



सत्यमेव जयते



# **BENCH REPORT**

**Wayanad, Kerala**

**12th, July 2019**

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

NEW DELHI

*Working Report*

## INTRODUCTION

The National Commission for Protection of Child Rights conducted its fourth Bench/Camp in Wayanad District which is situated in Kerala. The programme was organized on 12th July 2019. The Bench/Camp consisted of Honorable Members, Dr. R.G. Anand and Smt. Pragna Parande, National Commission for the Protection of Child Rights (NCPCR), Sh. P. Suresh, Chairperson and five members of Kerala State Commission for the Protection of Child Rights (KSCPCR); Sh. Ajeesh K, ADM, Wayanad.



### The key highlights of the Bench/Camp were:-

- The Bench/Camp received 112 complaints from various districts and heard 112 complaints on the same day.
- The Bench/Camp received 35 complaints from the district authorities present during the bench.
- The Nodal Officers from all the districts participated and provided their valuable support to the Bench/Camp.
- The Commission received complaints from NGO's, schools and Childline. The representation of the NGO's during the proceeding was good. The NGO's brought the complaints before the bench and certain NGO's submitted their complaints to their District Officials.
- Around 6 cases of religious conversion were registered in the district. The Commission received 6 complaints pertaining to forcefully converting children of tribal group to another religion.
- Child line helped the Commission in conducting the bench at Wayanad. Childline from all the districts were present on the day of the bench/camp- Wayanad, Kannur, Kasaragod, Kozhikode. They set up their

help desk and registered the complaints. They even helped the complainant in writing their complaints and translating the complaints for the NCPCR team.

The childline was active during the bench/camp and provided all the necessary assistance required for the bench/camp.

## **BEFORE THE SITTING OF THE BENCH/CAMP**

### **NGO CONSULTATION MEET**



The National Commission for the Protection of Child Rights conducted an NGO Consultation meet on 10<sup>th</sup> July, 2019. The meeting was organised at District Collectorate Office at Wayanad. The NCPCR team along with the Programme Officer of Wayanad District chaired the consultation meet. During the meeting, the NCPCR team informed the NGO's about the objective and purpose of conducting a National Bench for addressing issues related to child rights violations in the district. The team also informed the respective NGO's about the roles and responsibilities of the Commission and work done by the commission all over the years in protecting and preserving the rights of children. The highlights of the Meeting are as follow:

- Out of 289 NGO's registered under NITI Aayog Darpan portal around 39 NGO's have participated in this meeting in which 23 were from Wayanad district and 16 were from Kozhikode and other districts such as Kasaragod and Kannur did not attend the meeting.
- The Commission informed the NGO's about the objective of National bench and asked them to bring complaint grid or complainants highlighting the child right violation from there district on the day of the sitting of National Bench.
- Around 39 NGO's have participated in the meeting. 10 NGO's have agreed to volunteer in running the National Bench smoothly and efficiently. Representations of the NGO's were adequate. NGO's highlighted the issue of school dropout in tribal areas and non-implementation of RTE in specific areas.

## INSPECTION OF SCHOOLS & ANGANWADI CENTRES

NCPCR officials conducted inspections in two Anganwadi centres (AWC), one pre- primary school and one tribal village in flood affected area of Wayanad district. NCPCR team was accompanied by two officers from District Child Protection Unit (DCPU). The objective of conducting the inspection was to review the performance and standards of the facilities provided to the children in AWC's, Schools and simultaneously take suo moto cognizance on the matters pertaining to child rights violations in these institutes.

### POYIL MECHNA ANGANWADI CENTRE

Officials from NCPCR covered two Anganwadi centres in Wayanad district. Anganwadi had appropriate space for 10 children where 5 children are currently enrolled. A proper activity room is designated for children to organise non-formal preschool activities. The room had various items for children like- props, learning cards, wooden blocks, story flash cards and pre-reading materials. The Anganwadi had separate kitchen and store room. The anganwadi also include veranda and a well used for other activities.

S.NO.	INDICATORS	RESPONSE	REMARKS
1	Food Register	Not Maintained	Registers were destroyed in the flood last year and not maintained since then.
2	Mother Register	Not Maintained	
3	Attendance Register	Maintained	Till April 2019
4	Visitor's Register	Maintained	Last Visit by ICDS Supervisor in June

### ISSUES IN ANGANWADI

- The well in Anganwadi pose a threat to children's safety as it was not properly covered and it is the only source of drinking water which has become a breeding ground for insects and fungus.
- As per the guidelines mentioned by the Ministry of Women and Child development the Anganwadis had to maintain 11 registers in their respective centres. Commission found that in Poyil mechna Anganwadi only 1 attendance and visitor's registers were maintained monthly but other registers such as- food and mother registers were not maintained. According to the Anganwadi worker, the registers were destroyed in the flood last year and since then no registers were maintained.

## **MECHNA ANGANWADI CENTRE**

NCPCR conducted an inspection in Mechna Anganwadi. As the centre was destroyed in the flood last year, the Anganwadi was temporarily using community centre to run the AW in the district. Around 20 children were enrolled in the anganwadi. The centre was equipped with toilets for children, store room, kitchen, and well for drinking water. The centre had one teacher and one helper/caretaker for the Anganwadi. The children from tribal areas are enrolled in Anganwadi centre.

### **ISSUES IN ANGANWADI**

- There was no proper lighting and ventilation in the room. The well in the Anganwadi was the only source of drinking water.
- Storage area in the Anganwadi needs further improvement.

Therefore, NCPCR took suo motu cognizance of the matter relating to child rights violation and asked the authority to make sure that well is properly covered and provide an alternative source of clean drinking water to AWC's like- provide water dispensers or treated tap water. Also, recommended the authorities to help the AW's maintain and upgrade the facilities in the kitchen and storage area.

### **VISIT TO TRIBAL VILLAGE- RAM NAGAR**

NCPCR team visited one tribal village named Ram Nagar in Wayanad District. The village was severely affected by the flood last year. Under Life Mission Scheme which falls under Pradhan Mantri Awas Yojna (PMAY), the tribal community were provided free residential units from State Government. The community was also encouraged by the district authority to enroll their children to nearby schools and AWC's. The children living in Ram Nagar are currently enrolled in Mechna Anganwadi.

### **SCHOOL VISIT**

The Commission visited GLPS Mechna School in Wayanad district to examine the facilities provided to the children in school. As per the data provided by the school authority, there were 60 students enrolled in the primary school. The school had 4 classrooms and 4 teachers appointed for each classroom. Separate toilet facilities were available for boys and girls. Mid day meal was served everyday. The quality and quantity of the meal was good. The drinking water facility was found adequate in schools and RO water was also provided. Furniture and other related equipments are adequate and suitable for institution.

<b>S.NO</b>	<b>SCHOOL DETAILS</b>	<b>DATA</b>
1	Total students	60
2	Total Classrooms	4
3	Staffroom	Nil

4	Toilet Facility Boys- Girls-	Yes 2 2
5	Kitchen	Yes
6	Mid day Meal	Yes
7	Drinking Water Facility	Yes

### ISSUES IN SCHOOL

- Commission found one area of the school had no proper boundary wall and that area connects the school to jungle which poses a serious threat to student's safety.
- Kitchen in the school require more space and require further improvement.



### ON THE DAY OF THE SITTING OF THE BENCH/CAMP

The Commission conducted its National bench/camp at Wayanad District in Kerala. The Bench/Camp was organised on 12th July 2019. The bench/camp consisted of Dr. R.G. Anand and Smt. Pragna Parande, Honorable Members of National Commission for the Protection of Child Rights (NCPCR), Sh. P. Suresh, Chairperson and 5 members of Kerala State Commission for the Protection of Child Rights (KSCPCR); Sh. Ajeesh K, ADM, Wayanad. In total the bench/camp received 112 Complaints heard by the bench/camp.

### District Wise Complaints

The bench received 105 complaints from Wayanad, 5 from Kannur, 1 from Kozhikode and 1 from Kasargod.

### Complaints from NGO's

NGO's raised the issue of education and rehabilitation issue of children with disabilities, lack of clean drinking water, proper housing, and dropout cases of tribal areas in Wayanad. 6 more NGO's brought complaints before the bench/camp.

S.NO.	NAME OF THE INSTITUTE	NATURE OF COMPLAINT
NGO	Parivaar Kerala	Education and rehabilitation related issues of children with disability
	Diamond Citizen Welfare Trust	Issues related to the Protection of child rights
	Neethi Vedi	<ul style="list-style-type: none"> <li>• Lack of clean drinking water in tribal colony</li> <li>• Lack of Proper housing</li> <li>• Inaccessibility of education to the children of migrant labours.</li> <li>• School dropout cases in tribal village.</li> </ul>
SCHOOL S	Secretary, PTA Kendreeya Vidyalaya	Construction of proper footpath in KV
	Marianad A.L.P School	Lack of Conveyance for children coming from far flung areas and funds under 'gotra sarathi' rejected by the authority in the present year.
	Tribal Higher Secondary School	Lack of transport facility, lack of basic infrastructure facility, No boundary walls and appeal for the construction of hostel.
	W.O.School For Blind and Deaf	Appeal for providing special books, hearing aid and make arrangements to provide special privilege and assistance
	Coordinator, Railway Childline, Kozhikode	Lack of space for child line and other supporting services o the child in need of special care and protection.

#### Area Wise (Under CPCR Act, 2005)

Complaints are segregated based on the 6 areas that come under section 3 of CPCR Act, 2005. The highest number of cases, that is, 60 cases are registered under Juvenile Justice, 42 under Education, 2 under POCSO, 6 under Health and 1 case requires holistic approach from the respective departments.

S.NO.	DEPARTMENTS	TOTAL COMPLAINTS
1	Juvenile Justice	60
2	Education	42
3	Laws relating to Children (POCSO)	2
4	Health	6
5	General Complaint	2
	<b>TOTAL</b>	<b>112</b>

DISCLAIMER: This is the initial data as per the day of the Camp/ Bench

## COMPLAINT ANALYSIS

### Juvenile Justice

The bench/camp received 59 complaints from the districts. The complaints are further divided into 5 sections: -

SECTION	NATURE OF COMPLAINTS	TOTAL COMPLAINTS
1	Financial Assistance and Sponsorship	26
2	Denial of entitlement related complaints	15
3	Mental harassment & Verbal Abuse	6
4	Other related complaints	13
	<b>TOTAL</b>	<b>60</b>

### EDUCATION

Education department received 42 complaints from the districts. The nature of complaints related to education department is further divided into 6 sections:-

Sr. No	NATURE OF COMPLAINTS	TOTAL NUMBERS
1	Complaints regarding financial assistance and scholarship	21
2	Complaints regarding school infrastructure	3
3	Complaint regarding dropout cases	2
4	Complaints regarding transportation facilities/ conveyance to schools	6
5	Complaints regarding admission to schools	6
6	Other education related issues	4
	<b>TOTAL</b>	<b>42</b>

### LAWS RELATED TO LAW (POCSO)

Two cases were registered under Laws relating to Children (POCSO) in which one case refers to the sexual harassment of the child by her neighbour and other case also refers to sexual abuse of child with disability by her neighbor.

## HEALTH

Six cases were registered under health department. 2 cases were related to financial help for treatment, one case was of toilet reconstruction, one case was of inadequate facilities in Anganwadi situated in a tribal area, one case of medical negligence by the government hospital and one case was of issuing medical certificate to a child with a disability.

## COMPLAINT ANALYSIS ACCORDING TO NITI AAYOG INDICATORS

The National bench/camp of NCPCR is being conducted in those districts which are declared 'Aspirational' by NITI Aayog. The NITI Aayog analysed these districts based on 49 indicators segregated in five sectors- Health, Education, Agriculture & Water resources, Financial Inclusion and Basic Infrastructure. NCPCR has a mandate to take complaints in the matters related to child rights violations. Therefore, the Commission has placed its focus on two key sectors- Education, Health & Nutrition focusing on the facilities provided to children. Then again while examining the complaints that Commission received while conducting the bench/camp in aspirational district, not all complaints could be analysed based on the indicators laid down by the NITI Aayog

S.NO	SECTOR	NITI AAYOG INDICATORS	COMPLAINTS RECEIVED BASED ON THE INDICATORS
1	EDUCATION	Transition rate from primary to upper primary school & Upper primary to secondary	Total 8 complaints Children Dropping out from school & denial of admission of children to school
S.NO	SECTOR	NITI AAYOG INDICATORS	COMPLAINTS RECEIVED BASED ON THE INDICATORS
1	HEALTH	Proportion of Anganwadis with own buildings	One complaint related with inadequate facilities in Anganwadi situated in tribal area

## OUTCOME

Major issues that were identified by the Commission while conducting bench/camp in Wayanad were related to the lack of basic amenities like education, health and nutrition in tribal areas. Basic survival facilities have seemingly always been out of reach for people living in tribal areas of Wayanad leading to a substantial increase in absenteeism from school, malnutrition and fundamental health problems. Connectivity to other areas has also proven to be a major hindrance in the community leading the tribal people to live in isolation. Inadequate condition of Anganwadis, absence of referral centers and lacks of health clinics in the tribal areas have also added to the undermining condition of the tribal people in the District. Consequently, major steps are required to

be taken to get the concerned tribal people a chance at Right to subsistence.

## CONCLUSION

The National Bench/camp was conducted successfully in Kerala. NCPCR registered and passed orders on all the 112 complaints received during the sitting of the bench/camp. Apart from that commission received 35 complaints from the district officials. One complaint was received from Malappuram district through DCPU, Kozhikode. The commission received overwhelming support and participation from the NGO's from different districts. Many NGO's brought complaints regarding child right violation before the bench/camp and some have submitted complaints to their district administration which was received by NCPCR through DCPU of four districts. The volunteers apart from the district administration helped in running the proceedings of the bench/camp smoothly. The Childline from all the districts and teachers, students from WMO College and an NGO-Peace Meadow foundation were there to help the complainant from registering the complaint to helping them write the complaint and translating the language from Malayalam to English for the bench/camp.

## ANNEXURE

S.No.	Name of NGO	Contact details
1	Peace Meadow Charitable Trust, Kozhikode (Beena George)	9447871285/9400518773 <a href="mailto:peacemeadowct@gmail.com">peacemeadowct@gmail.com</a>
2	Alisha Sanil Strechtean Erantupalam Kozhikode (NGO)	8301912996/9495028111/8921670860 <a href="mailto:alishasanil17@gmail.com">alishasanil17@gmail.com</a>
3	Coordinator Railway Childline Kozhikode	8281439043 <a href="mailto:akash.francis003@gmail.com">akash.francis003@gmail.com</a>
4	Centre Coordinator Childline Collab- AWH Kozhikode	9447090077/9447516501 <a href="mailto:awhchildline03@gmail.com">awhchildline03@gmail.com</a>
5	Railway Childline Kozhikode	9633649669 <a href="mailto:picasosonali@gmail.com">picasosonali@gmail.com</a>

