



# infocus

## National Commission for Protection of Child Rights

### Restore Lost Childhood of Displaced Children

Children are the worst affected when families are displaced from their lands and homes and forced to live in camps as 'outsiders'. Whether this is due to civil unrest, natural disasters, development projects or changes in ecology and environment, they live in a permanent condition of uncertainty and anxiety. With no livelihoods or food security, they are always hungry.

Although there is no estimate of the numbers of families and children displaced, there is evidence that their numbers are growing. Basic services such as health, nutrition, education, care and protection for children are skeletal and just not available in these camps. Disease and death shadow these children every day, be they tribal children living in the camps in Dantewada district of Chhattisgarh or the internally displaced persons who have found refuge in the neighbouring state of Andhra Pradesh or the Bru tribal children in Kailasahar district, Tripura, who have been pushed out of Mizoram, or the children of Bengali Muslim and Santhali tribal community under the Bodo Territorial Council.

During the NCPCR's visit to these camps, we were struck by the enormous tragedies of women, children, tribals and their families. We were appalled by the inhuman living conditions in camps in Assam, Tripura and Manipur. Testimonies given during public hearings in Tripura, revealed that 30 children had died of dysentery and malnutrition within a period of one month. The high rate of child and maternal morbidity and mortality is due to the lack of access to primary health care and sub centre facilities. There are no toilet amenities, no safe drinking water and no facilities for children to study. This is a denial of the children's fundamental rights.

The situation in the Assam camps is no better. We visited six relief camps of Santhali and Bengali Muslims and saw them living in sub-human conditions with little or no access to education, health and nutrition. In addition, there are also instances of child trafficking with girls being forced to work as sex workers and domestic helps.

In Manipur, the services for children affected and infected with HIV and AIDS has to be stepped up. There needs to be a clear path of education for all such children without any discrimination. In this regard we were informed that children were to undergo mandatory HIV testing and shunned when found positive. This is unacceptable and makes them more vulnerable.

The loss of childhood of hundreds and thousands of displaced children needs to be restored and violations of their fundamental rights prevented. There must be a policy for restoration of the entitlements for children of displaced families.

The state has an obligation to address the emergency situation arising from the dangerously deteriorating health, water and sanitation situation in the camps. The NCPCR has issued key recommendations to address these concerns and continues to monitor progress on its implementation.

The news of the approval given by the union cabinet to introduce the Bill on Right to Education in the winter session of Parliament is significant. This will enable children of displaced communities and all other children access their right to education as well as all other rights. ■

*Shantha Sinha*

Shantha Sinha

October 2008 Issue

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## New Hope for Manipur's HIV Affected Children

After Dhojo's (name changed) parents died of AIDS related illness, the child lived with his grandparents in Churachandpur district in Manipur. Soon it was found that Dhojo too was infected. Despite the fact that Dhojo required anti retroviral therapy (ART), his grandparents resisted giving him the treatment for a long time. Finally in August last year Dhojo was permitted to access the much needed ART.

Dhojo's case, which indicates the intense need for family counselling, came to light during a public hearing on the issues and challenges faced by children infected and affected by HIV and AIDS in Manipur. The first such hearing was supported by the National Commission for Protection of Child Rights (NCPCR) in Imphal in September. It was organized by the Manipur Network of Positive People (MNP+) in collaboration with NGO partners and the Manipur State Aids Control Society (MSACS). Dhojo is among the 3,000 children in the state that MSACS estimates is living with HIV and AIDS. Manipur is one of the six high prevalence states in the country.

Over 400 people from eight districts in the state participated in the public hearing. Participants included children, parents, guardians, activists, health workers, senior officials from

the state departments of social welfare and labour, NACO officials and police officers. The testimonies brought out the lack of support and services for affected children with regard to education, food security and nutrition, psycho-social support and alternative placement programmes.

An infected couple stated that despite knowing their status they continued having children to conceal from society their infection. A single mother revealed how difficult it was to continue supporting her son's education after her husband's death. A MNP+ activist highlighted the misery and hardship of children who had to contend not just with the unavailability of a paediatric doctor during an emergency but depend on adult dosage of ART as they could not access paediatric doses. This was because of a lack of free diagnostic investigations to initiate ART, unfriendly terrain and poor transport system.

The public hearing also brought out the double bind of children with sick parents and those who were orphans. Such children were forced to work to support themselves in violation of child labour laws as there was hardly any state help available for their livelihood or rehabilitation. The case of a child working at a brick kiln to support his education expenses, instances

## NCPCR's Priority Action Plan for Manipur

- **Access to Testing and Treatment:** ART centre/link centre expansion plans should be matched with detailed assessment of all areas and population currently without access; a timetable of implementation and the set-up of interim outreach provision through mobile services
- **Parent To Child Transmission:** Supported by NACO, MSACS to provide policy guidelines to medical personnel on feeding of infants whose mothers are HIV positive. NGOs to be involved in dissemination of correct infant feeding practices.
- **Maternal and Child Nutrition:** Government urged to recognise nutrition as a core element of ART and issue nutritional guidelines for HIV positive children and their mothers. Establishment of an integrated programme for nutritional support through NGOs/donors and government programmes. ICDS and midday meal coverage for all infected and affected children.
- **Psycho-social support:** This is seen as integral to a comprehensive care and treatment programme. Government to ensure provision of paediatric counselling and other resources at all ART centres. In collaboration with NGOs, ensure psycho-social services at PHC/sub-centres. Individual and family based psycho-social support to be provided from pre-testing to palliative care.
- **Juvenile justice care and protection:** Stronger institutional care provisions to be established as there is shortage of accommodation and lack of services in the eight government children's homes for orphans and children affected by HIV and AIDS. Shuffled between care givers and inadequate facilities, affected children don't get proper care. They face the trauma of separation from their families and don't attend school. Government should also support foster care programmes as there is need for non-institutional care alternatives. With trafficking of vulnerable children being a significant issue in Manipur, preventive and protective services for all such children must be strengthened by improved focus on education and juvenile justice.

of children working in hotels in exchange for food and a girl who was a school dropout working as a domestic help in order to support her family was discussed.

Issues of disclosure were raised. Several parents and guardians said that in the absence of proper paediatric counselling they faced immense problems in talking with the children about their infection as they grew up. Ensuring proper nutrition needed to delay the infection and making ART more effective for infected children emerged as a significant chal-



lenge. A parent had to resort to giving sugar solution when there was nothing to feed the children.

Denial of inherited property after the death of the father was another common problem in cases where both mother and child are disowned by the in-laws. In one instance they were even turned away from the mother's parental home. The issue of stigma with children not being allowed to play with others of their own age and being denied admission in educa-

tional and other juvenile institutions was also discussed. The problem of dealing with children who are on drugs also came up during the public hearing.

The Additional Director General of Police, Romen Kumar, said the children's homes and shelters in the state were like mini-jails rather than rehabilitation centres. He said such homes were used by underground outfits to recruit young people to their cadre. An inter-departmental consultation was necessary to stop children being recruited and trafficked as soldiers.

Sharat Sharma, joint director, state social welfare department, summed up the challenges as denial of treatment in the health care sector, limited government support and no long term planning. Both education and nutrition were urgently needed and there was need to scale up the counselling programme to reach the affected areas, besides strengthening the existing counselling centre, he said. Sharma suggested that an action plan be drawn up based on the inputs given by parents and children at the public hearing. Dr Pramod Kumar Singh, project director (technical), MSACS, promised decentralisation of ART. By the end of the year all districts in Manipur would have ART centres, he assured.

Thereafter, based on the public hearings and its visit to district level medical facilities' in Thoubal and Churachandpur and the RIMS and J.N. Hospitals in Imphal, the NCPCR drew up a plan for integrated services and support for affected children in Manipur. The team also held a joint meeting with the secretaries of the concerned departments in Manipur.

The NCPCR chairperson has presented the Manipur government with a coordinated, multi-sectoral plan involving all departments for systemically addressing health, nutrition, education and care of infected children and those vulnerable to the infection. The Commission will visit the state again in three months to review the action taken. ■

## Displaced Children Have Rights Too



Photo courtesy: UNICEF, New Delhi

The harmful effects of internal displacement and conflict are particularly acute for children. Forced to live in relief camps, the children are bereft of education, lack access to health and nutrition and miss out on their childhood. Just how vulnerable these children are was underscored by the death of 30 infants in the month of August alone in two camps due to malnutrition and disease in Tripura.

The National Commission for Protection of Child Rights (NCPCR), which visited the relief camps in Tripura in response to a complaint of non-inclusion of 7000 children in a list for issuance of ration cards made by the Asian Indigenous Tribal Peoples Network (AITPN), an alliance of indigenous and tribal peoples' organisations and individual activists across the Asian region, were appalled by the sub human conditions under which the families had to survive.

During the public hearing in Naisingpur, Ashapura, Hamsaparu, and Khashithai, NPCR chairperson Shantha Sinha and Commission members Dipa Dixit and Sandhya Bajaj heard heart rending stories about the pitiable living conditions in the camps. There was none or little, if any, registration of births and deaths, marginal immunisation, no health facilities or primary health centres, no functional schools, no safe drinking water, poor sanitation and inadequate rations.

The Commission was shocked to hear how abject poverty and despair had driven one father to leave his four-year old daughter to die of blood dysentery in his tent as he did not have

access to any doctors and medical facilities.

Lack of health services also claimed the lives of the husband and two children of a five-month pregnant woman in Ashapura relief camp. But what was even more worrisome was that the severe shortage of food had put the lives of her unborn child and her lone surviving child at risk. Due to severe malnutrition the child who was four years old looked about two.

This was because rations provided were inadequate as her husband and children's names were struck off when they passed away. However, the surviving child's name was not included. In addition, her ration was being shared by her mother and sisters. Ration is the primary means of sustenance for the people in these camps.

The state of child health in the camps are deplorable. The absence of Integrated Child Development Scheme (ICDS), supplementary nutritional programmes (SNP) and *anganwadis* has deprived the children of important health inputs. Immunisation has not been given importance. With the exception of pulse polio, no other vaccinations have been administered to the camp children. In addition, the people have to travel great distances to access the government dispensaries. This led them to opt for quacks.

Unfortunately, the situation of relief camps for displaced persons in Assam is no better. When the Commission visited Assam as part of its review on the conditions of children affected by conflict and displacement in the North-East,

## Recommendations

**Rations/Food Security:** The Commission has recommended immediate streamlining of ration supply in Assam and Tripura camps to ensure food security. This is particularly important in Assam where rations have not been provided to 43 families since 1998 in the Bengali Muslim camp in Bengtola and to 700 households out of 1350 households in the Bengali Muslim Hapachara camp.

**Health and Nutrition:** The NCPCR has recommended action plans to be developed by the states to investigate child and maternal deaths, monitor the health, immunisation and nutritional status of children and pregnant mothers. It has recommended institution of PHCs and Sub centres, employment and training of anganwadi and ASHA workers, implementation of ICDS, SNP and government schemes for children. It has asked for appropriate care and protection for orphaned children and district and village level coordination with the camps to prevent child trafficking.

**Education:** The Commission has recommended immediate provision of midday meals in all camps. In addition it has recommended provision of EGS (education guarantee

scheme) schools with additional teachers to meet the student ratio and the opening of residential and non residential bridge schools to mainstream children who have dropped out.

**Water and Sanitation:** The NCPCR has recommended immediate measures be taken to provide clean drinking water and sanitation facilities in the camps as the threat of an epidemic looms large in their absence.

**Monitoring and Data Collection:** The Commission has recommended a data survey be undertaken to monitor health indicators of children including their height, weight, nutritional and immunisation status as well as the status of educational facilities. Maternal health, including the mother's nutrition status, must be surveyed too.

**National Rural Employment Guarantee Assurance:** As NREGA is not in place in these camps, the NCPCR has recommended job cards be issued to all eligible individuals living in the camps and the district administration monitor the implementation of this scheme.

**Nodal Oversight and Grievance Redressal Mechanism:** The Commission has recommended institution of a local grievance redressal mechanism with a nodal officer from the district administration and an NGO representative.



Photo courtesy: UNICEF, New Delhi

it conducted public hearings in Devsri relief camp in Bongaigaon district and Salabila camp in Chirang district. Here it found that just like the camps in Tripura, these too lacked basic services and support for these children and their families.

A 15 year-old boy walked about 12 km a day to get to a private school. His parents lived in a camp as frugally as they could in order to save money to pay for his education. While the Commission was encouraged to see that the parents understood the importance of education to give the child a better life, they were concerned at the lack of fundamental human rights of the displaced people and children.

Whether it is relief camps in Tripura or Assam, the stories are tragically the same. But what happens to these children who are in a permanently displaced condition in the present scenario? What impact are these camps having on their present and is there any future for them?

Since the children live in such a vulnerable situation and their environment encourages illegal practices like child labour, child trafficking and abuse, they require greater attention, care and protection. Therefore, the Commission has written to the state and union governments to address the immediate 'emergency' needs of these communities and adopt measures to ensure availability of adequate rations, healthcare, sanitation and education in the relief camps. It will follow up with another visit after three months to monitor progress made. ■

## Abolish Child Labour and Make Education a Reality

The National Commission for Protection of Child Rights (NCPCR) in collaboration with UNICEF and ILO is holding a series of state-level consultations on abolishing child labour in all forms and ensuring every child goes to school. Adopting a rights-based perspective, the consultations highlight the inextricable link between the total abolition of child labour and the right to education in full time formal schools.

Its emphasis is on the need for inclusion of the definition of child labour so as not to make a distinction between child labour and child work, hazardous and non-hazardous child labour. It must recognise the work rendered by children in their homes, in agriculture and all other activities that keep them out of school as child labour. This must be in consonance with the United Nations Convention on Rights of the Child (UNCRC) and the definition of the child must be 18 years.

Three consultations have been held so far in Jaipur, Lucknow and Bangalore. Nine more will be held in other parts of the country, concluding with a national forum in New Delhi on December 11-12 for the Abolition of Child Labour and Attainment of Children's Right to Education.

The consultations held so far have been well attended by NGOs and activists representing concerned civil society, all seeking to end child labour and make education a reality. Children spoke of the tremendous opportunities that education opened up for them after they were pulled out of stone quarries, sari weaving units and several other laborious jobs. Their parents too endorsed the new opportunities for the children.

The new concerted campaign stems from the positive fall-out of widespread social mobilisation to abolish child labour in India. These initiatives have demonstrated the central role of education as the most effective strategy to remove children from the labour force and ensure they are not exploited economically and socially. Education has emancipated many of them from oppression and given them dignity.

The Census of 2001 shows that more than 500,000 children below five years are engaged in household activities. Despite the explosive demand for education by the poor today, millions of children continue to labour in agricultural fields, homes of well-off families, hotels, eateries and other occupations.

According to NCPCR chairperson Shantha Sinha, children suffer the most from the unprecedented inflation and increasing disparities within the country. Reports of abuse within and outside families are on the rise as children live in an environment fraught with insecurities and frustration. It is feared that children, particularly girls, will be withdrawn from school, forced to work and have no time for recreation or leisure.

The three consultations spelled out some non-negotiable issues:

- Any child out of school is a child labourer
- All children must attend full-time formal day schools upto 18 years
- All schools should be at par with Kendriya Vidyalaya

- There must be total abolition of child labour

### Rajasthan Grapples with Child Trafficking and High Dropout Rate

Some 212 experts participated in the five sessions on Right to Education and Abolition of Child Labour in the Jaipur consultation. Six children spoke on how they had benefitted from education after being pulled out of the work force.

The session opened with Samuel Mawungani, head of UNICEF in Rajasthan, saying public awareness needed to be raised for abolition of all forms of child labour.

Lalit Pawar, principal secretary, labour, Rajasthan, said that 19.6 per cent of children between 5-14 years were working in the state (NFHS 2005-06). They were employed in hazardous and non-hazardous works like bidi making, building and construction industry, carpet manufacturing, agricultural fields, child care and other household work. Many children from the state were also migrating to Gujarat to work in the BT cotton fields.

Pawar pointed out that 14,235 child workers had been



Photo courtesy: USHA RAI

rehabilitated through 29 National Child Labour Programme (NCLP) projects. However, since the NCLP's focus is just on children in hazardous industries, those in the non hazardous sectors were left out.

He outlined the range of activities undertaken with the help of gram panchayats and NGOs to end child labour. Additionally, control rooms and helplines are being set up at the state and district levels to stop migration of children for work.

While the state labour minister Ram Kishore Meena emphasised the need to protect the fundamental rights of children, he pointed out that poverty was central to the existence of child labour. He said since children work out of 'compulsion', and it is only when every household has employment for the adults that child labour would end. He however added that to eradicate poverty and child labour, education must be ensured for every child. The Constitution provides them this right to education.

The commissioner of Sarva Shiksha Abhiyan (SSA),

Shubhra Singh, said that the programme covered 107.64 lakh children of 6-14 years in Rajasthan. In one year the number of out of school children reduced from 1,40,000 to 35,000 by tracking these children and enrolling them. Banswara, Sirohi and Udaipur are among the districts with the highest dropout rates in the state.

Citing reasons for the high dropout rate, she said child labour and poverty could be contributory factors. Other reasons were lack of awareness and proper counselling of parents, merger of schools and mismatch of student-teacher ratio. She also said children who had been brought into regular schools through the SSA were leaving and joining the NCLP schools which gave a stipend to the children.

The state government had started night shelters for homeless children; residential and non residential bridge courses to cater to the academic needs of children moving from the work force to regular education; the *Shiksha Mitra* (teaching assistants) scheme for groups of 40 students wanting school education and hostels for migratory children in the backward district of Dungarpur.

In the open discussion that followed, the government's low dropout figures were contested and discrimination and deprivation of education among communities like *jogins* and *van bavarias* cited. Many participants questioned the quality of education where children cannot even write their own names after several years of schooling. Examples were given of schools without drinking water and those where there was just one teacher for over 500 students and instances where a single teacher handled two or three classes. It was pointed out that even stipends meant for children under the NCLP were not released for several years and teachers were paid less than the minimum salary.

Regarding quality of education, she said the department was in the process of grading all 80,000 schools on a scale of A1 to E and assessing the performance of every child. To involve parents in the education of their wards, a programme called *Shiksha Shanivar* (Education Saturdays) was being launched, in which parents can visit the school on Saturdays to interact with school teachers and other authorities.

Shantha Sinha said NGOs, teachers and school authorities should sit together to work out appropriate solutions to problems like children being out of school. She laid special emphasis on first generation learners and said that every child should be given admission without any questions. There should be no insistence on a birth certificate, nor should a transfer certificate be required when a student moves from primary to upper primary level. Study courses should be flexible, corporal punishment must be taken seriously and tuitions and remedial classes/courses provided when required.

In a joint presentation of the Dakshini Rajasthan Majdoor Union (DRMU), Sudhir Katiyar, Karula Koted and Manna Lal said child labour among tribals in south Rajasthan was high. About 200,000 children under 18 and 66,000 under 14 years migrated from Udaipur, Dungarpur and Banswara districts to Gujarat every year for two-three months to work on cottonseed

farms. Girls comprise 42 per cent of these. The children are recruited through local contractors called *mates*.

Interventions by trade unions, NGOs and social activists have had little impact so far. Although the DRMU had rescued children from about 50 vehicles that it intercepted in Udaipur district, there was little control on the regular trafficking of children. Despite conducting innumerable inspections, Gujarat government was unable to find more than 20 children working. Even when DRMU found several children working in cotton fields, the team was forced to state they had seen very few child labourers by powerful employers and agents in Gujarat.

Some of the solutions discussed included increasing the number of days of employment in south tribal Rajasthan under NREGA, inclusion of all households in the BPL category, listing employment in cottonseed production as hazardous and improving primary schooling in south tribal Rajasthan.

### Uttar Pradesh Commits to Abolish Child Labour

The Uttar Pradesh consultation, attended by NGOs like Ehsaas, Pratham, Childline, UP Prathamik Shikshak Sangh, Don Bosco Ashalayam, Mahila Samakhyia and representatives of the UP government, focussed on the problems of getting children into schools in rural areas of the state and utilising the gram panchayats to motivate parents into becoming active partners in the drive for education for all.

UNICEF's education specialist for UP, Vinoba Gautam, pointed out that as against the requirement of 1,45,000 upper primary schools, the state has only 12,500 schools and their distribution too was skewed.

R S Verma, secretary, department of women and child, said the recruitment of teachers needed to be taken up on a war footing and the *shiksha mitra* scheme revived. He said more institutions like the Kasturba Gandhi Balika Vidyalaya for higher education of girls needed to be set up without going through bureaucratic hurdles. Simultaneously, gram panchayats and village chaupals should be motivated to become more active in child education. To fill the gaps in educational opportunities, he suggested models like the Unity College model run by the Tauhidul Musalmin Trust.

The concept of child tracking, presented by Don Bosco and Ehsaas, would be taken up by the government as it was important to identify children out of school and map their education path said Verma.

Social welfare commissioner, R.K. Mittal said the government's seriousness on child-related issues was reflected in the separate department for children. A Child Welfare Commission was on the anvil and would soon be announced.

Shantha Sinha said the SSA and the women and child department should try to mobilise the Rs 10 crore fund given to each district under the Backward Region Grant Funds for the development of children and mobilise the gram panchayat to monitor child labour and mainstream them into schools. Implementation of the Juvenile Justice Act was the responsibility of the women and child department, she pointed out.

## STATE CONSULTATIONS

### Education Vital to Bring Parity in Society in Karnataka

The two-day consultation in Bangalore, organised in collaboration with the Campaign Against Child Labour, Karnataka, with the support of the state government, agreed to put pressure on the government to eradicate all forms of child labour and ensure free, compulsory, quality education for all children up to 18 years.

Participants noted that discussions such as the reasons why child labour occurs and the hair splitting between children in hazardous and non hazardous work were irrelevant. Instead, there had to be a clear focus on education for all children and the government had to be pushed to formulate the required legislations, policies and programmes to ensure this fundamental right.

In his keynote address, social scientist L.C. Jain said the kind of struggle waged for India's Independence should be launched till every child upto 18 years gets education. It was a shame that children through their work should contribute to



Photo courtesy: USHA RAI

the national exchequer, he said.

D.V. Guruprasad, joint director of police and Selva Kumar, state project director of the Sarva Shiksha Abhiyan, spelt out the actions taken by the Karnataka government for protection of child rights. Sanjiv Kumar, national programme coordinator of ILO-KCLP, expressed concern about the alarming number of children, mostly girls, working in the agriculture sector. The president of the PUCL, Hasan Mansoor, shared the findings of a study that showed that children of poor families of minority communities had remained out of school like other backward community children

Importantly, all participants committed to abolition of child labour in all forms and agreed on the importance of education in bringing parity in society. Ironically, while child labour has been made legitimate by the Child Labour Act, the Indian Constitution had made it illegal. Therefore, a comprehensive law aimed at eliminating child labour and upholding the right to education, was the need of the hour. ■

### Success Stories: NCLP Shows the Way

**Tasleem** was involved in stone and gem cutting. Thanks to NCLP, she went to school. Now she is doing M. Phil in Urdu.

**Ruksar**, whose father was a driver, was involved in stone and gem cutting since 1991. After attending NCLP, he is now studying for his B.A. degree.

**Abbas** worked in the family's automobiles shop. After NCLP intervention he is now doing B.CA.

**Fareed Azhar**, who was an automobile mechanic, joined NCLP in 1988. He did ITI and now is the owner of an electrical shop.

**Prema** was rescued while working as a domestic worker and is currently studying in Class 6 under NCLP. ■



### Feedback

This newsletter is very helpful for activists working on child rights issues. It helps us to understand the work involved in upholding child rights. I would like to suggest that NCPCR update its website with latest information like guidelines for government departments. This will be useful for us as we are also trying to push the state government to implement its policies. ■

**Govind Beniwal,**  
Child rights activist, Jaipur

The newsletters have been very useful in providing information on issues concerning children in the country and the NCPCR initiatives in this direction. It has been of great assistance in the preparation of Convention on Rights of the Child (CRC) periodic report 2008. ■

**Anupama Sahay**  
Associate Researcher  
United Nations Convention on Rights of the Child, New Delhi

The August issue of Infocus is really very informative. However, I would like to suggest that you include some case studies on domestic child workers to highlight this social evil. The children are often subjected to violence and abuse at their employer's place. In fact, they are trafficked from different districts or states for the purpose of using them as domestic workers. The Child Welfare Committee (CWC) gets many such cases and could share them with NCPCR. ■

**Partha Roy**  
Kolkata

The newsletter is very informative and also keeps us abreast with the major activities of the NCPCR. I would like the newsletter to shed light on work it is engaged within the areas of corporal punishment, trafficking, etc.

It would be interesting to know about any public hearing that may have been held in these areas. ■

**Deepa Das**  
Education Officer, UNICEF,  
Guwahati

## A Platform for Change



Photo courtesy: UNICEF, New Delhi

Turning its attention to ‘railway children,’ the NCPCR is in the process of formalising guidelines for protecting the rights of children at railway platforms. It has constituted a working group for the purpose. The group is presently collating data regarding these children and assessing the major issues for safeguarding them.

The working group held a meeting in October with nodal NGOs who are already working on the issue. Later, it met officials from the Ministry of Railways. The Government Railway Police (GRP) and the Railway Protection Force (RPF) shared their experience in safeguarding the rights of children at railway platforms and the problems faced in identifying and rehabilitating them. NCPCR member Sandhya Bajaj who is chairing the working group, wanted to know if the Railways was following any protocol regarding the protection, rescue and reunification of children found at railway platforms. Railway officials responded that they routinely implemented the Juvenile Justice Act and the UN Protocols on protection and care of children at railway platforms.

The GRP representative, additional DCP Bhairav Singh Gujjar, recommended the provision of a separate transit room facility for children to reduce the trauma for children currently taken to the police station. RPF representative, Senior Commandant Ratan Chand said, “The major issues are rehabilitation of children who are consuming drugs including intoxicants like ‘white fluid’ at platforms, trafficking of displaced

children and the risk to life of children who run between moving trains to escape arrest.” The group expressed the need to update the training material for railway officials on the handling of these children.

A national workshop for safeguarding the rights of children at railway platforms will be held. The major issues which need to be tackled in the guidelines have been identified as:

- Framing a Protocol for missing children
- Setting up of Child Protection Centres at railway platforms
- Improving the infrastructural support of the Railway Ministry
- Formation of a committee for inter-ministerial and NGO coordination
- Framing a curriculum for RPF trainees on child rights protection on railway platforms
- Increasing child rights awareness by having advertisements and hoardings on railway platforms
- Data collection of missing children
- Child Rights as an election agenda
- Capacity building of displaced railway children
- Preventing physical abuse of the children, drug abuse, spread of HIV and AIDS infection and child trafficking on railway platforms
- Rehabilitation of missing and displaced children
- Drawing up guidelines on child protection on railway platforms for Railway Ministry and Vigilance Department. ■

## Ensuring Justice for Children

### Changing Life for the Disabled in Gwalior

Eight girl inmates have been transferred from the poorly run Mercy Home for Children at Putligar Road, Gwalior to the Snehalaya Home for the Destitute following an intervention by the NCPCR.

The Commission intervened in response to a complaint made by a former volunteer at the Home about the deplorable conditions of the health department-run institution for children. The children, who have been referred to this 40-year-old Home by the courts and district officials, are all in need of care and protection as many of them are orphans, victims of sexual abuse and are physically and mentally challenged.

During its visits to the Home earlier this year, the NCPCR team comprising Commission member Dipa Dixit and consultant Ravi S.K., found the place extremely unhygienic and lacking in medical facilities, food, clothing and bedding. There was no proper record of the 40 inmates nor were there separate male and female wards. No measures were being taken for recreation and rehabilitation. There was large scale absenteeism and negligence by the staff. In fact, the Home which is meant only for children, had violated rules by admitting some adults and old people.

Some of the NCPCR recommendations to health department officials and directives to the collector and commissioner of Gwalior district have already been implemented. Repairs have been undertaken in the building, some staff members have been changed, cleanliness has improved and

segregation of inmates is taking place. Four more girls will join the eight already transferred to the Snehalaya Home for the Destitute in the city.

NCPCR has also asked for the constitution of a high level committee to bring changes in the health, treatment and rehabilitation of inmates of the Home. Dixit has held meetings with the district's commissioner, collector, health director and chief medical officer to review the reforms. She has also asked for an action taken report. ■

### Committee to look into Malaria Deaths

The NCPCR has constituted a four member committee to visit Adilabad in Andhra Pradesh and ascertain the action taken by the district authorities on the recommendations made by the Commission after its public hearing on deaths of children due to malaria. Over 50 people gave testimonies and 200 written petitions were received at the hearing held from June 29 to July 1 at Gaadiguda village, Narnoor Mandal. The four members of the committee are Professor Veena Shatrugna, National Institute of Nutrition, Hyderabad, Raghu, programme manager, Action Aid India, Hyderabad, Rajendra Prasad, programme coordinator, MV Foundation and Ravi SK, NCPCR consultant.

### Tackling Malnourishment and Education in Amravati

In November 2007 after a visit to Amravati to look into malnourishment and lack of education facilities for tribal children,

## Tracking Child Labour in fields of Gujarat, Rajasthan and Andhra Pradesh

The governments of Andhra Pradesh, Gujarat and Rajasthan have been directed by NCPCR member Dipa Dixit to file an action taken report on preventing trafficking of children for work in the BT cotton fields. This would be followed by a review visit by the Commission to the states.

The Commission has asked the AP chief secretary to hold a meeting with the secretaries of the departments of labour, employment, education and home regarding the action taken on the Commission's guidelines to prevent children migrating from Kurnool to Mehboob Nagar to work in cotton and other agricultural fields.

In another letter to the principal secretary, labour and employment in the Gujarat government, Dixit has asked for a detailed action taken report outlining the following:

- Action plan for prevention of child labour in BT cotton that had been presented to NCPCR
- The decision taken at a meeting in Gandhinagar in July between the secretaries of various departments to hold an inter-state meeting with the secretaries of labour, education, home and social defence of Rajasthan and Gujarat to prevent child trafficking from Rajasthan to Gujarat and ban child labour in BT cotton and other agricultural fields
- Implementation of the Commission's guidelines to the



secretaries of education, home and labour and director social defence

- Implementation of the state action plan for elimination of child labour, 2008

A similar communication has also been sent to the Rajasthan chief secretary. In addition, Dixit has asked the state to carry out an investigation into the large number of children being engaged in agriculture in Alwar district. ■

## Ensuring Justice in Ahmedabad's Juvenile Homes and Courts

The Gujarat government has been asked to report on implementation of recommendations made by the Commission to improve the condition of Juvenile Justice Homes and Juvenile Justice Courts in Ahmedabad. This includes directions to the state on a girl residing in one of the homes. Commission member Dipa Dixit had visited Ahmedabad for investigations in July.

The Commission's recommendations included:

- Separation of Observation Homes from Children's Homes, a mandatory requirement of the Juvenile Justice Act 2006
- Repatriation to home state of West Bengal of Meena Khartoon living in the Odhav Juvenile Home for Girls, who had directly appealed to the Commission during its visit. Meena was to be initially sent to the custody of the West Bengal government's department of social justice rather than being handed over to her parents in Howrah
- Establishing links with the Sarva Shiksha Abhiyan to provide continued education to children in juvenile homes, even if for a short period, to ensure they do not miss a single day's education
- Summoning a meeting of all the chairpersons and members of the Juvenile Justice Board to understand the challenges faced by them, especially in clearing large backlog of cases ■



Photos courtesy: UNICEF, New Delhi



the NCPCR wrote to the district collector Purshottam Bapkar to draw up an action plan to ensure that all children were covered under the ICDS programme and funds were released on time to the self help groups.

It sought improvement in the condition of ashram schools, recruitment of female teachers, and provision of adequate infrastructure especially safe access to water. The Commission also sought involvement of the community and parents in the running of ashram schools. It asked the collector to redress the grievances of poor children with regard to their access, retention and continuance in schools. The procedures for school admission and transfers should be made easier said the Commission and school buses had to take tribal children too.

The Commission has now constituted a four member committee to examine the action taken on these recommendations. The committee includes Ashutosh Dharmadhikari, advocate and social worker, Nagpur, Geetha Thatchil, lecturer, MSS School of Social Work, Nagpur, Paromita Goswami, activist, Gadchiroli and Ravi SK, NCPCR consultant. ■

## Safety for Children under TV Spotlight



The NCPCR has set up a working group to examine concerns related to children participating in TV shows and advertisements. This group includes former child star Sachin Pilgaonkar and adman Prahlad Kakkar as well as representatives from print and electronic media.

The members discussed the need to regulate the rampant violation of child rights in TV serials, reality shows and advertisements. NCPCR member Sandhya Bajaj proposed to formulate a set of guidelines to regulate their working conditions. The number of hours of work every day as well as the total number of hours in a year is to be spelt out for all TV shows in which children participate.

It was also decided to set up a mechanism for redressal of complaints by children and their families; prescribe action against the TV channels/production houses in case of violation of child rights; define the responsibility of the parents and the show organizers so as to protect child rights; suggest mechanism of payment to the child, such as through educational bonds/certificates and finally, devise a review mechanism for the guidelines.

The working group will meet officials in the Ministry of Information and Broadcasting for further action. ■

## Speaking up for Destitute Kids

The Ministry of Information and Broadcasting has issued an advisory to the press following an intervention by NCPCR member Sandhya Bajaj on the infringement of rights of the 12-year old rag picker who was a key witness to the Barakhamba road bomb blast in Delhi. The child's picture and interviews had been splashed on TV channels and newspapers.

The NCPCR has also contacted Mumbai-based NGOs' to

## Four State Commissions for Protection of Child Rights

Amod Kanth, retired Director General of Police, who started the NGO, Prayas, in Delhi for the deprived child, has been appointed chairperson of the Delhi Commission for Protection of Child Rights. Amod Kanth has been as well decorated for his services for children as he has for his police work. The other member of the Commission is Janaki Ranjan, a professor of Jamia Millia Islamia and education activist. She was earlier with the Delhi Council for Educational Research and Training.

State Commissions for Protection of Child Rights have also been set up in Goa, Maharashtra and Sikkim. The Goa Commission is headed by Sameera Salim Kazi. Other members are Anuradha Sangam Divekar and Ezilda Sapeco. Though Maharashtra has constituted a Commission, neither its chairperson nor members have been appointed. It only has a member-secretary, Leena Mehendale.

The Sikkim Commission, constituted in January this year, is headed by Bina Rai. Other members of the Commission are Rinchen Ongmu, principal secretary, social justice, employment and welfare, Chunki Saring and Devi Bosnet.

The chairperson of the NCPCR Shantha Sinha welcomed the setting up of the state commissions. She said there would now be a stronger network of Commissions mandated to work for the rights of children and greater synergy in their work. ■



protect and guide destitute and underprivileged children like the Delhi rag picker who may appear on TV without realising the consequences of sharing such public information. ■

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