



CAMP/BENCH REPORT

Udham Singh Nagar

14th December, 2019

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
NEW DELHI

Working Report

INTRODUCTION

The Commission conducted its National Bench in the Udham Singh Nagar District which is situated in the State of Uttarakhand. The commission conducted its bench on 14th December 2019. The Bench comprised of NCPCR Honorable Member Dr RG Anand along with Team from NCPCR including Shri. Sundeep Rathee, Ms. Dipti Yadav, Shri Sandeep Chaudhry and Ms. Karishma. The team was in Udham Singh Nagar from last three days and during their stay they have visited various schools in district, Government Hospital, Anganwadis, and Observation Homes etc.

Key highlights of the bench held at Udham Singh Nagar were: -

- Received 407 complaints on the day of the bench.
- A medical camp was set up for the patients required treatment.
- The highest no of cases were those relating to the health of minors and for the aid required thereof. This includes disability pension, disability certificate and complaints regarding Anganwadi Centers.
- The complaints regarding child labor were the least even though it is a visibly prevalent part of our society; this indicated a lack of sensitization and awareness.
- There were complaints regarding Education, POSCO and Juvenile Justice as well.
- The complaints against the Anganwadi Centres in the district of Udham Singh Nagar were regarding broken and damaged infrastructure like broken staircases and windows or malfunctioning washrooms.
- There are four cases of malnutrition yet the Nutritional Rehabilitation Centre (NRC) at the government hospital was empty and looked isolated.
- The cases related to birth certificate, domicile certificate and caste certificate were also addressed.
- Sponsorship was most sought after in the case of orphan followed by that of an unavailable father in the prison and that for educational purposes.
- There were also two bona fide suggestion letters in the complaints addressing issues under the Right to Education and Juvenile Justice respectively.

MEETING WITH THE NGO's

Before the sitting of the bench, National Commission for the Protection of Child Rights held a consultation meeting with the NGO's on 13 December 2019. In this session, the NCPCR team informed the NGO's about the roles and responsibilities that NCPCR carries under the CPCRA Act, 2005 and also made them aware of the objective of conducting the bench. The NGO's were informed about the onus of duty that they were responsible towards in the whole process and asked them to bring complaints related to child rights violation on the day of the bench. Wherein in depth discussion also took place and great efforts were made to provide administrative, substantial and procedural clarity to the officials present.

KEY HIGHLIGHTS FROM THE CONSULTATION MEETING

- 67 NGO's were contacted through Niti Aayog Darpan Portal but only 2 NGO's, namely Dia Social Samiti and Anmol Foundation were present during the meeting.
- NGO's were asked to make people aware about child rights and violation related to it.
- They were advised to inquire into the same and the way in which children are to be dealt with.
- They were encouraged to spread awareness about the sitting of NCPCR bench and report as much as complaints possible.

DETAILS OF INSPECTION OF INSTITUTIONS

Field visits to various Child Care Institutions (CCIs), Schools, civil Hospitals, Anganwadi Centers and Observation Homes along with a visit to the child line were conducted. The objective of conducting the inspection was to review the performance and standard of facilities being provided to minors, while simultaneously undertaking suo-moto cognizance in cases where child rights are being violated in the given institution. The team from NCPCR comprising Mr. Sundeep Rathee, Ms. Dipti Yadav, Mr. Sandeep Chaudhry and Ms. Karishma were in Udham Singh Nagar from last three days and during their stay they have visited various schools in district, Government Hospital, Anganwadis, Observation Homes etc. They weren't accompanied by the DCPU.

The observation of irregularities and violations based on the existing infrastructure and the discharge of responsibilities by the authorities with reference to the governing laws under the relevant acts, suo- moto cognizance was taken on the issues as enlisted below.

SCHOOL VISIT

Kasturba Gandhi Balika Vidyalaya, Sitarganj, Uttarakhand

The NCPCR team visited the Kasturba Gandhi Balika Vidyalaya residential school on 13th December

- The infrastructure was severely deteriorated, the walls and floors were damp, and there was neither any backup for electricity (due to which the CCTV would be non-operational for those periods of time) nor a proper drainage system. The windows in the dormitories were broken. The whole campus was in a poor condition.
- There was no hot water in the winters for the hoteliers for the purpose of consumption or other utilitarian purposes.
- Study rooms were not seen on campus.

- During the rainy season the dining hall would get flooded due to lack of drainage.
- The dormitory bedrooms were dusty and unhygienic.
- Bare electric wires hung all over the campus which was considered safety hazard for the students.
- The washrooms weren't attached and were in a poor condition.
- Moreover, there was no proper disposal mechanism provided for disposing sanitary napkins.
- There was no clean water which means an absence of portable water for consumption by the students.
- The height of the boundary wall surrounding the campus was extremely low due to which other may come in and interfere the privacy.
- Proper awareness or sensitization programs were held for the girls.
- Students are staying in broken rooms partially used for keeping rations.
- No medical cards were provided and there was no proper diet chart due to which they could not consume nutritious food.
- There were no mosquito nets. Warm clothes were not available in the hostels.
- The warden was not following her duties and stays on leave without providing proper application.
- No proper security guards were stationed at the front gate all day round.
- Stock registers were not properly maintained.
- The staff was not been efficaciously trained in matters of development, sensitization and awareness programs especially in cases of POCSO, sanitation and hygiene.
- Desks and benches were not available; students sit and study on the floor.
- It was found that the teachers were not following the norms while teaching.

OBSERVATION HOME

Rajkiya Samprekshan Greh

The NCPCR team visited the said Observation Home on 12th December, the following were the observations:

- The bathroom, washrooms were not sufficient as per the number of children.
- The arrangements for kitchen were not proper and the children have to cook their own food.
- Children were made to clean the observation home.
- The children were not given warm blankets and clothes in the winters.
- The observation home had no counselor, driver, doctor or a teacher.
- The children were not receiving any proper means of education.
- They were simply being taught music and no professional vocational education was being taught.
- The register was not being maintained as formerly prescribed.
- The children had no receive medical facilities on time.

- The caretakers in the home did verbally and physically abuse the children.
- The children wanted to study however; they were kept away from educational materials.
- They were not allowed to sit on their beds during the day time and were made to sit on the floor.
- The boundary walls were made extremely low which poses threat to their security.

CHILDLINE

The NCPCR team visited the Child line in Udham Singh Nagar on 12th December, following were the observations:

- It was found that the CWC orders for POCSO victims and other children to be sent to the child line instead of a home which is a clear violation of the act.
- There was only one room with several mattresses for the children.
- Violations of the POCSO Act were not reported to the police.
- There was a case wherein, CWC was aware of a case and passed an order on its own rather than approaching the requisite authority.
- The child line was not been found fit for Udham Singh Nagar to operate.

GOVERNMENT HOSPITAL

Jawahar Lal Nehru Zila Hospital, Rudrapur, U.S.N, Uttarakhand

The NCPCR team visited the aforementioned hospital on 12th December, 2019 following were the observations:

- The child ward very dirty and there was no heaters for children or anyone suffering from extreme winter as its cold region.
- The NRC (Nutritional Rehabilitation Center) for those afflicted with malnutrition was kept isolated.

ANGANWADI CENTER

Tharu Boughori Anganwadi Center

The NCPCR team visited the aforementioned AWC on 13th December, following were the observations:

- There was no proper stock registration.
- The registers were being maintained with a pencil, making it easier to change and edit.
- The name boards were not available.
- The washrooms were in an abysmal condition.
- Anganwadi was in very bad condition for children.

ON THE DAY OF THE BENCH

The Commission conducted its bench in the Udham Singh Nagar District on 14th December 2019. The bench comprising of NCPCR Member Dr RG Anand headed the camp. The commission received 407 complaints as enumerated below.

COMPLAINTS

The said complaints were segregated based on the areas that come under Section 3 of CPC Act, 2005. The highest no. of cases was registered under Health for AWC.

S.NO	DIVISION	TOTAL
1.	HEALTH	360
2.	EDUCATION	10
3.	POCSO	7
4.	JUVENILE JUSTICE	29
5.	CHILD LABOR	1

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

Total No. of Complaints – 407

KEY HIGHLIGHTS OF COMPLAINTS

- The highest no of cases were those relating to the health of minors and for the aid required thereof. it includes disability pension, disability certificate and complaints regarding Anganwadi Centers.
- The complaints regarding child labor were the least even though it was a visibly prevalent part of our society; this indicated a lack of sensitization and awareness.
- There were complaints regarding education, POSCO and juvenile justice as well.

Complaint Analysis

Health

S.NO	CATEGORY	TOTAL
1.	Birth Certificate	8
2.	Medical Certificate	1
3.	Malnutrition	4
4.	Disability Pension	71
5.	Medical Treatment	63
6.	Medical Equipment	8
7.	Disability Certificate	77
8.	AWC	116

9.	Amalgamated Complaint	K*****	Wheelchair
		Aa***	Pension
		Ab*****	Pension
		P*****	Pension

Total No. of Complaints – 348

KEY HIGHLIGHTS OF COMPLAINTS

- The complaints against the Anganwadi Centres in the district of Udham Singh Nagar were regarding broken and damaged infrastructure like broken staircases and windows or malfunctioning washrooms.
- There are four cases of malnutrition yet the Nutritional Rehabilitation Centre (NRC) at the government hospital was empty and looked isolated and like it hadn't been visited.
- Many complaints for medical treatment were combined with that of disability certificate or pension.
- There were complaints regarding birth certificate, medical certificate, want for medical equipment along with others.

a) OTHERS

S.NO	CATEGORY	TOTAL
1.	Inadmissible	1
2.	Maltreatment by staff	1
3.	Drug Abuse	1
4.	ANM	1
5.	Infrastructure	5
6.	Birth Certificate and medical treatment	3

Total No. of Complaints - 12

EDUCATION

Highest no. of complaints was regarding the infrastructure and maintenance.

S.NO	CATEGORY	TOTAL
1.	Admission	1
2.	School Leave	2
3.	Infrastructure	4

Total No. of Complaints – 7

KEY HIGHLIGHTS OF COMPLAINTS

- There were two complaints were the complainants (school students) asked for leaves to be granted due to medical reasons and pre-occupation at home but these can't be looked into as the dates have already passed.
- The highest number of complaints were regarding the infrastructure and maintenance of the schools in the district.

a) OTHERS

S.NO	CATEGORY	TOTAL
1.	Inadmissible	1
2.	Suggestion letter	1
3.	Remuneration under RTE	1

KEY HIGHLIGHTS OF COMPLAINTS

- The bona fide suggestion gives in suggestions by the complainant regarding the upkeep needed in U.S.N in the sphere of education.
- There was another complaint wherein the complainant talked about remuneration under the Right to Education Act.

JUVENILE JUSTICE

Justice Juvenile Act, 2016 aims to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, herein under and for matters connected therewith or incidental thereto.

The Division is further broken down into sub-divisions to allow careful analysis and understanding.

The most no. of complaints received were 18 complaints with them wanting documents of Birth, Domicile and Caste as further enumerated.

S.NO	CATEGORY	TOTAL
1.	Orphan	5
2.	Prisoner Father	1
3.	Sponsorship for Education	1
4.	Missing Child	1
5.	Documents of Birth, Domicile and Caste	18
	Birth, Caste and Domicile	9
	Birth and Domicile	1
	Caste and Domicile	5
	Only Domicile	2
	Only Caste	1

Total No. of Complaints – 26

KEY HIGHLIGHTS OF COMPLAINTS

- The cases in which provision of documents was asked for were amalgamated complaints between birth certificate, domicile certificate and caste certificate.
- Sponsorship was most sought after in the case of orphan followed by that of an unavailable father in the prison and that for educational purposes.

a) OTHERS

S.NO	CATEGORY	TOTAL
1.	Regarding JJ Act 2015	1
2.	Suggestion letter	1
3.	Observation Home	1

Total No. of Complaints – 3

KEY HIGHLIGHTS OF COMPLAINTS

- The first complaint was regarding the Juvenile Justice act of 2015.
- The other complaint was a bona fide suggestion letter concerning the juvenile justice department.

CHILD LABOR

As per the Child Labour (Prohibition and Regulation) Act, 1986, amended in 2016 ("CLPR Act"), a "Child" is defined as any person below the age of 14, and the CLPR Act prohibits employment of a Child in any employment including as a domestic help. It is a cognizable criminal offence to employ a Child for any work. Children between age of 14 and 18 are defined as "Adolescent" and the law allows Adolescent to be employed except in the listed hazardous occupation and processes which include mining, inflammable substance and explosives related work and any other hazardous process as per the Factories Act, 1948.

S.NO	CATEGORY	TOTAL
1.	Work in companies and shops	1

Total No. of Complaints – 1

KEY HIGHLIGHTS OF COMPLAINTS

- The complaints regarding child labor were the least even though it is a visibly prevalent part of our society; this indicated a lack of sensitization and awareness.

POCSO

The Protection of Children from Sexual Offences (POCSO) Act, 2012 deals with sexual offences against persons below 18 years of age, who are deemed as children. The Act for the first time, defines “penetrative sexual assault”, “sexual assault” and “sexual harassment”. The offence is considered graver if it is committed by a police officer, public servant, any member of the staff at a remand home, protection or observation home, jail, hospital or educational institution, or by a member of the armed or security forces.

S.No.	NATURE OF COMPLAINT	TOTAL
1.	Sexual assault	1
2.	Aggravated penetrative assault	1
3.	Sexual abuse	3
4.	Attempt to rape	1
5.	Others	1

KEY HIGHLIGHTS OF COMPLAINTS

- The most no. of complaints was regarding sexual abuse.
- Most of the cases were not brought forth by the complainants concerned but rather through suo-moto cognizance or the child line.
- The others case is wherein males jumped the boundary wall to enter an all girls residential hostel.

COMPLAINT ANALYSIS PER NITI AAYOG INDICATORS

The National bench of NCPCR is being conducted in districts that were declared to be ‘Aspirational’ by NITI Aayog. These districts were carefully analyzed on the basis of 49 indicators segregated into five sectors namely

– Health, Education, Agriculture and Water resources, Financial Inclusion and Basic Infrastructure. Since, under 13 (1) NCPCR has a mandate inter alia to inquire into violations of child rights and non- implementation of laws providing for protection and development of children as well as examine factors that inhibit the enjoyment of rights by children under various circumstances, the commission has thus placed its primary focus on two key factors- Education and Health. Hence, while examining the complaints that the commission received while conducting the bench in Udham Singh Nagar, it was aimed that these parameters which were taken into consideration.

S.no.	Weightage	Sector	Indicator	Complaints
1.	30%	Education	Drinking water and electricity supply	Suo Moto and Suggestion Letter
2.	30%	Health	Growth of children	Suo Moto
			Health Infrastructure	Suo Moto
3.	10%	Basic Infrastructure	Availability of latrines	Suo Moto

OUTCOME

- We have recommended that an FIR be filed against officials working in the Observation home.
- Moreover, in the matter of situating POCSO victims, we would recommend that two rooms of the hospital be taken and declared as fit facility through notification by the District Magistrate.
- We put a medical camp on the bench day were approx. 33 certificates were given along with granting tricycles.
- A case is to be lodged against the Child line for violation under Section 21 of the POCSO.

CONCLUSION

- Awareness programs regarding POSCO can be conducted such that more incidents where the basic dignity of a child is violated can be brought to justice.
- Moreover the kids need to be made aware of the essential difference between safe and unsafe touch and how to proceed in case of the latter.
- A sensitization program for the officials and teachers is really required on an urgent basis across the district.