

ANNUAL REPORT 2017-18

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

Index

S. No	Chapter	Page No
	Preface	4
	List of Abbreviations	7
1.	NCPCR: An Overview	8
2.	Education	13
3.	Juvenile Justice or Care of Neglected or Marginalized Children or Children with Disabilities <ul style="list-style-type: none">• Child Begging	23
4.	Laws relating to children <ul style="list-style-type: none">• Protection of Child Rights from Sexual Offences (POCSO)• Child Marriage• Child Trafficking	41
5.	Elimination of Child Labour or Children in Distress	55
6.	Child Psychology & Sociology	59
7.	Child Health, Care, Welfare Or Child Development	65
8.	Representation in Courts	80
9.	Grievance Redressal Management & Successful Interventions	97
10.	Rights of Children in North-East Region	106
11.	Other Initiatives	116
12.	Recommendations	120
13.	Official Language	124
	Consolidated Financial Statement for 2017-18	127
	Audit Certificate for 2017-18	131
	Annexures	139

Stuti Kacker
Former Chairperson, NCPCR

Message

It gives me immense pleasure to know that the National Commission for Protection of Child Rights (NCPCR) has come up with its Annual Report highlighting the major activities undertaken in the year 2017-18 when I had the good fortune of being the Chairperson of the Commission.

There was acceleration in the activities and initiatives by NCPCR during the tenure of last Commission as well as the period under report. As it was observed that awareness about child rights and presence of Commission was limited among general public, steps were taken under all major thematic areas of education, health, juvenile justice, child labour, laws related to children and child psychology to reach to the children to the last mile. The Commission worked in a coordinated manner with the State Governments, SCPCRs, District administrations, field functionaries and other stakeholders towards protection of child rights. The Commission also launched a special drive to redress the pending complaints on violation of child rights.

The role of the Commission in protecting child rights is of paramount importance and in monitoring the implementation of JJ Act, 2015, POCSO Act, 2012, and RTE Act, 2009 etc. The Commission will have to increase its credibility by protecting the rights of each and every child through a quick grievance redressal mechanism and protecting preventive measures.

I express my sincere gratitude to Shri Yashwant Jain , Shri Priyank Kanoongo, Ms.Rupa Kapoor & Member Secretary Ms.Geeta Narayan for their initiatives and support in executing and fulfilling the mandate of the Commission in the period under review.

I convey my best wishes to the Commission for resounding success in its endeavours.

Date:../12/2018

(Stuti Kacker)



प्रियंक कानूनगो
Priyank Kanoongo
अध्यक्ष
Chairperson

भारत सरकार
GOVERNMENT OF INDIA
राष्ट्रीय बाल अधिकार संरक्षण आयोग
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Preface

The dream of a Great India cannot be achieved without protecting its children from various forms of violence, discrimination and offering them a fertile ground for their overall development. National Commission for Protection of Child Rights (NCPDR) is the highest body in the country for the protection of the rights of the child with the mandate 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 provided in the UN Convention on the Rights of the Child. With the growing child population and various forms of violence surfacing by means of new age communication and social media platforms beside violence against children in the family, community and institutional set up; the need for new approaches, mechanisms, regulations and system strengthening is ever increasing in protecting and ensuring the rights of the child in the country.

The year 2017-18 witnessed several new initiatives, milestones and actions in order to protect, promote and defend child rights under the leadership of Ms. Stuti Kacker who chaired the Commission in this period. She led and guided all Members (Shri Yashwant Jain, Ms. Rupa Kapoor and Myself) and the staff in achieving a new height in redressing the issues of violence against children and instituting several mechanisms in ensuring safety and security of children in street situation, educational and other institutions.

Education is the key for human development and the foundation stone for creating an inclusive society. Education Division of the Commission during the period under review took several initiatives to ensure safety and security of children in school, residential educational institutions and hostels. Some of the initiatives are; framing of a comprehensive document 'Manual on Safety and Security of Children in Schools', formulating Guidelines on Hostels for Residential Educational Institutions', organizing workshops on "Implementation of Supreme Court's Guidelines on safe and secure transport facilities for school children". We also organized workshops on elimination of corporal punishments in the schools. A series of Consultations on 'Education of children of minority community' were also organized as an effort to work towards ensuring the constitutional rights of education to all children including the children of minority communities.

On the subject of Juvenile Justice System and Protection of Children from Sexual Offences the Commission continued to perform its role of monitoring implementation of these Acts. This was primarily done through calling information from the States/UTs about the status of implementation of different provisions/mechanism of these Acts. In order to generate awareness and sensitized among field functionaries and stakeholders on the provisions of Acts, the Commission in collaboration of SCPCRs/State Govts. organized a series of awareness workshops/trainings in different parts of the country. Also, the Commission developed and circulated momentous IEC material to support functionaries and stakeholders on the provisions of these Acts in easy language.

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To address the issue of increasing incidences of cyber crimes, the Commission holds discussions and workshops with concerned departments as well as with the stakeholders. As a result 'Guidelines for Awareness on Child Online Safety' and 'Being Safe Online' were drafted to create awareness amongst children and parents. At the same time, Commission also enhanced the scope of POCSO e-box through its mobile App activation which is now handling the cases of cyber crime as well.

A Handbook along with Module & Guidelines on protection of Child Rights at Gram Panchayat level was released in collaboration with Ministry of Panchayati Raj for the use of functionaries of the Panchayati Raj Institutions in protecting the rights of children at the village level. To ensure psychological well being of children and promotion of their positive mental health, the Commission organized training workshops for staff of CCIs in the states of Assam, Himachal Pradesh, Delhi, Tamil Nadu, Andaman & Nicobar Islands, and Meghalaya.

The Commission successfully experimented a Model Child Rights Mela in Indian context that was organized with special focus on Drug De-addiction at Ganj Basoda, Vidisha, Madhya Pradesh wherein around 30,000 children and their parents participated. Baal Utsav, a programme (Mela) for children residing in Child Care Institutions in Delhi was also organized.

The Commission also represented in various significant court cases pertaining to Child Rights and implementation of laws related to children.

By the end of the year two ongoing studies 'Devising Pathways for Appropriate Repatriation w.r.t. educational facilities and well-being of children of displaced Primitive Tribes viz. Bru-Reang Community' and 'A study on Implementation of Section 12 (1)(c) of RTE Act, 2009 in Delhi' were also completed.

The Commission not only carried out policy interventions, programmatic activities and created regulatory framework but also redressed individual complaints that were received at the Commission. The period under the review, Commission processed 4,327 complaints pertaining to the violation of the child rights resulting in successful redressal of 2,659-cases.

I am extremely grateful to Ms. Stuti Kacker - the then Chairperson of the Commission for under her guidance and support all these activities were conducted. I would also like to acknowledge Shri Yashwant Jain and Ms. Rupa Kapoor for leadership in their respective domains in carrying out all the activities successfully. A special thanks also to Ms. Geeta Narayan, Member Secretary for her cooperation in carrying out the statutory activities. In addition, I would like to put on record for the inputs and professional support provided by the team of Advisors, Consultants & Support staff towards achieving the mandate of the Commission.


(Priyank Kanoongo)

List of Abbreviations

AFSPA	Armed Forces (Special Power) Acts
AHTUs	Anti Human Trafficking Units
AIIMS	All India Institute of Medical Sciences
CCI	Child Care Institution
CCL	Children in Conflict with Law
CNCP	Children in Need of Care and Protection
CSO	Central Statistics Office
CWC	Child Welfare Committee
ICPS	Integrated Child Protection Scheme
IHBAS	Institute of Human Behaviour and Allied Sciences
JJ Act	Juvenile Justice (Care & Protection) Act, 2015
KGBV	Kasturba Gandhi Balika Vidyalaya
LRC	Laws Relating to Children
MHA	Ministry of Home Affairs
NCPCR	National Commission for Protection of Child Rights
NCW	National Commission for Women
NEHU	North-Eastern Hill University
NHRC	National Human Rights Commission
NGO	Non Governmental Organization
NRC	Nutrition Rehabilitation Centre
NDDTC	National Drug Dependence Treatment Centre
POCSO Act	Protection of Children from Sexual Offences Act, 2012
RSTC	Residential Special Training Centre
RTE Act	Right to Education Act, 2009
SCPCR	State Commission for Protection of Child Rights
SIRD	State Institute of Rural Development
SOP	Standard Operating Procedure
SW	Social Welfare
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNCRC	United Nations Convention on the Rights of the Child

Chapter-1

NCPCR-An Overview

NCPCR-An Overview

1. The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commissions for Protection of Child Rights 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 UNCRC.

NCPCR believes that all rights of children within the age group of 0 to 18 years are of equal and concomitant importance and therefore strives to monitor the State's obligation to protect these rights. As a seed is nurtured with care and nourishment in order to become a fruit yielding tree, the child envired in the diversity and plurality of the customs and cultures of India has to be provided with a protective and nutritious environment with all due entitlements from the day he or she is born.

1.1 Functions of NCPCR:

The activities of the NCPCR are sourced from the functions laid out for NCPCR in the CPCR Act, 2005 which are as follows:

- i. Examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation.
- ii. Present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards for the protection of Child Rights.
- iii. Inquire into violation of child rights and recommend initiation of proceedings in such cases.
- iv. Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disasters, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography, and prostitution and recommend appropriate remedial measures.
- v. Look into matters relating to children in need of special care and protection, including children in distress, marginalized and disadvantaged children, children in

conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures.

- vi. Study treaties and other international instruments and undertake periodic review of existing policies, programmes, and other activities on child rights and make recommendations for their effective implementation in the best interest of children.
- vii. Undertake and promote research in the field of child rights.
- viii. Spread child rights literacy among various sections of society and promote awareness of the safeguards available for protection of these rights through publications, media, seminars and other available means.
- ix. Inspect or cause to be inspected any juvenile custodial home or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority including any institution run by a social organization, where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary.
- x. Inquire into complaints and take suo-moto notice of matters related to:
Deprivation and violation of child rights; Non implementation of laws providing for protection and development of children; Non compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children or take up the issues arising out of such matters with appropriate authorities;
- xi. Such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above function.

Besides the above, NCPCR is also mandated to monitor the implementation of the JJ Act, 2015, POCSO Act, 2012 and RTE Act, 2009 as envisaged in these Acts. During the period under report, the Commission continued to function with Chairperson Smt. Stuti Kacker and 3 Members i.e. Shri Yashwant Jain (Laws relating to children); Shri Priyank Kanoongo (Education); and Smt. Rupa Kapoor (Child health, care, welfare or child development). Since, the Commission is functioning with only 3 Members against sanctioned strength of 6 Members. The additional areas of work were distributed among these three Members. The

Commission dealt with the several thematic areas which included education, child health, care, welfare; juvenile justice or care of neglected or marginalized children or children with disabilities; elimination of child labour or children in distress; child psychology or sociology; and Laws relating to children.

1.2 Strategies adopted for major interventions:

- i) **Visits:** Periodic state visits in the context of monitoring the implementation of laws and legislations pertaining to the rights of the children through adequate follow up with letters/reports to the government on proposed action plans, departmental meetings etc.
- ii) **Recommendations and Directives:** The Commission on the basis of outcome of research studies, visits, desk reviews, consultations/ workshops with different stakeholders, discussions at various platforms, suo-motu, etc. recommended appropriate measures to protect the rights of children.
- iii) **Policy dialogue with Ministries/Departments:** In order to ensure protection of rights of children in the implementation of laws and legislations, periodic meetings and discussions are held with concerned central ministries, whereby information is also shared to forge ahead a rights based approach for the needy children.
- iv) **Consultations/Workshops:** NCPCR believes that collective efforts from various actors like academia, civil society, officials and members form an integral part of the system through which momentum can be generated on various child rights issues. In addition working groups and committees are constituted for technical support and advice on specific issues of children.
- v) **Complaint management system & Summons hearings:** One of the primary activities of NCPCR is taking up specific complaints where there are gross violation of child rights and recommend appropriate action where there is lapse/delay on the part of the Government. The procedure of registration, sending letters to concerned authorities and proper follow up through reminders are part of the complaint management system. NCPCR has also been vested with the power of summoning officials if there are no response from them.

- vi) **Strengthening the role and function of SCPCRs:** State Commissions for Protection of Child Rights (SCPCRs) as mentioned under Section 17 of CPCRA Act, 2005 are constituted in 34 States/UTs. The SCPCRs are parallel to NCPCR at State level. NCPCR continued to provide guidance and support to SCPCRs.

Chapter-2

Education

Education

2.0 Introduction

The National Commission for Protection of Child Rights has been mandated under Section 31 of the Right of Children to Free and Compulsory Education (RTE) Act, 2009:

- i) to examine and review the safeguards for rights provided under the Act and to recommend measures for their effective implementation;
- ii) to inquire into complaints relating to the child's right to free and compulsory education and;
- iii) to take necessary steps as provided under Section 15 of the Commission for Protection of Child Rights, Act 2005.

In furtherance of its mandate under the RTE Act, 2009 and the functions assigned to it under Section 13 and 14 of the CPCRA Act, 2005, the NCPCR has undertaken a series of initiatives. These include redressing complaints, conducting inquiries, undertaking policy interventions and program and research initiatives. The Commission organized consultations at the regional and state level with the aim of better implementation of RTE Act, 2009 and address issues concerning education policy in India.

2.1 Programme Activities

2.1.1 Regional Orientation Workshop on 'Roles & Responsibilities of Local Authorities in Implementing RTE Act, 2009 and its Significance in Achieving SDGs'

Given the importance of local authorities in fulfilling national and global agenda of education development, NCPCR took an initiative to orient the key functionaries of the Panchayati Raj Institutions by organizing regional level workshops in East, West, North, South and a national workshop. Two regional workshops were organized in Puri, Odisha on 20.09.2017 and Thane, Maharashtra on 24.11.2017.



2.1.2 Consultations on Education of the children of minority communities

To ensure right of elementary education to the children of minority community, NCPCR organized a series of four consultations across India. The Consultations were organized at Mumbai, Maharashtra on 11.09.2017; Jaunpur, Uttar Pradesh on 27.12.2017; Nuh, Haryana on 15.02.2018 and Meerut on 28.03.2018.

2.1.3 Regional Consultations on Educational Discrimination National Curriculum Framework (NCF) vs. Curriculum in Private Schools

To assess the implementation of section 29 of the RTE Act, 2009 and highlight the deviations in curriculum followed by private schools affiliated to different Boards from that laid by the academic authority, two regional consultations were organized in Regional Institute of Education, Ajmer and Regional Institute of Education, Bhubaneswar on 15.09.2017 and 26.09.2017, respectively.



2.1.4 Status of implementation of Hon'ble Supreme Court's Guideline on Safe and Secure Transport Facilities for School Children

To know the status and create awareness on Hon'ble Supreme Court's Guideline on safe and secure transport facilities for school children, one-day orientation cum review workshops were organized in Jaunpur, Uttar Pradesh on 28.10.2017; Sikar, Rajasthan on 19.12.2017; Bhopal, Madhya Pradesh on 11.01.2018; and Pune, Maharashtra on 01.02.2018.

2.1.5 National Colloquium on Vocational and Life Skills Training of Out-of-School Adolescent Girls in the age-group 15-18 years

NCPCR organized a one-day National Colloquium on 27.10.2017 at Constitution Club of India, New Delhi. The aim of the colloquium was to offer delegates and presenters an opportunity to share best practices and ideas on the theme; examine the existing models of vocational training, life skills training and work



opportunities and identify existing gaps; and create a road map for convergence of different vocational and life skill training mechanisms. Based on the discussions, a report was prepared with recommendations and shared with Secretary, Ministry of Labour and Employment; Secretary, Ministry of Skill Development and Entrepreneurship; and Secretary, Ministry of Rural Development; MD & CEO, National Skill Development Corporation. **(Annexure-I)**



2.1.6 Smart India Hackathon 2017

The All India Council for Technical Education (AICTE) in collaboration with i4c conducted a Smart India Hackathon 2017, a 36-hrs non-stop digital programming competition in which innovative solutions were provided for any given problem statement. The finale of Smart India Hackathon 2017 for NCPCR was held on 01-02nd April, 2017 at Sagar Institute of Research and Training, Bhopal. Under the guidance of, Member (Education), NCPCR came up problem statements based on Commission's mandate of monitoring, reviewing and examining various laws, legislations, policies, schemes and international treaties. The statements focussed on highlighting core child right issues and were primarily targeted to monitor different laws, legislations, policies, system that are in place w.r.t. rights of the child. Based on the three rounds of judgment and power judging, three winner teams were selected for

their ideas on drop-out of children of migrant families from school; Child rights violation related news on one portal; and Advanced Grievance Redressal System.

2.1.7 **Inter-Ministerial Consultation on Education in the Union Budget 2017-18**

Member (Education), NCPCR attended the *Inter-Ministerial Consultation on Education in the Union Budget 2017-18* by NITI Aayog chaired by Principal Advisor, NITI Aayog on 20.03.2017 where a document on NCPCR's vision and recommendations on the inter-ministerial convergence was submitted by the Commission. During the year under report, a meeting was held with OSD, NITI Aayog in April, 2017. After the discussion, a proposal for Joint Consultation on social sector outcome monitoring- Education and the Rights of the Child was submitted on 18.05.2017.

2.1.8 **Review-cum-consultation meeting on Status of Implementation of Practices for Reducing School Bag Weight**

A national review-cum-consultation meeting was held on 24.08.2017 in collaboration with NCERT. The aim of the meeting was to provide a platform for a discussion on the need to accelerate efforts for providing uniform quality education and formulate concrete uniform recommendations to address the issue of heavy school bags.



2.1.9 **Awareness of different stakeholders regarding section 17 of RTE Act, 2009 and guidelines on eliminating corporal punishment in schools:**

Seven awareness workshops have been held in Jaipur (09.08.2017), Kanpur (12.08.2017); Guwahati (19.08.2017); Pune (22.08.2017); Nahan (26.08.2017); Patiala (11.09.2017); and Gurugram (06.12.2017).



2.1.10 **Meeting with National Advisory Council (NAC) under RTE Act, 2009 for framing suggestions**

Given the role and significance of NAC, a consultation meeting was organized with nominated members of the NAC on 04.01.2018 at NCPCR; representatives from



various government as well as non-government organizations, independent experts; and NGOs working for child rights and education. The purpose of the consultation was to frame suggestions for NAC regarding its role in effective implementation of the provisions of the Act.



2.1.11 One Day Orientation Workshop on Child Rights and NCPCR-SAI Guidelines on Safety of Children in Sports held at TT Sports Academy, Madhya Pradesh

A one day orientation workshop for children in TT Academy, Bhopal was held on 24.02.2018. All the Administrative Staff, Coaches and Children/Sports persons attended the said orientation workshop.

2.1.12 Consultation Meeting with Members of National Monitoring Committee for Minorities Education (NMCME)

A consultation with Members of the NMCME and other experts was organised by NCPCR on 26.02.2018 with a broader aim to ensure fundamental right to education of all children. Due to the amendment, a large number of institutions exempted from the ambit of RTE Act as defined under Article 30 (1), all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. The Commission has observed that a large number of children belonging to the Muslim minority availing religious education are deprived of their fundamental right to education under the Article 21 A.

2.2 Research Studies

NCPCR depending on the need conducts studies on various issues concerning Education of Children. The following study was completed during the period under report.

2.2.1 A Study on Implementation of Section 12(1) (c) of RTE Act, 2009 in Delhi pertaining to Admission of Children from Disadvantaged Sections in Private Schools

The said study included on-site assessment of 44 schools in Delhi, analysis of admission data of 663 schools across Delhi to understand the current status of education of these children more deeply. The report is available on NCPCR's website <http://ncpcr.gov.in>.

2.3 Guidelines/Framework

2.3.1 Guidelines on Hostels for Residential Educational Institutions: NCPCR drafted Guidelines on Hostels for Residential Educational Institutions. The Commission sent the said draft guidelines to various stakeholders viz. Secretaries of various Ministries i.e. Ministry of Tribal Affairs, MoL&E, MoSJ&E, MoMA, Ministry of Skill Development and Entrepreneurship, Mo Defence, Mo AYUSH, M o Sports, Medical Council, AICTE, and Youth Affairs, CBSE, AICTE, NCTE, CISCE, NCERT, NVS, NCMEI, Bar Council of India, RCI, CCIM, DoEPWD, seeking comments regarding the same. After reviewing the inputs received by the Commission, the draft guidelines were finalized and uploaded on the website of the Commission for consumption and compliance by the concerned.

2.3.2 Manual on Safety and Security of children in Schools: Several incidents in schools highlighted the issue of safety of children while in school. Different Ministries, Departments, Institutions, Organizations have laid down separate laws, guidelines and norms for safety of children in schools. In order to streamline the efforts for ensuring safety and security of children in schools, the NCPCR examined and compiled different guidelines and formed a comprehensive manual titled- Manual on Safety and Security of Children in Schools. The manual along with recommendations for its effective implementation was submitted to MWCD.

2.4 Special Inquiry/Investigation

2.4.1 Special Investigation in Jalpaigudi, West Bengal regarding illegal adoption and laundering of children: An inquiry was conducted based on a report published in newspapers on 19-2-2017 that an orphanage which was run by an organization named North Bengal Peoples Development Centre, was actively involved in illegal adoption of children and laundering of children. Taking cognizance of the matter, the

Commission wrote to Chief Secretary, West Bengal, District Collector, Jalpaiguri, Superintendent of Police, Jalpaiguri to send required information. In absence of any report from the State authorities, ADGP was summoned to appear before the Commission on 25.07.2017. An action taken report was received from Criminal Investigation Department, West Bengal on 09.03.2018 informing that seven person were arrested and chargesheeted. The copy of FIR was also received in Action Taken Report.

- 2.4.2 **Implementation of section 29 (1) of the RTE Act, 2009 w.r.t. curriculum laid down by academic authority in private schools:** Enquiring into the variation in evaluation procedure at elementary level in private schools and evaluation guidelines laid down by the academic authority, the Commission wrote to C.B.S.E. to revoke its CCE pattern suggested for classes VI-VIII and get the new system examined and verified by the NCERT. As a result, C.B.S.E. repealed its Uniform System of Assessment, Examination and Report Card for classes VI-IX from Academic Year 2017-18 vide circular dated 22 January, 2018. **(Annexure- II)**

2.5 Visits by Member (Education), NCPCR

- 2.5.1 Attended the hearing of Kota Coaching Centre at High Court, Jaipur on 10.04.2017.
- 2.5.2 Visited Navodaya Vidhyalay, Kaloi, Jhajjar, Haryana to conduct enquiry regarding death of a child on 14.04.2017.
- 2.5.3 Made a surprise inspection of SOS Children's Village at Hojai, Assam on 27.04.2017.
- 2.5.4 Attended a workshop on Education and Culture organized at Motilal Medical College, Prayag, Allahabad on 05.05.2017 -06.05.2017.
- 2.5.5 Attended a workshop as resource person on child rights organized by Sevakiran Charitable Society, Trichur (Kerala) on 10.06.2017.
- 2.5.6 Made a presentation to NGOs/CSOs on RTE and Education in a Dialogue on Safe and Secure Education organized by RTE Forum on 12.07.2017 at Press Club of India.
- 2.5.7 Conducted review meetings with Senior Officials of various Departments and Orientation meetings with officials from Department of Education for the States of Jharkhand (05.07.2017), Madhya Pradesh (09.07.2017), Haryana (20.07.2017), Odisha (28.07.2017), and Arunachal Pradesh (23.12.2017).
- 2.5.8 Attended NIPCCD's Sensitization Training Programme on CSR for Civil Society Organizations at YUVA Centre, Mumbai on 26th July 2017.

- 2.5.9 Attended CAGE Sub-Committee Meeting on re-engaging Out-of-School Children held at Maple Hall, India Habitat Centre, New Delhi on 11.07.2017.
- 2.5.10 Speaker in a Dialogue on Safe & Secure Education, organized by RTE Forum at Press Club of India, New Delhi on 12.07.2017.
- 2.5.11 Participated as a resource person to speak on Role of NCPCR in Inclusive Education in orientation programme organized by NUEPA on 21.09.2017.
- 2.5.12 Visited Ranchi, Jharkhand as chief guest and speaker at Eastern Regional Level Consultation on Ending Violence against Children with Interfaith Religious Leaders organized by Bhartiya Kisan Sangh, Jharkhand on 05.09.2017.
- 2.5.13 Presided over a meeting with Madhya Pradesh CPCRC on 22.09.2017 to form a co-ordination committee and preparation of work plan with district administration, various departments of the district/regd./civil society etc. for organising child rights mela at Ganj Basoda Tehsil, Vidisha, Bhopal on 14.11.2017.
- 2.5.14 Visited Vijaywada (Andhar Pradesh) along with a fact finding team on 13th -14th September 2017 for taking suo-motu cognizance of the matter related to child labour based on article 'The Dark Sites of Granites'.
- 2.5.15 Attended the 13th Formation Day of NDMA on 28.09.2017 celebrated on the theme of School Safety.
- 2.5.16 Visited Karbi Anglong, Assam and Passighat, Arunachal Pradesh from 20th – 23rd, December, 2017 to discuss the organization of Child Rights Mela with the district officials.
- 2.5.17 Presented views of the Commission before the Parliamentary Standing Committee w.r.t the RTE Amendment Bill for introducing examination at elementary level on 18.01.2018.
- 2.5.18 Visited Bhopal from 09-13th January 2018 to conduct review-cum-consultation meeting with State authorities regarding implementation of RTE Act and safety and security survey.
- 2.5.19 Visited the Kanakpura District of Karnataka and Hossur & Krishnagiri Districts of Tamilnadu on 27-28, Feb, 2018 for fact finding on Status of Child Labour in Granite Industry. During the visit discussions were held with district authorities, local authorities, community members & children. Mines were also visited by the team led by Member, Education. The district authorities were instructed to conduct a survey in the areas using the tools provided by the Commission.



2.5.20 Attended the National Stocktaking Convention at Constitution Club of India organized by RTE Forum as a speaker on 27.03.2018.

2.6 Summons hearing

2.6.1 The Principal of JNV Jhajjar and investigating officer in the matter of death of a class XI child in the school were summoned to appear before the Commission on 25.04.2017.

2.6.2 District Magistrate, Agra and District Magistrate, Aligarh were summoned to appear before the Commission on 28.11.2017 in the matter of RTO enforcement violation of the Supreme Court's order relating to school transportation.

2.6.3 District Inspector of Schools (SE), Nadia was summoned to appear before the Commission on 11.12.2017 with respect to the collection of development fees from the students of classes VI to VIII.

2.6.4 Secretary (School Education), West Bengal was summoned in relation to seven pending cases of West Bengal. The Summon hearing was held on 11.12.2017 and subsequently the cases were resolved.

2.6.5 Chairperson, Union Bank of India was summoned to appear before the Commission on 06.03.2018 in the matter of charging fine for non-maintenance of minimum balance for students scholarship account.

2.6.6 Director, Primary Education, Bihar was summoned to appear before the Commission on 12.02.2018 in relation to 11 pending cases of Bihar regarding violation of RTE Act, 2009.

2.6.7 Principal, Dr. Virendra Swaroop Education Society, Kanpur and Principal, Dr. Virendra Swaroop 21st Century were summoned to appear before the Commission on 29.08.2017 due to non-compliance of Commissions order in matter of admission of children u/s 12 (1) (c) of RTE Act, 2009.

2.6.8 Secretary, School Education, Chandigarh was summoned to appear before the Commission on 25.04.2017 regarding a pending complaint in matter of harassment of child by school.

2.6.9 Summons was issued to S.P., Bhopal; and Sports and Youth Welfare Department, Bhopal to appear before the Commission on 14.03.2018 in a matte regarding objectionable behavior with female sportsperson.

Chapter-3

Juvenile Justice or Care of Neglected or Marginalized Children or Children with Disabilities

- **Child Begging**

Juvenile Justice or care of neglected or marginalized children or children with disabilities

3.0 Introduction:

The Government of India being a State Party to the United Nations Convention on the Rights of the Child (UNCRC), which came into force on 2nd September 1990, is obliged to fulfill the duties set out in this international instruments as well as various other rules and guidelines on children's rights. The International Agreements on children's rights emphasize the importance of preventing juveniles from coming into conflict with the law in the first place, as well as an expectation of complete rehabilitation by the time they leave the juvenile justice system.

The Juvenile Justice (Care and Protection of Children) Act, 2015, which replaced the J.J. Act, 2000, has strengthened the Juvenile Justice System in the country. The Act ensures proper care, protection, development, treatment, and social re-integration of children in difficult situations by adopting a child –friendly approach keeping in view the best interest of child.

NCPCR in addition to its functions mentioned under Section 13 (1) of CPCR Act, 2005, is also mandated to monitor the implementation of JJ Act, 2015 as per its Section 109. The activities undertaken by the Commission pertaining to Juvenile Justice System for the period under report are as follow:

3.1 Review and Examination of Safeguards:

3.1.1 Monitoring of the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015

NCPCR continued to monitor the implementation of the provisions of the JJ Act, 2015 based on its monitoring tools developed and provided to States/UTs. During the period under report, the Commission carried out following activities to ensure the proper implementation of the Act. It includes:

- Organised two (2) meetings with Nodal Officers of States/UTs on 7th April 2017 and 23rd November 2017 at NCPCR wherein the status of implementation of the Act in state was reviewed. Also, issues relating to registration of Child Care Institutions

(CCIs), restoration of children living in CCIs of other states, provisioning of Aadhaar Cards were discussed in these meetings.

- A letter was addressed to States/UTs to State authorities to timely provide the details of implementation of the Act in their States to the Commission.
- On non-receipt of the requisite information regarding basic infrastructure and implementation of JJ Act in the state, video conferences with state authorities of 18 states/UTs were conducted from 17th -21st July, 2017.

Based on the above activities, the updated status as received in respect of 34 States/UTs upto 31st March, 2018, is summarize below:

S. No.	Details of Infrastructure/manpower resources	Total Districts 680	%
		States 34 (excluding Lakshadweep and J&K)	Available
1	State Child Protection Society @per State	32	94.11
2	District Child Protection Units @per District	666	97.9
3	Child Welfare Committees @ per District	645	94.8
4	Specialized Juvenile Police Units @per District	738	
5	Juvenile Justice Boards @per District	643	94.5
6	Children Courts @per District	586	86.1
7	Probation Officers	571	83.9
8	Place of Safety @one per State	43	
9	Observation Homes @ per district or group of district	286	42.05
10	Special Homes @ per district or group of districts	68	10.0
11	Children Home @ per district or group of districts	2,575	
12	Open Shelter	266	
13	Foster Care	1,414	
14	Fit Facility	188	
15	Fit Person	440	

Based on the information received, following gaps in infrastructure facilities to be set up under the Act by States/UTs were noticed:

- ✓ **State Child Protection Unit** is not established in Arunachal Pradesh and Tripura.
- ✓ **District Child Protection Unit** is not established in Arunachal Pradesh (1 district), Delhi (2 districts), Haryana (1 district), Maharashtra (5 districts), Rajasthan (2 districts), Sikkim (2 districts) and Uttar Pradesh (1 district).
- ✓ **Child Welfare Committee** is not constituted in Delhi (4 districts), Dadra & Nagar Haveli (1 district), Gujarat (7 districts), Haryana (21 districts), Punjab (2 districts), Rajasthan (2 districts), Telangana (21 districts), Tripura (4 districts) and Uttrakhand (1 district).

- ✓ **Specialized Juvenile Police Unit** is not established in Dadar & Nagar Haveli (1 district) and Haryana (1 district).
- ✓ **Juvenile Justice Board** is not established in Delhi (10 districts), Gujarat (5 districts), Haryana (1 district), Maharashtra (1 district), Rajasthan (1 district), Telangana (21 districts) and West Bengal (1 district).
- ✓ **Children Court** is not established in Andaman & Nicobar Islands (2 districts), Assam (3 districts), Arunachal Pradesh (15 districts), Bihar (1 district), Chhattisgarh (24 districts), Goa (1 district), Gujarat (12 districts), Haryana (1 district), Karnataka (7 districts), Meghalaya (11 districts), Mizoram (6 districts), Rajasthan (2 districts), Telangana (20 districts), Uttar Pradesh (19 districts) and West Bengal (20 districts).
- ✓ **Observation Home** is not established in Andaman & Nicobar Islands (2 districts), Andhra Pradesh (8 districts), Assam (22 districts), Arunachal Pradesh (19 districts), Bihar (26 districts), Chhattisgarh (15 districts), Delhi (9 districts), Daman & Diu (2 districts), Dadra & Nagar Haveli (1 district), Gujarat (27 districts), Haryana (8 districts), Himachal Pradesh (10 districts), Jharkhand (14 districts), Kerala (5 districts), Karnataka (13 districts), Meghalaya (8 districts), Manipur (4 districts), Madhya Pradesh (33 districts), Maharashtra (24 districts), Nagaland (3 districts), Odisha (25 districts), Punjab (18 districts), Sikkim (2 districts), Tamil Nadu (23 districts), Telangana (29 districts), Tripura (5 districts), Uttar Pradesh (49 districts) and Uttarakhand (3 districts).
- ✓ **Special Home** is not established in Andaman & Nicobar Islands (2 districts), Andhra Pradesh (9 districts), Assam (26 districts), Arunachal Pradesh (19 districts), Bihar (37 districts), Chhattisgarh (22 districts), Delhi (12 districts), Daman & Diu (2 districts), Dadra & Nagar Haveli (1 district), Gujarat (33 districts), Haryana (21 districts), Himachal Pradesh (10 districts), Jharkhand (23 districts), Kerala (12 districts), Karnataka (29 districts), Meghalaya (11 districts), Mizoram (6 districts), Manipur (8 districts), Madhya Pradesh (48 districts), Maharashtra (33 districts), Nagaland (9 districts), Odisha (29 districts), Puducherry (1 district), Punjab (20 districts), Rajasthan (23 districts), Sikkim (4 districts), Tamil Nadu (30 districts), Telangana (30 districts), Tripura (8 districts), Uttar Pradesh (13 districts), Uttarakhand (11 districts) and West Bengal (14 districts).
- ✓ **Place of Safety** is not established in Andaman & Nicobar Islands (1 district), Arunachal Pradesh (1 district), Bihar (1 district), Chandigarh (1 district), Daman & Diu (1 district), Dadra & Nagar Haveli (1 district), Meghalaya (1 district), Mizoram (1 district), Maharashtra (1 district), Odisha (1 district), Punjab (1 district) and Sikkim (1 district).

3.1.2 Review meeting of Heads of State Child Protection Societies and Member Secretaries of State Commissions for Protection of Child Rights (SCPCRs)

NCPCR organized a meeting of Heads of State Child Protection Societies, and Member Secretaries of SCPCRs on 16th March 2018 and discussed issues relating to implementation of provisions of JJ Act, 2015 in the States. The meeting also discussed: registration of CCIs; restoration of children who belong to other States; setting up of Juvenile Justice Boards/Child Welfare Committees/Special Courts; appointment of Probation Officers; etc. under the said Act. In all, 49 officials from 28 States/UTs participated in the meeting.

3.1.3 Registration of Child Care Institutions under the Juvenile Justice Act, 2015

Section 41 of the J.J. Act, 2015 provides for *'all institutions, whether run by a State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act in such manner as may be prescribed, within a period of six months from the date of commencement of this Act, regardless of whether they are receiving grants from the Central Government or, as the case may be, the State Government or not'*.

NCPCR addressed to Chief Secretaries of all States/UTs on 5th January 2018 to send district-wise list of registered CCIs, along with their complete addresses. States were also requested to furnish an Undertaking that there were no un-registered CCIs functioning in their States.

As a follow up action of Video Conferencing made with Rajasthan regarding restoration of children, a reference was received from Department of Child, Government of Rajasthan that some of the CCIs were functioning illegally in the State. The matter was taken up with the Chief Secretary, Government of Rajasthan on 23rd February 2018 to look into the matter and send a status report to the Commission.

3.2. Activities undertaken for Children in Need of Care and Protection and Children in Conflict with Law

3.2.1 NCPCR's initiative for preparing of Aadhaar Cards and opening of Bank Accounts for children in Child Care Institutions

In order to provide identity to children of CCIs and make them self reliant, NCPCR continued to ensure provisioning of Aadhaar Cards to all the children in the Child Care

Institutions in the States and subsequently based on these Aadhaar Cards to ensure that bank accounts are opened as per RBI guidelines. During the period under report, States were requested on 26th April, 2017, 18th October 2017 and 23rd February 2018 to expedite the matter for sending the requisite information to the Commission and to issue necessary directions to the concerned authorities to prepare Aadhaar Cards and open Bank Accounts of all children living in the CCIs.

Based on the information received from **22** States/UTs by the end of the year, **1,73,624** children in the Child Care Institutions were provided Aadhaar Cards and Bank Accounts of **60,894** children in CCIs were opened.

3.2.2 NCPCR's initiative for restoration of children to their Parental Homes

Section 40 of the J.J Act, 2015 provides provisions for restoration of child in need of care and protection who is deprived of his family environment temporarily or permanently. In order to give restoration of children to their families, NCPCR wrote to Principal Secretaries, Department of Women and Child of all States/UTs on 11th August 2017 to send the number and names of children who are residing in CCIs and do not belong to the State or who are CNCP but would like to go back to their families. The matter was followed up with the States on 20th September and 13th November 2017.

NCPCR also wrote to Unique Identity Authority of India on 4th November, 2017 to issue necessary directions to all concerned authorities across the country to prepare an Action Plan for issuing of Aadhar Cards to children living in CCIs in a time bound manner.

In order to expedite restoration of children and to obtain details of registered and un-registered CCIs, NCPCR organized video conferences with 14 States from 5th to 7th Feb, 2018.

Based on the information received from 28 States, there were **5,604** children residing in CCIs who belonged to other States. NCPCR initiated process to restore these children to their families.

3.2.3 Implementation of directives of Hon'ble Supreme Court in Writ Petition (Criminal No. 102 of 2007): Re: Exploitation of Children in Orphanages in the State of Tamil Nadu Vs Union of India

In pursuance of the directions of the Hon'ble Supreme Court in WP-C No.102 of 2007 (Re: Exploitation of children in Orphanages in the State), NCPCR addressed to Chief Secretaries of all States/UTs on 4th July, 2017 to set up Inspection Committees to

inspect all the CCIs under the J.J. Act, 2015. The matter was followed up with the States/UTs on 9th October 2017 and 13th February 2018 to issue directions to the concerned authorities to send the details of State/District Level Inspection Committees.

3.2.4 Implementation of directives of Hon'ble Supreme Court in Sampurna Behura Vs UoI & Others-reg. {Writ Petition (Civil) No. 473 of 2005}.

The Hon'ble Supreme Court of India under the said Writ Petition on 9th February 2018, issued various directions for compliance by State/Central Governments for implementation of the J.J. Act, 2015. NCPCR wrote to 20 States/UTs on 20th March 2018 to take suitable steps for setting up of Juvenile Justice Boards/Child Welfare Committees/Juvenile Justice Fund, appointment of Probation Officers and to fill up the vacant positions in their States.

3.2.5 Violation of provisions of Juvenile Justice Act, 2015 and the POCSO Act, 2012 for disclosing the identity of children.

Section 74 of J.J. Act, 2015 and Section 23 of the POCSO Act, 2012 prohibits disclosure of identity of children. NCPCR noticed that some of the media agencies are not complying with the provisions of the above said Acts. NCPCR addressed to the Secretary, Information and Broadcasting on 5th October 2017 to issue advisory to all Media Agencies (electronic/print) to comply with the provisions of these Acts so that the best interest of the children are protected across the country.

Further, Secretary, Information and Broadcasting was again requested on 6th December 2017 to issue advisory to all media agencies for compliance.

3.2.6 Clarification sought from Ministry of Law and Justice regarding disclosure of identity of dead child

An issue was raised whether Section 74 of the J.J. Act, 2015, regarding disclosure of identity of child, is applicable to dead child at the time of publication of news. The matter was referred to Ministry of Law and Justice, GOI. It has now been clarified by the Government that the provision of Section 74 of the J.J. Act, 2015 is also applicable in case of disclosure of identify of a deceased minor.

3.2.7 Implementation of Sections 77 and 78 of the Juvenile Justice Act, 2015

Section 77 of the J.J. Act, 2015 provides penalty for giving intoxicating liquor or narcotic drug or psychotropic substance to a child and Section 78 provides penal provisions for using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance. The Commission took suo-motu cognizance of an article published in 'Times of India' on 7th July 2017 'Hyderabad worries as drug racket networks students'. As per the article Director (Enforcement), Hyderabad stated that the peddlers used WhatsApp to route drugs and students of schools and colleges were customers of these gang that was selling LSD (lysergic acid diethylamide), commonly called acid and MDMA (methylenedioxymethamphetamine).

NCPCR issued an advisory on 12th July 2017 to all Chief Secretaries, Secretaries (Education), DGPs and Secretaries (Excise Department) to ensure effective implementation of Sec. 77 and 78 of the J.J. Act, 2015 and protection of children from being misused by drug racketeers.

3.2.8 Advisory on protection from violence and exploitation etc. of disabled children

NCPCR observed that most of the CCIs are not fulfilling the basic needs of disabled children like that of specific health care, access to water, sanitation and education, protection from violence and exploitation etc. Therefore, the Commission sought following details from Chief Secretaries of all States/UTs on 19th February 2018:

- (a) Total number of Children with Disability in Children Homes in the State/UTs;
and
- (b) Number of State Run Children Homes for Children with Disabilities.

3.3. Jail Visits

3.3.1 Constitution of a Panel of Experts in NCPCR to identify Probable Juveniles lodged in Jails:

- a) The Hon'ble High Court of Delhi directed the NCPCR on 11th May, 2012 to constitute a panel of at least ten (10) persons to make visits to various jails in Delhi, in consultation with Jail authorities, to find out if there were any persons lodged in such jails who should have been the beneficiaries of the JJ Act.
- b) In pursuance of directions of the Hon'ble Court, NCPCR Panel Members made **12** visits to Rohini and Tihar Jails during the year 2017-18 and identified probable juveniles. The Report of each visit was sent to Delhi State Legal Services Authority (DSLISA), Deputy

Inspector General (Prisons), Delhi and the concerned Juvenile Justice Boards to take further necessary action.

- c) Central Tihar Jail, New Delhi, intimated NCPCR that **101** inmates were transferred to Observation Homes for Boys since April, 2017 to February, 2018 and **4** inmates were released from jail.

3.3.2 Constitution of a Panel of Experts in States/UTs to identify Probable Juveniles lodged in Jails:

In pursuance of directions of the Hon'ble High Court of Delhi in the matter of 'Court on its Own Motion Vs Department of Women and Child Development & Ors, W.P. (C) No.8889/2011', NCPCR had also taken up the matter with the States to carry out inspection of jails by duly constituted Panel of Experts to identify probable juveniles who should be the beneficiaries of the Juvenile Justice Act but might have been lodged in the Central/District Jails due to wrong recording of age at time of the investigations.

NCPCR followed up with the Chief Secretaries of the States on 16th June, 2017 and requested them to send quarterly reports to the Commission about the outcome of the inspection of Central/District Jails. **8** States (Punjab, Mizoram, Chhattisgarh, Tamil Nadu, Daman & Diu, Nagaland, Andaman & Nicobar Islands and Uttarakhand) have responded and informed that they had conducted jail visits in their respective States. As a result, 2 inmates in Tamil Nadu, 28 in Punjab, 63 in Chhattisgarh, 2 in Mizoram and 25 in Uttarakhand were found probable juveniles lodged in jails.

3.4. Activities to Spread Child Rights Literacy and Awareness Generation:

3.4.1 Workshop on Child Rights at Punjab

NCPCR in collaboration with Punjab SCPCR organized a sensitization programme on Child Rights and child related Acts for SJPU's, Child Welfare Officers, DCPUs and other stakeholders of all districts of Punjab on 08.06.2017 at Jalandhar. Member (LRC), NCPCR made a presentation on the J.J. Act, 2015. The programme was attended by around 500 participants.

3.4.2 Training cum – Awareness Workshops on J. J. Act, 2015 in the States/UTs

NCPCR in collaboration with SCPCRs organized training cum awareness workshops for State/District levels functionaries on the J.J. Act, 2015. The Workshops were organized at:

State Level Training Workshops			District/Block Level Workshops		
S.No.	Name of the State	Schedule	S.No.	Name of the State	Schedule
1.	Sikkim	29.5.2017	1.	Thoubal, Manipur	03.04.2017
2.	Chandigarh UT	25.8.2017	2.	Bishnupur, Manipur	06.04.2017
3.	Haryana	8.9.2017	3.	Kakching, Manipur	19.04.2017
4.	Tamil Nadu	7.10.2017	4.	Imphal West, Manipur	21.4.2017
5.	Meghalaya	2.12.2017	5.	Kanglatonbi, Imphal West, Manipur	30.04.2017
6.	Andaman & Nicobar Islands	19.11.2017	6.	Imphal East, Manipur	20.05.2017
			7.	Singiamei, Imphal West, Manipur	29.06.2017
			6.	Senapati, Manipur	11.07.2017
			7.	Kangpokpi, Manipur	29.08.2017
			8.	West district, Sikkim	25.08.2017
			9.	East district, Sikkim	30.08.2017
			10.	North district, Sikkim	29.08.2017
			11.	South district, Sikkim	04.09.2017

3.4.3 Regional level Training Workshop on Child Rights at Chandigarh

NCPCR organized Regional level Training Workshop on Child Rights and JJ & POCSO Acts in collaboration with Chandigarh SCPCR on 10.08.2017 at Chandigarh. In all 150 participants from various concerned departments/organizations participated in the workshop. Hon'ble Governor of Haryana graced the workshop as Chief Guest.



3.4.4 Consultation for preparation of SOP for Law Enforcement Agencies for Crimes/violence against children

Considering the increasing trend of violence against children, NCPCR decided to prepare a SOP for Crime/Violence against Children for use of stakeholders. For this purpose, NCPCR organized one-day Consultation under the Chairpersonship of Chairperson, NCPCR on 21st August 2017 to discuss the scope and methodology for preparing the said SOP.



3.4.5 Consultation on Foster Care

In pursuance of the J.J Act, 2015, the Government of India notified Model Guidelines for Foster Care, 2016. In order to make an easy understanding of these Guidelines vis-à-vis role of agencies involved in Foster Care; NCPCR, organized one day consultation on 20th September 2017 for drafting ‘**User Handbook for Foster Care**’ for the benefit of stakeholders.



3.4.6 Consultation on Safety of Children in Child Care Institutions

NCPCR organized one-day consultation on ‘Run away children/Child Sexual Abuse/Death of Children in Child Care Institutions’ on 12th October 2017 so that a common advisory could be issued to all States/UTs for the safety of children living in CCIs.



Child Begging

3.5 Consultation of Child Begging in NCPCR.

NCPCR organized a Consultation under the Chairpersonship of Member (LRC), NCPCR on Child Begging in Delhi on 18th January, 2018. Various issues relating to prevention of Child Begging in Delhi were discussed. The meeting was participated by representatives from MWCD, Delhi Govt., DCPCR, Members of CWCs of Delhi, and NGOs. Member (Child Health), NCPCR also attended the Consultation.

As a follow up of the meeting, a letter was sent to Chief Secretary, Government of NCT of Delhi requesting to formulate an Action Plan for prevention of child begging in Delhi.



3.6 NCPCR with the objective to generate among public and stakeholders developed a pamphlet on combating child begging with the title ‘Come together, we can stop Child Begging.’

3.7. Participation in workshops/programmes/visits

Member (LRC) participated in various Workshops/Programmes/Events etc. and made significant contribution towards child rights as briefed below:

3.7.1 Member (LRC), NCPCR visited Balod, Durg and Baster Districts of Chhattisgarh from 11th -17th April, 2017 and inspected Child Care Institutions and Educational Institutions to assess the situation of children.

During visit to District Balod, Member inspected a Private School and directed the School authority to ensure admission of children belonging to economic weaker section under RTE Act, 2009.

During visit to District Durg, Members along with Member Chhattisgarh SCPCR and District Child Protection Officer inspected Observation Home, Special Home, and Place of Safety. Member interacted with children, assessed their problems and directed the concerned officials to redress the issues raised by children.

During visit to District Baster, Member inspected Charama Kanya Pre-Metric Hostel in Tribal Area. He interacted with the girls and directed the concerned officials



to take necessary steps to address the problems raised by girls immediately. He also generated awareness about child sexual abuse and POCSO Act, 2012 among girls.

3.7.2 Member (LRC), NCPCR during his visit to Punjab on 08.06.2017 along with Chairperson and a Member from Punjab SCPCR made a surprise visit to 4 Child Care Institutions i.e, Children Home for Girls, Children Home, Observation Home for Girls and Missionary of Charity in Jalandhar. Some of the observations made during the visit were:



- The Child Welfare Committee (CWC) of district Jalandhar was not functioning in the concern of child in need of care and protection.
- Children in need of care and protection were also placed in Observation Home by the order of Hon'ble Session Court.
- Juvenile Justice Board was not established in the premises of Observation Home which is violating Sec 6(1) of JJ Rules 2016.

As a follow-up a letter was addressed to Chief Secretary, Govt. of Punjab, and sought action taken report.

3.7.3 Member (LRC), NCPCR visited Rajasthan from 30th June to 2nd July, 2017. During the visit, Member inspected Child Welfare Committee (CWC), Jodhpur in the presence of Members of CWC; Deputy Director, State Social Welfare Department; Superintendent of Children Home and DCPO. Member sensitized all the participants on important sections of JJ and POCSO Acts. Member also visited Children Home for Boys, Children Home for Girls, Observation Home and Juvenile Justice Board in Jodhpur district and shared shortcomings observed with concerned officials and instructed them to resolve them.



Member also made surprise visit to an Anganwadi center in rural area of the district and interacted with children and Anganwadi workers and apprised them about Child Rights.

3.7.4 Member (LRC) alongwith Member (Education), NCPCR participated in a programme on 'Our Childhood Our Right' (हमारा बचपन हमारा अधिकार) organized by BKS, an NGO on 5th July, 2017 at Khunti District, Jharkhand on Child Rights. The programme was attended by District Collector, Superintendent of Police and approx 500 school children from various schools. Issues shared by children were resolved on the spot.

3.7.5 Participated in the opening of Navodaya Vidhyalaya in District Balod of Chhattisgarh by the Hon'ble Chief Minister of the State in the presence of State Education Minister and addressed the gathering on Child Rights.

3.7.6 Member (LRC) and Member (Education), NCPCR participated in the following programmes in Bhubneshwar, Odisha on 28th July 2017:

- State Level Discussion on implementation of RTE Act, 2009 and POCSO Act, 2012 with senior officials of Education, Tribal, Social Welfare, and Panchayat Development;
- Meeting with District Education Officers;
- Inspected Kalinga Institute of Research Centre where more 25,000 tribal children are studying.



3.7.7 Member (LRC), NCPCR interacted with participants in a program on 'Child Rights and Prevalence of Child Begging' organized by Gandhi Darshan and Gandhi Samiti on 30.07.2017 at Rajghat, New Delhi.

3.7.8 Member (LRC), NCPCR visited anganwadi center at District Balod, Chhattisgarh on 14th August, 2017 and participated in a programme organized for the purpose of awareness in general public on Child Rights.

3.7.9 Attended a program organized by Mahaveer English Medium School on 09.09.2017 at Balod, Chhattisgarh and inaugurated School Library. Member also sensitized teachers and parents to protect the children from sexual abuse and cyber crimes.



3.7.10 Attended an orientation workshop on Child Rights and Protection & Rehabilitation of Street Children, organised by Maharashtra SCPCR on 13.09.2017 in Mumbai.

Member, NCPCR sensitized the officials of Maharashtra SCPCR about Child Rights, JJ Act, 2015 and monitoring role of State Commission.

3.7.11 Attended celebration of Foundation Day of Gujarat SCPCR held at Gandhi Nagar on 28.09.2017. The event was attended by more than 2000 participants including 1000 children. State Minister of Women and Child Development and Principal Secretary, DWCD also attended the programme. Member (LRC), NCPCR sensitized participants on child rights and child sexual abuse.

3.7.12 Member (LRC), NCPCR visited Kamaraj BAL Temple Children Home on 07.10.2017 in Tamil Nadu and interacted with children and officials of the Home. Member advised officials to ensure availability of adequate physical infrastructure facilities at the Home and follow mandatory legal requirements of the JJ Act. Member also generated awareness among children for protection against child sexual abuse.

3.7.13 Member (LRC), NCPCR alongwith Chairperson and Member Secretary of Manipur SCPCR made a surprise visit to Children Home for Girls at Imphal, Manipur on 9th October 2017. Member advised the authorities to train the staff on the new Juvenile Justice Act 2015 and the POCSO Act 2012. He also advised to restore the girls whose parents have been traced.



Member also visited Children Home for mentally Challenged in Imphal. Member interacted with children, assessed their problems, and directed concerned officials to redress them. The Concerned authorities were also directed to install CCTV cameras in the Home for Mentally Challenged, Police



verification of male staff appointed in the Home, proper counseling of the children by trained professionals and necessary arrangements for play in the home.

3.7.14 Participated in the State Level School Competition in Balod, Chhattisgarh on 17.10.2017 and addressed to children on the issues of Juvenile Justice, POCSO, Child Marriage and Child Labour. Around 2,000 school children from 27 districts, 500 sports educators and the community people attended the programme.

3.7.15 Member (LRC), NCPCR made a surprise inspection to SOS Child Village in Balod on 23.10.2017 and directed concerned authority to ensure proper documentation of

children for their adoption process as per J.J. Act, 2015. Member briefed children, staff and other officials present during the visit about child sexual abuse. He advised concerned officials to strictly follow the procedures of JJ Act and Rules.

3.7.16 Participated in Children's Programme organized at Raipur on 26th October 2017 and addressed to more than 1000 children, teachers and citizens and generated awareness on issues relating to Child Rights, Child Marriage (Prevention) Act, Good Touch and Bad Touch, preventive measures for child sexual abuse under the POCSO Act, 2012 and the Juvenile Justice Act, 2015.

3.7.17 Member (LRC), NCPCR inspected SOS Children Home and Girls Children Home, Bhopal on 12th November, 2017 and interacted with children and staff members. Member instructed concerned officials to follow the provisions of JJ Act, 2015 and Rules, 2016 and POCSO Act, 2012. He also directed them to attend the issues raised by the children.



3.7.18 Participated in 'Hausla 2017- Bal Sansad', a programme for children organized by MWCD on 16th November, 2017 at New Delhi. The Programme was participated by Children from different States. Hon'ble Minister of State, MWCD and Member (LRC), NCPCR interacted with children.

3.7.19 Member (LRC), NCPCR visited Girls Children Home, Port Blair on 19th November 2017 and interacted with the children and generated awareness among them for protection against child sexual abuse.

3.7.20 Member (LRC), NCPCR visited Chhattisgarh on 25th - 26th December, 2017 and made surprise visits to CCIs to assess the situation of children.

- a) During visit to district Janjgir Champa, Member visited Children Home for Boys and examined documents related to registration etc. Member interacted with children and addressed issues relating to Child Rights, Child Help Line, and Child Sexual Abuse.

- b) During visit to district Bilaspur, Member visited Children Home for Boys, Government Children Home for Girls, Govt. Observation Home for Girls, Matrichhaya Sewa Bharti Adoption Agency and Sakhi- One Stop Centre for Girls.
- c) At Matrichhaya Sewa Bharti Adoption Agency, Member reviewed the status of adopted children, pending cases in the Court, number of children given in the inter-country adoption, and rehabilitation of children in need of care of protection. The adoption agency was running satisfactory. Member advised the concerned staff to strictly follow the provisions of JJ Act, 2015.
- d) At Government Children Home for Girls, Member examined documents relating to food menu for children, child individual care plan, availability of medicines, clothing, records of data of missing children on the web-portal, etc. He also interacted with children and generated awareness among them on Child Rights and Child Sexual Abuse.
- e) At Sakhi One Stop Center, Member interacted with staff and generated awareness about POCSO Act. He also advised them to take assistance of Child Welfare Committee wherever required.



- f) At Government Observation Home for Girls, Member examined the documents related to meetings of Juvenile Justice Board, food menu, personal care scheme files, children's education, vocational training, health, etc.
- g) Member reviewed the status of Place of Safety with the District Program Officer. It was informed that place of safety is under construction. Member directed the concerned staff to arrange a separate room as place of safety to keep distance among children of heinous crime and other children.

3.7.21 Member (LRC), NCPCR visited Mizoram on 21st February, 2018 and made visit to Bethsaida Home for children with physical disability, Observation Home cum Special Home, Child Welfare Committee (CWC), Child Guidance Centre, State Child

Protection Society, District Child Protection Unit, Rephidim Home (Special Home for Mentally Challenged Children) at Aizwal. Further details of the visit are mentioned in Chapter on 'Rights of Children in North East Region'.

3.7.22 Member (LRC) visited Bethsaida Home for Children with Physical Disability on 21.02.2018 at Durtlang North run by State Government under Integrated Child Protection Scheme. The home is meant for children with physical disability and in need of care and protection. Member interacted with the staff and children. Member directed the concerned authorities to provide better facilities at the home; police verification of all the male staff members in the home; installation of CCTV camera in the complex and counseling of the children by trained professionals.



a) Member also visited Observation Home cum Special Home, Aizawl at Durtlang North. During the visit 3 girls and 36 boys were availing the services of Home. Member interacted with children and assessed their situation. The concerned authority was directed to redress the issues observed during the visit.



b) Member (LRC), NCPCR visited the Child Welfare Committee (CWC) office and interacted with the CWC Members and other officials present in the office.

c) Member also visited Child Guidance Centre, State Child Protection Society office, District Child Protection Unit, Rephidim Home (Special Home for Mentally challenged Children) and interacted with the officials. He appreciated that the hard work done by the officials despite of limited resources and fund.

3.7.23 Attended and addressed the participants in the State Level Consultation on implementation of J.J. & POCSO Acts, RTE Act, 2009 and other child rights issues organized by Chhattisgarh SCPCR, in association with State Legal Service Authority on 14th March 2018 at Raipur.



Chapter-4

Laws Relating to Children

- A. Protection of Children from Sexual Offences (POCSO)**
- B. Child Marriage**
- C. Child Trafficking**

Laws Relating to Children

4.0 Introduction

To protect our children from malefic influences, various path breaking legislations have been made for protection of the rights of the children and to strengthen the legal provisions of violence and crime against children. These include Protection of Children from Sexual Offences (POCSO) Act, 2012 to protect children from sexual abuse, Prohibition of Child Marriage Act, 2006, and issues pertaining to child trafficking, etc.

During the year under report, the activities undertaken by the Commission pertaining to Laws relating to children are as follow:

A. Protection of Children from Sexual Offences (POCSO)

The National Commission for Protection of Child Rights (NCPCR) along with SCPCRs, have been mandated under Section 44 of POCSO Act and Rule 6 of POCSO Rules to monitor the implementation of the Act.

4.1 Review and Examination of Safeguards

4.1.1 Monitoring the implementation of POCSO Act, 2012

NCPCR continued to monitor the implementation of the provisions of the POCSO Act, 2012 by seeking information from the States/Union Territories on designating special courts, public prosecutors, preparation of guidelines, training module for police personnel, orders of special courts on granting interim/final compensation to the child victims and convicting the offenders.

- In order to have close interaction, meetings with Nodal Officers of States/UTs were organized on 7th April, 23rd November 2017 and 16th March, 2018 and reviewed the implementation status of the Act.
- Member (LRC), NCPCR held video conferences with 18 States/UTs from 17th -21st July, 2017 regarding implementation of POCSO Act 2012.

The updated status of implementation of provisions of the Act as received in respect of 35 States/UTs upto 31st March, 2018, is summarize below:

Number of total districts in 35 States/UTs (excluding J&K)	681	Percentage
No. of Children/Special Courts @ per district.	597	87.66
No. of District Child Protection Units @ per district	664	97.5
No. of Child Welfare Committees @ per district	643	94.4

No. of Special Juvenile Police Units @ per district	737	108.2
No. of Special Public Prosecutors appointed for every Special Court	512	75.1
Victim Compensation Scheme	34/35	97.14
Preparation of procedure/guidelines for Media (u/s 23) to handle POCSO cases	16/35	45.71
Preparation of guidelines for use of NGOs/professionals/experts etc. (u/s 39)	19/35	54.28

Based on the information received, following gaps in infrastructure facilities to be set up under the Act by States/UTs were noticed:

- ✓ **Special Courts** is not established in Arunachal Pradesh (15 districts), Assam (3 districts), Gujarat (12 districts), Goa (1 district), Himachal Pradesh (1 district), Haryana (1 district), Manipur (2 districts), Mizoram (6 districts), Meghalaya (5 districts), Telengana (21 districts), Uttar Pradesh (19 districts) and West Bengal (20 districts).
- ✓ **District Child Protection Units (DCPUs)** is not established in Arunachal Pradesh (1 district), Delhi (9 districts), Haryana (1 district), Karnataka (1 district), Uttar Pradesh (1 district), Rajasthan (2 districts) and Sikkim (2 districts).
- ✓ **Child Welfare Committees (CWCs)** is not established in Delhi (5 districts), Gujarat (7 districts), Haryana (1 district), Karnataka (2 districts), Madhya Pradesh (4 districts), Punjab (2 districts), Telengana (21 districts) and West Bengal (1 district).
- ✓ **Appointment of Special Public Prosecutors (Spl.P.P.)** is not established in Arunachal Pradesh (17 districts), Assam (3 districts) Bihar (9 districts), Chandigarh (1 district), Delhi (7 districts), Gujarat (28 districts), Goa (1 district), Haryana (1 district), Himachal Pradesh (1 district), Kerala (11 districts), Karnataka (4 districts), Manipur (2 districts), Mizoram (6 districts), Meghalaya (6 districts), Odisha (1 district), Telengana (28 districts), Uttar Pradesh (11 districts), Uttarakhand (13 districts) and West Bengal (20 districts).

4.1.2. Inputs to MeitY on preventive steps of rape video and child pornography

In the context of a Supreme Court matter, Ministry of Electronics and Information Technology (MeitY) sought the views of NCPCR regarding preventive steps of rape video and child pornography etc. The Commission also noticed that rape and other pornographic videos were being freely uploaded on to mobile phones. The Commission sent its views to MeitY on 3rd April 2017 that directions may be issued to all Internet Service Providers that video clips without censor certificate should not

be uploaded either on the internet or on to cell phones. The Commission also suggested that the Govt. may consider amending the Information Technology Act, 2000 so that the privacy of children is safeguarded and they are not exposed to pornographic and sexual contents.

4.1.3 Strengthening and effective implementation of POCSO Act: Comments on Petition made to Rajya Sabha

MWCD sought the views of the Commission on 08 issues raised in the Petition addressed to Hon'ble Chairperson, Rajya Sabha. The petition prayed for strengthening and effective implementation of the POCSO Act, 2012. The NCPCR furnished its inputs to MWCD on 26th March 2018.

4.1.4 Compilation of information on Victim Compensation Scheme

NCPCR compiled the list of available Victims Compensation Funds/Schemes in different States/UTs and uploaded on its website on 18.08.2017. Copy of Notification of Victim Compensation Scheme/Fund issued by the Ministry of Home Affairs is also available on NCPCR's website www.ncpcr.gov.in.

4.2 Activities carried out to spread awareness on Child Rights and POCSO Act, 2012

4.2.1. Workshop on POCSO Act, 2012 and Role of Emotional Intelligence

In order to sensitized school children and teachers on child sexual abuse and emotional intelligence, NCPCR organized workshops in Chhattisgarh and Rajasthan in collaboration with the States Commissions at district level.

- a) *Durg, Chhattisgarh*: The workshop at district Durg was organized on 22nd and 23rd August 2017. Member (LRC), NCPCR sensitized around 250 teachers and 300 students on child rights and child sexual abuse.



b) *Raipur, Chhattisgarh*: The workshop was organized on 24th and 25th August 2017 at district Raipur, Chhattisgarh. Member (LRC), NCPCR sensitized more than 650 children and teachers on child rights and POCSO Act. The workshop was also attended by District Collector and District Education Officer.



c) *Jaipur, Rajasthan*: The workshop at Jaipur was held at Vivekananda Global University, Jaipur on 3rd -4th September 2017 and was supported by Education department of Rajasthan. Additional Commissioner, Rajasthan Education Department was the Chief Guest of the occasion. Deputy Director Education and District Education Officer, Jaipur also participated in the workshop. The workshop was participated by 623 children, teachers and other officials.

d) *Udaipur, Rajasthan*: The workshop at Udaipur was attended by 201 teachers from government/private schools and were sensitized upon POCSO Act and Emotional Intelligence.

4.2.2. Training-cum-awareness workshops on POCSO Act, 2012 in States/UTs

NCPCR in collaboration with State Commissions for Protection of Child Rights organized 8 State level and 5 District/Block level workshops in the States/Districts as tabulated below:

State Level Training Workshops			District/Block Level Workshops		
S.No.	Name of the State	Schedule	S.No.	Name of the State	Schedule
1.	West Bengal	27-28.03.2017	1.	Thoubal, Manipur	03.04.2017
2.	Sikkim	29.05.2017	2.	Bishnupur, Manipur	06.04.2017
3.	Chandigarh UT	25.08.2017	3.	Kakching, Manipur	19.04.2017
4.	Haryana	08.09.2017	4.	Imphal West, Manipur	21.4.2017
5.	Tamil Nadu	07.10.2017	5.	Kanglatonbi, Imphal West, Manipur	30.04.2017
6.	Manipur	10.10.2017	6.	Imphal East, Manipur	20.05.2017
7.	A& N Islands	19.11.2017	7.	Singiaiei, Imphal	29.06.2017

				West, Manipur	
8.	Meghalaya	2.12.2017	6.	Senapati, Manipur	11.07.2017
			7.	Kangpokpi, Manipur	29.08.2017
			8.	West district, Sikkim	25.08.2017
			9.	East district, Sikkim	30.08.2017
			10.	North district, Sikkim	29.08.2017
			11.	South district, Sikkim	04.09.2017



4.2.3. Consultation on Prevention and Rehabilitation strategies for Sexual Offences against Children

NCPCR organized a consultation on Prevention and Rehabilitation strategies for sexual offences against children under the POCSO Act, 2012 on 15th May 2017. Issues like strategies and programme interventions relating to legal, medical and psychological needs of POCSO victims were addressed. In all, 50 officers of various Ministries/departments, States/UTs, NGOs participated in the consultation.

4.2.4. Consultation on Cyber Crime targeting Children

In order to address the issues relating to interpretation of the POCSO Act and the problems being faced by the Investigating Officers in the States/UTs, NCPCR organized a consultation with the Nodal Officers/Heads of Cyber Crime Cells of the States/UTs on 17th May 2017 with objectives to:

- Have effective cooperation and coordination between NCPCR and the Cyber Crime Cells in the States;
- Sensitize the heads of Cyber Crime Cells of the States/UTs on the provisions of the POCSO Act;
- Augment the capacity building of Cyber Crime Cells of the States/UTs;
- Advocacy with the Government; and
- Share the good practices.

In all, 46 officers from the Ministries/departments, States/UTs, NGOs/Civil Society, Lawyers and experts participated in the consultation.

4.2.5. Consultation for preparing Guidelines for Awareness on Child Online Safety

NCPCR organized a one day consultation under the chairpersonship of Chairperson, NCPCR on 4th September, 2017 to discuss and finalize ‘Guidelines and Standard Content for Raising Awareness amongst Children, Parents, Educators and General Public for Digital Safety of Children’. In all 37 officials from various Ministries including Home Affairs, DoNER, MWCD, BP&RD, Tele Communications, MeitY, MoHFW; representatives from NIMHANS, NASCOM, Arambh India, UNICEF; and cyber experts participated in the consultation.



4.2.6. Consultation on Child Sexual Abuse committed by very young Children

The NCPCR has noticed that there are media reports that young children, generally, below 7 years of age are being sexually abused/harassed by the children of the same age group. The legal provisions relating to abuse by children are available under the Indian Penal Code, 1860 and the POCSO Act, 2012. In order to have wider consultation with the concerned stakeholders to develop a considered view and approach on sexual behaviour of children upto the age of 7 years, a consultation was organized on ‘Child Sexual Abuse by very young Children’ on 21st December 2017. The consultation was participated by 20 offices from various Ministries/Departments and NGOs.



4.2.7. Consultation on Child Sexual Abuse on 20th November 2017

NCPCR organized a Consultation on ‘Child Sexual Abuse (CSA)’ on 20.11.2017. Important issues relating to preventive strategies for Child Sexual Abuse including

Child Art as an analytical tool for interpretation of child sexual abuse, male CSA, and historical perspective of CSA were discussed in the meeting. In all, 18 officers/experts participated in the programme.



4.2.8. Request to conduct National Study on Child Sexual Abuse

In view of the fact that number of child sexual abuse cases were reported and new legislations relating to protection of child's rights were enacted along with technological development leading to cyber crimes, it is therefore, appears to be an appropriate time to conduct another National Level Study on Child Sexual Abuse as it is almost 10 years since the study on child sexual abuse (CSA) was conducted by MWCD in 2007.

Chairperson, NCPCR addressed to Secretary, MWCD on 17.10.2017 suggesting that MWCD may consider undertaking of a National Study on Child Sexual Abuse.

4.2.9. Complaints at NCPCR's POCSO e-box through its Mobile app

NCPCR enhanced the scope of POCSO e-box through its Mobile App activated at Google/Apple Play store, also provided link at NCPCR Website on 4th November, 2017. This would handle cases of cyber crime including cyber bullying, cyber stalking, morphing of images and child pornography. The link is also provided at NCPCR website www.ncpcr.gov.in.

4.3. Awareness on Child Online Safety: Blue Whale Challenge Game

NCPCR took cognizance of deaths due to 'Blue Whale Challenge Game' and addressed letters to Ministry of Electronics and Information Technology (MeitY) on 4th May 2017, 26th May 2017, 2nd August 2017 and 7th August 2017 to stop the use of Blue Whale Challenge Game by children and its circulation on social media in India. In this regard a meeting was also held with Special Secretary (Internal Security), Ministry of Home Affairs on 28.08.2017. At the instance of the Commission, Hon'ble Minister, MWCD

wrote to Union Home Minister and Minister MeitY to take preventive steps on the subject.

In order to sensitize the children, parents and teachers, NCPCR developed posters on ‘Stay Safe on the Internet’ and published the same in leading newspapers of all States/UTs. Also, NCPCR published an appeal in leading newspapers of all States/UTs on ‘Blue Whale Challenge Game’ for parents and teachers to protect their children.

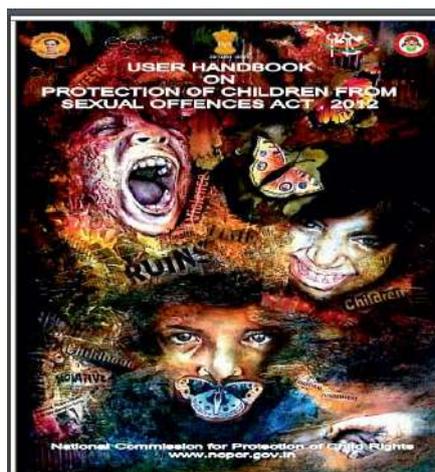
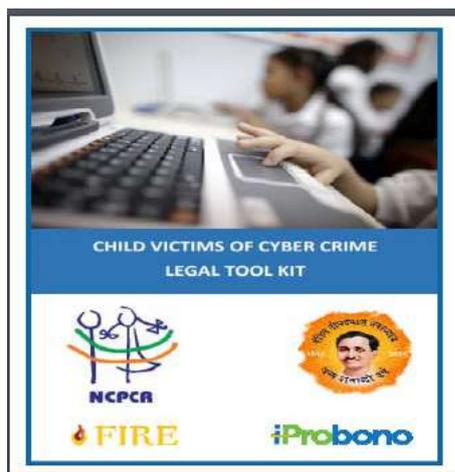
A meeting was also organized in the MWCD for taking preventive steps for Child Online Safety in view of directives of the Hon’ble Supreme Court for awareness of general public including producing and telecasting film on DD/Private Channels.

4.4. Development Information, Education and Communication (IEC) Materials

In order to disseminate information relating to the provisions of the POCSO Act, 2012 and support functionaries and stakeholders, NCPCR developed and circulated the following documents to all concerned:

- i. An Easy Guide for implementation of the POCSO Act, 2012;
- ii. A Guide for District Administration for Implementation of Juvenile Justice Act, 2015 and the POCSO Act, 2012.
- iii. Child Victims of Cyber Crime – Legal Tool Kit;
- iv. User Handbook on the POCSO Act, 2012
- v. Do’s and Don’ts on Stay Safe on Internet;
- vi. Being Safe Online

The above material is also available on the website of NCPCR: www.ncpcr.gov.in.



4.5. Preventive Strategy on Child Sexual Abuse (CSA)

Sexual crime against children is showing an alarming increase and there is urgent need to tackle this problem on a war footing. POCSO Act, 2012 has been enacted to punish those who commit sexual offences against children. However, there is a pressing need to formulate a broad based strategy to prevent such crime from occurring, which is only possible if all stakeholders namely children themselves, their parents, school administration, law enforcement agencies, NGOs and civil societies etc. as a whole, create awareness and highlight the moral repugnancy of such crimes. Therefore, Chairperson, NCPCR personally requested to all concerned stakeholders to give their valuable suggestions on prevention of Child Sexual Abuse through mail: cp.ncpcr@nic.in. NCPCR has so far received 153 suggestions on preventive strategies on CSA from 47 individuals/agencies.

The suggestions were scrutinized in the Commission and it was decided to conduct a consultation on 26.04.2018 to discuss and develop preventive strategies on CSA.

4.6. Advisory on mandatory reporting of child sexual abuse offences under the POCSO Act to Director General of Police of all States/UTs

Section 19 of the POCSO Act, 2012 provides mandatory report of child sexual offences to the Special Juvenile Police Unit or the local police. Section 21 also provides penal provisions for failure to report or record a case under the POCSO Act. The Commission received several complaints that those persons or authorities who comply with the above provisions of the POCSO Act and inform the police about such offence were being harassed and in some cases even being forced to leave their jobs due to such harassment. NCPCR wrote to Director General of Police of all States/UTs on 12th December 2017 to issue necessary directions to ensure that complainants of child sexual abuse should not be harassed as it would amount violation of provisions of the POCSO Act, 2012.

Child Marriage

4.7. Legal Consultation on Child Marriage:

NCPCR organised a legal consultation on Child Marriage on 25.04.2017 in collaboration with 'Young Lives' at NCPCR. The objective of the Consultation was to discuss the issues, gaps, challenges and good practices in implementation of Prohibition of Child Marriage (PCMA) Act, 2006; and Departments and formulation of SOP to prevent Child Marriages. The workshop was attended by representatives

from Ministry of Law, Law Commission, Judicial Officers, National/State Legal Authority, Advocates, NGOs, etc.

4.8. A Statistical Analysis of Child Marriage in India:

In order to create awareness amongst the various sections of the society towards the evil of Child Marriage, Young lives India, with the support of NCPCR, prepared a Report on ‘A Statistical Analysis of Child Marriage in India’. The Report analyses Census 2011 data on child marriage in detail and contains recommendations for stakeholders alongwith suggestions for a way forward to combat this custom effectively. The Report also contains a list of seventy districts that account for 14% of the population under the legal age of marriage and 21 % of child marriages in the country, with an aim to promote contextually appropriate action at the state and district level.

The Report was released by Hon’ble Mr. Justice A. K. Sikri, Judge, Supreme Court of India, during a programme organized by NCPCR on 01.06.2017 at New Delhi. Secretary, WCD also graced the occasion.



B. Child Trafficking

4.9 Model Standard Operating Procedure (SOP) for Post-Rescue Procedure for Repatriation of Trafficked Children Survivors Rescued from Delhi and NCR

The Commission has experienced that many times when children are rescued through various agencies, there are procedural problems in re-uniting such children with their families particularly when children are found in the States other than their Home State. The Commission had decided to make Standard Procedure/Guidelines to facilitate repatriation of such children to re-unite them with their families through the office of the Resident Commissioner of their home state.

For this purpose, a meeting was conducted in July, 2017 in NCPCR with the State Resident Commissioners wherein Members of CWC Delhi, Childline India Foundation and representatives of NGOs working for Child Protection also participated. The meeting was participated by the Resident Commissioners of the States of Assam, Odisha, Jharkhand, Bihar, Chhattisgarh, Madhya Pradesh, Uttar Pradesh, West Bengal and Haryana.



Subsequently, a review meeting was held in the Commission on 13th December, 2017. The meeting discussed all the modalities and procedures for repatriation of such children and drafted the SOP. The SOP so drafted was discussed, finalized and approved by the Commission. The SOP is available on the website of NCPCR: www.ncpcr.gov.in

4.10 State level Orientation on the problems of Trafficking of Children and POCSO Act, 2012 in West Bengal

NCPCR in association with the West Bengal, SCPCR organized one-day State Level Orientation program on the Legal aspects to combat Child Trafficking and Protection of Children from Sexual Offences Act, 2012 in Kolkata on 19th December 2017. The objectives of the program was to take stock of, prioritize and advance activities to



combat child trafficking for the purpose of sexual slavery, bonded/forced labour or any form of sexual exploitation; review loopholes in implementation of the legislation related to trafficking- prevention, rescue, restoration and repatriation; and enhance the coordination between stakeholders; and list out key recommendations. The meeting was participated by State Heads of CID, representatives of Border Security Force, State Statutory Authorities, officials of different State departments and NGOs. Member (LRC), NCPCR also participated and addressed the participants on the subject.

4.11 Advisory to States to regulate placement agencies for prevention of trafficking and exploitation of children

NCPCR took cognizance of a news report published in the Hindustan Times dated 14th January, 2018, New Delhi regarding trafficking of children by various placement agencies. Accordingly, a letter was sent to Chief Secretaries of all States/UTs on 31st January 2018 to take initiative to bring law to regulate placement agencies to prevent trafficking and exploitation of children (**Annexure-II**)

4.12 Participation in workshops/programmes

- 4.12.1 Chairperson, NCPCR attended and addressed on ‘Protecting Children from Online Sexual abuse and related Perspective’ at International Conference on Cyberlaw, Cybercrime & Cyber security Organized by Cyberlaws.Net at IIC, New Delhi on 16.11.2017.
- 4.12.2 NCPCR represented in panel discussion on ‘Cyber Safety with Innovative Technologies for One Billion’ at 5th Global Conference on Cyber Space organized by Learning Links Foundation as partners of GCCS 2017 hosted by Ministry of Electronics and Information Technology at New Delhi on 21.11.2017.
- 4.12.3 NCPCR represented in a Seminar on Anti-Human Trafficking at Centre for Policy Research at New Delhi on 21.11.2017.
- 4.12.4 NCPCR represented in a “Dialogue Longchamp” organized by Facebook on 24th April 2017 and presented steps being taken for Child Online Safety.
- 4.12.5 Chairperson, NCPCR participated in Women Safety and Empowerment Conclave organized by Delhi Commission for Women at New Delhi on 30.05.2017 and spoke on Online Safety of children.

- 4.12.6 NCPCR represented in a Conference on Intermediary Liability of Corporates under India Cyber law organized by Cyber Law Net, an NGO at IIC, New Delhi on 11.05.2017.
- 4.12.7 Represented in an event TEDxDelhi on the topic of Art and Childhood organized by TEXxIndia Ambassador at New Delhi on 13th September 2017.
- 4.12.8 NCPCR represented in ‘IEEE Advancing Solutions for Digital Inclusion High Level Round Table’ organized by IEEE Internet Initiative at New Delhi on 06.10.2017.
- 4.12.9 Chairperson, NCPCR represented at ‘Conference of Partner NGOs’ to sensitize partner NGOs across the country on implementation of various schemes, policies and programmes for Women and Children, organized by the MWCD at New Delhi on 09.10. 2017 and spoke on the importance of safety for children.
- 4.12.10 NCPCR represented in a workshop on ‘Promoting Positive Pathways for Young People who exhibit harmful Sexual Behaviour – Improving Outcomes for Young People and their Families’ organized by Tulir-Centre for the Prevention & Healing of Child Sexual Abuse at New Delhi on 27.10.2017.
- 4.12.11 NCPCR represented at ‘Sex Offender Registry Seminar’ organized by Tulir-Centre for the Prevention & Healing of Child Sexual Abuse on 28.10.2017 at New Delhi.
- 4.12.12 NCPCR participated in a Panel discussion on ‘Girls in Forced Labour’ at National Conference on Plan for Every Child on 02.11.2017 organized by Plan India, an NGO and MWCD at New Delhi.
- 4.12.13 Participated in a meeting chaired by Secretary regarding preventive steps to be taken for spread of Blue Whale Challenge Game in pursuance of Supreme Court Case No. WP (C) No. 943/2017 on 6.11.2017 in MWCD.

Chapter-5

Elimination of Child Labour or Children in Distress

Child Labour

5.0. Introduction

Child Labour is the practice of having children engaged in economic activity, on a part or fulltime basis. The practice deprives children of their childhood, and is harmful to their physical and mental development.

The Child Labour (Prohibition and Regulation) Amendment Act, 2016 prohibit the engagement of children in all occupations and to prohibit the engagement of adolescents in hazardous occupations and processes and the matters connected therewith or incidental thereto.

Major activities undertaken during the year under report are:

5.1. NCPCR Organised a meeting on the occasion of ‘World Day against Child Labour’

NCPCR organized a meeting on the occasion of ‘World Day against Child Labour’ on 12.06.2018 at NCPCR under the chairpersonship of Chairperson and Member (LRC), NCPCR. The objective of the meeting was to orient the participants on the laws and mechanism to eradicate child labour including rehabilitation, compensation and social re-integration of rescued children.

The program was attended by different stakeholders including Labour Officers, Child Welfare Committees (CWCs), representatives from Resident Commissions, District Child Protection Units (DCPUs), CHILDLINE India Foundation and Civil Societies.



5.2 Meeting of Central Advisory Boards on Child and Adolescent Labour

A meeting under the chairmanship of Union Minister of State for Labour and Employment was organized by 'Central Advisory Board on Child and Adolescent Labour' on 17th January, 2018 to discuss various issues relating to child labour. The meeting was participated by Members of the Board, the Union Labour Secretary and officials of various Ministries. Member (LRC) NCPCR participated in the meeting and addressed the participants on the subject.



5.3 Status of Child Labour in Granite Industry: A Fact Finding Report by the NCPCR, Andhra Pradesh SCPCR & UNICEF India: In view of the Article 'The Dark Sites of Granite' – modern slavery, child labor and unsafe work in Indian granite quarries published by India Committee of the Netherlands in August, 2017; the Commission took cognizance of the matter and decided to conduct a fact finding exercise in two phases to find out the child labour situation in the granite industry. The first phase covered Andhra Pradesh and Telengana and the second phase covered Salem and Krishnagiri. The Draft report is being prepared.

5.4 NCPCR with the objective to generate awareness among public and stakeholders, developed a pamphlet on combating child labour with the title 'Come together, we can stop Child Labour.'

राष्ट्रीय बाल अधिकार संरक्षण आयोग
National Commission for Protection of Child Rights

"Come Together, We Can Stop Child Labour"

- ❖ Child labour is an illegal activity and social crime.
- ❖ No child (till the age of 14) shall be employed or permitted to work in any occupation or process, it is a punishable offence.
- ❖ No adolescent (between the age of 14 to 18) shall be employed to work in any hazardous occupations or process.
- ❖ Contravention of the provision of section 3 of the Child Labour (Prohibition and Regulation) Amendment Act, 2016 is:
 - Punishable with imprisonment for six months to two years
 - Or punishable with fine twenty thousand to fifty thousand rupees
 - Or with both.
- ❖ Do not keep quiet. If you see child labour, complain immediately to the concerned authorities.
 - Labour Department / Labour Inspector,
 - District Collector Office,
 - Police (100),
 - CHILDLINE (1098),
 - Child Welfare Committee
- ❖ You can make verbal or written complaint to the above mentioned authorities.
- ❖ Child labour is a cognizable offence. Any citizen can complain to police.
- ❖ Your complaint will be kept confidential.
- ❖ It may prove instrumental in saving a child from child labour.
- ❖ If someone does not listen to your complaint, then you can contact at National Commission for Protection of Child Rights.

National Commission for Protection of Child Rights
3rd Floor, Chandernagore Building, 36 Janpath, New Delhi - 110001
Phone: 011-23478200, Fax: 011-23794026
For Complaint: www.chna.in, Visit <http://www.ncpcr.gov.in>

5.5 Member (LRC), NCPCR attended Round Table Consultation on ‘Central Sector Scheme for Rehabilitation of Bonded Labour, 2016 organized by Prayas NGOs on Central Sector Scheme for Rehabilitation of Bonded Labour, 2016 and the implications of the Legislative and Policy changes at New Delhi on 30th August 2017. Minister of State, Ministry of Labour and Employment, GoI graced the Consultation as Chief Guest.

Chapter-6
Child Psychology &
Sociology

Child Psychology & Sociology

6.0 Introduction

The NCPCR under CPC Act, 2005 has been mandated to ensure *inter- alia* that children get the necessary psychological and social support.

The positive dimension of mental health is stressed in WHO's definition of health as contained in its constitution: *'Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity'*.

The importance of psychological well-being in children and adolescent, for their healthy, emotional, social, physical, cognitive and educational development, is well-recognized. There is now increasing evidence on the effectiveness of interventions to improve children's and adolescent's resilience, promote mental health and treat mental health problems and disorders.

To ensure psychological well being of children and promotion of their positive mental health, NCPCR undertook the following activities:

6.1 Handbook on Counseling Essentials for Child Care Institutions (CCIs)

An Advisory Group of Experts of prominence in the field of Mental Health from various Govt. Institutions pan India for Promotion of Positive Mental Health of Children in Different settings was constituted by the Commission for developing a '**Handbook on Counseling Essentials for training of staff of Child Care Institutions**'. The Handbook drafted by the Advisory Group was finalized and published by the Commission. The Handbook aims to provide information on issues related to child rights, child protection and training on counseling essentials to the staff of CCIs.

NCPCR decided to conduct workshops for the Continuing Professional Development of the Counselors and staff of CCIs to train them, built their capacity and to apprise them about the use of the said Handbook. During the period under report, workshops were organized in the following States:

6.1.1 Himachal Pradesh: NCPCR in collaboration with the Directorate of Women and Child Development, Govt. of Himachal Pradesh organized the second phase of training on 'Continuing Professional Development' of staff of Child Care Institutions

(CCIs) and other functionaries implementing Integrated Child Protection Scheme (ICPS) in the State on 6th-7th July, 2017 at Shimla. The workshop was attended by 50 participants from Child Welfare Committees, CCIs and ICPS staff of 6 districts of H.P. The participants were oriented on Child Rights issues, laws relating to children and essentials of counseling by experts.

6.1.2 Delhi: NCPCR organized a two day training on ‘Continuing Professional Development’ for staff of Child Care Institutions (CCIs) and other functionaries implementing ICPS Scheme on 1st and 2nd August, 2017 at Delhi in collaboration with State Department of Women and Child Development, Govt. of Delhi and Institute of Human Behaviour and Allied Sciences (IHBAS), Delhi. During the training



programme, Chairperson, NCPCR released the ‘Handbook on Counseling’ developed by NCPCR. The workshop sensitized 60 Superintendents and Counselors working in CCIs of Delhi on Child Rights, Laws relating to children and Essential of Counseling. Member (LRC) and Member (Child Health), NCPCR also participated in the programme.

6.1.3 Tamil Nadu: NCPCR organized a training of Counselors and Superintendents of CCIs of Tamilnadu on 28th -30th August, 2017 at Ooty in collaboration with Tamilnadu SCPCR. 46 counselors and 20 superintendents from different districts of State were oriented on Child Rights issues, Laws relating to children, essentials of counseling and mental health by experts from IBHAS, Delhi; AIIMS Delhi; and Amrita



University, Coimbatore. Handbook on Counseling prepared by NCPCR was distributed to all the participants. Chairperson and Member (Child Health), NCPCR also participated in the training programme.

6.1.4 Andaman & Nicobar Islands: NCPCR organized a training of staff of Child Care Institutions of Andaman & Nicobar Islands at Port Blair on 14th December, 2017 in collaboration with A&N Commission for Protection of Child Rights. The training was attended by Counselors, DCPOs and teachers. The training was facilitated by experts from IHBAS and AIIMS Delhi.



6.1.5 Assam: A two day training of staff of CCIs of Assam was held at Guwahati, Assam on 7th & 8th December, 2017 in collaboration with Assam SCPCR. Member (Child Health), NCPCR and Chairperson and Members of SCPCR inaugurated the programme. Total 100 participants from CCIs of Assam were oriented on Child Rights issues, Laws relating to children, Strategies for promotion of mental health of children and essentials of counseling by the experts from reputed Institutes of Mental Health. Handbook on Counseling developed by NCPCR was also distributed to all the participants.



6.1.6 Meghalaya: NCPCR in collaboration with the Meghalaya SCPCR organized trainings on ‘Continuing Professional Development’ of staff of Child Care Institutions (CCIs) and other functionaries implementing Integrated Child Protection Scheme (ICPS) in the State at Shillong and Tura Districts on 22nd and 24th March, 2018. Training at Shillong was inaugurated by Member (Child Health), NCPCR



and training at Tura district was inaugurated by Deputy Commissioner. The trainings were attended by 50 participants from Child Welfare Committees, staff of CCIs and ICPS of the respective Districts. Experts from Department of Psychiatry, AIIMS, Delhi were the Resource Persons for the training. The participants were trained on identification of mental health needs of children living in CCIs, dealing with children

with problematic behavior and strategies for promotion of positive mental health of children in child care institutions.

6.2 World Congress of Mental Health, 2017

NCPCR being the highest monitoring body for protection of child rights organised a symposium on ‘Child Protection and Mental Health’ as part of World Congress of Mental Health on 3rd November, 2017 at New Delhi. The symposium was chaired by Chairperson, NCPCR. Member (Child Health), NCPCR gave a brief presentation on NCPCR’s initiatives in the area of Child and Adolescent Mental Health.



Presentations were given by eminent experts from Department of Psychiatry, AIIMS; PGIMER, Chandigarh; and IHBAS, Delhi. The symposium was attended by the medical fraternity of Physiology and Psychiatry, students and NGOs working in the field.

6.3 3rd Biennial International Conference on Evolving Trends in Alternative Care for Children in South Asia

NCPCR in collaboration with Udayan Care organised 3rd Biennial international conference on ‘Evolving Trends in Alternative Care for children in South Asia’ on 16th -17th March, 2018 at Amity University, Noida. The main objective of the conference was to increase and consolidate knowledge and best practices in child protection and alternative care for children across South Asia. The Conference was inaugurated by Secretary, MWCD. Member (Child Health), NCPCR attended the valedictory function on 17th March, 2018.



6.4 National Conclave on ‘Psychological Trauma, Child Protection & Mental Illness’ at AIIMS

First National Conclave on ‘Psychological Trauma, Child Protection & Mental Illness’ was organised in collaboration with Ministry of Women & Child Development, GOI and NCPCR on 27th - 28th March,



2018 at All India Institute of Medical Sciences (AIIMS), Delhi. The aim of the national conclave was to provide a comprehensive synthesis of research, service provisions, and clinical practice in addressing psychological trauma and subsequent mental illness in Indian children and adolescents and to provide a platform for all stakeholders working with psychological trauma affected children and adolescents, to share their experiences of good practices and to identify gaps. The conclave was inaugurated by Hon'ble Minister of State, Ministry of Women and Child Development; Chairperson, NCPCR; HOD, Department of Psychiatry, AIIMS; and Joint Secretary, MWCD.

The conclave covered multidisciplinary scientific sessions delivered by eminent speakers committed towards raising some of the important issues relating to child mental health and presented a framework for change for better child protection in our country. Research papers and posters were also presented by students.

Chapter-7

Child Health, Care, Welfare or Child Development

Child Health, Care, Welfare or Child Development

7.0 The National Commission for Protection of Child Rights has been engaged in formulation of policies and processes involving child health from the point of view of protecting the rights of children to adequate access and standards of health and nutrition, as well as grievance redressal where violations or negligence have taken place towards the health of children. This effort was continued through visits, public hearings, interventions etc.

Brief description of the activities undertaken by the Commission under Child Health & Nutrition during 2017-18 are as follows:

7.1 Roll out of SOP for Care Protection and Rehabilitation of Children in Street Situations and orientation of stakeholders on SOP:

Taking into consideration the increasing numbers of children in street situations and the various reports highlighting the challenges and recommendations in dealing with such children, NCPCR in collaboration with Save the Children, an NGO, developed and launched Standard Operating Procedure (SOP) for Care and Protection of Children in Street Situations in Feb, 2017. The objective of SOP is to outline a framework of intervention services that may apply to these children as a child in need of care and protection. During the period under report, the SOP was rolled out in following States:

a) Delhi

Orientation of CWCs

An orientation cum roll-out event was organized on 19th August, 2017 at Secretariat Building, New Delhi by Delhi Commission of Protection of Child Rights (DCPCR) along with State Department of Women and Child Development (DWCD). The event was chaired by Chairperson, NCPCR. The Programme oriented more than 55 CWC Chairpersons and Members. During the orientation a poster on action procedure for CWCs was launched.



Orientation of District Magistrates

A meeting with District Magistrates of Delhi was held on 18th September, 2017 with the objective to jointly discuss and plan key immediate actions to implement the said SOP and to enhance coordination between State department and district authorities in

working for such children. The meeting also gained insight from DMs on the good initiatives taken in the past and currently to address the challenges faced by children in street situations and for the District Authorities while dealing with cases of children in street situations and their inputs on the SOP itself. The meeting was participated by Member (LRC), NCPCR. He addressed the participants on ‘Safe Childhood’ and the opportunities for children in street situations.

Provision of Aadhaar Cards to Street Children

In order to provide identity to Street Children, NCPCR in collaboration with UIDAI authorities organized 2 Aadhaar Registration camps in Delhi at DUSIB’s night shelter, Central Delhi and at CWC Kalkaji in March, 2018. More than 160 children received their Aadhaar registration. The camp was also supported by DCPCR, DM-South East, concerned CWCs, DCPUs and Salam Balak Trust.



b) **Telangana**

The State Department of Women and Child Welfare, Telangana in collaboration with ‘Save the Children’ launched the SOP for Children in Street Situation on 1st Sept 2017 in Telangana. The roll out was done in the presence of 125 participants representing the department of Women Development & Child Welfare, Juvenile Welfare, Correctional Services & Street Children, Education, State Legal Authority, Police, Principal Magistrate for JJB, Health Municipal Administration, Labour, DCPUs, CWCs and TSSCPCR Members from Telangana. The roll-out received 40 individual’ plans for implementation from Deptts. and SCPCR members. The poster on the role of CWC and convergence with departments was launched on the event.

c) Maharashtra

The launch of SOP for Children in Street Situations was organised in Mumbai on 7th June, 2017 jointly by State Department on Women and Child Welfare, Maharashtra SCPCR, NCPCR and Save the Children. The Minister of WCD of the Govt. of Maharashtra graced the occasion.



Orientation of Stakeholders

Maharashtra SCPCR and Save the Children organised a focused roll-out orientation program on 11th September, 2017 at Y B Chavan Auditorium, Mumbai. The orientation was attended by representatives from UIDAI, Banking (SBI), MCGM, Labour Dept. (State and District), State Women and Child Development, Police, JJB, CDPO, CWC and ICPS department. Member (LRC), NCPCR also attended the program. During the orientation, it was proposed to work on issuing of Aadhar Cards to vulnerable children including children in CCIs followed by opening of bank accounts, in order to provide them identity and enable them to avail benefits of various Govt. schemes.

d) West Bengal

The State level roll out of SOP for Street Children was organised on 13th September, 2017 in Kolkata by State Department of Women Development and Social Welfare, West Bengal SCPCR and Save the Children. Minister, Women and Child Development Govt. of West Bengal graced the occasion as Chief Guest. The roll-out was attended by representatives from Police, Sarva Siksha Mission, Kolkata Municipal Corporation and Members of civil society organizations working on child rights issues.



7.2 Safe Childhood Programme:

A Handbook alongwith Module & Guidelines on Protection of Child Rights at Gram Panchayat level was developed and released jointly by NCPCR, Ministry of Panchayati Raj and UNICEF on 5th June, 2017 at New Delhi. The programme was attended by Secretary and Joint Secretary, MoPR; representatives from 14 SCPCRs and Society for

Rural Development Services (SRDS); UNICEF; Save the Children; and other organisations. The Handbook, Module and Guidelines will be useful for the functionaries of the Panchayati Raj Institutions in protecting the rights of children at village level and guide them for creating a Child Friendly Panchayat.

The Programme was initially implemented in 14 States (i.e. Andhra Pradesh, Andaman & Nicobar, Assam, Chhattisgarh, Gujarat, Himachal Pradesh, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Tamil Nadu, Odisha, Uttarakhand, Uttar Pradesh), which later cover the entire country.



7.2.1 Training of stakeholders through SIRDS on Safe Childhood Programme

A two days training of Master Trainers was initiated by the Commission in collaboration with UNICEF at the State level for resource persons empanelled with SIRD/PRTI/CTI etc. on Safe Childhood Program. The training was organized by SIRD/PRTI of the respective States. Trainings have been completed in the States of Bihar, Madhya Pradesh, Tamil Nadu, Andhra Pradesh, Haryana, Karnataka, Assam, Odisha, Jharkhand, Uttarakhand, Chhattisgarh and Uttar Pradesh.

7.3 Prevention of Early Marriage & Early Pregnancy

NCPCR to combat neo-natal death and early/adolescent pregnancy, organised a series of Workshops/Consultations at Region/State/District level at different parts of the country in collaboration with State Commissions.

a) *Jharkhand*: A one day state level discussion workshop was organized by NCPCR in collaboration with Jharkhand SCPCR on 11.09.2017. The workshop launched a campaign to discuss the issues related to child marriage and neo-natal death prevalent in the



State. The programme was attended by the Civil Surgeons (CS), District Project Coordinators (DPCs) from 11 High Priority Districts (HPDs), Members of Zilla Parishad, representatives from the Department of Human Resource, Water and Sanitation and media persons. During the workshop, two blocks in two districts have been identified to pilot the initiative. Ormanjhi Block in Ranchi district with support from JSLPS and Gumla Sadar block in Gumla district in collaboration with Save the Children to be developed as model blocks under ‘Safe Childhood Campaign’ of NCPCR and JSCPCR.

- b) *Assam:* One day District Level Sensitization Programme on Prevention of Early Marriage and Early Pregnancy was held on 15th September, 2017 at Tinsukia District, Assam with the aim to understand the covert factors which play a key role in triggering marriages and pregnancies among the teenage girls by enabling adolescent children, women, men and stakeholders from Government Departments and NGOs through increased participation and collaboration. The programme was attended by representatives of State Depts. of Health, Education, Women and Child Development, Panchayati Raj etc.



Again a one day sensitization on Prevention of Early Marriage and Early Pregnancy was held on 22nd February, 2018 at Boko, District Kamrup, Assam.

- c) *West Bengal:* One day State level Sensitization program was held in Murshidabad District, West Bengal covering 6 districts with high rate of child marriages on 31st October, 2017 with a strong expectation to strike against the exploitation done to the children and to let them exercise their right to have healthy physical, emotional, intellectual and social life.



The program established a wide network of stakeholders who are involved along with the care providers such as DSWOs, DCPOs, Chairpersons/Members of CWCs, Counselors, Social workers, Police officials, health professionals, children (from Schools and government shelter homes), Maulvis and Purohit to generate awareness on the mentioned topic.

d) *Odisha*: Regional Consultation on Prevention of Early Marriage and Early Pregnancy was organized at Chhattarpur District on 26th October, 2017. The objectives of the Consultation were to build capacity of the key stakeholders on understanding the impact of child marriage and early pregnancy; to equip the grassroots level workers on tracking/monitoring and to build sensitization among- public, with special emphasis on caste, tribe and faith leaders, youth and adolescents, women groups, PRI members on combating child marriage.



e) *Rajasthan*: Regional Consultation on Prevention of Early Marriage and Early Pregnancy was organized at Pindwara, District Sirohi on 19th October, 2017. The Consultation was attended by Member (Child Health), NCPCR and Chairperson & Members of Rajasthan SCPCR.

7.4 Child Rights Mela, 2017

NCPCR organized a Model Child Rights Mela with a special focus on Drugs-De-addiction at Ganj Basoda, Vidisha, Madhya Pradesh on 14.11.2017 with the involvement of the District Administration, State SCPCR, Local Administration, Civil Society and Volunteers. The Mela was one of its kinds in terms of size, participation, public involvement and enthusiasm, children's participation, child friendliness, involvement of ICT, monitoring of the Mela, emergency response, thematic demonstrations, low cost and especially the host town which is a sub-division town in a rural belt.

The Mela was attended by around 30,000 children and their parents. Since, drugs abuse has been an issue in the area, therefore, the local community, youth leaders, clubs, volunteers took part in the Mela with greater enthusiasm. Some of the special features of the Mela was Oath taking ceremony on prevention of drugs, prevention of child marriage, games on creating awareness related to child rights; children's corner, thematic demonstration by various Central Government Agencies and NGOs especially the National Institute of Open Schooling (NIOS), NCERT, NACO etc. Around 50 children enrolled in distance courses through NIOS. The Song & Drama Division, Ministry of Culture participated and staged their performances for infotainment. The event was entirely monitored Drones.



7.5 Substance abuse among children

One day Inter-sectoral Convergence and Sensitization Programme on Substance use in Children was organized by NCPCR in joint collaboration with Punjab SCPCR, National Drug Dependence Treatment Centre (NDDTC), AIIMS, Delhi and UNODC on 10th November, 2017 in Amritsar, Punjab. The objective of the programme was to bring all the stakeholders on a common platform to work on specific issues related to substance abuse and its management among children in the state of Punjab. The Programme took stock of the various initiatives and good practices taken by the service providers and other stakeholders involved in tackling of substance use problem.



The key resource personnel from various organizations viz: NDDTC, AIIMS, Amritsar Medical College, UNODC etc. shared their views and made this endeavor a success. The programme was inaugurated by Hon'ble Health Minister of Punjab.

7.6 Inauguration of Nutrition Rehabilitation Centre (NRC) at Primary Health Centre, Cholapur Block, Varanasi District, UP

Member (Child Health), NCPCR visited Varanasi District on 22.08.2017 to address the issue of malnutrition and action plan to eradicate malnutrition. A meeting was held with District Officials to set up a NRC at Primary Health Centre in each blocks of Varanasi District. During the meeting, 2 blocks (Cholapur and Arajiline) were identified for piloting NRC set up in Primary Health Centers of those blocks. On 6.09.2017, NRC at Primary Health Centre in Cholapur Block was inaugurated.

7.7 Other Initiatives

7.7.1 Inauguration of Computer Training Centre at Observation Home for Boys II

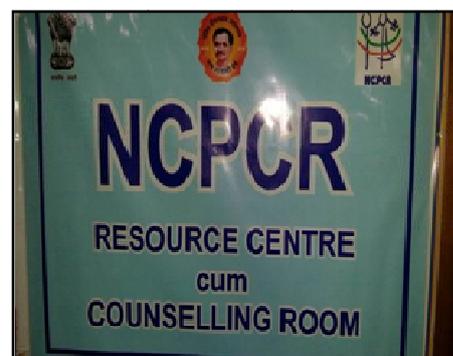
With the efforts of NCPCR, a Computer Training centre in collaboration with Department of Women and Child Development, Govt. of NCT of Delhi and State Bank of India for imparting training to children in conflict with law in Observation Home for boys, Delhi was inaugurated on 4.9.2017 by Hon'ble Justice Lokur, Justice Mukta Gupta and Chairperson, NCPCR. State Bank of India donated 10 computers and a projector for this training center.



7.7.2 Swachhta Pakhwada

The Commission undertook various activities to ensure effective implementation of the objectives of 'Swachhata Abhiyaan' from 15th to 30th September, 2017. The activities carried out were:

- On 17th September, 2017 all the officers/staff of the Commission took pledge on *Swachhata*. After taking pledge, Resource Centre cum Counselling room at NCPCR office was inaugurated by Hon'ble Chairperson, NCPCR in presence of Members and staff of the Commission.
- On the occasion of ECCE Day and *Swachhta Pakhwada*, a programme was organised at an Aanganwadi Centre, Sunder Nagri with Department of Women and Child Development, Govt of NCT of Delhi. A team from NCPCR participated in the programme.
- A poster making competition was organised with Children in Thalassemia ward of Kalawati Saran Children Hospital on the theme of *Swachhata*.
- A Poster making competition on the theme of *Swachhata* was also organised at Children Home for Girls-II, Nirmal chhaya. Girls were oriented on the importance of cleanliness and hygiene by NCPCR representatives.



- Member (LRC), NCPCR celebrated the occasion of Gandhi Jayanti by running a cleanliness drive in one of the area of Chhattisgarh on 2nd October, 2017. He encourages the residents of the area to keep their surroundings clean and throw the waste in dustbins only.

7.7.3 Baal Utsav

On the occasion of Universal Child Rights Day, NCPCR organized ‘Baal Utsav’ on 18.11.2017, a programme (Mela) for children residing in Child Care Institutions in Delhi. The objective of the programme was to promote child participation and showcase their talents in various creative activities. Around 1,000 children in the age group of 11-18 years from Government and NGO run Child Care Institutions of Delhi participated in the programme.

Hon’ble Minister of State, Dr.Virendra Kumar, MWCD was the Chief Guest of the Programme. Hon’ble Judge Supreme Court of India, Justice M.B. Lokur presided over the function. Dignitaries from Film, Music, Theatre, Media, Health, etc. also graced the occasion with their presence at dais. An interactive session was held between children and the dignitaries present on dais. Children also displayed their talents through several cultural programmes.



7.7.4 Celebration of International Girl Child's Day

On the occasion of International Day for Girl Child, NCPCR set up toy library and sanitary napkin vending machine/incinerator for children of Nirmal Chhaya Home for girls. The programme was inaugurated by Chairperson, Delhi Commission for Women; Chairperson, DCPCR; and Member (Child Health), NCPCR.



7.7.5 Concept for development of Pink Toilet

Considering the non-availability of adequate number of public toilets for women and girls, NCPCR conceptualized of having smart toilet compound exclusively for women and children especially for adolescent girls in Delhi, which also provide basic check up facilities, sanitary napkin vending machine and incinerators, breast feeding area, as well as safe drinking water. The Commission sensitized the officials of Delhi Municipal Corporations towards need of toilet facilities for adolescent girls in public places and instigated them to develop such toilets. As its consequence South Delhi Municipal Corporation (SDMC), agreed to initiate the concept of Pink Toilets at Vikaspuri, Delhi and developed a Pink Toilet with sanitary napkin facility which was formally inaugurated by Mayor, South MCD on 11.10.2017 in Vikaspuri.



7.7.6 Guidelines on Child Friendly Police Stations

Every Police Station should have either a child friendly room or corner where children who are victims under the POCSO Act, 2012 can be dealt in a child friendly manner. Many States have already taken the initiative to make their Police Stations child friendly keeping in mind their local culture and ethos. NCPCR in collaboration with Delhi Police and UNICEF took an initiative to developed Guidelines for establishing Child Friendly Police Stations to enable children to directly communicate with Police Personnel with trust & confidence and understand the legal framework.

In this regard, the Commission held a series of meetings with representatives from Delhi Police, UNICEF, selected NGOs from different States. The meetings were participated by Member (Child Health) and Member (LRC), NCPCR. The Guidelines were drafted and finalized during the meetings. The Guidelines so developed is to create Police Stations as 'Child Friendly Police Stations' having all required infrastructural facilities necessary for

creating a conducive environment for children. The Guidelines as finalized by the Commission have been shared with Ministry of Home Affairs for its implementation.

- *Orientation on Child-Friendly Police Stations*

NCPCR organized first orientation meeting of Delhi Police on Child-Friendly Police Stations at Indira Gandhi International Airport Police Station, New Delhi. A brief presentation on Child friendly indicators was given to all the participants.

- An orientation programme to sensitize Police personnel and Officials on Guidelines for establishing Child Friendly Police Stations developed by NCPCR was held on 15th December, 2017 at Port Blair. Orientation programme was inaugurated by DGP, A&N Islands. A brief presentation on guidelines was given by Member, Child Health.

7.7.7 **4th India International MSME 7 Start UP Expo 2017**

NCPCR put up a stall in 4th India International MSME 7 Start UP Expo 2017 at Pragati Maidan from 24th to 26th August, 2017. Visitors for this Expo were oriented on Child Rights issues and POCSO e-box through IEC material, audio-visual and one to one counseling.



7.7.8 **‘OORJA -CAPFs Youth Under – 19 Football Talent Hunt Tournament – 2017**

NCPCR in collaboration with Central Armed Police Forces (CAPFs) created awareness among children on child rights issues especially on child sexual abuse and POCSO e-box during both phases of ‘Oorja-CAPE under 19 Football Talent Hunt Tournament-2017’ at New Delhi from 1st to 15th May, 2017 and Bangalore from 17th to 25th June, 2017.



7.8 Activities carried out through IEC

NCPCR carried out awareness on Child Sexual Abuse and POCSO e-box through various medium as detailed below:

7.8.1 *Awareness through Radio Spots*

Concerned about the vulnerability of children and increasing incidences of Child Sexual Abuse, 3 separate radio spots were got prepared and broadcasted to create

awareness about the legal provisions of the POCSO Act, 2012. The campaign was aired on AIR, Vividh Bharati (National) 41 channels for a period of one week from 30th March, 2018 onwards.

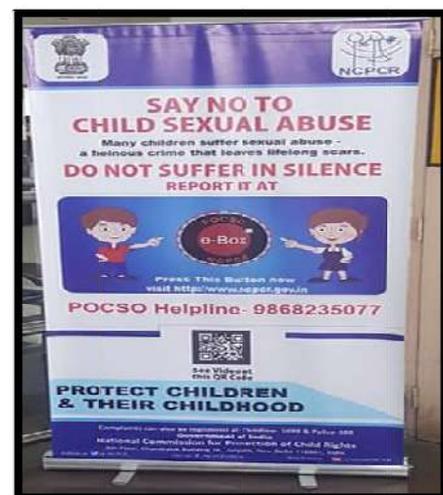
7.8.2 *Awareness through Movie Halls*

NCPCR collaborated with Media International Pvt. to showcase an audio video message in Hindi and English from Hon'ble Minister WCD addressing Child Sexual Abuse issue at movie halls across the country. Initially the message was showcased at 12 cinema halls in Delhi for a period of one month from 15.09.2017 onwards.



7.8.3 *Awareness at Airports across India*

NCPCR collaborated with Airport Authority of India (AAI) regarding creating awareness on protection of children from sexual abuse and promotion of POCSO e-box through airports and their magazine across India. Airport Authority of India permitted NCPCR to place the standees for awareness at 66 Airports free of cost from 15.09.2017 to 15.10.2017. NCPCR also collaborated with Delhi Airport which is a private airport for display of standees on child sexual abuse.



7.8.4 *Campaign against Child Sexual Abuse and promotion of POCSO e-box through Indigo airlines*

NCPCR in collaboration with Indigo Airlines carried out a campaign to promote POCSO e-box for a period of one month w.e.f. 1.9.2017 through various mediums such as IndiGo Hello 6E Catalogue, E-ticket itinerary, Bus Panel, Bus Grab Handle and Live Media in Tarmac coaches in Delhi, Bangalore, Chennai, Hyderabad, Kolkata and Mumbai.

Member (Child Health), NCPCR participated as panelist on the panel '**Gender in Street Situations and the UN General Comment on Street Children**' on 11th February 2018 at Difficult Dialogues Forum at International Centre, Goa. The aim of the dialogue was to share knowledge about gender - its determinants, expressions, diversity, and positive and negative consequences - to start a dialogue on how gender norms can be transformed to improve the lives of everyone.



Chapter-8

Representation in Courts

Representation in Courts

8.0 Representation in Courts

The salient details of important Representations undertaken by the Commission in Courts during 2017-18 are mentioned below:

8.1 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.
- The Hon'ble Supreme Court in its Order dated 31/03/2010 took note of the allegation that large scale transportation of children from North-Eastern States was still going on and therefore, felt that an inquiry needs to be conducted. Accordingly, NCPCR was directed to conduct the said inquiry with liberty to take assistance of an expert, if required. The Commission after conducting a detailed inquiry submitted its inquiry to report to the Hon'ble Supreme Court on 15.07.2010.
- The Hon'ble Supreme Court vide its Order dated 07.02.2013 granted three months time to all the States/UTs for taking action towards constitution of SCPCRs; completing all formalities towards implementation of CPC Act, 2005 and RTE Act, 2009 including framing and notifying Rules there-under and making functional the State Commissions if respective States/UTs had not already constituted one. Further, directions were issued to all the States/UTs to file status report within four weeks' as to the measures adopted and the action taken with regard to improving the condition of children in various Shelter Homes, etc., around the country; to eliminate trafficking of children under the garb of education and other promises, like employment etc.; to indicate number of Children Homes etc. which are registered and which are not registered under Juvenile Justice (JJ) Act, 2000, to report protective action taken or to be taken to prevent abuse of inmates in the unregistered CCIs; to detail measure taken towards implementation of the RTE Act, 2009, eradicating child trafficking and setting up of Special Courts under POCSO Act, 2012. The Hon'ble Court further directed that the status report shall also indicate the capacity of the Children Homes,

separately for boys and girls, whether the standards with regard to the nutrition and hygiene are being maintained in the Homes.

- During the proceedings in the said matter, discussions were held on the provisions of the JJ Act, 2000 and the Union Govt 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.

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

- The Hon'ble Court on 05.05.2017 delivered the Judgment and directed the following to be implemented by the State-
 - i. The Hon'ble Court widened the scope of the definition of "child in need of care and protection" under Section 2(14) of the JJ Act and directed that the benefits of the same must be envisaged and extended to all such children in fact requiring State care and protection.
 - ii. The Union and the State Governments to ensure that the process of registration of all child care institutions to be completed by 31st December 2017 with the entire data being confirmed and validated and the same is to be available with all the concerned officials. A database is to be maintained of all children in need of care and protection, which is to be updated every month and kept confidential by the concerned authorities.
 - iii. The Union and State Governments are to ensure minimum standards of care according to the JJ Act and Model rules on or before 31st December 2017.
 - iv. The grants given by the Union Government under the Integrated Child Protection Scheme must be utilized properly with planning by the State and the Union Territories.
 - v. The Union and State Government must concentrate on rehabilitation and social re-integration of children in need of care and protection under the several schemes of the Govt of India including skill development, vocational training etc.

- vi. The State Government and Union Territories are to setup Inspection Committees as required by the JJ Act and the Model Rules to conduct regular inspections of child care institutions and prepare reports of the same. The Inspection Committees should be constituted on or before 31st July 2017 and the first inspection and report must be submitted to the Govt. on or before 31st December 2017.
- vii. An individual childcare plan is to be made by all governments of States and Union Territories. An individual childcare plan must be prepared for each child in each childcare institution on or before 31st December 2017.
- viii. Wherever State Commission for Protection of Child Rights has not been established or is not fully functional due to vacant posts in the Commission. Such posts must be filled up on or before 31st December 2017. The SCPCRs must also publish an Annual Report to make everyone aware of their activities.
- ix. Training modules to be prepared at the earliest for the training of personnel as required by the JJ Act and the Model Rules.
- x. Governments must focus on de-institutionalization of children and not necessarily place them in childcare institutions, instead alternatives such as adoption and foster care must be also be considered.
- xi. There must be social audits conducted by the National Commission for the Protection of Child Rights as well as by each State Commission for the Protection of Child Rights.
- xii. Each Juvenile Justice Committee should consider establishing a Secretariat for its assistance to the Juvenile Justice Committee and the Government must render assistance to the Juvenile Justice Committee of each High Court.
- xiii. The Union of India is to communicate these directions to the concerned Ministry or Department of each State and Union Territory for implementation and look over the implementation of these directions with the assistance of National Commission for Protection of Child Rights and the State Commission

for the Protection of Child Rights. A status report for the same to be filed in the Court on or before 15th January 2018.

- The Hon'ble Supreme Court, took up the matter for compliance on its directions issued on 05.05.2017, on 29.01.2018. Vide its order dated 29.01.2018, the Hon'ble Court observed that 19 States and 4 Union territories had not provided the requisite information as required in the order dated 05.05.2017. Further, the State of Assam and Govt. of NCT of Delhi had provided incomplete information. The Ministry of Women and Child Development was directed to send a reminder to the defaulting States and the Hon'ble Court directed the rest of the States to comply with its directions and provide the information within three weeks of the order. Also, the Hon'ble Court directed the defaulting States, that if the complete information is not provided within time, then the Hon'ble Court shall summon the Chief Secretary's of those States.

The Hon'ble Court also heard the Impleadment Application filed by the State of Kerala (IA No. 10771/2018), in which the State of Kerala citing the judgment in *Emmanuel Childrens Home Vs. Union of India & Ors. in W.P.(C) No.11599 of 2017* requested the Hon'ble Court to grant the State six months time to complete the registration process of all Child Care Institutions. The Hon'ble Court directed the State of Kerala to file an affidavit within two days of the order stating that during the six months time, if any child is sexually abused, then the Chief Secretary of the State will be personally responsible and liable to punishment.

Further, four more Impleadment Applications were heard by the Hon'ble Supreme Court, in which it directed the in charge of Orphanages to file an affidavit within two days in which the person in charge would take full responsibility in case any child is sexually abused and would be liable to punishment.

- On 02.02.2018, the five Impleadment Application's tagged with this case were taken up for hearing. The Hon'ble Court acknowledged the affidavit filed by the State of Kerala and asked the State of Kerala to provide an action plan and a timeline for completion of registration of Child Care Institutions in the State. It also refused the six months time sought by the State in the matter.
- On 20.02.2018, the Hon'ble Supreme Court listed the matter to hear upon the Impleadment Application's involved in the case. The Hon'ble Supreme Court

acknowledged the affidavit filed by the State of Kerala and directed them to adhere to the timelines mentioned in the affidavit. A detailed list of children and the background report should also be maintained by the State while registering the Institutions. The Hon'ble Court directed the Chief Secretary of the State of Kerala to provide the Hon'ble Court with the constitution and functioning of the Board setup under Section 5 of the Orphanages Act. Further, the Hon'ble Court clarified the Hon'ble High Court's order and stated that charitable institutions not established or maintained by the Govt., by itself or through another will have to apply for registration. In the Applications filed by the Yatheem Khaanas of State of Kerala, the Hon'ble Court directed the Yatheem Khanas to file an affidavit indicating the details of the Yatheem Khanas, including a comparative statement of the facilities provided by each Yatheem Khana and as compared to the facilities required to be provided under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Rules framed there under and the Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960 and the Rules framed there under.

- On 08.03.2018, the Hon'ble Supreme Court directed the Ministry of Women and Child Development to file a status report of the compliance of the directions of the Hon'ble Court's order dated 05.05.2017 within two weeks of this order.

8.2 Sampurna Behrua vs. Union of India W.P (C) No. 473/2005 before the Hon'ble Supreme Court of India

- The Petitioner was working with the Child Rights Unit of Human Rights Law Network (HRLN), New Delhi, at the time of moving the Petition. The Petitioner travelled through 12 States and conducted a study and documented several cases to examine the status of implementation of the Juvenile Justice Act, 2000 found to have therein. The outcome of the exercise presented a dismal picture with only a few States found having implemented the Act. The Petitioner essentially prayed for the overall implementation of the Juvenile Justice Act, 2000 throughout the country and prayed for issuing the Writ of Mandamus in the matter.

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

- On 05.04.2017, the Hon'ble Supreme Court directed those 14 states which are violating the Section 18 of the of Commissions for Protection of Child Rights Act,

2005 to fill all the vacancies of Chairpersons/Members under the Commissions for Protection of Child Right Act, 2005 within three weeks subject to payment of costs of Rs. 50,000/- to be deposited by each State Government within three weeks with the Legal Service Committee for utilization of Juvenile Justice issues. Further, the Hon'ble Court directed the Secretary of Women and Child Development Department in the concerned State Government, that if the appointments were not made within the requisite time, then they would have to explain the difficulty in doing so.

- On 11.07.2017, the Hon'ble Supreme Court, directed all those states which had not constituted the State Commission for Protection of Child Rights and all those States will have to pay further costs in addition to Rs 50,000/-. Further, those States which had constituted the SCPCR but not appointed the chairpersons were also directed to pay fine.
- On 22.08.2017, The Hon'ble Court directed a few States to pay additional costs for not complying with the directions of the Hon'ble Court on 11.07.2017. Further, the Hon'ble Court directed the Union of India to file an affidavit within four weeks from the order, indicating the following-
 - i. Whether State Child Protection Society has been constituted in every State
 - ii. Whether State Commission for Protection of Child Rights has been constituted in every State
 - iii. Whether Juvenile Justice Boards have been constituted in every district
 - iv. Whether Child Welfare Committees have been constituted in every district
 - v. The progress made in publication of Police Training Manual
 - vi. Whether online portal for quarterly reports has been finalized by the Ministry of Women and Child Development
 - vii. Whether the registrations of Child Care Institutions are completed
 - viii. Whether the Juvenile Justice Fund has been established in every state and U.T.
- On 09.02.2018 the judgment was pronounced in which the petition stands disposed of, pending application, if any, was also disposed of. The following directions were given by the Hon'ble Court in the case-
 - i. **Ministry of Women and Child Development and State Government-** To ensure all positions in NCPCR and the SCPCRs are filled up well in time and adequate staff is provided to these bodies to function effectively. To make creative use of

information and technology not only for the purpose of collecting data and information but also for other issues connected with the JJ Act such as having a database for missing children, trafficked children and for follow up of adoption cases etc.

- ii. **National Commission for Protection of Child Rights and State Commission for Protection of Child Rights-** To take their duties, functions and responsibilities with great earnestness. To carry out time-bound studies on various issues, under the JJ Act. To carry out study for estimating the number of Probation officers required for the effective implementation of the JJ Act. To sensitize and give adequate training to JJB, CWC, members of the Child Protection Societies and District Child Protection Societies, Special Juvenile Police Units, Child Welfare Police Officers and managerial staff of Child Care Institutions.
- iii. **State Level Child Protection Societies and District Level Child Protection Units-** To ensure JJ Act is effectively implemented and CCIs are managed and maintained in a manner conducive to the well being of children. To take assistance of NGOs and civil society to ensure that JJ Act serves its purpose.
- iv. **Juvenile Justice Boards and Child Welfare Committees-** To have sittings on a regular basis so that a minimal number of inquiries are pending at any given point of time and justice is given to all juveniles in conflict with law and social justice to children in need of care and protection.
 - On 13.03.2018, all the High Courts had registered a *Suo Motu* Writ Petition in terms of Judgment dated 09.02.2018 except High Courts of Madhya Pradesh, Tripura, Delhi, Bombay and Gujarat.
 - Vide order 22.03.2018 no further orders were passed in this Petition. The Writ Petition was accordingly disposed of. Pending application, if any, also stood disposed of. The bench hearing *Suo Motu* Petition in the High Court was suggested to appoint *amicus curiae* to assist in the matter.

8.3 State of Haryana Vs. Court On Its Own Motion etc., SLP (C) 27482-27484 of 2014, before the Hon'ble Supreme Court of India.

- The Petition had been filed with regard to two newspaper reports narrating the appalling conditions of Children Homes run by the Department of Women and Children and the Observation Homes run by the Department of Social Security.

- This SLP came in pursuance of the Hon'ble Punjab & Haryana High Court's suo-moto cognizance of an issue pertaining to proper and effective implementation of provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.
- The Court issued directions to the Sessions Judge of the area where these Children Homes and Observation Homes were located, to conduct a surprise visit and prepare reports on the running of those institutions. The Reports in this regard were then forwarded to the Secretary, Punjab State Legal Services Authority for scrutiny and tabulation.
- On perusal of the Reports, the Hon'ble Court felt that the provisions of the J.J. Act, 2000 were being flouted at many places including Punjab University.
- The Department of Women and Child, Haryana formed a Selection Committee. The Committee found that the J.J. Act, 2000 was not being implemented in its true form and spirit.
- NCPCR had also filed a Writ Petition, praying for issuance of a Writ in the nature of Mandamus, directing the States of Punjab, Haryana as well as UT of Chandigarh to take steps to constitute and set up fully functional State Commissions for Protection of Child Rights and Children's Courts under Sections 17 and 25 of the Commissions for Protection of Child Rights Act, 2005.
- The Hon'ble High Court of Haryana and Punjab disposed of the Writ Petition inter-alia with other Writ Petitions and gave directions for creating Children's Courts with specialized infrastructure. Being aggrieved by the said Order, the States of Punjab, Haryana and UT of Chandigarh approached the Hon'ble Supreme Court of India by way of this Special Leave Petition (SLP).

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

- Vide its order dated 03.04.2017, the Hon'ble Supreme Court disposed of the Petition observing and stating that, after examination of Section 17 of the Commission for Protection of Child Rights Act, 2005, it is clear that it is not necessary that, to be a Chairperson of the State Commission for Protection of Child Rights, the person has to be a retired Judge of the High Court. In fact, the section reveals that, for appointment of a Chairperson, the concerned candidate should be a person of eminence, who has to his credit outstanding work for promoting the welfare of children.

8.4 Naz Foundation (India) Trust Vs. Union of India & Ors., W.P. (C) 147 of 2014, before the Hon'ble Supreme Court of India

- The present Petition has been filed by the petitioner-NGO, alleging discrimination against HIV positive children in schools and other places. The Petitioner has further alleged that the Schools often breach the confidentiality when it comes to maintaining secrecy about one's HIV status.
- The specific prayer of the Petitioner is to direct that no child is denied admission into any school or any other educational institution, whether private or public, solely on the basis that the child or his/her parents, or any other relative, is HIV positive (actual or perceived); no child be suspended or expelled from such institutions on the above ground; there should be no segregation of children on these grounds; such children shall be enabled and supported to attend school; to direct the Union of India to frame comprehensive Guidelines under Section 35(1), RTE Act so that such children can study free from discrimination with their having an actual right to confidentiality of their HIV positive status and issue a proper Writ, Order or Direction to all States and UTs to issue a Notification under Section 2(d) of the RTE Act, 2009 declaring such Children to be under the category of 'disadvantaged children', as is presently the case in States like Andhra Pradesh, Karnataka, Uttarakhand and Manipur.

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

- Vide order dated 05.05.2017 Hon'ble Court citing its order dated 31.03.2017, in which the Hon'ble Court had passed directions to States, noted that none of the States had objected to the directions of the Hon'ble Court's order and that the directions so passed fulfilled the prayers of the Petitioner. Therefore, as the prayers of the Petitioner were answered and that the States were in compliance with the directions of the Hon'ble Court, the Hon'ble Court disposed of the Petition with directions.

8.5 Neetu through Rewati Ram vs. State W.P (Crl.) 869 of 1998 before the Hon'ble High Court of Delhi

- The present Petition is filed in the Hon'ble High Court in the year 1998, however, NCPCR became a Respondent in the matter in 2017. The present Petition is filed on two issues-

- a. That there are two different SOPs on the subject matter of “street children” which seemed to be in violation of the Hon’ble Supreme Court’s directive, that there needs to be a uniformity in the SOPs.
- b. Another issues raised is about the “Nirbhaya Fund” and the utilization of the same.

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

- Vide Order 20.07.2018, NCPCR was impleaded as a Respondent and was issued notice. The reason for the same was that one of the SOPs of the Commission was similar to the one issued by the Railway Board. Therefore, the Hon’ble Court had directed the Commission to depute a person fully conversant with the issue and to engage a counsel to appear in the matter.
- Vide order 18.09.2017, the Counsel and Officers of NCPCR appeared before the Hon’ble High Court and explained the reasons behind issuing a different SOP on the same subject. Delhi Commission for Protection of Child Rights was impleaded as a necessary party in the matter and the NCPCR’s officers were relieved from appearing in the matter thereafter.
- Since then, the NCPCR’s officers had been attending meetings with the Ministry of Women and Child Development with regards to complying with the directions of the Hon’ble High Court pertaining to procurement of ‘Face recognition software’ for missing children.

8.6 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 23.08.2016.

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

- Vide its order dated 17.07.2017, the Hon’ble High Court directed the State Government to file its reply to the application filed by the NCPCR by the next date of hearing.
- Vide its order dated 09.10.2017, the Hon’ble High Court reiterated its previous orders from the starting of the case and then directed the State Govt. to file its suggestions by the next hearing.

- Vide its Order dated 06.02.2018, the Hon'ble High Court admitted the oral suggestions made by the "Committee On Stress Among Students In Kota", wherein suggestions were made to regulate the coaching centers, hostels/PGs, Parents etc. for the welfare and best interest of the children who were taking coaching in Kota. The State Govt. was directed to finalize these suggestions by next date of hearing and inform the Hon'ble Court.

8.7 Dr. Kanhayalal Sharma vs. Union of India & ors. W.P (C) No. 23357 of 2018 before the Hon'ble High Court at Odisha

- The present Writ Petition is filed by way of Public Interest litigation seeking to implement the provisions of the Right to Education Act, 2009. The Petitioner has specifically targeted implementation of Section 29 and Rule 23 of the Act and Rules respectively wherein the Curriculum laid down for school children shall be such as to strive for the overall development of the child, including that of their physical and mental abilities.

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

- Vide its Order dated 31.10.2017, the Hon'ble High Court, directed the NCPCR to file its affidavit within two weeks from the date of the order.
- Vide its Order dated 30.01.2018, the Hon'ble High Court granted more time to the Respondents to file its affidavit and directed the Petitioners, to file rejoinder thereto.

8.8 Dr. Sandeep Kumar Gupta vs. CIC & Ors. CWP 20953 of 2014 before the Hon'ble High Court of Punjab and Haryana

- An RTI was filed regarding information relating inter alia to the educational qualifications of the chairperson and members of NCPCR of all persons who held these positions since the Commission came into existence along with the certified copies of complaints received against Chairperson and Members, their assets and liabilities, etc. Besides, the RTI also sought details regarding a particular Child Labour Complaint and the Complaints of Child Labour in the State of Punjab/Haryana.
- The response/reply was provided to the applicant and was also allowed to inspect the records as the records were voluminous.

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

- Vide its Order dated 05.04.2017, the Hon'ble High Court, upheld the CIC's order and permitted the applicant to inspect the NCPCR's documents, if required. The matter was disposed off with the above observations.

8.9 Mangesh vs. Union of India PIL No. 33/2010 before the Hon'ble Bombay High Court (Nagpur Bench)

- The Petition had been filed in the Bombay High Court (Nagpur bench) wherein the Petitioner prayed for bringing the migrant children under the ambit of the RTE Act, 2009. The specific grievance of the Petitioner was to bring to light inaction of the Authorities in providing compulsory primary education to the street children, tribal children and the nomadic children in the state of Maharashtra and more specifically in the city of Nagpur.

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

- Vide order dated 07.07.2017 Hon'ble Court directed the corporation to inform the court that how many children are not taking education as per the survey conducted and what efforts were taken by the corporation to ensure that free education is provided to such children. The court also asked for the data for the elementary education for the children between 3 to 6 years. Learned AGP for State Government and learned counsel for corporation said that the statement would be provided within two weeks.
- On 04.08.2017. the affidavit was submitted by the State Government and it was found out that when last such survey was conducted nearly one lakh children within the age group of 3 to 6 were not taking education and are not admitted in the Anganwadis or schools. The court directed state government to take necessary steps that each child is admitted in school or Anganwadi. It would also be necessary for the state government to notify an officer who would carry out household survey so that local authority could maintain a record of all children and this survey should be carried out in lesser-privileged area. Also, the State Government was directed to maintain the record by other means like school register, focussed group discussion, from the birth of the children till they attain the age of 14 years.

- Vide order dated 15.11.2017, the Hon'ble High Court disposed off the matter with the following directions-
 - a. The Hon'ble Court directed the State Government to notify the officer as mentioned in terms of rule 6, within 6 weeks from the date of the Order and the data collected by it should be compiled and scrutinized by 31.03.2018.
 - b. Necessary amends should be suggested by other Respondents after studying such data.

8.10 National Commission for Protection of Child Rights vs. Dr. Rajesh Kumar & Ors. SLP (c) 34251 of 2017 before the Hon'ble Supreme Court of India

- The National Commission for Protection of Child Rights filed the present Special Leave Petition against the impugned order of the Hon'ble High Court of Calcutta dated 29.08.2017 in Dr. Rajesh Kumar v. Union of India & ors. W.P No. 22537 (W) of 2017. The Hon'ble High Court in its order had granted an ex parte ad interim junction of the proceedings pending before the Petitioner. The issue involved in the present Petition is that whether the powers and functions of the Petitioner (NCPCR) under Section 13 and 14 of the Commissions for Protection of Child Rights Act, 2005 as well as its statutory obligation under Section 109 of the Juvenile Justice Act, 2015 shall denude and cease to exist without any material evidence provided by the West Bengal State Commission for Protection of Child Rights, that they had taken the cognizance of the incident in Jalpaiguri, West Bengal, before the NCPCR. Another issue involved in this case pertains to the impugned order passed by the Hon'ble High Court of Calcutta, due to which the NCPCR was unable to conduct its enquiry in the incident of Jalpaiguri, West Bengal and was barred from carrying out its statutory obligations under Section 13 of the CPCR Act, 2005.

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

- Vide its Order dated 04.01.2018, the Hon'ble Supreme Court impleaded all States as respondents in the matter stating that running of orphanages, method and mode of adoption, the care given and treatment meted out to children is a concern for all the States. The States were also directed to submit a status report on the establishment of the Human Rights Courts in every district and the appointment of Special Public Prosecutors under the Protection of Human Rights Act, 1993. Further, the Hon'ble Supreme Court granted a stay on the proceedings in the Hon'ble High Court in W.P 22537 (W) of 2017.

- Vide its Order dated 02.02.2018, the Hon'ble Supreme Court granted liberty to file counter affidavit within three weeks of the order and rejoinder affidavit, if any, to be filed within three weeks therefrom.
- Vide its Order dated 19.03.2018, the Hon'ble Supreme Court directed the NCPCR to submit a tabular chart of the information provided by the States in compliance to its order passed on 04.01.2018. Further, the Hon'ble Court directed the Registrar Generals of each High Court to provide data on whether there is compliance of Section 25 (establishment of Children's Court) and Section 26 (Special Public Prosecutor for every Children's Court) of the CPC Act, 2005 in every State.

8.11 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 Yatheemkhana & 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 in The Secretary, Calicut Orphanage & Anr. vs. Union of India & Ors. W.P (C) No. 14858/2016. The Hon'ble High Court of Kerala vide its order dated 20.12.2017, directed the orphanages to register themselves under the Juvenile Justice Act, 2015, however, has excluded orphanages from the definition, scope and purview of the Child Care Institutions under the Juvenile Justice Act, 2015, which was contrary to the directions passed by the Honb'le Supreme Court in its order dated 05.05.2017, wherein the State Government was directed to comply with Section 41 of the Juvenile justice Act, 2015 and make the registration of CCI's compulsory under the Act.
- All the three Special Leave Petitions, were connected with The State of Tamil Nadu vs. Union of India and Ors., W.P (Crl.) 102 of 2007 "Re. Exploitation of Children in Orphanage".

8.12 R.K Tarun vs. Union of India & Ors. W.P (C) No. 5434 of 2017 before the Hon'ble High Court of Delhi

- The present Writ Petition was filed by the Petitioner challenging the Section 12 and other sections where punishment is prescribed under the Protection of Children from Sexual Offences Act, 2012. The Petitioner's main contention is that the punishment

prescribed under Section 12 of the POCSO Act, 2012, does not specify whether the offence is cognizable/non-cognizable and bailable/non-bailable.

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

- Vide its order dated 03.07.2017, the Hon'ble Court directed the respondents to file a reply within four weeks of the order and rejoinder thereto, if any, be filed before the next hearing.
- Vide its order dated 10.01.2018, the Hon'ble Court brought on record to affidavit filed by Respondent No.2 (NCPCR) and gave time of two weeks to Respondent No.1 to file its affidavit.

8.8 Reena Jha & Anr. vs. Union of India & ors. W.P (C) No. 5011 of 2017 before the Hon'ble High Court of Delhi

- The present Writ Petition has been filed before the Hon'ble High Court of Delhi to seek issuance of appropriate Writ, Order and/or Directions to the respondents to ensure effective implementation of the mandate of POCSO Act and Rules.
- The Petitioner has prayed for additional directions for criminal courts to exercise jurisdiction to secure efficient and effective participation of child victims; to frame guidelines to ensure child victims of sexual abuse/assault are necessarily protected with reference to Section 40 of the POCSO Act; to declare that Section 40 read with the rules of the POCSO Act, 2012 and POSCO Rules, the child victim, parents or guardian have to be informed regarding any application for bail preferred by suspect/accused/offender; to declare Section 40 read with rules of the POCSO Act, 2012 and POCSO Rules, that the child victim has to be heard before releasing the offender on bail; Respondents to develop a mechanism to monitor compliance of Section 40 of POCSO Act read with Rule 4 of the POCSO Rules.

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

- Vide Order dated 30.05.2017, the Hon'ble Court issued notice to the Respondents and directed them to file a reply within six weeks of the date of the Order.
- Vide Order dated 25.07.2017, the Hon'ble Court impleaded the Ministry of Women and Child Development as a Respondent in the matter.

- Vide its Order dated 14.12.2017, the Hon'ble Court tagged the Petition with another case WP(C) No.8295/2017 Arti Gupta & Ors. vs. Union of India & Anr., as both the Petitions were seeking effective implementation of the POCSO Act, 2012.
- Vide its Order dated 01.02.2018, the Hon'ble High Court, noted the suggested guidelines prepared by the Petitioners in the matter. After examination of the same, the Hon'ble High Court made some suggestions/amendments in the proposed guidelines. The Hon'ble Court brought to notice two aspects which were pending consideration in the matter- *a. conveyance of the occurrence of an offence under POCSO to the Delhi State Legal Services Authority to ensure the legal aid to the victim at the earliest. b. recording of multiple statements by different agencies resulting in contradictions in the material placed before the trial court.*
- Vide its order dated 27.02.2018, issued notices to Senior Advocate, Member Secretary (DSLISA) and Chairperson, Delhi Commission for Women to review the guidelines prepared. The matter was then listed for chamber proceedings.

Chapter-9

**Grievance Redressal
Management & Successful
Intervention**

Grievance Redressal Management & Successful Interventions

9.1 Status of Complaints

During the period from 1st April, 2017 to 31st March 2018, NCPCR processed 4,327 complaints which included 2,338 fresh complaints received during the period and 1,989 pending complaints from earlier period. Of the complaints processed, 2,659 were disposed off leaving a balance of 1,668 pending at the end of the period. State-wise receipt and disposal of complaints is detailed in the table below.

NCPCR –State wise Grievances Redressal position						
S.N.	States	2017-18				
		Balance as on 1.04.2017	Received 1.04.2017 to 31.03.2018	Total	Closed	Balance as on 31.03.2018
		1	2	3 (1+2)	4	5 (3-4)
1	Andaman and Nicobar Islands	0	4	4	4	0
2	Andhra Pradesh	421	40	461	251	210
3	Arunachal Pradesh	0	5	5	2	3
4	Assam	14	33	47	35	12
5	Bihar	62	73	135	94	41
6	Chandigarh	6	12	18	15	3
7	Chhattisgarh	28	47	75	43	32
8	Dadra and Nagar Haveli	0	1	1	1	0
9	Daman and Diu	0	0	0	0	0
10	Delhi	181	266	447	314	133
11	Goa	2	1	3	3	0
12	Gujarat	14	35	49	30	19
13	Haryana	136	152	288	188	100
14	Himachal Pradesh	3	13	16	12	4
15	Jharkhand	68	55	123	51	72
16	Karnataka	21	77	98	66	32
17	Kerala	23	52	75	43	32
18	Lakshadweep	0	2	2	1	1
19	Madhya Pradesh	148	202	350	164	186
20	Maharashtra	60	129	189	120	69
21	Manipur	22	4	26	6	20
22	Meghalaya	1	5	6	6	0
23	Mizoram	5	0	5	5	0
24	Nagaland	1	0	1	1	0
25	Orissa	37	75	112	52	60
26	Puducherry	5	0	5	3	2
27	Punjab	18	70	88	53	35
28	Rajasthan	98	112	210	151	59
29	Sikkim	0	3	3	3	0
30	Tamil Nadu	98	96	194	81	113

31	Telangana	29	36	65	39	26
32	Tripura	0	7	7	2	5
33	Uttar Pradesh	423	523	946	614	332
34	Uttarakhand	9	31	40	24	16
35	West Bengal	55	94	149	104	45
	Others	1	83	84	78	6
Total		1,989	2,338	4,327	2,659	1,668

9.2 POCSO e-box

A unique initiative was made by NCPCR in the month of August, 2016 with the launch of POCSO e-box. The e-box was introduced by the Commission as an additional facility to enable the children to lodge complaints directly to NCPCR, particularly in cases of sexual abuse. The e-box is displayed prominently on the Home Page of the Commission's Web site. During the period, a total number of 1277 hits were made. Out of 1277 hits, 33 cases were found to be related to offences covered under POCSO Act 2012.

9.3 Cases of successful interventions:

EDUCATION

9.3.1 NCPCR intervened to revoke the CCE pattern of CBSE for Classes VI-VIII

Enquiring into the role of CBSE in framing evaluation procedure at elementary level, the NCPCR intervened and wrote to C.B.S.E. to revoke its Continuous & Comprehensive Evaluation (CCE) pattern suggested for classes VI-VIII and get the new system examined and verified by the NCERT. It was also directed to implement the evaluation pattern as given by the academic authority i.e. NCERT as per the Right to Education Act, 2009. As a result, C.B.S.E. repealed its Uniform System of Assessment, Examination and Report Card for classes VI-IX from Academic Year 2017-18 vide circular dated January 22, 2018.

9.3.2 Action by NCPCR in cases of charging fine for Non Maintenance of Minimum Balance for Students Account by State Bank of India (SBI) and Union Bank of India (UBI)

The NCPCR took cognizance on a complaint regarding charging fine for non-maintenance of minimum balance for students in their scholarship account. Education Division of NCPCR initiated an inquiry into this matter. After formal procedure, summon was issued to the concerned officers of the Banks. In compliance with the Commission's orders, SBI and UBI shared a list of nodal officers who coordinated with the State Project Directors of

Sarva Shikha Abhiyan (SSA) to expedite the matter of refund to all children beneficiary who were fined for non maintenance of zero balance account and maintenance of DBT account. Governor-RBI has also been requested by NCPCR to issue directions to all Banks for initiating similar action as in the case of SBI and UBI to ensure the entitlements of the students. PMO has acknowledged this initiative of the Commission.

9.3.3 *Enquiry into Death of a class 11th student of Jawahar Navodaya Vidyalaya(JNV), Kaloi, District Jhajjar, Haryana*

Acting upon a complaint regarding death of a class 11th student of JNV, Kaloi, Distt. Jhajjar, a team led by Member, Education visited the said school on 14th April, 2017. Based on the observations, the Investigating Officer was directed to withdraw the FIR against students' u/s 304 of IPC. Also, clarification was sought from the Principal, JNV, Kaloi regarding his role in the entire incidence and was instructed to take appropriate steps to improve safety and security in the school/hostel. An ex-gratia relief of Rs. 50,000/- was sanctioned and released to the parents of the deceased boy as initial compensation.

9.3.4 *Case of Jan Seva Shishu Bhawan, Ernakulam, Kerala for misusing the children for promotion of killing of dogs and recovery of letter heads of CWC*

NCPCR took cognizance of the case of Jan Seva Shishu Bhawan, Ernakulam, Kerala for misusing the children for promoting killing of dogs, and conducted an inspection of the agency to find more facts. The facts and documents were not properly presented to the Commission despite repeated communications. District Police Chief along with Sub-Inspector of Police, Ernakulam Rural appeared before the Commission. After the directions of the Commission, FIR was lodged against the Home.

9.3.5 *NCPCR ensured the basic infrastructural facilities in schools*

NCPCR received various complaints regarding lack of infrastructure facilities in schools such as non-availability of toilet facilities, no safe drinking water, no boundary walls, absence of school in neighbourhood, etc. Also the Commission took such issues through suo-motu cognizance. During the period under report, the Commission received 98 complaints on infrastructural facilities including suo-motus. A positive coordinated approach with concerned District/States authorities the Commission successfully redressed 58 complaints. Remaining 40 complaints are under process.

HEALTH

9.3.6 Complaint regarding death of newborns in B. R. Ambedkar hospital after an alleged drop in oxygen pressure.

NCPCR took *suo-motu* cognizance of a newspaper report published in 'The Indian Express' dated 21.08.2017, alleging that three newborns undergoing treatment at the B R Ambedkar, Government Hospital in Raipur, Chhattisgarh died after drop in oxygen pressure during its supply to the Special Care Unit (SCU). NCPCR wrote a letter to District Magistrate, Raipur District, along with a copy to Principal Secretary, State Department of Health & Family Welfare on 21.09.2017. An action taken report was received from the District Magistrate, Raipur on 27-10-2017. As per the report, it was found that there was no negligence on the part of doctor in discharging his duty and the children who died were ill since a long period of time. However, the plant operator was found negligent in discharging his duties. He was found drunk during his duty hours.

On Commission's intervention, an inquiry team was formed against the plant operator as well as the person who had assigned him the duty of managing the oxygen plant. Some of the recommendations given by the inquiry team were as follows:

- A trained professional as per the protocol and medical guidelines should be appointed in managing the oxygen plant which needs to be supervised by two trained professional.
- Management and operation of the gas plant should be as per the technical protocol and specification.
- It was found that sufficient quantity of oxygen supply was given as per the requirement but still to meet the emergency the hospital should install a separate liquid oxygen tank.

9.3.7 Complaint regarding medical treatment of a 5 months old girl suffering from Biliary Atresia

NCPCR took cognizance of a request received on 26.02.2018 from mother of a 5 months old girl suffering from 'Biliary Atresia' in Jamshedpur, Jharkhand. She mentioned that being single mother she was unable to bear the estimated cost of 18 to 25 lakhs for operation of her child. She requested NCPCR for intervention and financial support from government and NGOs to meet the cost. For intervention, NCPCR sought support of Jharkhand SCPCR. Further, Jharkhand, SCPCR sought financial support from honorable Chief Minister of Jharkhand. The complainant received financial assistance from State

Government of Jharkhand. The Commission received a mail from the mother of child thanking the Commission for their efforts in saving her child's life.

9.3.8 Complaints Regarding Appendicitis Operation of the Children.

NCPCR took cognizance of a complaint regarding appendicitis operations of the children. It was reported by the complainant that in Karimnagar District (Kadhalapur, Gambhirpur, Bommena, Potharam, Ambraipeta and Chinthskunts villages) in a span of five years a total of 300 appendicitis operations were performed out of which 167 were children. The local RMPs and PMPs were referring the patients to the private hospital with complaints of minor stomachache. After taking cognizance of the matter, NCPCR sought a report from District Medical Health Officer. In response an Action taken report was received from the District Medical Health Officer stating that during the period of 2011-2016, 583 operations of appendicitis were performed and the majority of 279 operations were performed by the same doctor.

As a result, the two nursing hospitals were closed down on 09.04.2016 for not having facilities as per the guidelines set by the District Registration Authority (DRA). The Registration of both Hospitals got cancelled for lapses as per DRA guideline and for not maintaining the record. As well as criminal cases were booked by the police against two doctors of Korutla hospital.

9.3.9 Complaint regarding 15 infants admitted in the ICU of Sri Venkateswara Ramnarain Ruia Government Hospital in Tirupati after getting antibiotic IV injection

NCPCR received a complaint on 15.09.2017 alleging that on 14th September 15 infants were admitted in the ICU after getting antibiotic IV injections at the Sri Venkateswara Ramnarain Ruia government hospital in Tirupati. Subsequently all junior doctors of the hospital were on strike. Hospital officials reported that the injections were given to 200 children, all below the age of one year. After they were injected, they showed symptoms of vomiting, motions and high fever.

NCPCR wrote a letter to District Collector/Magistrate, Tirupati, Andhra Pradesh as well as to the Principal Secretary, Department of Health & Family Welfare for seeking action taken report. On Commission's intervention, District Magistrate ordered for an inquiry, which was conducted by District Medical & Health Officer and District Co-ordinator of Health Services, Chittoor. An Action Taken report was received from Collector & District Magistrate, Chittoor, Andhra Pradesh who had recorded the statement of medical staff. As per the report out of 140 children only 10 children developed fever

with chills on receiving the antibiotics. These children were immediately attended by a unit of Doctors and were shifted to ICU. The matter was also reported to the Superintendent & Drug inspector to stop the usage of the above drugs and was also asked to evaluate the quality of drugs. The Drug inspector visited the medical stores and lifted the drugs (ceftriaxone & Cefotaxime) and sent them further to Central Drug Store, Kolkata for analysis.

9.3.10 *Complaint regarding financial aid and medical treatment of a child suffering from HIV positive*

NCPCR received a complaint from a complainant in Bangalore on 13.4.2017 alleging that a 14 years old boy from Bolagond village lost his father and mother when he was one year old. The child is a HIV patient. The child also has a land of 6 acres which was forcibly taken by his uncle. His uncle allegedly did not bother to take care of him and also harassed him whenever he demanded money for his treatment. Ultimately his maternal grandmother and father took him to their native place and are taking care of him. Now, the child is 14 years old and is living at HABBALLI of Shahapur Taluk of same District. His grandfather is a poor 75 years old man and is not able to bear his medical expenses. On receiving the complaint the Commission wrote a letter to the District Commissioner, Yadgir District, Karnataka on 26.4.2017 for taking action in this matter. At the instance of the Commission, an inquiry was conducted by Tahasildar taluk. As per action taken report the relatives of the child had paid him Rs. 30,000/- and 40 bags of paddy last year as the land is on lease basis they have still not received the cultivated money. On receiving the money they will give the child the money which is 40,000 only.

The relatives have also agreed to transfer the land belonging to his father in the name of the child and his guardian. The Local Village accountant will also submit the application for transfer of land measuring 4 acres 09 Gunta and 1 acre separately in the name of the boy. The house possession will also be given immediately to the boy and now the boy can easily avail the treatment.

9.3.11 *Two hundred Children fell sick because of Negligence in the Mid-day-meal provided at the government school*

A human right activist from Jharkhand made a complaint to NCPCR on 16.07.2015, stating that 200 children fell sick due to rotten eggs served as mid-day-meal in middle school, Jhumri Telaiya, Koderma, Jharkhand. NCPCR intervened and at the instance of NCPCR, Jharkhand SCPCR wrote a letter to Jharkhand Deputy Commissioner of District Koderma

and asked the concerned authority to investigate the case and submit the Action Taken Report. The Deputy Commissioner, Koderma investigated the matter and found that the concern Headmistress In-charge of the said school was negligent in distributing mid-day meal for which she was suspended. The Director and Coordinator, along with another concerned official from Gram Siksha Samiti, Teliya Basti was responsible for tasting the midday meal and doing the proper quality check, they were also found of negligence in performing their task. As a result of which they were removed from their designated post and an FIR was lodged against them in the Local police station of Teliya. Now both the officials are in Judicial custody.

JJ, POCSO AND OTHERS

9.3.12 Immediate action in a case of sexual assault of 14 year old minor in Bagpat, Uttar Pradesh

The NCPCR received a complaint of inaction by the police in a matter of sexual assault of fourteen year old minor in Bagpat, Uttar Pradesh. The Commission took prompt action on the complaint and sought a detailed report of the case from the Superintendent of Police (SP), Bagpat. The matter was investigated properly and the accused surrendered before the Court. The Police completed the investigation of the case within one month from the date of registration of FIR and the charge sheet was filed both under IPC and POCSO against the accused of the case.

9.3.13 NCPCR's intervention helped in timely completion investigation in a case of sexual assault of minor

NCPCR intervened in a matter of kidnapping and alleged sexual assault of thirteen year old minor in Jaunpur, UP. The Commission called for an action taken report from the SP, Jaunpur. The girl was traced by the police and after following due procedure of investigation, the police imposed additional sections of rape against the accused. The investigation got completed on time and the accused was arrested and charge sheeted under section 363, 366,376 of IPC and section 3, 4 of the POCSO Act 2012.

9.3.14 Suo-moto cognizance on a newspaper report of Dainik Bhaskar dated 11.04.2017 about a liquor shop running just adjacent to a school in Bhilwara

The NCPCR took cognizance on the reported news article that a liquor shop was running just adjacent to a school in Bhilwara, Rajasthan. Considering the safety of the children DM,

Bhilwara was immediately directed to look into the matter. The liquor shop got closed after the Commission's intervention.

9.3.15 Recovery of two minor girls who ran away from a Children Home of Kanker, Chhattisgarh

The NCPCR took suo-motu cognizance of a news item which stated that two minor girls aged 14 and 16 years ran away from a Children Home of Kanker (Chhattisgarh). The news item also mentioned absence of guard at that time. NCPCR asked District Magistrate, Kanker for immediate recovery and restoration of girls and investigation of the case. The District Administration informed that both the girls were recovered and handed over to their parents. The administration looked into the matter seriously and they cancelled the registration of Children Home due to irregularities found during the inquiry of the matter. The administration took over the charge of the said Home on a temporary basis.

Chapter-10

Rights of Children in North-East Region

Rights of Children in North East Region

10.0 Introduction

North East is the eastern-most region of India. It comprises eight States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. The North-eastern States are practically tribal States. The region is generally considered to be a backward enclave in a progressing economy and one of the most challenging regions of the country to manage.

Concerning the issues relating to children of North-East, NCPCR created NE Cell in the Commission for the promotion and protection of child rights and redressal of issues of children of North-East States in a more effective and efficient manner.

Major activities undertaken during the year 2017-18:

The Commission visited different parts of the north-east region from time to time to promote and protect the rights of children and carried out various activities including meetings, consultations, workshops and inspection of children homes etc.

10.1 Sikkim

a) National Consultation on Child Rights for SCPCRs at Gangtok, Sikkim on 27th - 28th May, 2017

NCPCR as well as SCPCRs are mandated to monitor the Child Rights and implementation of the provisions of the POCSO Act, 2012, Juvenile Justice Act, 2015 and RTE Act, 2009. In order to have effective coordination with the States authorities, NCPCR organised two days National Consultation for Chairpersons and Members of SCPCRs at Gangtok, Sikkim on 27th - 28th May, 2017.

The Consultation discussed key issues and challenges being faced by the State Commissions and the recent initiatives of NCPCR like; National Status Report on 'Safe and Secure School Environment in India', Review Meetings with the State Governments for convergent action on implementation of RTE Act, 2009, 93rd Amendment Act, Education of children of minorities, Standard Operating Procedure for Protection and Care of children in street situations, Child-friendly Concepts (Child Friendly Melas & Child Friendly Police Stations), key provisions under Juvenile Justice (Care and Protection of Children) Act, 2015, Special Courts for POCSO cases,

awareness and sensitization on POCSO under POCSO Act, 2012 etc. A special session on issues of child rights in north east states was also held during this Consultation.

The Consultation was participated by Chairpersons, Members, and Member Secretaries of NCPCR and SCPCRs. Members, NCPCR gave brief presentations on their subjects.

A charter of recommendations was signed by 80 representatives (Chairpersons and Members of SCPCRs) from 19 States in the meeting of NCPCR and SCPCRs held on 27.05.2018 and 28.05.2018 at Chintan Bhawan, Gangtok, Sikkim. The said charter of recommendations was shared with MHRD, MoL&E and MWCD. It included the recommendation on need to assess and review the 93rd Amendment Act and analyze how it has helped the children of minority communities. Further, minority institutions are means for upliftment of minority communities and still there is a need to devise a pathway to ensure that the benefits of such institutions reach the children of minority communities.

10.2 Manipur

a) Regional Level Consultation on ‘Child Rights Gaps & Challenges’, Imphal, Manipur

NCPCR organized a Regional Consultation on ‘Child Rights-Gaps & Challenges in North Eastern States’ in collaboration with Manipur SCPCR at Imphal on 10th October, 2017. The Consultation’s objectives of setting up an institutional mechanism to address gaps and challenges underlying the current unresolved child issues pertaining implementation from state to district levels. The experts in child rights law and implementing authorities from academia, judiciary, executive, media, National and State Commissions for Protection of Child Rights discussed and assessed the child rights situation with a focus on violence against child in a day long sessions to identify general and state specific gaps and challenges in implementation in the region. The Consultation was attended by 195 representatives covering Chairpersons and Members of NCPCR and SCPCRs; North Eastern States Govt. functionaries; Judiciary; child rights activists; and Civil Societies.



10.3. Meghalaya

a) State Level Workshop in Shillong, Meghalaya

NCPCR, in association with Meghalaya SCPCR, organized one-day State Level Training Workshop on the Juvenile Justice Act, 2015 and the POCSO Act, 2012 in Shillong, Meghalaya on 2nd December 2017. The objective of the workshop was to build more cooperation and coordination for better understanding among all the stakeholders. The workshop was participated by around 120 participants including Meghalaya



SCPCR; Odisha Law University; Secretary and Director, Dept. of Social Welfare of Meghalaya; State Police Inspector General, State District Judges, Principal Magistrate of Juvenile Justice Board and officials of different State departments. Member (LRC), NCPCR also participated and addressed the participants.

b) Training on ‘Continuing Professional Development’ of staff of CCIs and other functionaries implementing Integrated Child Protection Scheme in Shillong

NCPCR in collaboration with the Meghalaya SCPCR organized trainings on ‘Continuing Professional Development’ of staff of Child Care Institutions (CCIs) and other functionaries implementing Integrated Child Protection Scheme (ICPS) in the State at Shillong and Tura Districts on 22nd and 24th March, 2018. The trainings were attended by 50



participants from Child Welfare Committees, staff of CCIs and ICPS of the respective Districts. The participants were trained on identification of mental health needs of children living in CCIs, dealing with children with problematic behavior and strategies for promotion of positive mental health of children in child care institutions.

10.4 Assam

a) **One day Multi-Stakeholders Regional Convention of North Eastern States to focus on CSR participation for strengthening the Child Welfare, Child Well-being and Child Education mechanism**

As per the data of Ministry of Corporate Affairs, the total CSR spend in North Eastern States is less than 0.001% of which the amount spent on child welfare, well-being and education is negligible. In order to deliberate upon the existing situation the NCPCR undertook the initiative to organise a one day multi-stakeholders ‘Regional CSR Convention for strengthening the Child Welfare and Child Education mechanism in Northeast India’, in collaboration with State Child Protection Society, Social Welfare Department, Govt. of Assam (ASCPS) supported by Assam SCPCR. The said convention was supported by the Associated Chambers of Commerce of India (ASSOCHAM), Confederation of Indian Industries (CII) and Federation of Indian Chambers of Commerce & Industry (FICCI) with an objective to;



- (i) Gain a clear understanding about spending CSR funds for Welfare of children in North Eastern States;
- (ii) Provide a platform to build understanding between the NGOs/CSOs working grass root level and Welfare Schemes of State Governments, which can be leveraged through CSR activities
- (iii) Come up with a “Road map for Companies to Invest for Child Welfare and Wellbeing initiatives in various States”.

The said convention was attended by 8 Concerned State Government Departments viz. Social Welfare and Education, SCPCRs of North-Eastern States, 37 representatives of 26 Corporate Houses (list enclosed) and NGOs, State Government Departments



viz. Social Welfare and Education, SCPCRs of North-Eastern States, 37 participants of 26 Corporate Houses (list enclosed) and NGOs.

The State Government representatives of the 8 NE States made presentations w.r.t their work and highlighted the need where they require assistance of the CSRs of Corporate Houses. The Corporates also made their presentations w.r.t their focus of work and basic requirements to work together with the Government bodies and NGOs. The NGOs also gave an overview of their work and projects where they would need intervention of CSRs.

The following key recommendations emerged from the said convention;

- All the State Govt.'s, NGOs of 8 NE States should reach out to the CSRs who are willing to contribute in various areas of child welfare and child education.
- The grim picture of CSR investment in the North Eastern States should gradually change and the Ministry would like to look at the same eventually.
- Ministry of Corporate Affairs, Govt. of India may review this situation from time to time.
- NCPCR shall make recommendation to the Ministry of Corporate Affairs (MoCA) to issue appropriate directions to all Corporate Houses; PSUs etc. to ensure minimum 10% of CSR spend in NE States of India.

b) Regional Workshop of CABE Sub-Committee in Guwahati on 28.01.2017 to 'Devise Pathways for Re-Engaging Out of School Children' organised by MHRD in Guwahati

Member (Education), NCPCR participated in the Regional Workshop of CABE -Sub-Committee in Guwahati on 28.01.2017. He made a detailed presentation containing recommendations on Re-Engaging Out of School Children (OoSC) in North Eastern States including Sikkim since the workshop primarily focused on issues of OoSC in NE Region of the country.

The detailed recommendations made by Member (Education) for children to all State Education Secretaries, officials of Department of Education of NER and Members of the CABE Sub-Committee are outlined under the following heads:

1. Arriving at exact figure for Out of School Children in Assam.
2. Lack of Trained Teachers (Data to be provided as per DISE)
3. Training of OoSC (as observed across the country)
4. Children attending Minority Educational Institutions viz. Madarsa are not being factored as in-school.
5. Issue of Out of School Children (OoSC) in CCIs.

6. Issues of children in Tea Garden Areas of Assam
7. Establishment of remaining 24 KGBVs in Assam.
8. Issue of Migrant Children:
9. Quality of Teachers
10. Issues of children of displaced primitive tribe of Bru/ Reang community
Children in Tripura

c) District Level Sensitization Programmes on Prevention of Early Marriage and Early Pregnancy in Assam

Considering the importance of the issue and to eradicate the practice of child marriage and early pregnancy from the state, NCPCR in collaboration with Assam SCPCR organised one day district level sensitization programmes on Prevention of Early Marriage and Early Pregnancy on 15th September, 2017 at Tinsukia district and on 22nd of February at Boko, Kamrup District.



The Objective of the programmes was to understand the covert factors which play key role in triggering marriages and pregnancies among the teenage girls by enabling adolescent children, women, men and stakeholders from Government Departments, and NGOs through participation and collaboration.

The deliberations focused on short term as well as long term strategies to deal both with the aspects of governance and social dimensions. The Programme was participated by Anganwadi Workers, CDPOs, ASHAs, ASHA Supervisors, Secretaries and Presidents of Gram Panchayats, Gaon Burhas, Children and Adolescent from various Tea Gardens and officials from the District Child Protection Units.

d) 2 Day State Level Workshop for Police and other stakeholders on JJ Act, 2015 and POCSO Act, 2012, in Guwahati, Assam

NCPCR, in collaboration with Assam SCPCR organized Training Workshop on JJ and POCSO Acts and Child Rights issues for Police Officers in Guwahati on 15th-16th February 2018. The objectives of the workshop were to sensitize the police officials about the laws, Acts and schemes for child protection and development; identify key bottlenecks in addressing and dealing with the cases of child rights violation and

protection; strengthen convergence among various stakeholders; and develop strategies for ensuring Justice and rehabilitation measures for the child victims.

The workshop was attended by more than 100 participants including Secretary, Dept. of Social Welfare of Assam; State IGP, CID; Police officials; Assam SCPCR; etc.



e) **Northeast Regional Consultation on social protection for children and Adolescents infected and affected with HIV/AIDS in Guwahati**

Two days Northeast Regional Consultation on social protection for children and adolescents infected and affected with HIV/AIDS was held at Guwahati on 13th & 14th March, 2018. The consultation was organized by NCPCR, NACO and Assam SCPCR with support from KHPT and UNAID. The objective of the consultation was to create a common platform for all stakeholders and strengthen collaboration between various government departments to ensure that children and adolescents infected and affected with HIV are provided all essential services. The Consultation was inaugurated by Member (Child Health), NCPCR and senior officials from NACO and USAID.

The Consultation was attended by all State Aids Control Societies (SACS) and SCPCRs of North Eastern States. Participants shared their best practices, challenges and gaps. A special session on substance use and HIV was also taken by experts from NDDTC, AIIMS.



f) Two day training of staff of CCIs (Superintendants and Counselors) in Guwahati

NCPCR organized a two day training of staff of CCIs of Assam on 7th & 8th December, 2017 at Guwahati in collaboration with Assam SCPCR. The training was attended by 100 participants including DCPOs, Superintendants and Counselors of CCIs of Assam. Participants were oriented on Child Rights issues, Laws relating to children, Strategies for promotion of mental health of children and essentials of Counseling. Handbook on Counseling developed by NCPCR was also distributed to all participants.

Sessions on ‘Identification of mental health needs of children in CCI’, ‘victims of child abuse and levels of care’, ‘Application of counseling skills in special situations—Children with substance abuse’, ‘Strategies for Promotion of good mental health & well being among Institutionalized Children & Adolescents’ were facilitated by experts.



10.5 Mizoram

a) State Level Workshop, Aizawl

NCPCR in collaboration with Department of Social Welfare Mizoram organized one day State level Training Workshop on JJ Act, POCSO Act and Child Rights issues at Aizawl on 22.02.2018. Social Welfare Minister of State was the Chief Guest of the workshop. In all 150 participants including Director State Social Welfare; Senior officials from Police; other State departments; CWCs; and JJ Board Members attended the workshop.



10.6 Devising Pathways for Appropriate Repatriation w.r.t. educational facilities and well-being of children of displaced Primitive Tribes viz. Bru-Reang Community

The Commission conducted a study regarding Devising Pathways for Appropriate Repatriation w.r.t. educational facilities and well-being of children of displaced Primitive Tribes viz. Bru-Reang Community through Quality Council of India (QCI). The report was published and placed on NCPCR's website at <http://ncper.gov.in>.

10.7 Special Inquiry/Investigation/Visits

- a) A Team of NCPCR led by Member (Education), NCPCR visited Kaliabor Tea Garden in Nagaon District of Assam on 31, May 2017, and indentified approx 15 Adolescents girls who were minor and dropped out of school working in Tea gardens. An FIR in this matter was registered at police station Kalibor (FIR no. 74/17 dated 01.06.2017) by the Labour Inspector of Kaliabor, Nagaon, Assam.
- b) Two unregistered Homes in Guwahati, Assam: Member (Education) visited the two Homes – ILA and Jyoti Snehalya in Guwahati Assam and found that the homes were not registered. A letter was sent to District Magistrate, Kamroop to take action as per section 27(8) of J.J. Act, 2015. The monthly reports of both CCIs were examined by the Commission and were found unsatisfactory. Thereafter, DC, Kamroop (Metro) was summoned to appear before the Commission on 13.10.2017. Following the orders of the Bench, an FIR was registered against the CCIs.
- c) Member (Education), NCPCR made a surprise inspection of SOS Children's Village at Guwahati and Hojai, Assam on 27.04.2017.
- d) Member (Education) attended preparatory meetings on 2nd and 3rd June, 2017 with officials of the State Child Protection societies and Dept. of social Welfare, Government of Assam and Assam SCPCR to organized a 'One day Multi-stakeholders Regional Convention of North Eastern States to focus on CSR participation for strengthening the Child Welfare, Child Well-being & Child Education mechanism in North-East India'.
- e) Member (Education), NCPCR held an orientation meeting on 'National status Report for Safe and Secure School Environment' at Imphal, Manipur on 17th August 2017. The following officials from Govt. of Manipur attended the said meeting viz. Principal Secretary, State Education Department, Commissioner (SW), Director SSA, Principal, SCERT, Principal DIETs, DEOs, DPOs (SSA), Head of Education Department, Manipur University

Chapter-11

Other Initiatives

Other Initiatives

11.0 The Commission during the year under report carried out some other initiatives to protect, promote and defend Child Rights in the country. It includes:

11.1 State Policy for Children

NCPCR requested Chairpersons of all State Commissions for Protection of Child Rights to facilitate development of 'State Policy for Children' in their respective States keeping in view the specific requirements of children of the State, in consonance with the National Policy for Children, 2013 and NPAC, 2016. During the period under report, responses were received from 09 States. Of these, 4 States i.e. Tamil Nadu, Maharashtra, Goa and Kerala had prepared the same and 5 States i.e. Odisha, Manipur, Meghalaya, Assam, Bihar were in process of preparing the State Policy for Children.

11.2 State Profiles on Status of Child Rights in India

NCPCR invariably requires data on various aspects of Child Rights to carry out its day to day activities. Thus, NCPCR prepared State Profiles for each State containing data upto district level. Further, for a better comparative view of the situation, an indexing of States on their performance on Child Rights on 7 identified key indicators was also carried out. The profiles thus prepared were shared with the MWCD. The MWCD forwarded the State Profiles to NITI Aayog for its consideration, who commended the efforts of NCPCR and richness of data in State Profiles. MWCD also forwarded State Profiles to the Prime Minister Office for perusal.

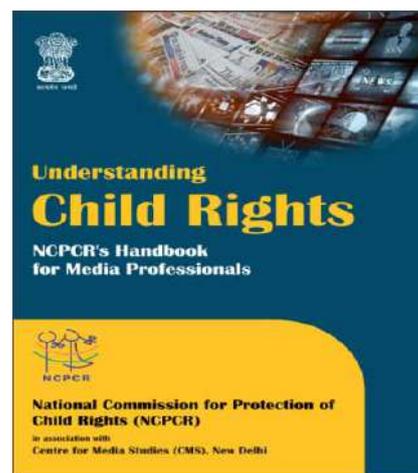
11.3 Coordination with State Commissions for Protection of Child Rights (SCPCRs)

As per the CPCRA Act, 2005, the State Commissions for Protection of Child Rights have been constituted in almost all the States/UTs of the country under Section 7 of the Act and are functional. NCPCR and SCPCRs continued to work in a coordinated manner towards protection of Child Rights through monitoring of effective implementation of laws, policies, and grievance redressal mechanism.

During the period under report, NCPCR organised a two day National Consultation for Chairpersons and Members of SCPCRs at Gangtok, Sikkim on 27th-28th May, 2017 for capacity enhancement of SCPCRs. The further details of the Consultation are mentioned in Chapter on 'Rights of Children in North East Region'.

11.4 Handbook for Media Professionals

NCPCR developed a handbook ‘Understanding Child Rights’ for Media Professionals to inform and assist them about the various Child Laws in the country, enacted to protect Child Rights.



11.5 In order to generate awareness among public, NCPCR issued advertisements in leading newspapers of all States/UTs on following issues:

- Enhancement of scope of POCSO e-box to include cyber crimes.
- Children stay safe on internet.
- POCSO e-box mobile App.
- Appeal regarding protection of children against ‘Blue Whale Challenge’ Game.

11.6 At the instance of Sports Authority of India, NCPCR prepared 10 minutes video documentary of its 10th Foundation Day celebration and uploaded on its website.

11.7 NCPCR developed significant IEC material to generate awareness among stakeholders and duty bearers on JJ and POCSO Acts. The detail of the IEC material developed is mentioned under Chapter on POCSO.

11.8 Meeting with Dignitaries and International Delegates

- 11.8.1 A delegation from Malaysia consisting of Minister of the Prime Minister's Department, in-charge of Legal Affairs and other Ministers visited NCPCR on 4th May 2017. The delegation discussed about the Child Rights issues and was apprised about the initiatives taken by the Govt. for protection of children against sexual abuse and establishment of Special Courts for handling child sexual abuse.
- 11.8.2 Hon'ble Minister of State, WCD Dr. Virendra Kumar visited NCPCR on 13th October, 2017, to review the functioning of the Commission. Chairperson, NCPCR made a presentation on the functioning and achievements of NCPCR. Issues related to implementation of JJ and POCSO Acts and Child Rights were also discussed. The review meeting was participated by Chairperson, all Members, Member Secretary and other senior officials of the Commission.
- 11.8.3 Ms. Kate Gilmore, United Nations Deputy High Commissioner for Human Rights paid a visit to NCPCR on 30th October 2017 and interacted with the Chairperson and Members of the Commission. Issues pertaining to child rights, implementation of the Juvenile Justice Act, 2015 and the POCSO Act, 2012 were discussed.
- 11.8.4 Prof. Marelize Schoeman and Prof. Michelle Karels, University of South Africa, South Africa visited NCPCR on 1.11.2017 to understand the situation of juvenile justice system alongwith legal and administrative responses to the issue. They interacted with Chairperson, Members, and other senior officials of the Commission.
- 11.8.5 Chairperson, NCPCR held a meeting with Vice President of India on Child Rights issues on 13.11.2017.
- 11.8.6 Chairperson, NCPCR held a meeting with Vice Chairman, NITI Aayog on 15th November 2017 and discussed important issues related to child protection. Further, based on the discussion held in the meeting, a note on 'Budget for Children' was sent to Vice Chairman, NITI Aayog.

Chapter-12

Recommendations

Recommendations

12.0 Introduction

The Commission, as per the CPCR Act, 2005, is mandated to make recommendations to the concerned authorities wherever violations of Child Rights are observed. The important recommendations made by the Commission during the year were as follows:

- 12.1 Advisory was issued by the Member (Education) to all the Chief Secretaries of the States requesting to issue directions to the private school authorities to deal all the fee related issues with the parents only and not with the students to prevent fee related harassments and suicidal deaths amongst the school students. **(Annexure-IV)**
- 12.2 In order to streamline the efforts for ensuring safety and security of children in schools, the National Commission for Protection of Child Rights (NCPCR) u/s 13 (1) (a) has examined and compiled different guidelines and formed a comprehensive manual titled- *Manual on Safety and Security of Children in Safety*. In view of new circumstances and incidents, the Commission made recommendation vide letter dated 26.02.2018 to all State/UTs Education Secretaries and SCPCRs that all institutions should assess their respective safety and security requirements by conducting safety audits of schools with help of the Check List annexed with the manual and build their capacities & preparedness to handle unforeseen situations & circumstances. **(Annexure-V)**
- 12.3 The Commission, vide letter dated 26.02.2018, recommended to Jawahar Navodaya Vidhyalaya (JNV) Samiti that to guarantee safety and security of children, it should be ensured that Hostel Wardens are appointed in all JNVs, at the earliest. Safety Audits maybe conducted in all the JNVs in accordance with the checklist as per 'Regulatory Guidelines for Hostels of Educational Institutions of Children' prescribed by NCPCR. **(Annexure-VI)**
- 12.4 The Commission, vide letter dated 19.02.2018, recommended to the Ministry of Tribal Affairs that a dedicated, full time post of hostel warden be created in Ashramshalas and be filled at the earliest possible date. **(Annexure-VII)**
- 12.5 It was recommended by the Commission vide letter dated 19.01.2018 under Section 13 of the CPCR Act, 2005 to Ministry of Corporate Affairs that in exercise of powers conferred under Section 135 and sub section (1) and (2) of Section 469 of

the Companies Act, 2013 (18 of 2013) they may amend the Rule 6 (1) by inserting a clause thereby making it mandatory for companies to spend minimum of 10% in the North Eastern States of the country which should also include spends on projects/schemes related to children. This would also facilitates companies to benefit by investing in North Eastern States (**Annexure-VIII**).

- 12.6 NCPCR conducted a study through Quality Council of India (QCI) on Status of implementation of Section 12 (1) (c) of RTE Act, 2009 in Delhi wherein private schools are responsible to ensure minimum 25% of admission to economically weaker. Based on the findings of the study Report, recommendations were sent to Secretary, School Education, Delhi vide letter dated 13.02.2018. (**Annexure-IX**)
- 12.7 To limit the scope of discrimination in education, the Right to Education of Children to Free and Compulsory Education (RTE) Act, 2009, under Section 29 authorized the academic authority specified by appropriate Government to prescribe curriculum and evaluation procedure for elementary classes. However, it was observed by the Commission that the same is being violated by schools by not following the curriculum and evaluation procedure as per the NCF laid down by the academic authority. Hence, in order to ensure uniformity of curriculum at elementary level throughout the country, it was recommended that the State Education Departments should monitor the curriculum and evaluation criteria followed by State Boards through SCERTs and ensure that the same being followed in the schools as per the NCF. (**Annexure-X**)
- 12.8 A recommendation was sent to Ministry of Labour and Employment vide letter dated 08.09.2017 to include NCPCR in any/all matters pertaining to grievance redressal in respect of Out of School Children on the PENCIL portal and in the SoP on child and adolescent labour. (**Annexure-XI**)
- 12.9 Given NCERT's role as an academic authority, it was recommended that NCERT should ensure uniformity in curriculum at elementary level. Also, as CBSE had withdrawn its uniform assessment system for classes VI-VIII on Commission's intervention, it was recommended that NCERT may issue an advisory to all schools to follow the CCE pattern as per NCF. (**Annexure-XII**)

- 12.10 Recommendation were sent to MHRD, Ministry of Finance and Chief Secretaries of all States/UTs to include shoes as part of Uniform under the RTE Act, 2009. Shoes shall be provided in the school uniforms under the RTE Act, 2009 and RTE Rules 2010 and ensure that children get their full entitlements. **(Annexure-XIII)**
- 12.11 It was recommended to MHRD that while preparing the Mid-day Meal menu at the district level; information from Rastriya Bal Swasthya Karyakram, Department of Health may be sought and the menu may be prepared accordingly to address the nutritional issues of the school going children. Accordingly, Ministry of Human Resource Development may like to issue necessary directives to the States so that while preparing menu at the district level the concerned authority may consult RBSK for modifying the menu to address the nutritional deficiency of the children. **(Annexure-XIV)**
- 12.12 Due to lack of institutionalized mechanism for in-service training and orientation, the Commission recommended to all State Education Secretaries and State Commissions for Protection of Child Rights that Education Departments of all States/UTs to ensure that sensitization/orientation workshops for eliminating corporal punishment from schools based on NCPCR guidelines are conducted in all the schools. **(Annexure-XV)**
- 12.13 In reference to D. No. 1-2/2017-PN-1 (Part-II) dated 14th December 2017 from Secretary MHRD seeking suggestions w.r.t Agenda Items for 65th CABE meeting, a written submission to MHRD on suggestions for agenda to be tabled in the 65th CABE meeting for consideration. The suggestions for agenda included discussion on ensuring “Safe and Secure School Environment in Schools”; discussion to assess the benefits availed by the children of minorities in view of Article 15 (5) of the Constitution of India; discussion on right of children to pre-primary education as provided under section 11 of the RTE Act, 2009; Convergence of various departments/institutions on issues regarding out-of-school children; assessment of the roles of Coaching Institutions; devising effective strategies to regulate fees in Private Schools; post-elementary education of the children from DG/EWS sections admitted u/s 12 (1) (c) of the RTE Act, 2009. **(Annexure-XVI)**

Chapter-13

Official Language

Official Language

13.0 Implementation of Official Language Policy

To implement various constitutional and legal provisions of Official Language Act, 1963 and Rules framed there under, an Official Language Implementation Committee was constituted in NCPCR in pursuance of OM No. 5/69/69 –O.L. dated 25.10.1969 issued by Ministry of Home Affairs, Govt. of India, in order to promote use of Official Language in day to day administrative work with research, training programmes and disseminating the results and outcomes through regular as well as occasional publications of NCPCR.

13.1 Official Language Implementation Committee

The Official Language Implementation Committee of NCPCR continued to function during the year under report. The Committee took important decisions for progressive use of official language.

13.2 Compliance of Section 3(3) of the Official Language Act, 1963 and Rule 5 of the Official Language Rules, 1976

In pursuance of the official language policy of the Government of India, all the documents covered under Sec 3(3) of the Official Language Act 1963 viz. Cabinet notes, Parliament Questions, material related to Parliamentary Standing Committee, standing notes, advertisement, notifications, circulars, office memorandum, etc. are being issued both in English and Hindi. Other than this, books related to various subjects of the Commission were translated during this period. Rule 5 of official language rules 1976 is being fully complied by the Commission.

13.3 Quarterly Report

The Commission continued to send the quarterly reports to the Ministry of Women & Child Development in which the details of numbers of documents (both Hindi & English) issued, letters received and dispatched as well as the number of notes prepared in Hindi & English in NCPCR during the quarter were given on regular basis.

13.4 Hindi Workshop

The Commission organized a Hindi Workshop to orient the officers and staff of the Commission to work originally in Hindi instead of depending upon the translation. The Workshop was held on 19th January, 2018 at NCPCR with the subject 'Official Language

Policy of the Union and Noting & Drafting in Hindi’. During the Workshop, officers and staff of the Commission were given practical training to prepare notes and drafts in Hindi. The participants of the workshop were also equipped with Official Language Policy of the Government of India, various incentive schemes and initiatives by the Government to promote official language and reprisal of the practical difficulties being faced by the participants in their day to day work.

13.5 Meeting of Hindi Advisory Committee

Member (LRC), NCPCR participated in the meeting of Hindi Advisory Committee of the Ministry of Women and Child Development on 22nd June, 2017. The meeting was chaired by Hon’ble MoS, WCD. Secretary and other senior officers of the MWCD also participated in the meeting.



13.6 Hindi Pakhwara

Hindi Diwas is celebrated on 14th September in the country because on this day in 1949, the Constituent Assembly of India had adopted Hindi written in Devanagari script as the official language of India. NCPCR also observed Hindi Diwas on 14th September, 2017. The messages of Hon’ble Home Minister and Hon’ble Minister of Women & Child Development were read amongst the staff. Hindi Pakhwara (Fortnight) was celebrated in NCPCR from 14th September to 27th September, 2017 wherein various activities to promulgate Hindi Language were carried out in the Commission through competitions like Hindi Essay, Hindi Bhashan, Hindi Kavya Path, Hindi Dictation (for MTS only). The employees of the commission participated in these events with great enthusiasm. The winning participants were awarded with cash prizes and certificated by Member (LRC) and Member Secretary, NCPCR.

Consolidated Financial Statement for 2017-18

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 2018

(Amount in Rs.)

CORPUS/CAPTIAL FUND AND LIABILITIES	Schedule	Current Year	Previous Year
CORPUS/CAPTIAL FUND	1	1304,21,821.07	1308,92,059.21
RESERVES AND SURPLUS	2	-	-
EARMARKED/ENDOWMENT FUNDS	3	1,98,000.00	1,98,000.00
SECURED LOANS AND BORROWINGS	4	-	-
UNSECURED LOANS AND BORROWINGS	5	-	-
DEFERRED CREDIT LIABILITIES	6	-	-
CURRENT LIABILITIES AND PROVISIONS	7	40,51,650.00	11,57,872.50
TOTAL		1346,71,471.07	1322,47,931.71
ASSETS			
FIXED ASSETS	8	97,98,026.00	83,34,017.00
INVESTMENTS - FROM EARMARKED FUNDS	9	-	-
INVESTMENTS - OTHERS	10	-	-
CURRENT ASSETS, LOANS, ADVANCES ETC.	11	1248,73,445.07	1239,13,914.71
MISCELLANEOUS EXPENDITURE (to the extent not written off or adjusted)		-	-
TOTAL		1346,71,471.07	1322,47,931.71
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		

जी. सुरेश/G. SURESH
 सहायक निदेशक/Assistant Director
 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

जी. सुरेश/G. SURESH
 सहायक निदेशक/Assistant Director

गीता नारायण/GEETA NARAYAN
 सदस्य सचिव/Member Secretary
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CONSOLIDATED FINANCIAL STATEMENT

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

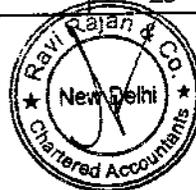
INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR YEAR ENDED 31ST MARCH, 2018

(Amount in Rs.)

INCOME	Schedule	Current Year	Previous Year
Income from Sales / Services	12	-	-
Grants / Subsidies	13	160,138,000.00	189,303,200.00
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	1,914,878.00	1,656,474.00
Other Income	18	717,692.00	9,456.00
Increase/(decrease) in stock of Finished goods and works-in-progress	19	-	-
TOTAL (A)		162,770,570.00	190,969,130.00
EXPENDITURE			
Establishment Expenses	20	26,597,557.00	16,616,197.00
Office & Other Administrative Expenses etc.	21	135,153,238.14	105,041,608.25
Expenditure on Grants, Subsidies etc.	22	-	-
Interest	23	-	-
Depreciation (Net Total at the year-end) (Corresponding to Schedule 8)		1,489,849.00	2,052,215.10
TOTAL (B)		163,240,644.14	123,710,020.35
Balance being excess of Income/(Expenses) over Expenditure/Income (A-B)		(470,074.14)	67,259,109.65
Transfer to Special Reserve (Specity each)			
Transfer to / from General Reserve			
BALANCE BEING SURPLUS/(DEFICIT) CARRIED TO CORPUS / CAPITAL FUND		(470,074.14)	67,259,109.65
SIGNIFICANT ACCOUNTING POLICIES	24		
AND NOTES ON ACCOUNTS	25		

[Signature]

[Signature]



[Signature]

जी. सुरेश/G. SURESH जी. सुरेश/G. SURESH
सहायक निदेशक/Assistant Director सहायक निदेशक/Assistant Director
राष्ट्रीय बाल अधिकार संरक्षण आयोग
National Commission for Protection of Child Rights
महिला एवं बाल विकास मंत्रालय
Ministry of Women & Child Development
नई दिल्ली/Govt. of India, New Delhi

गीता नारायण/GHETA NARAYAN
सदस्य सचिव/Member Secretary
राष्ट्रीय बाल अधिकार संरक्षण आयोग
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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, Chandernagore Building 36, Janpath, New Delhi - 110 001
RECEIPTS AND PAYMENTS FOR THE YEAR ENDED 31ST MARCH, 2018**

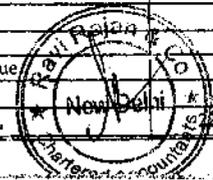
(Amount in Rs.)

RECEIPTS	Current Year	Previous Year	PAYMENTS	Current Year	Previous Year
			(I) Expenses:		
(I) Opening Balances:			a) Establishment Expenses	26,597,557.00	16,616,197.00
a) Cash in hand (Including Imprest)		300.00	b) Office & Other Administration Expenses	131,293,766.64	107,713,680.75
b) Bank Balances			c) Expense on Grant & Subsidies etc.		
(i) In current accounts (unspent bal.)			d) TDS & Other payable amount of last year		
(ii) In deposit accounts	12,300.00	12,300.00			
(iii) Savings accounts	58,258,727.72	14,141,042.47	(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	160,138,000.00	189,303,200.00	Naxal 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 Naxal Management Division			(III) Investments and deposit made:		
e) MHA (Grant for Kokrajhar & Chirang)			a) Out of Earmarked/Endowment funds		
(III) Income on Investments from:			b) Out of Own Funds (Investments-others)		
a) Earmarked/Endow. Funds			(IV) Expenditure on Fixed Assets &		
b) Own Funds (Oth. Investment)			Capital Work-in-Progress:		
			a) Purchase of Fixed Assets	2,954,022.00	627,519.00
			b) Exp. On Capital Work-in-progress		
			(V) Loans & Advances:		
(IV) Interest Received:			a) To the Government of India		
a) On Bank deposits	1,914,878.00	1,656,474.00	b) To the State Government		
b) Loans, Advances etc.			c) To others	31,431,814.47	21,909,538.00
			d) Recovered & paid to parent office		
			e) To Security Deposit		
(V) Other Income (Specify):			(VI) Finance Charges (Interest):		
RTI Fee Received	1,070.00	2,310.00	(VII) Other Payments (Specify):		
Reimbursement expenses	-	-	Payment for State Cheque		
Sale of old News papers and Magazines	-	-	Security Money refunded		
Tender Money			Sundry Creditors		
Security Money Received			NCPCR		
Security Deposit (Phone) Return			Other Payables		
Refund Of Grant			(VIII) Closing Balances:		
Sale of Fixed Assets		15,390.00	a) Cash in hand (Including Imprest)	26.00	
Core Activities for State Representative			b) Bank Balances:-		
Other	712,390.00	7,146.00	(i) In current accounts		
(VI) Amount Borrowed:			(ii) In deposit accounts	12,300.00	12,300.00
NCPCR			(iii) Savings accounts	21,747,859.61	58,258,727.72
(VII) Other Receipts					
Advances Recovered					
Receipts from State Cheque					
TOTAL	221,037,365.72	205,138,162.47	TOTAL	221,037,365.72	205,138,162.47


जी. सुरेश/G. SURESH
 सहायक निदेशक/Assistant Director
 राष्ट्रीय बाल अधिकार संरक्षण आयोग
 National Commission for Protection of Child Rights
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 Ministry of Women & Child Development
 भारत सरकार, नई दिल्ली/Govt. of India, New Delhi


जी. सुरेश/G. SURESH
 सहायक निदेशक/Assistant Director


नीता नारायण/NETA NARAYAN
 सहायक सचिव/Member Secretary
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 Ministry of Women & Child Development
 भारत सरकार, नई दिल्ली/Govt. of India, New Delhi



Audit Certificate for 2017-18



सत्यमेव जयते

By: SPEED POST

कार्यालय अपर उपनियंत्रक महालेखापरीक्षक (केंद्रीय व्यय) इन्द्रप्रस्थ एस्टेट, नई दिल्ली-110002

**OFFICE OF THE ADDITIONAL DEPUTY COMPTROLLER AND AUDITOR
GENERAL (CENTRAL EXPENDITURE) INDRAPRASTHA ESTATE, NEW
DELHI - 110002**

दूरभाष/Phone: 23454329 फैक्स नं./Fax No. 23702271

संख्या/No. AMG-III/4-94/SAR/NCPCR/2018-19/1181

दिनांक/Dated: 19.12.2018

सेवा में

सचिव, भारत सरकार
महिला एवं बाल विकास मंत्रालय
शास्त्री भवन, नई दिल्ली

विषय: वर्ष 2017-18 के लिए राष्ट्रीय बाल अधिकार संरक्षण आयोग, नई दिल्ली के लेखाओं पर पृथक लेखापरीक्षा प्रतिवेदन

महोदय / महोदया

में, राष्ट्रीय बाल अधिकार संरक्षण आयोग, नई दिल्ली के वर्ष 2017-18 के प्रमाणित वार्षिक लेख की प्रति, उसके प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र की प्रति संसद के पटल पर रखने के लिये संलग्न करता हूँ।

संसद को प्रस्तुत कर दस्तावेज की दो प्रतियाँ उस तिथि को दर्शाते हुए, जब वे संसद को प्रस्तुत किए गए थे, इस कार्यालय को तथा भारत के नियंत्रक महालेखापरीक्षक के कार्यालय को भेजी जाए। कृपया यह सुनिश्चित करें कि पृथक लेखापरीक्षा प्रतिवेदन को संसद के दोनों सदनों के समक्ष प्रस्तुत करने से पहले वार्षिक लेखाओं को शासी निकाय द्वारा अवश्य अनुमोदित करा लिया जाए।

लेखापरीक्षा प्रतिवेदन का हिन्दी अनुवाद एवं इसे जारी करने से संबंधित सभी कार्यों को आपके निकाय द्वारा किया जाना ही अपेक्षित है। पृथक लेखापरीक्षा प्रतिवेदन का हिन्दी अनुवाद जारी करते समय निम्नलिखित अस्वीकरण (Disclaimer) अंकित करें :

“प्रस्तुत प्रतिवेदन मूल रूप से अंग्रेजी में लिखित पृथक लेखापरीक्षा प्रतिवेदन का हिन्दी अनुवाद है। यदि इसमें कोई विसंगति परिलक्षित होती है तो अंग्रेजी में लिखित प्रतिवेदन मान्य होगा।”

भवदीय

अनुलग्नक : यथोपरि

हस्ता./-

उप-निदेशक (ए.एम.जी.-III)

संख्या/No. AMG-III/4-94/SAR/NCPCR/2018-19/1182 दिनांक/Dated 19.12.2018

प्रतिलिपि : सुश्री गीता नारायण, सदस्य सचिव, राष्ट्रीय बाल अधिकार संरक्षण आयोग, पांचवा तल, चंद्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली -110001 को लेखापरीक्षा प्रतिवेदन तथा लेखापरीक्षा प्रमाणपत्र की प्रति आवश्यक कार्यवाही हेतु अग्रेषित की जाती है। यह अनुरोध किया जाता है कि संसद को प्रस्तुत दस्तावेजों की दो प्रतियां उस तिथि को दर्शाते हुए जब वे संसद को प्रस्तुत किए गए थे इस कार्यालय को तथा भारत के नियंत्रक एवं महालेखापरीक्षक के कार्यालय को भेजी जाएं।

कृपया यह सुनिश्चित करें कि पृथक लेखापरीक्षा प्रतिवेदन को संसद के दोनों सदनों के समक्ष प्रस्तुत करने से पहले वार्षिक लेखाओं को शासी निकाय द्वारा अवश्य अनुमोदित करा लिया जाए। यह भी अनुरोध किया जाता है कि पृथक लेखापरीक्षा प्रतिवेदन के हिन्दी अनुवाद की एक प्रति शीघ्र इस कार्यालय को भेजी जाएं।

अनुलग्नक : यथोपरि।

श्री जय शर्मा
21/12/18
उप-निदेशक (ए.एम.जी.-III)

**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 2018**

We have audited the attached Balance Sheet of the National Commission for Protection of Child Right (NCP CR), New Delhi as at 31 March 2018, 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 NCP CR'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/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, 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 Capital Fund (Schedule-1): Rs 13.04 crore

A.1.1.1 NCP CR transferred the excess of Income over expenditure relating to Right to Education Scheme to the Capital Fund (Schedule-1) instead of Earmarked Fund (Schedule-3). The details are given below:

Financial Year	Excess/Deficit	(Rs. in crore)
		Amount
2013-14	Excess of Income over Expenditure	1.52
2014-15	Excess of Expenditure over Income	(0.15)
2015-16	Excess of Expenditure over Income	(1.09)

2016-17	Excess of Income over Expenditure	0.51
2017-18	Excess of Income over Expenditure	0.50
Net Impact		1.29

This has resulted in overstatement of Capital Fund and understatement of Earmarked Funds by Rs. 1.29 crore as at 31 March 2018. This was reported in the previous years' report but no remedial action was taken.

A.1.1.2 Ministry of Women and Child Development released an amount of Rs. 4.38 crore to NCPCR for specific purpose (inspection of homes by Childline India Foundation) during 2016-17. Out of this, Rs. 1.65 crore and Rs. 2.02 crore was released to the Foundation during 2016-17 and 2017-18 respectively. The balance of Rs. 0.71 crore was transferred to Capital fund instead of Earmarked Funds. This has resulted in overstatement of Capital Fund and understatement of Earmarked Funds by Rs. 0.71 crore.

A.1.2 Current Liabilities & Provision (Schedule-7): Rs. 40.52 lakh

A.1.2.1 Time barred cheques amounting to Rs. 6.61 lakh (were not written back in accounts. This has resulted in understatement of Current Assets (Bank Balance) and Liabilities (Creditors) by Rs. 6.61 lakh.

A.1.2.2 The dues on account of Pension and Leave Salary Contribution amounting to Rs. 18.55 lakh for the year 2017-18 in respect of employees working with NCPCR on deputation/Foreign Service were not paid by NCPCR and no provision for the same was made in the accounts. This resulted in understatement of liabilities as well as expenditure by the like amount.

A.2 Assets

A.2.1 Fixed Assets (Schedule 8) Rs. 97.98 lakh

A.2.1.1 In the previous year's report (2016-17) it was pointed out that 41 computers amounting to Rs. 22.13 lakh were procured in June 2016 and were entered in the stock register. However, the payment was not made in the year 2016-17. Audit noted that these computers were not accounted for in the annual accounts i.e. neither these were taken as assets nor liability for outstanding payment was created. Consequently, depreciation amounting to Rs. 13.28 lakh was also not charged. This resulted in understatement of Liabilities by Rs. 22.13 lakh, understatement of Fixed Assets by Rs. 8.85 lakh and understatement of expenditure by Rs. 13.28 lakh. The entire payment of Rs. 22.13 lakh was made in 2017-18 but depreciation has not been charged. Also no correction on account of depreciation for last year has been carried out resulting in overstatement of assets and understatement of expenditure by Rs. 16.82 lakh.

B. General

B.1 Advances of Rs. 5.69 lakh pertaining to the period from 2007-08 to 2011-12 were pending for adjustment as of 31 March 2018. The long pending advances lying unadjusted need to be reviewed and settled. This was also pointed out in previous year's report but no remedial action was taken.

B.2 NCPCR had fixed assets of Rs. 97.98 lakh as on 31 March 2017 but the registers maintained did not depict details of all the items shown in the accounts. During physical verification in October 2015, Fixed assets worth Rs. 4.72 lakh were found missing. No action was taken by NCPCR in this regard despite being pointed out in previous year's report. Further in 'Schedule 8-Fixed Assets' appended to Annual accounts relating to NCPCR, an amount of Rs. 26.57 lakh was depicted under computer/peripherals whereas in

the details appended with annual accounts, the figure was Rs. 4.44 lakh. This needs to be reconciled.

B.3 Annual Accounts of NCPCR depicted Rs. 2.31 lakh in Schedule-7 Current Liabilities under 'Suspense'. But in Consolidated Accounts of NCPCR this amount has not been shown and the amount has been clubbed and shown as 'Other Payables' leaving the head 'Suspense' blank. This needs to be corrected.

B.4 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 both for long term and current investments. Audit noted that NCPCR kept huge balance in savings bank account maintained with banks, which yielded interest at the rate of 4 per cent annually. Monthly closing balances were as under:

(Rs. In Lakh)

Month	NCPCR's SBI Account No. - 30135513449	NCPCR-RTE's SBI Account No. - 31408202176
Opening balance as on 01.04.2017	568.03	55.33
Apr-17	488.81	25.14
May-17	361.19	19.24
Jun-17	668.10	138.47
Jul-17	583.22	106.41
Aug-17	587.67	16.19
Sep-17	698.89	8.18
Oct-17	596.03	8.86
Nov-17	442.41	4.59
Dec-17	382.98	7.83
Jan-18	281.37	7.15
Feb-18	148.93	2.93
Mar-18	272.80	107.95

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.5 As per Rule 230(8) of GFRs 2017 all interests or other earnings against Grants in aid or advances (other than reimbursement) released to any Grantee institution should be mandatorily remitted to the Consolidated Fund of India immediately after finalisation of the accounts. Such advances should not be allowed to be adjusted against future releases. NCPCR had earned interest of Rs. 19.15 lakh during the year on the grant. No amount of interest generated on the grant in aid received from the Ministry was remitted to the Ministry so as to be remitted into the Consolidated Fund of India. NCPCR failed to comply with the provisions of the GFRs.

B.6 No provision for retirement benefits has been made in the accounts in contravention of Accounting Standard 15 issued by ICAI.

C. Grant-in-aid

The grants-in-aid received by NCPCR during 2017-18 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)	11.89	4.59	0.28	16.76	15.54	1.22
NER (M/o WCD)	0.72	0.72	-	1.44	0.84	0.60
RTE (M/o HRD)	3.40	0.52	0.01	3.93	2.87	1.06
Total	16.01	5.83	0.29	22.13	19.25	2.88

NCPCR had unspent balance of Rs. 2.88 crore at the end of the financial year 2017-18.

D. Management Letter: Deficiencies which have not been included in the Audit Report have been brought to the notice of NCPCR through a management letter issued separately for remedial/corrective action

v. Subject to observations in the preceding paragraphs, we report that the Balance Sheet, Income & Expenditure Account and Receipts & Payments Account dealt with by this report are in agreement with the books 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 as at 31st March 2018; and

b) In so far as it relates to Income and Expenditure Accounts of the deficit for the year ended on that date.

For and on behalf of C& AG of India

Place: New Delhi
Date: 19.12.2018


Addl. Dy. C&AG(CE)

Annexure

1. Adequacy of Internal Audit System

Internal audit of NCPCR was last conducted by Internal Audit Wing of the Ministry of Human Resource 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:

- Cuttings/over-writings were found on many pages in the Cash Book, which were not attested. Certificate of monthly closing balances were not found recorded. Surprise check of cash was never conducted.
- Three posts of Members were vacant since November 2013.
- Grants-in-aid Register, Security Deposit Register, Expenditure Control Register, Advance Register were not maintained.
- In the previous year's report it was pointed out that books amounting to Rs. 0.16 lakh were purchased during the year 2016-17 but in the accession register, an amount of Rs. 0.03 lakh was found entered. No remedial action in this regard had been taken by NCPCR.
- 19 external audit paras pertaining to the period 2011-12 to 2017-18 were outstanding.
- During physical verification of fixed assets, many items were found missing. Even the Annexure (Fixed Assets) appended with Annual Accounts did not give complete details of assets.
- Closing stock of stationery valuing Rs. 2.43 lakh was shown in Schedule-11, however, as per details in the stock register it was Rs. 1.70 lakh.
- Advances were pending for as long as 2007-08. Despite being pointed out in previous years' reports, remedial action was not taken.

In view of the above, the internal control system in NCPCR needs to be strengthened.

3. System of physical verification of fixed assets

- Physical verification of fixed assets was conducted upto 20.3.2018. However, fixed asset register maintained by NCPCR did not depict the details of all the items shown in the accounts. This needs rectification.

4. System of physical verification of inventory

- The physical verification of library books and other consumable items was conducted up to 20.3.2018.

5. Regularity in payment of dues

- An amount of Rs. 0.69 lakh was outstanding on account of statutory dues for more than six months as on 31 March 2018.

Annexures



प्रियंक कानूनगो
Priyank Kanoongo
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. 25015/17/2017-18/NCPCR/EDU / 66088

Date: 6/02/2018

Ma'am,

Economic empowerment is a critical lever for change in lives of adolescent girls by providing them with enhanced mobility, promoting their confidence, strengthening their social networks, and improving their health outcomes. Empowerment of out-of-school adolescent girls in India calls for more robust mechanism and collaborative efforts so that the benefits of government programmes reach girls that for any reason discontinue schooling and formal education to enable them to lead a more productive and fulfilling life.

With an aim to explore measures for vocational and life skills training of adolescent girls, NCPCR reviewed ongoing schemes and programmes and also organised a one-day National Colloquium on Vocational and Life Skills Training of Out-of-School Adolescent Girls in the age-group 15-18 years that was attended by Secretary MWCD, representatives from NCERT, NIOS, TISS, Sector Skill Councils etc. and NGOs working for vocational and life-skill training of adolescent girls.

Based on the review and discussions, a set of recommendations have been framed that require intervention at policy level and also include certain steps that can be carried out instantaneously for extending opportunity for skill training to the out-of-school adolescent girls in the age group of 15-18 years. With respect to the role of Ministry of Labour and Employment (MoL&E), it is being recommended that the Ministry should clarify the working conditions of children in non-hazardous occupations through a Standard Operating Procedure. This will facilitate other stakeholders in defining their job roles and work terms.

The full report of the colloquium including recommendations is enclosed for your perusal.

With best regards,

Yours sincerely,

(Priyank Kanoongo)

Smt. M. Sathiyavathy,
Secretary (L&E),
Ministry of Labour and Employment,
Room No. 104, Shram Shakti Bhawan
Rafi Marg,
New Delhi-110001
Email: secy-labour@nic.in

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प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

भारत सरकार
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NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



F. No. 25015/17/2017-18/NCPCR/EDU

Date: 10/2/2018

66086
66087

Dear Sir,

Economic empowerment is a critical lever for change in lives of adolescent girls by providing them with enhanced mobility, promoting their confidence, strengthening their social networks, and improving their health outcomes. Empowerment of out-of-school adolescent girls in India calls for more robust mechanism and collaborative efforts so that the benefits of government programmes reach girls that for any reason discontinue schooling and formal education to enable them to lead a more productive and fulfilling life.

With an aim to explore measures for vocational and life skills training of adolescent girls, NCPCR reviewed ongoing schemes and programmes and also organised a one-day National Colloquium on Vocational and Life Skills Training of Out-of-School Adolescent Girls in the age-group 15-18 years that was attended by Secretary MWCD, representatives from NCERT, NIOS, TISS, Sector Skill Councils etc. and NGOs working for vocational and life-skill training of adolescent girls.

Based on the review and discussions, a set of recommendations have been framed that require intervention at policy level and also include certain steps that can be carried out instantaneously for extending opportunity for skill training to the out-of-school adolescent girls in the age group of 15-18 years. With respect to the role of Ministry of Skill Development and Entrepreneurship (MoSD&E), it is being recommended that the entry level criterion in various vocational training programmes should be redefined. For this, it is important that the eligibility criterion as per the job roles be laid down considering the kind of work that can be taken up by children after completing 14 years of age.

The full report of the colloquium including recommendations is enclosed for your perusal.

With best regards,

Yours sincerely,

(Priyank Kanoongo)

Dr. K.P. Krishnan,
Secretary,
Ministry of Skill Development and Entrepreneurship,
2nd Floor, Annexe Building Shivaji Stadium,
Shaheed Bhagat Singh Marg, Connaught Place,
New Delhi - 110001
E-mail: secy-msde@nic.in

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Web : www.ncpcr.gov.in, e-mail: priyank.ncpcr@gov.in, Lodge your complaint at : www.ebaalnidan.nic.in

Copy to:

**Shri Manish Kumar,
MD & CEO,
National Skill Development Corporation,
301-306, 3rd Floor,
West Wing, World Mark 1,
Aerocity,
New Delhi - 110037**

Annexure II

Subject: Fwd: Clarification regarding Circular Acad-14 issued by CBSE
To: D Meher <dushyant.ncpcr@nic.in>,
Madhulika Sharma <madhulika.ncpcr@gov.in>

Date: 01/23/18 02:35 PM
From: Priyank Kanoongo <priyank.ncpcr@gov.in>

clarification cir acad14 2017.pdf (482kB)

----- Original Message -----

From: Al Hilal Ahmed <aeoasedof@gmail.com>
Date: Jan 23, 2018 1:01:01 PM
Subject: Clarification regarding Circular Acad-14 issued by CBSE
To: priyank.ncpcr@gov.in

pfa a copy of the notification issued to schools in this regard. The same is available at CBSE academic website under the tab for notifications

—
Thanks and Regards,

Al Hilal Ahmed,
Joint Director
Central Board of Secondary Education,
Shiksha Sadan,
17, Institutional Area, Rouse Avenue,
Delhi-110002.
011-232 377 80

For the sake of environment, kindly do not print this mail unless you really need to

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केन्द्रीय माध्यमिक शिक्षा बोर्ड
CENTRAL BOARD OF SECONDARY EDUCATION

Notification

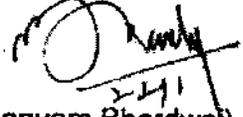
CBSE-Acad/JD-AHA/Notification/2018/

January 22nd, 2018

All the Heads of Institutions affiliated to CBSE

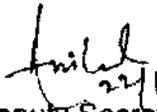
Subject: Clarification regarding Uniform System of Assessment, Examination and Report Card for classes VI to IX from Academic Year 2017-18 onwards

As per the decision of the Governing Body of the Board taken in its meeting held on December 15, 2017, the circular no Acad-14/2017 dated 21/03/2017 on the subject cited above stands repealed to the extent it applies to classes VI to VIII.


(Dr. Sanyam Bhardwaj)
Director (Academics)

Copy with a request to respective Heads of Directorates/KVS/NVS/CTSA as indicated below to also disseminate the information to all concerned schools under their jurisdiction:

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jee Singh Marg, NO-16
2. The Commissioner, Navodaya Vidyalaya Samiti, B-15, Sector-62, Institutional Area, Noida-201309
3. The Director of Education, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi-110 054
4. The Director of Public Instructions (Schools), Union Territory Secretariat, Sector 9, Chandigarh-160 017
5. The Director of Education, Govt. of Sikkim, Gangtok, Sikkim -737101
6. The Director of School Education, Govt. of Arunachal Pradesh, Itanagar -791 111
7. The Director of Education, Govt. of A&N Islands, Port Blair - 744101
8. Under Secretary (EE-I), MHRD, Govt. of India, Department of SE&L, Shastri Bhawan, New Delhi-01
9. The Director of Education, S.I.E., CBSE Cell, VIP Road, Junglee Ghat, P.O 744103, A&N Island
10. The Director, Central Tibetan School Administration, ESSESS Plaza, Community Centre, Sector 3, Rohini
11. The Additional Director General of Army Education, A - Wing, Sena Bhawan, DHQ, PO, New Delhi-110001
12. The Secretary AWES, Integrated Headquarters of MoD (Army), FDR Building No. 202, Shankar Vihar (Near APS), Delhi Cantt-110010
13. All Regional Directors/Regional Officers of CBSE with the request to send this circular to all the Heads of the affiliated schools of the Board in their respective regions
14. All Additional Directors /Joint Directors/Deputy Directors/Assistant Directors, CBSE
15. In charge IT Unit with the request to put this circular on the CBSE Academic website
16. The Public Relations Officer, CBSE
17. EO to Chairman, CBSE
18. SPS to Secretary, Controller of Examinations, Director (Information Technology), Director (Special Exams and CTET), CBSE


Deputy Secretary



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

भारत सरकार
GOVERNMENT OF INDIA
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NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



DO No.25019/09/2017-18/NCPDR/RTE

Dated: 12.02.2018

Dear Sir,

The National Commission for Protection of Child Rights (NCPDR) has been constituted by the Government of India, as a statutory body under section 3 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No. 4 of 2006) for dealing with the protection of child rights and related matters. Under section 13(1) of the Commissions for Protection of Child Rights (CPCR) Act, 2005, has provided certain functions to ensure the rights of children.

Reported cases of suicidal deaths of the school students due to harassment for non-payment of school fee and discriminative behavior by the school authorities/ principals/ teachers is a grave concern. The Commission has been receiving numerous complaints from all over the country where children are being harassed by the schools. This is a gross violation of Section 75 of the Juvenile Justice (Care & Protection of children) Act, 2015 of which the NCPDR is the monitoring authority.

It may be mentioned that the school fee is a financial matter between the school authorities and the parents; therefore, it is to be dealt with the parents and not with the children.

This is to request you to issue directions to the private school authorities to deal all the fee related issues with the parents and not with the students and prevent fee related harassments and suicidal deaths amongst the school students.

With regards

Your's faithfully


(Priyank Kanoongo)

Shri Karan A Singh,
Chief Secretary,
Government of Punjab,
Punjab Secretariat, Chandigarh-160017,
Punjab.
Email Id: cs@punjab.gov.in

द्वितीय तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001

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NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



D.O.2501/05/2016-NCPDR/RTE
Dated: 26.02.2018

6764

Dear Sir

Commission is pleased to present the comprehensive "*Manual on Safety and Security of Children in Schools*". This manual will enable all the stakeholders to work together to make the schools a safe place where children can learn and grow and become responsible citizens of tomorrow.

Children are our most important resource and ensuring that they are safe and secure in schools across our country, is our most important task. A safe school builds a culture of safety where there exist both awareness and vigilance with sensitivity.

Currently, on the matter of school safety there are various approved/notified existing Acts/guidelines/circulars developed by various ministries/departments/agencies. The Commission has referenced 22 such existing documents on school safety and developed a comprehensive Manual, in consultation with a group of experts, which also included representatives from the concerned stakeholder ministries/departments/agencies.

A number of measures and steps have been recommended, initiated and put into practice through these guidelines, in order to ensure safety and security of children within schools and in school premises. These are provided for ready reference and as potential tools and strategies for use. They may be utilized by themselves or with other strategies as deem prudent.

In view of new circumstances and incidents, the Commission recommends that all institutions should assess their respective safety and security requirements by conducting safety audits of schools with help of "*Child Safety Check List*" annexed with this manual and build their capacities & preparedness to handle unforeseen situations & circumstances.

Encl: Link: <http://www.ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1397&lid=1550>

With regards,

Yours sincerely,

(Priyank Kanoongo)

Shri Pu Lalrinliana Fanai,
Commissioner & Secretary (SW)/ Incharge,
Mizoram State Commission for Protection of Child Rights,
Government of Mizoram,
Department of Social Welfare,
Aizwal, Mizoram-796001
Mizoram

o/p
Wed on Tuesday
7/3/18

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नई दिल्ली-110 001
New Delhi - 110 001



D.No. D.No.25019/13/2017-18/NCPDR/RTE
Dated: 26.02.2018

67/67

Dear

I am inviting your attention to the Constitution of India which guarantees equal rights to all its citizens including children irrespective of gender, age, physical and mental status. But considering the vulnerability of children, Article 39 (f) of the Constitution of India specifically elucidates the right to Development of children stating that; "children are to be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are to be protected against exploitation and against moral and material abandonment."

As an apex monitoring body regarding matters pertaining to child rights and child protection, under the ambit of CPC Act, 2005, the Commission lays utmost emphasis on the safety and security of children especially even when the children are not residing with their parents.

U/s 13 (1) (j) and (14) of CPC Act, 2005, the Commission has held inspection visits in various JNVs across the country. In this regard, the Commission conducted an inspection of JNV Jhajjar, based on a complaint received by Hon'ble Minister, MWCD on 29.03.2017 wherein a student of 11th std. had died in JNV Kalo, Jhajjar due to the negligence of school authorities. One of the key findings of the Commission was that there was no separate post of warden was sanctioned in the said JNV. Absence of a dedicated person to supervise the JNV had exposed children to huge risk thereby compromising the safety and security of children. Children are most vulnerable in such educational institutions which does not have a dedicated supervision mechanism, which is also an integral component of the "Regulatory Guidelines for Hostels of Educational Institutions of Children" prescribed by NCPDR."

The Commission recommends that to guarantee safety and security of children, it should be ensured that Hostel Wardens are appointed in all JNVs, at the earliest. Safety Audits maybe conducted in all the JNVs in accordance with the checklist as per "Regulatory Guidelines for Hostels of Educational Institutions of Children" prescribed by NCPDR. (The link to the said guidelines is as follows: <http://www.ncpdr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1354&lid=1557>).

With regards,

Yours sincerely,

(Priyank Kanoongo)

Shri Bishwajit Kumar Singh, I.F.S.
Commissioner,
Navodaya Vidyalaya Samiti,
B-15, Institutional Area, Sector 62, Noida,
Uttar Pradesh 201307

ok
8/3

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प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

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NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
नई दिल्ली-110 001
New Delhi - 110 001



Annexure-VII

D.No.25019/12/2017-18/NCPDR/RTE
Dated: 19.02.2018

67766

Dear Madam,

I am inviting your attention to the Constitution of India which guarantees equal rights to all its citizens including children irrespective of gender, age, physical and mental status. But considering the vulnerability of children, Article 39 (f), Article 46 and Article 21-A specifically elucidates certain rights to children of the country to grow and develop in a safe and secure environment with a guarantee to free and compulsory quality education to all children in the age group of 6-14 years.

As an apex monitoring body regarding matters pertaining to child rights and child protection, the Commission lays utmost emphasis on the safety and security of children especially even when the children are not residing with their parents in accordance with Section 13 (1) (a) & (k) of the CPC Act, 2005.

In view of the important role played by Ashram Shalas towards ensuring quality education to the children belonging to economically weaker sections and disadvantaged category, it is imperative that the students reside in an environment which assures safety and security to them. It has been observed by the Commission that some Ashramshalas are not having full time warden and other Administrative staff. Currently, teachers/staff of the Ashram Shalas are executing the responsibilities of a Hostel Warden, which compromises their primary responsibility of ensuring quality education through teaching.

In view of the facts, the Commission recommends, that a dedicated, full time post of hostel warden be created in Ashramshalas and be filled at the earliest possible date. This is also a mandatory requirement as per the "Regulatory Guidelines for Hostels of Educational Institutions for Children" framed by NCPDR, (copy enclosed). The Commission may be apprised of the action taken in this matter.

Encl: Copy of "Regulatory Guidelines for Hostels of Educational Institutions for Children" (Link <http://www.ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=1354&lid=1557>)

With regards,

Yours sincerely,

(Priyank Kanoongo)

Smt. Leena Nair, IAS
Secretary,
Ministry of Tribal Affairs,
Shastri Bhawan, Dr. Rajendra Prasad Road,
New Delhi - 110 011. Email id: secy-tribal@nic.in

O/K
Issued on 7/3/18
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Priyank Kanoongo
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Annexure-VIII

D.O.No. 25015/2016-17/NCPCE/CSR/EDU/6534
Dated: 19.01.2018

Dear Sir,

As you are aware National Commission for Protection of Child Rights (NCPCE) has been constituted by the Government of India, by the Act of Parliament under the Commission for Protection of Child Rights (CPCR) Act, 2005 to exercise and perform the powers and functions assigned to it under the said CPCR Act, 2005.

In this regard, the Commission would like to invite your attention to a "One day Multi-stakeholders Regional Convention of North Eastern States to focus on CSR participation for strengthening the Child Welfare, Child Well-being and Child Education mechanisms" in collaboration with Assam, State Child Protection Society and State SCPS supported by CII, FICCI and ASSOCHAM" held on 5th June 2017 in Guwahati, Assam. CSRs of Leading PSUs and Corporate Houses, Concerned Government Departments viz. Social Welfare, Education, Home, Labour & Employment, Skill Development, Industry and Commerce etc of NE States, Credible NGOs/ CSOs working in the field of Child Welfare and child wellbeing initiatives and Child Right Commissions of the respective States participated and presented in the said CSR convention.

Through the said convention and through review of existing reports and various data available w.r.t CSR spends within the country, it has been observed by the Commission that a very negligible amount is being spent in North Eastern States of the country. In the field of child welfare and child education, the contributions of CSRs are second to none. One of the reasons for neglect in investment by corporates is lack of industries being set up in NER.

North East India of the country has a complex demography having difficult geographical terrains with 7.9% (2,62,179 sq. km out of 3287263 sq. km) of India's land mass and 3.76% (4.55 crore out of 121 crore) of population as per Census 2011. It has been noted that though certain degree of development has taken place in areas wherever industries have been set-up in NER, in majority of places the possibility of setting up industries is less there.

To address the development deficits, the Union Government has earmarked 10% of the Annual Plan Budgets by Central Ministries for the North Eastern Region vide item no. 7 of its budget circular 2017-18 No.F.2 (30)-B (D)/2016 dated 21 September 2016. Although, 10% of the Annual Plan Budget of Ministries of the Union Government is earmarked every year for spending in NER since 1998-99 still there is a considerable developmental gap to be bridged as compared to the other regions of the country.

Idea is to facilitate companies to benefit by investing in North Eastern States. Hence, it is recommended by the Commission under Section 13 of the CPCR Act, 2005 that in exercise of powers conferred under Section 135 and sub section (1) and (2) of Section 469 of the Companies Act, 2013 (18 of 2013) Ministry of Corporate Affairs may amend the Rule 6 (1) by inserting a clause thereby making it mandatory for companies to spend minimum of 10% in the North Eastern States of the country which should also include spends on projects/schemes related to children.

With regards,

Yours sincerely,

(Priyank Kanoongo)

Shri Injeti Srinivas (IAS)
Secretary, Ministry of Corporate Affairs
A Wing, Rajendra Prasad
Shastri Bhawan Road, New Delhi-110001

O/C
19/1/18

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Priyank Kanoongo
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Member

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नई दिल्ली-110 001
New Delhi - 110 001



F. No. 25-62/2013-14/RTE-NCPDR
Date: February 13, 2018

66587

To,

Smt. Punya Salila Srivastava,
Secretary (Education),
Old Secretariat, Near Vidhan Sabha,
Civil Lines, Delhi 110054
Fax. 011 23890187
Email: secyedu@nic.in

Subject: Recommendations based on 'Study on Implementation of Section 12(1) (c) of RTE Act, 2009 in Delhi'

Ma'am,

As you are aware, the National Commission for Protection for Child Rights (NCPDR) is a statutory body responsible for monitoring the implementation of the RTE Act, 2009 u/s 31 of the Act.

A study conducted by NCPDR through Quality Council of India (QCI) across private unaided schools in Delhi examined the status of implementation of section 12 (1) (c) that fixes the responsibility of private schools for admitting children from disadvantaged section/economically weaker section, at least one-fourth of the total strength of class. The complete report is available on NCPDR's website. Based on the report, Commission recommends the following steps facilitating the effective implementation of the said provision:

1. Regular orientation programmes for teachers and principals need to be conducted on effective inclusion of children in EWS/DG category.
2. Similar to in-service training of government school teachers, training of private school teachers should be conducted by respective private schools through District Institutes of Educational Training (DIETs). The State Education Departments may conduct the training programmes on payment basis also.
3. Section 12 (2) RTE Act, 2009 states that the total expenditure on education has to be reimbursed by the State. Hence, these children should be included in important co-curricular activities conducted by the school.
4. Per-child expenditure should be calculated including all expenditure on education of a child in schools.
5. Section 29 (2) of the RTE Act, 2009 states that the medium of instruction should as far as possible be mother tongue. Hence, the school should make efforts for multilingual teaching.

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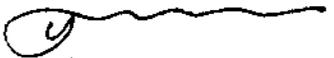
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6. The NCF given by academic authority should be implemented strictly in private schools. That is the books should be as prescribed by SCERT in the respective States. This means section 29 (1) of the RTE should be strictly implemented, especially in schools affiliated to CBSE/ICSE or any other private board.
7. The Parent- Teacher Association in private schools should have reservation for parents of EWS/DG category students admitted in the school.
8. It should be mandatory for the Principal/Head of the School to report absence of students as per rule 2B (2) of Child Labour Rules, 2017.
9. Also, private schools need to be graded as per the infrastructure and facilities available in the schools and parents be asked to fill in the preferences as per the facilities available in the school. This will help the parents to make informed choice for admission of their child and will help in reducing the dropout.

Hope these steps will bring a positive change and facilitate in extending the benefit of the Act true to its letter and spirit.

Yours faithfully,



(Priyank Kanoongo)



प्रियंक कानूनगो
Priyank Kanoongo

सदस्य
Member

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GOVERNMENT OF INDIA

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New Delhi - 110 001



F. No. 25019/11/2017-18/NCPDR/RTE
Date: February 13, 2018

66599

To,
The Special Chief Secretary (School Edu.),
Govt. of Andhra Pradesh,
North H Block, 1st Floor, Room No. 6,
Andhra Pradesh Secretariat,
Hyderabad - 500022

Subject: Recommendation w.r.t. implementation of section 29 (1) of RTE Act, 2009

Ma'am/Sir,

As you are aware, the National Commission for Protection for Child Rights (NCPDR) is a statutory body responsible for monitoring the implementation of the RTE Act, 2009 u/s 31 of the Act.

To limit the scope of discrimination in education, the Right of Children to Free and Compulsory Education (RTE) Act, 2009, under Section 29 authorized the academic authority specified by appropriate Government to prescribe curriculum and evaluation procedure for elementary classes. However, it was observed by the Commission that the same is being violated by schools by not following the curriculum and evaluation procedure as per the NCF laid down by the academic authority.

Hence, in order to ensure uniformity of curriculum at elementary level throughout the country, it is recommended that the State Education Department should monitor the curriculum and evaluation criteria followed by State Boards through SCERT's and ensure that the same being followed in the schools is as per the NCF.

Ensuring this will result in uniformity in curriculum in all schools under RTE Act, 2009 and quality education for all children.

Yours faithfully,

(Priyank Kanoongo)

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स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

Annexure- XI (178)

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New Delhi - 110 001



D.O.No.2501/23/2017-18/NCPRI-RTE/6037
Date: 08.09.2017

Dear Madam,

This has reference to your letter regarding online portal PENCIL and Standard Operating Procedure (SOP) on child and adolescent labour towards effective implementation of the provisions of amended Child Labour (Prohibition & Regulation) Act, 1986 and National Child Labour (Scheme).

The National Commission for Protection of Child Rights (NCPRI) congratulates the Ministry of Labour and Employment for the initiatives. Further, since under section 31 of the RTE Act, 2009, NCPRI has been assigned the role of monitoring and redressing grievances related to the violations of provisions and entitlements of children, it is requested that Ministry of Labour and Employment may include NCPRI in any/all matters pertaining to grievance redress in respect of Out of School Children on the PENCIL portal and in the SOP on child and adolescent labour.

With regards,

Best wishes,

Yours sincerely,

(Stuti Kacker)

C/L

Smt. M. Sathiyavathy (IAS)
Secretary, Ministry of Labour & Employment
Government of India
Shram Shakti Bhavan, Rafi Marg
New Delhi-110119

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प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

Annexure - XII
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नई दिल्ली-110 001
New Delhi - 110 001



F. No. 25016/03/2017-18/NCPDR
Date: 12.02.2018

179)
66347
66348

To,

Major Harsh Kumar,
Secretary, NCERT,
Sri Aurobindo Marg,
New Delhi
Fax 011-26868419
Email: secy.ncert@nic.in

Subject: Regarding the evaluation procedure for classes VI-VIII

Sir,

This is with regard to C.B.S.E.'s recent orders to all schools affiliated with the Board stating that the *uniform system of assessment, examination and report card for classes VI-VIII* stands repealed to the extent it applies to classes VI to VIII

Commission's intervention resulted in rolling back of a faulty evaluation system by Central Board having wider implications on quality of education and providing equality in education. With this, the curriculum as prescribed by NCERT will be followed in all schools affiliated to C.B.S.E. including private schools and schools under Central Government such as KVs, JNVs etc.

However, the Commission has observed through various newspaper reports that there is a sense of ambiguity among the private schools about the evaluation system to be followed for classes VI-VIII. At this time, the NCERT is required to fill this gap and should immediately issue an advisory to all schools to follow the CCE pattern as per NCF. At the same time, NCERT should monitor the curriculum and evaluation criterion followed by State Boards through SCERTs to ensure uniformity in the curriculum at elementary level throughout the country.

This will not only result in uniformity in curriculum in all schools under RTE Act, 2009 but also the role of NCERT as an academic authority under the RTE Act will be reaffirmed.

Yours faithfully,

(Priyank Kanoongo)

Copy to: Dr. Hrushikesh Senapaty, Director NCERT, Sri Aurobindo Marg, New Delhi Fax: 26567716

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New Delhi - 110 001



D.O No. 25019/07/2017-18/NCPDR/RTE | 54065
Date: 24.04.2017 54068

Dear Sir,

As you are aware that the National Commission for Protection of Child Rights (NCPDR) was set up in March 2007 under the Commission for Protection of Child Rights (CPCR) Act, 2005, an Act of Parliament (December 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. In addition, the Commission has also been mandated under Section 31 of the RTE Act, 2009 for the monitoring of the said Act.

The Commission while redressing the complaints in relation to the violation of the Right to Education Act, 2009 and interactions with the children during visits and other forums has noted that children are asking for shoes as the entitlements that are not been provided to them in the schools. It may be noted that under sub section (d) of the Section 4 of the RTE Rules, 2010; uniforms has been mentioned as one of the entitlements and facilities. However, while examining the implementation of the provision, it is observed that shoes are not considered as part of the uniforms.

Sarva Siksha Abhiyan (SSA) which is the vehicle for implementation of the RTE Act, 2009 in its Framework of Implementation mentions that uniforms are the part of child entitlement (chapter 3 , Para No-13). The document also states that ensure that child rights under the RTE Act, especially child entitlements , including uniforms, textbooks, mid-day meal , etc. are provided in a timely manner(Chapter 7- Para No. 7 (v)).

It may also be noted that Shoes are one of the essential wears that gives dignity and confidence to the children. Given the topographical situation of the country with varied weather conditions and considering the importance of shoes in terms of maintaining health and hygiene of the children; it is imperative for the children to wear it during the school time. It is also observed that some of the children do wear shoes in the government schools as their

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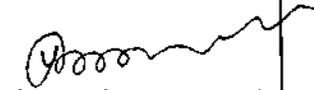
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parents feel the importance of it and as they have the resources to purchase them. However, children from families without resources go without shoes and may feel humiliated .

Therefore; it is pertinent to mention that though Uniform is one of the entitlements of the children , however, children are not getting their full entitlements in the absence of Shoes as part of the uniform. Accordingly, the National Commission for Protection of Child Rights (NCPCR) as provisions provided under section 31 of the RTE Act and sub-section (f) of Section 13 and section (k) of the CPCR Act, 2005 recommends that "Shoes shall be provided in the school uniforms under the RTE Act, 2009 and RTE Rules 2010" and ensure that children get their full entitlements. Accordingly, it is requested to make appropriate budgetary provision in the interest of the children of this country.

with Refs

Yours faithfully


(Priyank Kanoongo)

1) **Shri Anil Swarup**
Secretary, Department of School Education & Literacy
Ministry of Human Resource Development,
Room No.124, Shastri Bhawan, New Delhi- 110001
secy.sel[at]nic[dot]in

2) **Sh. Ashok Lavasa**
Finance Secretary & Secretary(Exp.)
129- A North Block , New Delhi-110001
Email: secyexpenditure@nic.in



स्तुति कक्कड़
Stuti Kacker
अध्यक्ष
Chairperson

Annexure - XIII 189
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New Delhi - 110 001



D.O No. 25019/07/2017-18/NCPCR/RTE
Date: 17.07.2017

59697

Dear Sir,

As you are aware that the National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commission for Protection of Child Rights (CPCR) Act, 2005, an Act of Parliament (December 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. In addition, the Commission has also been mandated under Section 31 of the RTE Act, 2009 for the monitoring of the said Act.

The Commission while redressing the complaints in relation to the violation of the Right to Education Act, 2009 and interactions with the children during visits and other forums has noted that children are asking for shoes as the entitlements that are not been provided to them in the schools. It may be noted that under sub section (d) of the Section 4 of the RTE Rules, 2010; uniforms has been mentioned as one of the entitlements and facilities. However, while examining the implementation of the provision, it is observed that shoes are not considered as part of the uniforms.

Sarva Siksha Abhiyan (SSA) which is the vehicle for implementation of the RTE Act, 2009 in its Framework of Implementation mentions that uniforms are the part of child entitlement (chapter 3 , Para No-13) . The document also states that ensure that child rights under the RTE Act, especially child entitlements, including uniforms, textbooks, mid-day meal , etc. are provided in a timely manner(Chapter 7- Para No. 7 (v)) .

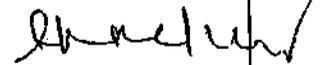
It may also be noted that 'Shoes' is also an essential wear that gives dignity and confidence to the children. Given the topographical situation of the country with varied weather conditions and considering the importance of shoes in terms of maintaining health and hygiene of the children; it is imperative for the children to wear shoes during the school time. It is also observed that some of the children do wear shoes in the government schools as their parents feel the importance of it and also have the resources to purchase them. However, children from families without resources attend without shoes and may feel humiliated.

Therefore; it is pertinent to mention that though Uniform is one of the entitlements of the children , however, children are not getting their full entitlement of the uniform in the absence of Shoes. Accordingly, the National Commission for Protection of Child Rights (NCPCR) under provisions provided under section 31 of the RTE Act and sub-section (f) of Section 13 and section (k) of the CPCR Act, 2005 recommends that "Shoes shall be provided in the school

uniforms under the RTE Act, 2009 and RTE Rules 2010 and ensure that children get their full entitlements. Accordingly, it is requested to make appropriate budgetary provision in the interest of the children of your State.

With regards,

Yours sincerely,



(Stuti Kacker)

Shri Dinesh Kumar
Chief Secretary,
State Government of Andhra Pradesh,
Secretariat, Hyderabad.



प्रियंक कानूनगो
Priyank Kanoongo
सदस्य
Member

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Annexure-XII

184

DO No.25019/09/2017-18/NCPCR/RTE/64843
Dt: 04.01.2018

Dear

Sir,

The National Commission for Protection of Child Rights (NCPCR) has been constituted by the Government of India, as a statutory body under section 3 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No. 4 of 2006) for dealing with the protection of child rights and related matters. Under section 13(1) of the Commissions for Protection of Child Rights (CPCR) Act, 2005, has provided certain functions to ensure the rights of children. Along with several initiatives Accordingly, Commission has been taking several initiatives in protecting the rights and interests of the children in the country by conducting investigations, redressing complaints, issuing guidelines, advisories, protocols, conducting studies, creating awareness, training etc.

One of the initiatives being undertaken by the Commission is organizing Interdepartmental Review Meeting on implementation of RTE Act in States jointly with the State Commission for Protection of Child Rights (SCPCR). It is imperative to review the roles being played by Education as well as various other Departments like Women & Child Development, Health, Social Justice, Tribal Welfare, Panchayatiraj, Labour, Minority Affairs etc. for effective implementation of the various provisions of the RTE Act, 2009.

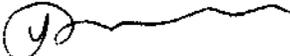
From among various issues raised in those meetings, one of the findings emerged from the review meetings is the issue of nutrition deficiency related health problems of the school going children under Rastriya Bal Swasthya Karyakram (RBSK). It was also suggested that one of the ways to address the problem may be the nutrition intervention through Mid-day Meal Scheme. Therefore, it is recommended that while preparing the Mid-day Meal menu at the district level; information from Rastriya Bal Swasthya Karyakram, Department of Health may be sought and the menu may be prepared accordingly to address the nutrition issues of the school going children.

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Therefore, it is requested that Ministry of Human Resource Development may like to issue necessary directives to the States so that while preparing menu at the district level the concerned authority may consult RBSK for modifying the menu to address the nutritional deficiency of the children.

Your's faithfully


(Priyank Kanoongo)

Shri Anil Swarup
Secretary, Department of School Education & Literacy
Ministry of HRD, R.N.124-C, Shastri Bhavan,
New Delhi-11000111-23382587/23381104
(O) 11-23387859(Fax) email: secy[dot]sel[at]nic[dot]in



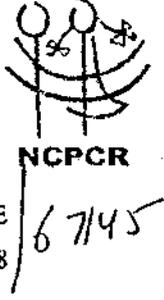
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New Delhi - 110 001

D.No. 2015/14/2017-18/NCPCR/RTE

Dated: 23.02.2018



Annexure -XV 186

Dear Sir,

Reference is invited to Section 17 of the RTE Act, 2009 wherein it has been stated that:-
(1) No child shall be subjected to physical punishment or mental harassment.

In this regard the Commission has held a series of Training and Orientation workshops across the country on "NCPCR Guidelines for Eliminating Corporal Punishment in Schools" for the Principals, Head Masters and Teachers of various Schools.

As one of the outcomes of these workshops and also based on the number of grievances pertaining to corporal punishment in schools received, it has been observed by the Commission that there is lack of sensitization of Teachers and Principals of private schools w.r.t elimination of corporal punishment as per guidelines.

Also, there are roughly 3.2 million teachers in private schools in India who have not received sensitization due to lack institutionalized mechanism for in-service training and orientation programs in the private sector. However, such kind of training is available to the Government school teachers through SCERTs and DIETs.

In view of the above, the Commission recommends that Education Departments of States and UTs may ensure that sensitization/orientation workshops for eliminating corporal punishment from schools based on NCPCR guidelines are conducted in all the schools. NCPCR shall provide technical guidance to the State Governments for such trainings, if required.

With regards,

Yours sincerely,

(Priyank Kanoongo)

Shri Amar Pratap Singh , IAS
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प्रियंक कानूनगो
Priyank Kanoongo
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



D.O. No. 2506/03/2016-17/NCPCR/EDU

Date: 01.01.2018

Dear

Sir,

This is with reference to your letter no. 1-2/2017/NCPCR-PN.I (Part II) dated 14th December, 2017 regarding 65th meeting of CABE. On behalf of National Commission for Protection of Child Rights (NCPCR), I will attend the said meeting on 15th January, 2018.

2. The NCPCR is a statutory body set-up under the Commission for Protection of Child Rights (CPCR) Act, 2005. Given the role and mandate of the Commission as a monitoring authority, certain important issues pertaining to effective implementation of the legal and policy provisions need to be discussed in the meeting.
3. A list of issues to be included in the agenda of the meeting is enclosed.

With regards,

Yours sincerely,


(Priyank Kanoongo)

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2506/03/2016-17/NCPCR/Education
National Commission for Protection of Child Rights (NCPCR)
Agenda Items for 65th CABE Committee

Inviting reference to D. No. 1-2/2017-PN-1 (Part-II) dated 14th December 2017 from Secretary MHRD seeking suggestions w.r.t Agenda Items for 65th CABE meeting.

In this regard, NCPCR proposes the following suggestions for agenda to be tabled in the 65th CABE meeting for consideration;

Suggestion No. 1: Discussion on ensuring “Safe and Secure School Environment in Schools”

The Commission demands a discussion on ensuring Safety and Security of Children in Schools. Provisioning of Safety and Security of children in Schools is primarily responsibility of the States. Since all the State Education Ministers are part of CABE hence, NCPCR demands discussion on the following issues related to safety of children in schools in this meeting;

- Recent incidents in schools have highlighted the issue of safety of children studying in school. Different Ministries, Departments, Institutions, government organisations have laid down separate laws, guidelines and norms for safety of children in schools. In order to streamline the efforts for ensuring safety and security of children in schools, the National Commission for Protection of Child Rights (NCPCR) u/s 13 (1) (a) has examined and compiled different guidelines and framed a comprehensive manual titled- Manual on Safety and Security of Children in School. The Manual includes guidelines on different components of school safety namely, infrastructure; health and hygiene; psycho-social aspects; roles and responsibilities of teachers and monitoring.
- To ensure quality education of children, the government- both Centre and State- have initiated various schemes for establishment of hostels for promoting education in all areas and habitation of the country. In addition, there are private initiatives in provision residential educational facilities for children. There is a need to obtain uniformity in norms and standards of facilities within such institutions which are managed by different Departments/Schemes/Programmes/Projects of government sector and institution of private sector. In addition to the norms and standards of the hostels, safety and security of the children residing in these hostels is also an issue. To provide uniform guidelines for ensuring safety of children in hostels of educational institutions, NCPCR has framed regulatory guidelines for all educational institutions offering residential/hostel facility to children. Therefore, Commission demands a discussion on the issue of implementation of the guidelines by the States.
- Empowering SMCs and setting their accountability for conducting safety audits in schools. As per section 21 of RTE Act, 2009, private schools are exempted from

formulating SMCs. In such schools, PTA should be made mandatory as SMCs for PTAs are an important link in monitoring the safety and security measures in schools. Formulation of PTAs and directions for periodic audit of schools based on this manual should be notified by MHRD until an amendment in the RTE Act, 2009.

- For effective implementation of the safety and security manual, it is important that the private schools must be categorised as per the infrastructure and facilities available in the schools. Though it is a State subject, MHRD may provide model framework to the States with directions to categorise the private schools. This will also help in regulating fees of the private schools. So the Commission demands a discussion to devise mechanism for categorisation of the schools.

Suggestion No.2: Discussion on ensuring right to education of the children of minority communities.

Article 21 A of the Constitution of India inserted by the Eighty-sixth Amendment Act of 2002 provides for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine.

To provide the fundamental right to education of children as per article 21 A, the Right to Education Act came into force in 2010 and the amendment to the Act in 2012. Due to the amendment, a large number of institutions exempted from the ambit of RTE Act as defined under Article 30 (1), all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice". The Commission has observed that a large number of children belonging to the Muslim minority availing religious education are deprived of their fundamental right to education under the Article 21 A. Therefore, the Commission demands constitution of a sub-committee to find a way to bridge the gap in compliance of Article 21-A and Article 30 of Constitution of India to ensure fundamental right to education of children.

Suggestion No. 3: Discussion to assess the benefits availed by the children of minorities in view of Article 15 (5) of the Constitution of India

NCPCR demands formulation of a subcommittee of CABE to assess the impact of the benefits provided to minority educational institutions through 93rd Amendment Act of Constitution of India i.e. Article 15 (5) which immunise minority institutions from the provision of reservations for admission in such institutions.

Suggestion No. 4: Discussion on formulating strategy to implement to ensure the right of children to pre-primary education as provided under section 11 of the RTE Act, 2009

- There is a need to implement a universal ECCE curriculum for children in the age group of 3-6 years to be applicable to the government run Anganwadi Centres and private play schools as well as the schools imparting pre-school education both in government and private sectors. NIPCCD has designed ECCE curriculum as per National ECCE Policy 2013 notified by the Government of India. However, the said curriculum is not being followed by schools imparting pre-school education. The Commission demands a universal curriculum to be framed collectively by NIPCCD, MWCD, MHRD and NCERT and be notified by NIPCCD.
- Presently, the Nursery Teachers Training (NTT) courses offered by NCTE have limited seats and have not been able to meet the demand of the sector. In addition, the courses offered are of two years duration and it is difficult for the Anganwadi Workers to enrol in the scheme. Therefore, it is suggested that the NCTE may explore alternatives.

Suggestion No.5: Formulation of a Sub-Committee for devising effective strategies to regulate fees in Private Schools

Out of total number of schools in India, 23% are Private (Aided and Unaided) in which there are 38% of children are studying in the age group of 6-14 years. Currently, the government is the regulatory authority for the subjects like curriculum, infrastructure, entitlements etc. in private schools, however, it is observed by the Commission that the fee regulation is one of the neglected aspects and there is a need to give priority by the States. It may be mentioned that, the Commission has been receiving several complaints and representations wherein the children studying in the private schools are suffering due to lack of any clear mechanism on fee regulation. Therefore, the Commission demands a discussion on constitution of a sub-committee wherein Government of India can suggest effective strategies to regulate the issue of fees in private schools.

Suggestion No.6: Discussion on Convergence of various departments/institutions on issues regarding out-of-school children

- a) Effective implementation of Child Labour (Prohibition & Regulation), Rules 2017 regarding Out of School children- In the Rule 2B(2) of the recent amendment in CLPR Rules notified on 2nd June 2017, it is mentioned "Where a child receiving education in a school remains absent consecutively for thirty days without intimation to the Principal or Head Master of the school, then, the Principal or Head Master shall report such absence to the concerned nodal officer. Therefore, the Commission demands a discussion on such provision of legislation to bring convergence amongst all the stakeholders.

- b) Anganwadi workers map the Out of School Children (OoSC) under various schemes for girls in the age group of 11-14 years. A mechanism should be developed for sharing the list of such children through inter-departmental convergence within the State so as to ensure that every last child is in the school.

Suggestion No.7: Discussion on devising a way forward for post-elementary education of the children from DG/EWS sections admitted u/s 12 (1) (c) of the RTE Act, 2009 in private schools

The Section 12 (1) (C) of the RTE Act, 2009 mandates the private unaided schools to provide minimum 25% of total seats at entry level to children belonging to disadvantaged sections and children from economically weaker sections of society. The RTE Act was implemented in the year 2010 and a large number of children benefited from the provision of section 12-1 (c) who would be completing their elementary schooling i.e. standard 8th in 2018. However, what happens to such children after they passed 8th standard ? How shall they cope the psychological implication of them having to leave the school and get transferred to other school and in certain cases of dropping out of the school ?

Suggestion No.8: Discussion on Reducing Weight of School Bags

The increasing weight of school bags has become a barrier and a challenge for children. The Commission demands discussions on formulation of a Sub Committee on “Reducing Weight of School Bags”.

Suggestion No.9: Discussion on provision of instruction in mother tongue as per section 29 (2) (f) of the RTE Act, 2009

There are many communities and families, mostly tribal communities, who are still deprived of education and their children are to be the first generation learners. To bring them into the mainstream of education the provision of section 29 (2) (f) of the RTE Act, 2009 may be implemented effectively by use of their mother tongue as medium of instruction. As per Section 29 (2) (f) of the RTE Act, 2009, the academic authority, while laying down the curriculum and the evaluation procedure shall take into consideration that the medium of instructions shall, as far as practicable, be in child's mother tongue;

In view of the above, NCPCR demands a discussion on constitution of a sub-committee on such issue. It is also suggested that, Ministry of Tribal Affairs, representatives from Departments of North Eastern States and representatives of Indigenous and primitive tribes should also be made members of the sub-committee for fruitful recommendations.

Suggestion No. 10 : Discussion on the assessment of the roles of Coaching Institutions

Due to competitiveness in seeking higher and technical education, coaching institutions have become a reality in the country. Commission has received several complaints and representations and also has inquired the cases of death of the students. Though the regulation of such institutions is a State subject, the competitive exams for which children are taking

coaching are being conducted by the Central agencies. Therefore, there is an urgent need to formulate a Sub-committee of CAFE to look into the matter.

NCPCR in Media

NCPCR identifies over 30 locations prone to child begging in city

ABHAY SINGH
NEW DELHI: More than 30 areas in the national Capital have been identified by the National Commission for Protection of Child Rights (NCPCR) where minors were found to be involved in begging or manual labour.

The child rights body also claimed that it has found over 500 children involved in begging and manual labour.

A meeting was organized by NCPCR on Thursday, wherein

it told stakeholders to conduct meetings of district task force and take up the issue of child begging.

During a survey conducted by the Commission, around 35 to 40 places were spotted in Delhi - including areas near Metro stations and bus stops - where children were found begging and doing labour work.

Some of these areas included Dwarka red light, Palam flyover, Khajuri Khas redlight, Tilak Nagar, areas near Uttam Nagar East and

Shaahri Park Metro stations, Connaught Place, Hockchand flyover and India Gate.

"We found over 500 children involved in begging and labour activity," said an official from the child rights body.

It is often seen that children involved in begging on the streets live serious wounds and/or are even maimed on purpose, which will draw more attention of passerby or drivers and compel them to give these children food and/or money.

Investigation by the child rights body also found that in most cases families themselves force their children into begging.

In addition to being forced by families, some children who are reported missing also have no choice but to resort to begging, in order to get a square meal.

The Commission also suspects that some organised gangs might be behind the illegal activity. Many families are from neighboring states.

During Thursday's meeting, NCPCR met with various stakeholders, including government and police officials, NGOs etc, wherein it clearly stated that child begging should be a prominent issue in district task force meetings (DTM) held on child labour.

"We have asked authorities involved in the meeting to provide us minutes of the meetings, so that we can find out whether child begging was taken as an issue or not," said an NCPCR official.

NCPCR member Yashwant Jain told *Millennium Post* that there should be a proper standard operating procedure (SOP) to deal with the menace of begging.

"State governments should work for the safety of their children and a proper policy should be made in this regard," said Jain.

He added that in the meeting, they also said that stakeholders to help each other and proper coordination is required to fight the menace.



The meeting of National Commission for Protection of Child Rights held here on Thursday.

Child abuse: NCPCR mulls using sketches as evidence

ABHAY SINGH

NEW DELHI: In order to create awareness among the society about the child abuse, the National Commission for Protection of Child Rights (NCPCR) have come up with a user handbook. Regressive behaviour such as bed wetting, thumb sucking, and if the child starts paying too much or too little attention to his or her appearance can be the sign of sexual abuse, as per the handbook.

The child rights body is also working on the direction that sketches of the child which relates to some abuse should be used as an evidence in abuse cases. In future, they may hold a meeting with stakeholders including police on taking children sketches as evidence.

The book named "User Handbook for Implementation of the POCSO Act" a copy of which is with the *Millennium Post* have highlighted the symptoms of sexual abuse and also about supportive and un-supportive behaviour on child victims. Some symptoms were



fatigue and sleeping difficulties, poor attendance of the child in school, sudden accumulation of money or gifts, unexpected behavioural changes in a child such as withdrawal or unjustified or inappropriate aggression and sudden dislikes from certain specific people or places where she was comfortable with earlier.

With the symptoms, the child rights body has also come up with the do's and don'ts. In the case of child abuse, the commission think that parental attention is required. A child who had faced the abuse had to be listened properly, and instead of blaming the child tell the minor that he or she is brave and also boost the confidence," said the commission.

The child complaints should not be ignored and never send the child with a person or to a place where the kid is uncomfortable. Recently, NCPCR found that child who is the victim of abuse cannot report it due to some problems but sometimes through sketches, they draw the situation in which the abuse happened and it can help police as well as the commission in the investigation of the case. Yashwant Jain, NCPCR member, stated that they were taking every step to curb child abuse. "We are working on the direction to create an environment where children can live happy without any fear," said Jain.

बच्चों का दो गई अछा व बुरा स्पर्श की जानकारी

निरीक्षण करने पहुंचे सदस्य ।

आंजगीर - चांगी (आई) निया न्यून ।
 राष्ट्रीय बाल अधिकार एवं संरक्षण आयोग नई दिल्ली के सदस्य-व्यवहार जैन का आज जिले में भ्रमण हुआ । उन्होंने आंजगीर में डेल्टा एजेंडस समिति संस्था द्वारा आयोजित बालगृह बालक का निरीक्षण किया ।

निरीक्षण के दौरान बच्चों से चर्चा की गई । साथ ही बच्चों को पाक्सो एक्ट की जानकारी दी गई एवं सुरक्षित स्पर्श व असुरक्षित स्पर्श के बारे में अवगत कराया ।

संरक्षण आयोग एवं राज्य बाल अधिकार एवं संरक्षण आयोग के नियमों के निरूपण जानकारी दी गई । बच्चों को अपने अधिकार एवं सुरक्षा के प्रति जागरूक करने हुए संस्था के समस्त दस्तोतबनों का आभ्युक्ति किया गया एवं सुनाह रूप से संचालन के लिए मार्गदर्शन प्रदान किया गया । निरीक्षण के दौरान जिला कार्यपालक अधिकारी श्रीमती प्रीति खोसरा, जिला शिक्षा बाल संरक्षण संरक्षण अधिकारी सिद्धि जायसवाल, संरक्षण अधिकारी सुशी पूजा तिवारी एवं नई दिल्ली से राजा दीवान भी उपस्थित थे ।

आयोग सदस्य ने जिले का किया भ्रमण

जांजगीर-चांपा। राष्ट्रीय बाल अधिकार एवं संरक्षण आयोग नई दिल्ली के सदस्य यशवंत जैन का जिला जांजगीर-चांपा में भ्रमण किया है। जांजगीर में हेल्थ एण्ड हेल्पस समिति के द्वारा संचालित बालगृह बालक का निरीक्षण किया, जहां बच्चों से चर्चा की।

बच्चों को पीओएस ओएटी की जानकारी दी गई एवं सुरक्षित स्पर्श व असुरक्षित स्पर्श के बारे में अवगत कराया गया एवं राष्ट्रीय बाल अधिकार एवं संरक्षण आयोग व राज्य बाल अधिकार एवं संरक्षण आयोग के विषय में विस्तृत जानकारी दी गई व बच्चों को अपने



अधिकार एवं सुरक्षा के प्रति जागरूक करते हुए संस्था के समस्त दस्तावेजों का अवलोकन किया गया एवं सुचारु ढंग से संभालन हेतु मार्गदर्शन प्रदान किया गया। निरीक्षण के दौरान जिला कार्यक्रम

अधिकारी श्रीमती प्रीति खोखर चखियार, जिला बाल संरक्षण अधिकारी गजेन्द्र सिंह जायसवाल, संरक्षण अधिकारी सुश्री पूजा-तिवारी एवं नईदिल्ली से राजा दीवान भी उपस्थित थे।



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