

Dear

The National Commission for the Protection of Child Rights (NCPCR) conducted a Public Hearing on "Corporal Punishment, all forms of Torture & Degrading Treatment, Sexual Abuse and neglect of Children in Schools and Hostels in Tamil Nadu" on 23rd January 2008, in Chennai. The Jury was dismayed to find that there were about 10 children who had committed suicide after being subjected to corporal punishment, and more than 8 children subjected to rape. Immediate steps need to be taken make the institutions more accountable for protecting children.

The hearing brought to light some very important issues which need to be addressed at the level of policy-formulation. We present a few recommendations for necessary action.

General Recommendations:

1. The Institution (school/hostel/children's home) should be held responsible for the welfare of the children enrolled with it. In the case of any injury/ill-health/assault/death the institution will be held summarily responsible for the same, in the same manner as the police is held responsible for the inmates in the police stations/prisons etc.
2. The institution management shall pay compensation in the event of death/injury and hospitalization of any child, due to any incidence that happens in the institution.
3. In every case of violence against children the respective Education Department/Board has to conduct a parallel investigation. The PTA has to be involved in such an investigation.
4. In any case of child sexual abuse, if the parent withdraws the case, the Government must take cognizance of the offence and proceed without harming the child and taking strict action against the accused.
5. Whenever a child has made a statement of discrimination, a case needs to be booked under the SC/ST (POA) Act.
6. In cases of corporal punishment, the Education Department/Board shall conduct a social audit on corporal punishment with the children.
7. The Child Welfare Committees in each district have to be supported and strengthened to protect children's welfare.

In case of Child's Death or (Attempt to) Suicide, and Hospitalization:

8. Every case of suicide shall be treated as 'abetment of suicide', and the management of the institution will be held accountable.
9. It should be noted that an 'attempt to suicide' by a child cannot be registered as an 'attempt to suicide' under law, as it would be doubly victimizing the child.
10. In case of suicide/sexual harassment/hospitalization resulting due to the action of a teacher(s), the accused shall be suspended pending enquiry.
11. Whenever a child has been admitted to a hospital with suspicious injury/ill-health, the Hospital must record a medico-legal case; and record the child's statement.

12. The Education Department or SWJD shall devise protocols to follow whenever a child takes ill in any hostel, such as how will the child be transported to the hospital (make budgetary provisions), will parents be provided monetary support to travel to the school and take the child home etc.

Private Institutions

There were many cases of child rights violations in private hostels and schools presented in the Hearing. The Commission recommends that the Government should constitute a committee to review:

13. Licensing procedures of private child care/educational institutions.
14. Institute procedures of regulation and monitoring of these private institutions.

Through this public hearing the Jury felt that there is a greater emphasis on protecting institutions over protecting children. It must be understood that we can protect institutions only by protecting children and their rights. The Commission is sending out letters to the district authorities in each case with its directions. We hope the Government of Tamil Nadu shall take necessary action for protecting children's rights.

With

Yours sincerely,

(Shantha Sinha)

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