The Chief Secretaries of All States/Administrators of Union Territories

The Secretaries, School Education Department, All States/UTs

Subject: Regarding Re-opening of Schools and Board Examination

Madam/Sir,

As we are moving towards re-opening of activities in a phased manner, the Ministry of Home Affairs (MHA), vide Order No. 40-3/2020-DM-I(A) dated 30.05.2020 have positioned the decision of re-opening of schools, colleges, educational/training/coaching institutions in the Phase II of the unlock.

With this, different news reports, pertaining to few States, are coming out regarding possible time period of re-opening schools. The parents/guardians/parents' organizations have been reaching out to the National Commission for Protection of Child Rights (NCPCR) with their concerns on the time/manner of school re-opening and most importantly about the safety of children in schools post-lockdown. The above-mentioned MHA Order have specifically described the manner of reaching to a decision for re-opening the schools, colleges, educational/training/coaching institutions etc. This includes consultations at institutional level with parents.

Hence, to address the concerns of the parents/guardians, to involve them in the decision-making process that is crucial for the safety of their children and following the MHA Order dated 30.05.2020, you are requested to hold such consultations with parents/parents' representatives through the convenient mode as deemed suitable. This way the parents shall also remain informed about the State's efforts for ensuring well-being of children and such grievances from parents can be avoided.



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Further, it has been observed that different agencies/NGOs/private institutions are coming up with the frameworks/protocols/SoPson schools re-opening. As the MHA Order also mentions about the Standard Operating Procedure (SoP) to be developed by the Ministry of Health and Family Welfare (MoHFW), it would be meaningful and fruitful if duplication of efforts by the other agencies/NGOs/private institutions are avoided in this regard. In fact, once MoHFW comes out with the SoP, all efforts including that by the other agencies/NGOs/private institutions should be directed towards successful implementation of the same.





The Commission has also been receiving representations on the safety of children during the Board exams. Here too, NCPCR would also like to reaffirm that the Ministry of Home Affairs (MHA), vide letter no. 40-3/2020-DM-I(A) dated 20.05.2020, taking into consideration the academic interest of large number of children, have granted exemption from the lockdown measures to conduct Board Examinations for Classes 10th and 12th. The exemption is however subject to few conditions enlisted by MHA (Copy enclosed for your ready reference). The Commission u/s 13 (1) (a), (d) and (e), requests all the States/UTs to follow the due procedure as given by the MHA and ensure that the conditions are fulfilled before conducting the Board Exams in their respective States/UTs.

This is for you perusal and further necessary action.

Sd/-
(Priyank Kanoongo)
Chairperson, NCPCR

Copy to: The Chairperson, All State Commissions for Protection of Child Rights (SCPCR)



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