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National Commission for Protection of Child Rights

Right to Education Act, Harbinger of a New Era

The Right of Children to Free and Compulsory Education Act passed by Parliament received assent of the President of India on 26th August, 2009. It is a harbinger of a new era for children and for our country's democracy and development. The significance of this Act lies in making it a State obligation to provide education as a fundamental right of every child in the 6-14 years age group. In this sense the State is violating the law if a child is found being out of school and not enjoying her right to education.

To actualise the right to education the Act clearly spells out the entitlements of children. It states that all children in the neighbourhood must be in a school and gives a schedule of standards and norms that defines the school. This includes a teacher for every 30 children, and at the upper primary school level at least one teacher per class and subject wise teachers in science, mathematics, social studies and languages and part time instructors for art education, health and physical education and work education. Within six months time of notification of the Act, all schools must have the required number of teachers and within five years all teachers shall be fully qualified.

The Act specifies the minimum norms in infrastructure of schools with at least one classroom for every teacher, separate toilets for boys and girls, kitchen for midday meals including provision of a playground and compound wall. In fact, unless the school meets the mandated norms and standards within three years, it will lose its recognition. Additionally, it lays down reservation of 25 per cent seats in private schools for children from poor families, prohibits the continuance of unrecognized schools and ensures there will be no donations or capitation fees and no interview of the child or parent for the admission. Neither can schools deny admission on the unavailability of a birth/transfer certificate, thereby guaranteeing admission.

The school will be responsible for ensuring an older child is prepared for an age – appropriate class. Every school has a responsibility to ensure inclusive and non-discriminatory education reaching out to the children who are challenged physically and intellectually.

The Act specifies that the child shall not be subject to any physical punishment or mental harassment even as it categorically states that the curriculum shall be in conformity with the values as enshrined in the Constitution, 'Learning through activities, discovery and exploration in a child friendly and child centred manner...making the child free of fear, trauma and anxiety and helping the child to express views freely.'

Thus, there is a structural linkage between ensuring the right to education to all and enhancing the capability of a child which in turn would ensure that they are not subjected to social exclusion.

The National Commission for Protection of Child Rights (NCPCR) along with the State Commissions have been mandated by the Act to monitor the implementation of children's right to education.

However, actualizing the provisions in the Act in its true spirit requires a ground swell of support from every neighbourhood to encourage all children to join schools. There has to be a zero – tolerance of out-of-school children and child labour. It also entails convergence of government departments like social justice, labour, tribal, minorities and woman and child to ensure that no child is deprived of her basic fundamental right to education. For example, the policies and the law on child labour must be in sync with the Right to Education Act and have a more inclusive definition of child labour. Child labour in any form should be prohibited. It must not also make a distinction between child labour engaged by one's own family and those working for an employer.

It is truly a 'historic opportunity' to provide a better future to our children as the fundamental principle of this Act is that every child can learn. To ensure that this opportunity is given, there must be a sustained joint effort to overcome the challenges that lie ahead. ■

Shantha
Shantha Sinha

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NCPCR to Monitor Implementation of Right to Education Act

With the Right of Children to Free and Compulsory Education becoming a law, the National Commission for Protection of Child Rights (NCPCR), has been designated as the monitoring authority for the RTE Act. While the Ministry of Human Resource Development (MoHRD) is the key implementing agency for the entitlements under the RTE, the NCPCR has been assigned the mandate to review and assess the implementation of safeguards and rights of children embedded in the RTE.

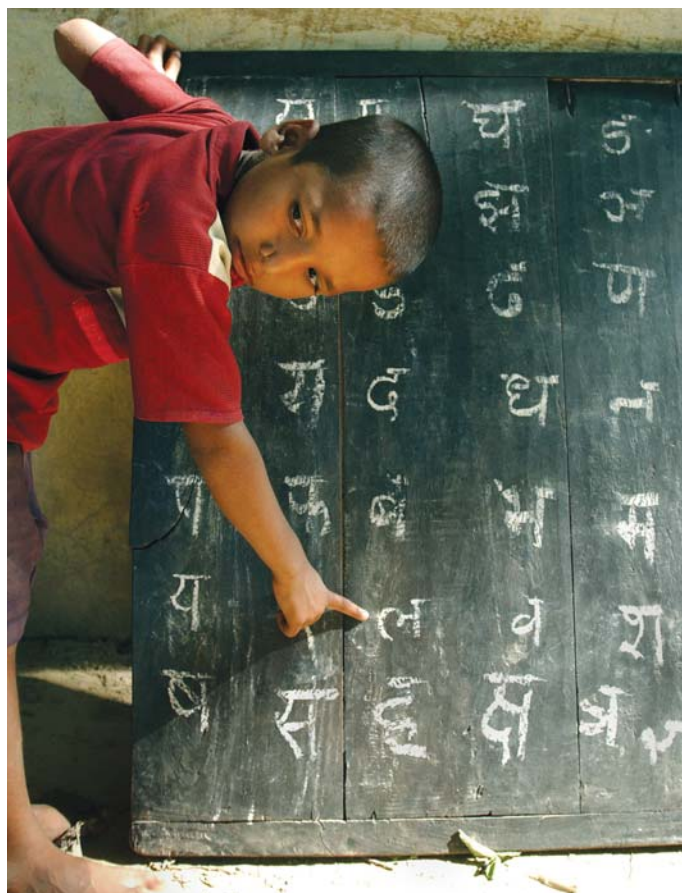
The NCPCR's wider mandate for child rights provides a further context for the actualization of the rights provided under RTE.

An expert group with eminent educationists and activists on child rights and officials representing all the relevant ministries has been constituted to advise the Commission on its functions in relation to the monitoring of the right to education Act. It has also been decided to set up a special cell within the Commission along with state level representation. The National RTE Cell will be involved in monitoring, publicity and awareness, capacity building of local bodies such as Panchayati Raj Institutions (PRI), NGOs, officials and all other stakeholders, collection of data, facilitating surveys and conducting of research and report preparation and so on.

The activities of the state cells include monitoring through a process of regular social audits; a calendar of public hearings; developing a feedback system from the districts/states via NCPCR to MHRD and institutionalising a mechanism of disseminating, feedback and information especially at the local level. The State Cells will also coordinate with civil society organisations at sub-state levels and enable redressal of grievances.

The first meeting of the expert group on children's right to education took place in October. The key issues discussed during the meeting were as follows:

1. There is a pressing need to amend the Child Labour (Prohibition and Regulation) Act of 1986 to initiate the complete abolition of child labour. Any form of child labour is an infringement on a child's right to education
2. The RTE puts the onus of providing and protecting a child's right to education on the state. In this regard, NCPCR has been mandated to monitor the implementation of all the provisions of the Act that includes individual entitlements and rights that have been guaranteed for the child such as free books, admission and transfer certificates, and systematic transition of children from primary to elementary school level and redressal of grievances
3. The NCPCR also has the mandate to monitor all aspects of structural changes envisaged in the Act, such as maintaining the standards and norms of schools
4. Provision of financial support for the RTE cell by the MHRD, with endorsement from the WCD, while at the same time it was felt essential that the cell maintains its neutrality and engages in a process of continuous dialogue and collaboration with other ministries such as labour, social justice and empowerment, tribal affairs, woman and child development etc
5. The Commission would also have to monitor issues pertaining to discrimination and harassment of children in schools in addition to the implementation of the Act at the national and state level
6. Learning outcomes of children would also have to be monitored in order to assess the quality of education being imparted
7. The Commission is to form a sub-committee to recommend rules regarding grievance redressal and monitoring functions of the NCPCR and SCPCR under the Act. The Commission should develop a mechanism for a flow of information from the level of the gram panchayat to the state and central levels
8. Monitoring implementation, the focus has to be on vulnerable children—street children, the disabled, children of migrants, the homeless and child labourers. This would have to be looked at within the larger context of securing other rights such as those to food, health, shelter, care and protection. There has to be a full complement of support for such children, such as thousands of hostels and residential facilities
9. Sarva Shiksha Abhiyani to synchronise with the RTE Act, with a rights-based perspective to be built and the MHRD to focus on backward districts, in bridging the gender gap and in ensuring that the disadvantaged groups such as SC, ST and Muslim communities are covered
10. An assessment report of the implementation of the RTE Act is to be presented to Parliament annually ■



Helping Child Beggars Become Choosers



A plan to rescue and rehabilitate child beggars, child labourers, out of school children and school dropouts in the Capital through community mobilisation and motivation to join regular schools, was recently presented to the Delhi chief minister Sheila Dixit by the National Commission for Protection of Child Rights (NCPCR). According to the plan if an area-based approach is adopted, it is possible to identify all such children in a given area.

The NCPCR plan says that once these vulnerable children are identified through social mobilisation, tools like Childline and institutions for care and protection as indicated in the Juvenile Justice Act can be used to rescue and rehabilitate them. However, continued support will be needed of trained youth/local volunteers and the community to ensure that the children, particularly child beggars and vendors, do not return to their previous professions. Local youth can be trained to protect child rights with the assistance of the National Labour Institute and MV Foundation, Andhra Pradesh.

This strategy would help in retaining children in government and MCD schools through Vidyalaya Kalyan Samiti (VKS) and parent teacher associations (PTAs). At the end of three years, it will

Young researcher learns the bitter truth of poverty

Shanu is among the youngest in the entire group of field researchers. An extremely confident young girl, Shanu said that she had seen numerous NGOs come to Jahangirpuri and interact with the people but they did little to improve their situation.

She said that the experience of data collection at the Birla Temple in Jhandewalan taught her about poverty. Although she belonged to a family that was not very rich or well off, Shanu understood what deprivation truly was after interacting with children and families on the streets. She found families living under a tree, with no access to an enclosed space where their young daughters could bathe. She also saw numerous children hooked on drugs. This was given to them by their parents to reduce hunger pangs. However, every child she had met wished to go to school and study and was waiting for an opportunity to do so. ■



“I want to study, will someone teach me?”

My name is Lalit Kumar. I came to Delhi with one chacha (uncle) from my village Hardaspur in Patna two years ago. I live in Ganesh Pandav Nagar, beyond the Yamuna. I somehow manage to survive by selling magazines under the Ashram Chowk Bridge. Agents provide us with magazines, which we sell and are paid Rs 100 per day for our labour.

I am working here only because my father and mother are very old. I have three siblings. I am the eldest. I am 13 years old and all the household responsibilities are also on me. So I came to Delhi. I keep some of my earnings for my own expenses here and send the rest back to my family. If someone agrees to teach me then I would like to study. I want to become a teacher. By becoming a teacher, I will help the future generations. ■

become the norm for all children to be in school. The area-based approach and rescue and rehabilitation approach will eventually make the area chosen a resource for training and capacity building which can then take the programme to scale in other areas.

Both these approaches were designed for addressing the various forms of child labour in Delhi and form part of NCPCR's 'Delhi

Action Plan for Child Beggars and Vendors

NCPCR aims to identify and train 250 child defenders over two years as part of CHILDLINE-1098. These child defenders will be from communities across Delhi, including those living in Jahangirpuri, and they will be trained to work with children. The child defenders will identify and interact with child beggars and vendors, counselling them and making them aware of child rights, child policies and programmes.

They would also interact with their families before including the child in the rehabilitation process. After obtaining the child's consent, the child defenders will bring children in contact with CHILDLINE-1098 which will produce them before Child Welfare Committees (CWCs). These CWCs would refer them to Children's Homes. Child defenders will stay with these children in the Homes till they settle in. For children without families, the Homes would undertake to trace and reunite them with their families after assessing the situation.

The children whose families are based in Delhi would continue to remain in these Homes. Child defenders would enable contact with parents and provide follow-up support.

The Homes will plan a path to education for each child, either through the SSA or other agencies, and mainstream the children into formal schools. The plan will address enrolment barriers like birth certificates and address proof. A component of de-addiction will form part of the rehabilitation measure wherever necessary. ■

Action Plan for the Total Abolition of Child Labour' following the Delhi High Court orders in 2008.

In fact, NCPCR's action plan to rehabilitate child beggars and vendors is a combination of its area-based and rescue and rehabilitation approach. The action plan emerged after the Commission conducted a rapid appraisal in September of children in the 0-18 age group engaged in begging and vending in Delhi. Of the 2246 children studied, majority of the children had come from the neighbouring states of Uttar Pradesh, Bihar, Rajasthan and Madhya Pradesh.

NCPCR adopted a novel strategy by involving 22 field researchers comprising youth volunteers associated with its project on abolition of child labour in Jahangirpuri and resource persons from Sarva Shiksha Abhiyan, Bihar. Some of them disguised themselves as beggars and spent an entire day understanding their problems. While they were able to build rapport with these children, the information collated was with the consent of the children.

The research revealed that 90 per cent of the children had been engaged in begging and vending goods for less than three years. Also, 80 per cent of the children were living with their parents who were totally dependent on their children's earnings. Many children attributed parental coercion as the reason for begging. In fact, 60 per cent of the children studied were engaged in begging. It was also found that parents of child beggars were beggars themselves. Almost all children working at traffic signals were found to be a part of a trafficking network. Hailing from Bihar, these children had been pulled out of schools and trafficked for work in Delhi. The daily income earned from begging ranged between Rs 70-100 while those engaged in vending earned over Rs 100 per day. However, the children were not allowed to retain their earnings. It was given to parents and in the case of child vendors, to employers.

The NCPCR has used this data to design a plan to rescue and rehabilitate all children in begging and vending on the streets of Delhi. But for it to be successful, proper implementation and community mobilisation, participation and support are crucial. ■



Protecting Children in NC Hills

At the request of the Prime Minister, an NCPCR team led by chairperson Dr Shantha Sinha visited relief camps in the North Cachar Hills of Assam where those affected by the Dimasa-Zeme Naga ethnic conflict were living. Sixteen children were killed in the violence in June. Visiting the camps two months later, NCPCR looked at the delivery of essential services like food and nutrition, shelter, health and medical facilities and education.

The team visited eight relief camps set up for Dimasa and Zeme Nagas in Haflong and Maibong sub division of the North Cachar Hills district. It found there had been continuous exploitation of people through politics of identity that had taken a militant form outside the democratic frame and led to polarisation along communities on ethnic lines.

This was evident by the fact that the representations made to the Commission were along ethnic lines, although all communities recalled the earlier cordiality that existed among the different groups. All of them wanted restoration of harmony.

The team, that included Commission member Dipa Dixit, former chief election commissioner J M Lyngdoh, NGO HAQ's child rights expert Enakshi Ganguly, and consultant Ramanath Nayak, found despondency, helplessness and cynicism at all levels – in the government and among the people. This, it has pointed out in its report to the government, has to be replaced with hope and a

sense of security. Since resolving all these issues will take time, the Commission has suggested some immediate interventions.

Under the Harangejao Integrated Tribal Development Project, NC Hill Districts, there are 5497 people including 2032 children in 18 relief camps. Under the Maibong sub-division of the NC Hills district there are 4835 people including 1379 children living in 13 relief camps. The number of affected people may be greater as many adolescent girls, because of insecurity in the camps, are staying elsewhere with relatives.

The Commission has sought immediate attention for education, food and health security of the children. It found that the education of children in the camps had been disrupted. Doing nothing and being exposed to the fears and anxieties of adults was damaging their morale. Many of the children were being attracted to drugs, militancy and criminal activities. The Commission has said they should be admitted to formal schools in the neighbourhood. It also suggested that the armed forces and police who have occupied schools should be asked to vacate them.

If there are no schools to which the children can be sent, the Commission has recommended that classes be started in the camps itself under the Sarva Shiksha Abhiyan till the children return to their villages. The children could be educated by teachers residing in the camps and other educated residents.



NCPCR team visiting the relief camps

Additionally, the Commission also stressed on the provision of midday meals in the camp classrooms. The government should also provide text books, stationary, uniforms and other facilities for children going to schools or studying in the camps.

The Commission found that though there were several children in the camps, and many of them below six years, they often got just one meal a day. There were also no anganwadis and nutritional support programmes for the children in the camps. The Commission has recommended that infants and young children be provided three meals a day. Since the nutritional requirement of young children would be different from that of adults, the rations for the young ones should be different.

Colds, coughs, fever, scabies and malnourishment were common phenomena in the camps and there was no access to safe drinking water. The Commission has suggested that ASHAs, the local grassroots health workers, should visit the camps regularly to provide supplies like medicines and the camps should be linked to the nearest primary health centre.

The Commission drew attention to the fact that since the families in these camps were huddled in a large hall, privacy as well as the safety and security of adolescent girls had become an issue. This compelled many of them to stay with relatives and friends.

The Commission has recommended that the relief committees of the camps be used to restore the confidence of people living in the camps and begin the dialogue for winning them over. It has said the camps can be converted into a resource base for building the capacities of inhabitants to take charge of their lives.

It was found that the police and the army picked up youth on suspected links with insurgents and sometimes harassed and exploited them. Even girls were not spared. The Commission has said there should be local Child Welfare Committees with authority to take up cases of violation of child rights by the army.



Simultaneously, there should be training programmes for police and the army on child rights.

The state government, in its response, has said that under Project Aashwas, the Assam Police with the support of UNICEF is helping child victims of violence and insurgency. Special cells in every district were organising awareness and social mobilisation campaigns, health camps and interaction of children with the police.

It said of 840 children reported missing, 108 had been recovered and the National Foundation for Communal Harmony fund could be used to harmonise Dimasas and Zeme Nagas; Rs 59 crore had been sanctioned by the Centre for education in the relief camps and shiksha mitras appointed in relief camps. However, there were no residential bridge courses in relief camps because that would require the sanction of the Centre's HRD Ministry. Mid day meals were being provided to all schools. ■

Training Panchayats to be Protectors

When Ram Kishore Durvey from Betul district of Madhya Pradesh became a sarpanch, he took the onus of protecting the rights of children in his panchayat. Numerous children were left behind by their parents who migrated for employment. These children either worked as bonded labour or were engaged in begging. As Durvey mobilised the public and intervened, the administration pressurised him to settle the matter by offering to pay Rs 2,000 per child. However Durvey refused, conveying to the authorities that this was not a token settlement but an attempt to completely withdraw the children from the workforce and mainstream them into education. The district collector eventually agreed to set up five residential bridge courses (RBCs). Durvey and other panchayat members continued to take interest in children's education and monitor child labour and anganwadi centres in their gram panchayat.

Durvey's experience indicating the importance of Gram panchayats as custodians of children's rights was shared during a training programme for panchayat leaders organised by the NCPCR in collaboration with NIPCCD (National Institute of Public Cooperation and Child Development). The three-day regional training programme in Lucknow from September 23-25, 2009 saw 100 panchayat leaders from Uttar Pradesh, Bihar, Jharkhand and Uttarakhand discussing the rights of children and the need for their protection; the role of panchayats in protecting and promoting child rights through panchayati raj institutions; and evolving mechanisms for monitoring of these rights by the panchayats. The meet was also attended by prominent civil society organisations working with panchayats on child rights issues in these states and the concerned government officials.

"Panchayats are closest to the people in the villages and are best placed to put a stop to child labour, physical and sexual abuse of children and ensure that children are sent to school," said NCPCR member Sandhya Bajaj in the inaugural session which was also addressed by the principal secretaries of UP and Jharkhand. It was pointed out that particularly in view of the Right of Children to Free and Compulsory Education Act, 2009, the village/panchayat has an important role in ensuring child rights. Gram panchayats are best suited to the task because of their direct access to the children. At this level, children and their condition are not mere statistics but real names and faces that the community knows. Panchayats are equipped to monitor public institutions such as schools, anganwadi centres and primary health centres and they also have the authority to call officials of all the concerned departments and hold them accountable in the best interest of the children.

Resource persons at the workshop included Augustine Veliath of UNICEF, Nagendra Singh of SAHBHAGI Shiksha Kendra in Lucknow and Dayaram of the Aga Khan Foundation. Veliath raised the slogan – "PM to PM Contact", meaning 'Panchayat Members to Prime Minister's office' to emphasise that a great deal can be achieved through public cooperation.

NCPCR Registrar BK Sahu said panchayat organisations can play a key role at the local level in ensuring education, health and nutrition of children through proper implementation of the mid-

day meal scheme, setting up of creches and other child care components of the National Rural Employment Guarantee Scheme. Resource persons like Venkat Reddy of MV Foundation suggested that panchayats should have all the data on children in their area in order to develop a two-pronged approach – one for the children in the school and other for those out of school.

Participants at the workshop made a field visit to Badhei Deeh gram panchayat in Nindura Block of Barabanki district. They divided into groups, one of which visited the Badhei Deeh government school where it found a large number of children absent but neither the headmaster and teachers nor the village pradhan were aware of exactly how many children were missing or the reason behind it. Other lacunae observed were that a shortage of teachers had resulted in one instance of a single teacher taking three classes simultaneously. Also, although a grant of Rs 9,000 had been made to the school towards school bags for students, just some girls had received them. As against the government prescribed



Rs 4 per annum, the school was charging Rs 162 per child as the annual development/establishment charge. Moreover because of faulty construction the classrooms were filled with rainwater. The classrooms had no furniture.

The visiting group felt there was need for sensitisation of panchayati raj institutions in the area and involvement of the community and local NGOs. This was corroborated by the groups that interacted with the gram pradhan and the school committee members who were all unaware of the rights of children or the panchayats' responsibilities towards them. They were also not aware of the functioning and problems of the two anganwadi centres in the area that the group had earlier visited.

The training workshop in Lucknow is the first of five such meetings with panchayat members to be held across the country. ■

Plight of Meghalaya's Children Seeking Education in Karnataka



Nomi* is just nine years old but he has already made a life-changing journey – from his home among the mountains in a tribal village in Meghalaya to Sri Rama School Kalladka in coastal Karnataka and in the process is forgetting his mother tongue and customs. Nomi studies in Class 3 in the school located in Bantwal taluk in the coastal Dakshina Kannada district of Karnataka. From Shillong to Guwahati and then on to Bengaluru, Nomi travelled with 4 boys and girls aged five to fifteen. They were accompanied by Tukaram Shetty, an agent who is common to all the 1,600 such children who have journeyed since 2001 from Meghalaya and Manipur to schools in coastal areas of Karnataka.

Nomi comes from a poor family belonging to the non-Christian tribal community of Meghalaya that comprises 12 per cent of the state's population. His parents had been convinced by Shetty that he would stay in a hostel and get a good education free of cost in Karnataka. Along the way, the boy has almost forgotten within a year's time his own language and way of life. He is fluent in Kannada and has very little contact with his family back in the Jaintia hills. Almost all the children were contacted by Shetty's Lei Swinshar Cultural Society Tribal Organisation in Meghalaya. Some child rights activists have raised the fear that these children are part of an organised attempt to wean them away from their families on the pretext of giving them better education.

Taking cognisance of the matter through a complaint received in August regarding large scale trafficking of children belonging to the Garo, Khasi and Jaintia tribes in the north-eastern region of the country to certain schools in the coastal districts of Dakshina Kannada and Udipi districts, the NCPCR wrote to the police and other concerned authorities in Karnataka to investigate the mat-

ter. The complainant, Mangalore-based Campaign Against Child Labour, also cited media reports on the issue and said that children's rights were being violated as they were uprooted from their native land by promises to the parents who were unaware of what was actually transpiring so far away. In violation of the Juvenile Justice (Care and Protection) Act, most of the parents had not given proper consent, it claimed.

The NCPCR team, headed by its chairperson Shantha Sinha along with Dipa Dixit, member NCPCR, James Lyngdoh former Chief Election Commissioner, Enakshi Ganguly, from HAQ, visited Meghalaya from August 8-11 to review the child rights situation in the state and raised the matter with the Meghalaya government. The team visited villages in the Jaintia hill district of Meghalaya, where a public hearing was held to find out children's access to health, education and nutrition. In a letter to the state's chief secretary after the visit, Sinha

asked the Meghalaya government to intervene immediately regarding enrolment of children from Meghalaya into schools in Karnataka. "The government should set up procedures of transparency and accountability when children are being recruited by the agents. The list of agents has to be recorded and scrutinized," she wrote.

The state government has been asked to collect information on the names of all children who have been sent to Karnataka from each village, with details about where they are presently studying and ensure that the parents are kept informed about their whereabouts and are able to contact them regularly. It has also asked the state government to make all arrangements to receive those children who wish to remain in Meghalaya and continue with their studies. This includes admission of children in schools and wherever eligible, provision of scholarships and other government entitlements. The state has been asked to coordinate with the education department of Karnataka to find out the status of education in the schools, the curriculum followed and whether the children have been taught anything.

Responding to NCPCR's intervention, the Karnataka police has begun investigations in the schools where children from the north east are studying. Most of the children are being put up in separate hostels. A police inspector visited Nomi's school at the behest of the superintendent of police in Mangalore and wrote back to the NCPCR on the status and welfare of the 34 students from Meghalaya who were studying in the Sri Rama School.

Action has been initiated in both states to curb and regulate trafficking of children like Nomi in the guise of education. ■

**Name changed to protect identity*

Timely Intervention Gives New Lease of Life

The National Commission for Protection of Child Rights was able to facilitate free medical intervention for a one year old girl who had been sexually violated. The father of the child, who is a rag picker, did not have the resources to pay the medical bills. NCP CR, which received a mail from Kaushik Ghosh Choudhary of NDTV in Jamshedpur, regarding the case, requested the medical superintendent of the Tata Hospital to extend all possible help to the child. The hospital responded positively and performed the corrective surgeries free of cost. Thanks to the timely intervention, the child has now been discharged from the hospital.

The Commission has also directed the district collector and senior superintendent of police, Jamshedpur, to furnish the status report on the case and to ensure the culprit is arrested.

Trafficked Children Saved, Probe Ordered Into Free Education Racket

The National Commission for Protection of Child Rights has asked the governments of Nagaland and Andhra Pradesh to order a judicial inquiry into the EARE Ministry Harvest India (Gypsy Orphan Children Home) in Andhra Pradesh and its alleged affiliate, the Truth Light Healing Ministry (TLHM) in the north eastern region, as they could be involved in organized trafficking of children from Nagaland to AP.

The Commission has asked the two state governments to take appropriate action under the Juvenile Justice (Care & Protection of Children) Act, 2000, the Orphanages and other Charitable Homes (Control and Supervision) Act, 1960 and corresponding state rules.

This was in response to a complaint made in August by Suhas Chakma, director, Asian Centre for Human Rights. According to Chakma, 29 tribal children including girls were

trafficked from Nagaland under the guise of free education by Dr Henry Rongmei, director, TLHM (Assam, Manipur, Nagaland) and his associate Sarah Tangkhul.

They misled the villagers and the village church into believing that they provided several humanitarian services including free education to the village children under the Foreign Scheme Agency (FSA) facility of TLHM. The villagers, who were in need of education opportunity for their children, fell into the trap. On March 2 this year, 25 parents decided to send 29 children including 11 girls with TLHM to AP for education. The villagers also paid the substantial sum of Rs 3,21,610 asked by Rongmei to meet the journey cost and other initial expenses in the school. The parents were promised free education up to Class 10 for their children in a good school under guidance at EARE Ministry Harvest India (Gypsy Orphan Children Home), Srina Vasan Nagar, Miryalaguda in AP.

However, after two months the parents came to know their children were being maltreated, denied proper food and even molested. The children had not even been admitted to any school. Instead, they were subjected to child labour and other abuse. They were forced to steal firewood from neighbouring areas at night and children who failed to do so were punished. Denied proper food, the children became malnourished. When they fell sick they were not given medical facilities. The parents of the trafficked children filed a complaint with the Jaluki Police Station, Nagaland against Rongmei and Tangkhul on June 10.

Finally, with the help of the Nagaland government, the trafficked tribal children were rescued and brought home. They were found to be so unwell that they had to be admitted into hospitals immediately after being brought back. With both culprits absconding, the NCP CR has directed the state governments to take quick action to stop human trafficking from Nagaland. ■

REPORT

Implement Integrated Child Protection Scheme States Told

Thirteen state governments have responded to NCP CR chairperson Shantha Sinha's letter to all state chief ministers asking them to take a personal interest in facilitating implementation of the new Integrated Child Protection Scheme (ICPS). The centrally sponsored scheme has been launched under the ministry of women and child development from the year 2009-10. Through the ICPS, an integrated approach will be taken on all major issues relating to child protection. For the first time, child protection infrastructure will be introduced at the state and district levels. The scheme will also support the universal expansion of CHILDLINE 1098 to all districts in the country.

The ministry had circulated the scheme to all the states and union territories in April, asking them to enter into a memorandum of understanding with it so that they can ask for

grants. The Commission pointed out that the scheme aims to concretise the state government's responsibility of creating a child protection system in the country. It is an opportunity for all states to avail financial support and take guidance under this scheme for addressing the burgeoning issues of child protection.

In response, the governments of Delhi and Andhra Pradesh said they were in the process of finalising the MOU while the Andaman and Nicobar Islands detailed the child protection agencies that it has already set up. Nagaland and Jammu and Kashmir said their departments of social welfare were examining the matter while Himachal Pradesh, Rajasthan, Assam, Chhattisgarh, Maharashtra, Kerala, Haryana and West Bengal said they would initiate appropriate action. Other states are yet to respond. ■



Photo: ANOOP KAMATH

Gujarat and Rajasthan Strategise Against Child Labour



A meeting with the governments of Gujarat and Rajasthan to discuss inter-state migration of child labour, its prevention, rescue, rehabilitation, and education was held by NCPCR in September in Delhi. This was a follow up of the discussions held over the past two years and the action taken by the two states to address these gaps:

- Absence of coordinating mechanisms between the two state governments
- Lack of coordination, communication and synchronization between the departments of labour, education, tribal affairs and panchayat
- Lack of effective implementation of preventives measures
- Little or no social mobilisation or community involvement
- No mechanism to repatriate the dead bodies of children to their state of origin

Officials from Gujarat said the state had introduced checking at eight entry points from September to curb child labour and had succeeded in tracing 16 children. Control rooms which have been set up at three places, maintained registers that prove useful in tracing children employed as labourers.

The officials believe that as there were 25,000 farmers in Gujarat, the majority of who belong to SC/ST/OBC communities, their children would be engaged in agricultural work. So 4,500 field investigations were conducted by nine teams and 27 children were rescued and repatriated to temporary shelter homes.

The Rajasthan government representatives stated that officials of Banswada, Udaipur and Dungarpur districts had been sensitized. Instructions had been issued to the police/ ICDS/ Health

and Labour department to share the responsibility of tracing the children.

In Rajasthan, children use alternative routes to migrate to Gujarat. Therefore, very few children are stopped from migrating for labour at the entry points on the highways. However, the children who are rescued are sent to the Kasturba Gandhi Bal Vidyalayas (KGBVs) and their follow up is being carried out by the concerned sub divisional magistrate. There are migratory hostels, residential bridge courses (RBCs), non residential bridge courses (NRBCs) and shiksha kendras which can accommodate almost 10,000 children. However, the majority of children are yet to be mainstreamed. But the data for drop outs and out of school children can be used to trace potential child labourers.

Steps to be taken by Rajasthan

While NCPCR said it would share the Delhi Child Labour Action plan on the issue of rescue and repatriation with both state governments, there were certain measures that needed to be taken by both states to ensure children are stopped from migrating for work. The Commission suggested Rajasthan officials should map the areas from where the children were coming. They should also frame an intensive plan to audit all the educational institutions such as schools, NRBC's RBCs, KGBVs, tribal ashram hostels, and social welfare hostels where these children are placed. This must include a physical verification of the names enrolled in the attendance register with actual attendance of children present in these institutions on that day. Also, children who are absent must be traced and brought back to these institutions. Officials must ensure that all the available educational institutions are utilized to the optimum capacity.

Audit teams must comprise officials from SSA, panchayati raj department, tribal department and also representatives of gram panchayats in order to take up the above tasks in the four affected districts. Before the teams set out, a workshop should be conducted for the social audit team to work out the logistics of the audit including the format and details of the activities during the audit.

The department of panchayati raj needs to conduct a training programme for panchayat members on child rights issues through the State Institute of Rural Development (SIRD) and utilising of the BRGF training funds available at the district level. NCPCR can facilitate the programme of building capacities of gram panchayats to monitor child rights as well as the public institutions meant for children at the panchayat level.

In addition, there must be:

- Compulsory registration of all the 'Mets' (agents) under the Inter-State Migrant Labour Act and cases booked against them under the Bonded Labour System Abolition Act and Juvenile Justice Act
- Institution of a coordination committee between the two governments to exchange information and decide on a plan of action regarding all aspects of rescue and rehabilitation of child labour
- Preparation and responsibility for enabling safe repatriation of

all children from Gujarat to their respective villages with a clear education plan for each one of them through RBCs, KGBVs, ashram schools etc

continuously.

In addition, there must be:

- A protocol for interstate repatriation established through the coordination committee with its nodal officers appointed in both the states to ensure quick repatriation. Arrangements for shelter (transitional) homes for rescued child labour must be in place with adequate support from experienced NGOs to comfort and counsel rescued children
- An inclusion of protocols for repatriation of the dead body of any deceased labourer, payment of back wages and arrears, compensation to the family and ensuring dignity to the deceased labourer. Effective implementation of Interstate Migrant Workmen Act and Contract Labour Act with emphasis on full registration of all the agents under the Act especially in four affected districts

Officials of both states will meet with the NCPCR again to review the situation and revise the strategy required to abolish child labour in Gujarat and Rajasthan. ■

Steps to be taken by Gujarat

The Commission said that Gujarat officials must issue strict warning to all of the state's 25,000 farmers not to employ their children as farm labour and cases must be booked against them for employment of children. Also, placement agencies associated with migration of children and their employment as labourers in the fields/farms must be traced and penalised under the law.

The social audit team of the Labour department should be expanded to include members of gram panchayats, revenue and tribal department and some prominent NGOs. The team must be sensitised on the law as well as the process of social audit through a workshop.

The investigation visits of the social audit team must be during early hours of the morning when there is peak activity at the farms and visits must be made to the same farms for seven days

NCPCR RECOMMENDATIONS

Food Security for Children

The President's address to the nation this year mentioned the passing of a National Food Security Act as a priority of the government. Taking its cue from there and considering the extent of child malnutrition in the country, the NCPCR has written to the Prime Minister with its recommendations to focus specially on children in the proposed Bill along the following points:

- **Universalisation of ICDS:** Every village in the country must have access to an anganwadi centre which should be open to all children under six. The ICDS should provide all its services including supplementary nutrition and growth monitoring to all children under six in its area of coverage. The ICDS programme for preschool education should be in a centre as a part of the primary school and hot cooked meals should be provided at this centre.
- **Nutrition:** The proposed Bill should assure good quality, nutritious and locally produced food for children under six, as well as for pregnant and nursing mothers. While this can be in the form of take-home rations for children under three and pregnant and nursing mothers, children between three to six years in the anganwadis should be given hot cooked meals along the lines of the midday meal scheme, with foodgrains being provided by the Centre as in the case of the midday meals.
- **Infrastructure and human resources:** All anganwadis should have basic infrastruc-

ture such as a building, water and toilet facilities, weighing machines and utensils. For effective service delivery each anganwadi centre should have two anganwadi workers and a helper, besides a separate worker to look after children in the 3-6 year age group.

- **Creches for children:** With a large number of women in the country working in the unorganised sector with no access to institutionalised forms of child care, the development of crèches would be an important intervention in addressing malnutrition. Creche services where young children are provided food and care should be available to all working mothers. Facilities should also be provided for all nursing mothers to feed their children at the workplace particularly when the children are below six months and need to be exclusively breastfed.
- **Breastfeeding counselling and support:** With a child's right to food beginning right from the time it is born, with access to breast milk including exclusive breastfeeding for six months and continued feeding up to two years, breastfeeding counselling and support as well as fully equipped crèches should be made available at the village level itself.
- **Midday meals programme:** The successful midday meals school scheme should be guaranteed as a right to all school going children by the proposed Food Security Bill. The scheme should be extended to cover all school going children up to class ten and the quality of the meals should be improved. ■



Photo: UNICEF/INDIA/ANITA KHEMKA

International Focus on Violence Against Girls

NCPCR chairperson Dr Shantha Sinha was a special invitee as a member of an Expert Panel during a 'side event' on violence against girls on September 25 during the UN General Assembly in New York. The invitation was sent to her on behalf of the US secretary of state Hilary Clinton and the foreign ministers of Brazil and Netherlands, all of whom addressed the meeting. They urged global action to curb conflict-related violence and sexual exploitation of young women and girls.

The event was jointly organised by the three countries to draw international attention at the ministerial level for taking action to stop violence against children, girls in particular. During interactive discussions between the audience and the Expert Panel members, it was pointed out that girls all over the world are the most vulnerable group, their rights violated with a frequency that is staggering. They are prevented from going to school, forced to marry and sexually active, beaten and trafficked or are killed for just being girls. Dowry-related murder, so-called 'honour killings' of young women, and selective abortion and infanticide of females in many countries that has led to millions of 'missing women' was also decried.

The meeting led to a better understanding of member countries policies, views and future actions in support of combating violence against the girl child. Among the outcomes of the event was reconfirmation of commitment by these countries to protect children from violence. The pledge was backed by financial support from the

Netherlands. Joint efforts to eradicate violence against children were also discussed. ■

NCPCR gets new Member Secretary

The new NCPCR member secretary, Lov Verma, is an IAS officer belonging to the Uttar Pradesh cadre of the 1978 batch. He has had long stints in the UP Secretariat, alternating with field jobs as the SDM, Barabanki, CDO, Bulandshahar, DM, Chamoli and Commissioner, Jhansi. His assignments have varied from the departments of planning and finance to medical and health, animal husbandry, education, and the public works department.

He has done an M.A in rural social development from the University of Reading in UK. Prior to joining NCPCR, he was joint secretary in the ministry of culture at the centre.



It seems appropriate that the member secretary of this child rights organization is deeply interested in children's literature. Verma has published two books for children - *Kali Khichadi*, *Lal Roomal*, a long story in Hindi, and *The Queen Could Sing*, a collection of children's poems in English co-authored with his identical twin brother, Kush. ■



Feedback

Thank you very much for the valuable inputs on Right to Education Bill. Many people like me who work for children's right to education always look towards you for inspiration and guidance.

I am working in Mewat district of Haryana for the last two years for the improvement of badly ruined government schools. Female literacy rate in Mewat is less than two per cent. People do not send their children to schools as there is no education given in schools. Most of the schools do not have drinking water, toilets and boundary walls and no body cared for these things for years. We did a survey of all the schools of Hathin block in January 2009 and sent the report to the Chief Minister of Haryana with a copy to NCPCR. The impact of the public hearing organized on March 2 for the NCPCR is astonishing. For the first time, officials from the

Haryana government, including education director were present to listen to the problems of the villagers.

The schools have started functioning and midday meals are being given to every child regularly which never happened earlier. The teachers are coming to school on time and teaching children. The block education officer has promised that all schools will have drinking water, toilets and boundary walls very soon. Cash incentives are being given to children through bank accounts. All this is happening because of recommendations of NCPCR to Haryana government. ■

Suraj Kumar,

Lotus Outreach International

Congratulations on bringing out *Infocus*. It is a good way to show what is being done to protect and uphold children's rights. I think that this should be a regular feature. ■

Dr Kumkum Srivastava,

Consultant, PATH and chief coordinator, VIHAAN

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