

D.O.No.34013/25/2010-NCPCR(PD)

Dated: 22.02.2010

Dear

The National Commission for Protection of Child Rights (NCPCR) has been constituted by the Govt. of India as a Statutory Body under Section 3 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No.4 of 2006) for dealing with protection of child rights and related matters.

One of the functions of this Commission under Section 13 (1) (d) of the CPCR Act is to examine all factors that inhibit the enjoyment of rights of children affected by HIV/AIDS and recommend appropriate remedial measures. Another function of this Commission is to inquire into complaints and take *suo-motu* notice of matters relating to deprivation/violation of child rights.

On the receipt of a number of complaints pertaining to violation of rights of the orphan and vulnerable children infected/affected by HIV / AIDS in the State of Tamil Nadu from ActionAid, Chennai, the Commission held Public Hearing on the issue at Secretariat Conference Hall, Chennai on 28th January 2010. 27 children from various Districts of the State were brought before the Commission in the Public Hearing. With the assistance from their relatives/caregivers/civil society organizations for testimonies/depositions. The Commission took note of the plight and condition of these children.

Since each child's case as well as his/her requirement was unique, the Commission would like give child- wise recommendations to the concerned Departments of the State Government (WDCW&DW), Social Welfare, Health and Family Welfare, NRHM, School Education and SSA, the State Aids Control Society and concerned District Collectors for taking urgent actions to mitigate the hardships of each child.

I am, therefore, forwarding herewith the cases of 27 Orphan and Vulnerable children (*annexure- A*) along with the recommendations of the Commission in each case.

As many of the children stated that none in their school or among their relatives and even in the neighborhood are aware of their status as HIV positive. It would be appreciated if the confidentiality of the children's status is maintained and that strict instructions be issued not to disclose this to anybody.

- (2) -

I would appreciate if the concerned Departments/ Authorities of the State Government, the State Aids Control Society and the concerned District Collectors take immediate steps to address effectively all the requirements of each child and send an action taken report within 30 days.

I am enclosing a Note containing the recommendations of the Commission regarding policy and programmatic actions on the issue for immediate action by the concerned Departments/Authorities of the State Government (*annexure- B*). It would be appreciated if an action taken report in this regard is communicated to this Commission within 2 months from the date of the issue this letter.

With

Yours sincerely,

(Shantha Sinha)

Thiru K.S. Sripathy,
Chief Secretary,
Government of Tamil Nadu,
State Secretariat, St. George Fort,
Chennai,
Tamil Nadu.

Copy to:

1. The Principal Secretary, Department of Women Development, Child Welfare and Disabled Welfare/ Health and Family welfare/ Social Welfare/ School Education/ Rural Development/ Food and Civil Supply/ Panchayati Raj, Government of Tamil Nadu, Tamil Nadu Secretariat, Karnataka - *for necessary action at their end.*
2. Project Director, National Rural Health Mission (NRHM)/ State AIDS Control Society/ Sarva Shiksha Abhiyan (SSA), Government of Tamil Nadu, Tamil Nadu - *for necessary action at their end.*
3. Secretary, State Legal Aid Services Authority, Tamil Nadu, Tamil Nadu - *for necessary action at their end.*

Also copy to:

1. District Collectors of Chennai, Thiruvananthapuram, Kancheepuram, Vellore, Namakkal, Villupuram, , Nagapattinam, Kuddalore, Erode, Kalikalwakkam - *for necessary action at their end.*

(Shantha Sinha)

Annexure 1

Case One

Details of the child: Aishwarya, 17 years (F) District Chennai, Double Orphan, undernourished (weight- 20 K.g, height- 4 feet).

Profile: She deposed that she is HIV positive. Aishwarya lost her parents AIDS related complications. She lives with her grandmother who goes for housework during which time she is home alone. Though, she is 17 years old, she looks like ten years old, under grown and malnourished. She suffers from fibrocaceous disease. She has faced discrimination at school. She is under ART medication from Mylapore.

Issues presented before jury:

1. No conveyance facility for commuting for the treatment.
2. Nutritional food earlier provided by the government has now been stopped since past two months.

Recommendations:

1. Victim looks very undernourished. She needs more supplementary nutritional food.
2. Enquire about transport facilities like provision of free bus pass for treatment.
3. Treatment procedures followed at hospital during her check up.
4. Explore the possibility to readmit in schools, so that she will get proper nutritional food.
5. Detailed report of eating habit of victim was required from the forum-Shantha Sinha wants ActionAid to document what she eats morning, noon, evening.
6. Ensure a family is covered under Andhyodaya scheme (Ration card).
7. TNSACS ensured to provide additional nutritional support by considering her as a special case in coordination with the District Administration.
8. TNSACS opined that she is older to get readmitted in school to get a mid-day meal.

Case Two

Details of the Child: Satya Krishnan and Leela Krishnan, District Chennai, Parental Orphan.

Profile: Both the children are HIV negative staying with their mother. Ms. Velselvi is an infected mother with two children (Satyakrishnan and Leela Krishnan). Their father died of HIV/AIDS. Their father's extended family severely ill treats them physically and verbally with whom they live. There is no support from maternal home. Mother's health is starting to fail. She neglects her own nutritional needs in order to provide the best for her children.

Issues presented before jury:

1. Stigma at home.
2. No proper place to live.
3. Property rights.
4. Relief from ill treatment by in laws.
5. Insecure feeling about future of children.
6. Since mother's health is deteriorating (CD 4 has dropped to 294), regular monthly financial help requested.
7. Educational Support to children is required.

Recommendations:

1. Case has to be registered against those who ill treat her in the family- her In-Laws on harassment charges. Severe warning has to be given and if it continues unbailable punishment has to be given. Neighbours must be reprimanded on stigmatization.
2. Whatever property right the mother has, must be given her through legal aid.
3. Linkage has to be made to get steady scholarship programme for the children.
4. Action taken/follow up report has to be submitted to the Commission by the concerned departments.
5. It is ensured by the District Administration to solve property issue.
6. Scholarship scheme for education has to provided to the Child.

Case Three

Details of the child: Gunvathi, 13 years (F), District Thiuvanamalai, Parental Orphan.

Profile: She deposed that she is HIV positive. Her mother is also infected by HIV/AIDS. They faced discrimination at hospital and at home. Her mother's health is deteriorating. Her uncle who took 4.5 lakhs from her mother is denying that he took the money and is beating her violently. They are suffering from severe debt, because of which mother wants to commit suicide.

Issues presented before jury:

1. Rs. 4.5 lakhs taken by her uncle has to be restored.
2. Discrimination/Stigma at hospital has to be addressed.

Recommendations:

1. Encouraged to live boldly and set an example for such women.
2. Loan related papers have to be submitted to the government.
3. Recognize the grievances pertaining to hospitals.
4. Put up posters at hospital premises with contact information for registering complaints.
5. It was suggested that lawyers at Legal Aid Centers have to be trained to handle such issues related to gender and children more sensitively.
6. Government should reassure the family that it has taken cognizance of the grievance.
7. Send all petition/ copies of submitted papers to NCPCR.
8. Money which was fraudulently taken from her will be restored.
9. Discrimination at hospital will be enquired and necessary action will be taken.

Case Four

Details of the child: D. Pavitra, 12 years (F), District Kancheepuram.

Profile: She deposed that she is HIV positive. Due to property dispute, Pavithra's maternal aunt is threatening to disclose information regarding her illness to all. She is worried about her aunt, because her aunt has already started spreading information.

Issues presented before jury:

1. Pavithra is seeking for legal action against her aunt for stigmatizing her in public.

Recommendations:

1. Necessary support has to be given to Pavithra to recover from worries.
2. Her aunt has to be counselled.
3. In order to maintain privacy, private meeting may be conducted regularly to deal with sensitive cases.
4. District Collector assured that her aunt will be warned and necessary action will be taken in case of continuance.

Case Five

Details of the Child: Gowri, 16 years (F)/ Sundar, 14 years (M), District Chennai, Parental Orphan.

Profile: Both the children deposed that they are HIV positive. Mrs. Maheshwari has got five children. She and her last three children are infected. Her oldest son has enrolled her youngest son in a home run by Uthavum Karangal (NGO) by informing that his mother has become insane. Due to stigma in the community and inability to pay rent, she constantly shifts house. She is presently working with Christian Missionary Charitable Trust and affiliated with World Vision.

Issues presented before jury:

1. Due to frequent change of house address, she is unable to apply and get widow pension.
2. She requires permanent house.
3. She requested to bring her youngest son home.
4. Her earning is Rs.1000/- per month which is not sufficient. So she requires financial support to cater the education needs of the children.

Recommendations:

1. Make arrangement to avail widow pension and all other benefit schemes.
2. Report on action taken has to be submitted to the Commission.
3. Government should take up the case for appropriate intervention.
4. Her son has to be brought back and unite with his mother.
5. TNSACS ensured to bring back her son.
6. TNSACS requested the mother to approach District Level Positive Network and avail benefit schemes.

Case Six

Details of the child: Sharmila, 14 years (F)/ Sonali, 8 years (F), District Chennai, Parental Orphan.

Profile: They both are HIV negative. Their father died of AIDS. They lived in their paternal grandfather's house where they and their mother faced problems of discrimination. Due to constant urge from their grandfather, they moved to another house. Their mother had to engage in intense work to meet the educational needs of their children. Though she is supported by an NGO, she is struggling to make ends meet. She has been denied of her rightful share in the property of her husband. Since their relatives are violent, mother is afraid to file any complaint against them.

Issues presented before jury:

1. Need educational support to the children.
2. To advocate for their rightful share of property.
3. Requested to quickly process her application for widow pension.

Recommendations:

1. Case has to be filed relating to the property issue.
2. Widow pension has to be processed quickly.
3. District Administration assured that proceedings will be issued to avail the widow pension.
4. Government Advocate ensured that he will guide and follow her case relating to property issues.

Case Seven

Details of the Child: S. Atchaya, 7 years (F), District Chennai, Parental Orphan.

Profile: She deposed that she is HIV positive. Her two brothers are negative. One of her brothers has completed 12th std and stays at home. He is unable to continue to higher study due to financial problem. Her mother faces discrimination with her in laws after her husband's death. She was working as a domestic worker earning Rs.1500/- per month. Atchaya is frequently falling sick. Hence there is a need for financial support for medication. There is no support from her relative's family.

Issues presented before jury:

1. Mother's income is insufficient to meet all the needs.
2. They need a permanent house to live.
3. Family needs livelihood support.

Recommendations:

1. Children have to be covered under Scholarship programme.
2. Possibility to provide housing has to be explored.
3. Suggested that the brother may undergo vocational training.
4. TNSACS recommended that mother can be linked with any of the income generation programme of the Self Help Group.
5. District Administration expressed that issuing patta within Chennai is difficult. Tamil Nadu Slum Clearance Board has constructed houses in sub-urban areas. If they are willing to move to an uncommon area, steps can be taken.

Case Eight

Details of the Child: Suresh Kumar, 14 years (M)/ Sunil Kumar, 12 years (M), District Vellore, Parental Orphan.

Profile: Both the children are HIV negative. Suresh and Sunil were admitted in a hostel after the death of their father due to AIDS. They faced discrimination at hostel after revealing that their mother is infected with HIV. Hence the children left the school and hostel and moved to another school. The mother is a daily wagger earning about Rs.1200/- per month. She is not able to support her children's education, food, home rent and medication.

Issues presented before jury:

1. Help her get own house and life-long educational support to the children.

Recommendations:

1. District Administration asked to follow up the case and submit a report.

Case Nine

Details of the Child: Hemlatha, 8 years (F), District Namakkal.

Profile: She deposed that she is HIV negative. Hemalatha is an eight years old girl living with her father who is HIV positive. Her mother left her father with youngest daughter. Father is a welder but unable to continue welding due to poor health condition. He has applied TAHDCO loan two years back. But there is no response so far.

Issues presented before jury:

1. Need loan to start own business.
2. Need education scholarship for child.

Recommendations:

1. Make arrangements to avail TAHDCO loan.
2. To link her with scholarship scheme.
3. Government informed to submit documents related to the loan for taking action.
4. Assured to provide educational scholarship to her.

Case Ten

Details of the Child: Nirmal Kumar, 11 years (M), District Chennai, Paternal Orphan.

Profile: He deposed that he is HIV positive. Nirmal Kumar is 5th std student whose father died of AIDS. He is living with his mother and maternal grandparents. Her in-laws discriminated her and denied to give due share in their property which is in Thirunelveli (Town in South part of Tamil Nadu). His mother earns Rs.3500/- per month of which she has to pay Rs.2000/- for rent and electricity charges alone.

Issues presented before jury:

1. His mother wants to get the property share which is due to Nirmal Kumar with which she can provide good education, food and proper medication for him.

Recommendations:

1. Concerned department should explore the case to claim child's property through lawsuit if necessary.
2. Government assured to explore the issue and take action.

Case Eleven

Details of the Child: Desapriya, 11 years (F)/ Ramya, 9 years (F), Villupuram District, Paternal Orphan.

Profile: Both Desapriya and Ramya are HIV negative. Their mother was earning Rs.2500/- per month in Positive Women Network to which she is no longer associated. There is no support from the father's family. In laws of her mother have ill treated them and denied her right to property. Presently they are living with maternal grandparents whose income is meager for their living. The mother strives to meet the basic needs of the children. In laws harassed her physically and filed case against her mother wrongly. When the mother tried to file a case against the in-laws in the same station, the police refused to take her case. Due to physical injury when she tried to get hospitalized, though initially refused the doctors admitted her only after the intervention of the positive network.

Issues presented before jury:

1. Her mother wants to get property share from in laws.
2. Needs livelihood support.

Recommendations:

1. Integrate her in a livelihood programme.
2. Ensure that they get legal share.
3. Lawsuit is pending against the in laws and the witness trial will begin in two weeks time.
4. District Collector assured to get 1/5th of the legal heir share.
5. Education of the children will be taken care off.
6. Relating to livelihood District Collector explained she will be linked with suitable livelihood programme.

Case Twelve

Details of the Child: Karthikeyan, 10 years (M), District Namakkal, Paternal Orphan.

Profile: He deposed that he is HIV positive. His father died of AIDS. His dream is to become an I.A.S. Officer. His infected mother is a daily wagger earning Rs.50/- per day. She is able to work only 15 days in a month. She is unable meet even nutrition needs of her son. They are living in an unauthorized land.

Issues presented before jury:

1. They need an authorized place for shelter.
2. Mother needs livelihood support.
3. Child needs guidance in education and desires to study in English medium school.

Recommendations:

1. Suggested to provide education to child in English medium.
2. TNSACS ensured that the district administration will follow up the case and admit the child in English medium school and also assured to give required assistance.

Case Thirteen

Details of the Child: Devi, 14 years (F), District Chennai, Double Orphan.

Profile: She deposed that she is HIV positive. She has two elder sisters and one younger sister. She is presently enrolled in private shelter home (Selva Indra Palani Home-SIP). She is facing stigma at home and community. She needs financial support for medication and education.

Issues presented before jury:

1. Child's future at stake and the state should take responsibility for her future.
2. She needs adequate assistant for nutritional supplements and education.
3. Relief from social discrimination.
4. The in charge of the Private home which is sheltering 42 such children, requested for a permanent place to run the home.

Recommendations:

1. Explore possibility to provide permanent shelter for the home.
2. Directed the District Administration to provide educational and other assistance to her.
3. District Administration assured to provide all necessary assistance to her.
4. District administration assured to look into the possibility of providing permanent shelter.

Case Fourteen

Details of the Child: Anusuya, 16 years (F), District Nagapattinam

Profile: She deposed that she is HIV positive and living with her mother. Their family income is Rs.1000/- per month which is insufficient for education, nutrition and medical needs. She needs a home to live. Earlier her mother was associated with District Level Positive Network which has come to an end. Hence she is unemployed now.

Issues presented before jury:

1. Requires permanent shelter for living. Petition has already been given to the District Administration.
2. Livelihood support for mother is needed.

Recommendations:

1. Link her with other livelihood project.
2. Make arrangements for shelter.
3. District Administration assured to provide house under Indira Awas Yojana Scheme and ensured to take care of the child's education.
4. TNSACS said since the positive network is moving into next phase, they will be inducted in the next programme.

Case Fifteen

Details of the Child: Kalidoss, 13 years (M), District Nagapattinam,

Profile: He deposed that he is HIV positive. He is living with his parents and is tested to be HIV positive. He is under ART treatment. Their family income is only Rs.1500/- per month. He wants to become an engineer.

Issues presented before jury:

1. He needs educational support for his higher studies.
2. He needs own house.

Recommendations:

1. Special consideration has to be given to quickly process housing for those who are under ART due to the lesser longevity of life.
2. TNSACS assured to give educational assistance for higher studies provided the child scores good marks in higher secondary.

Case Sixteen

Details of the Child: Santhiya, 6 years (F), District Nagapattinam

Profile: She deposed that she is HIV Positive. She faces discrimination by relatives and deprived of love and affection of the relatives. Income of the family is not sufficient to meet the basic needs. Her mother is denied of PF from the previous office. When she enquired in the PF office, they informed that no PF account is there in her name.

Issues presented before jury:

1. Legal assistance can be given to withdraw the PF.

Recommendations:

1. Legal rights have to be taken care of by the concerned department.
2. District Administration assured to settle PF dispute.

Case Seventeen

Details of the Child: R. Pavithra, 11 years (F)/ Udhaykumar, 13 years (M), District Chennai.

Profile: Pavithra deposed that she and her brother are HIV positive. Their mother Suguna is a widow infected by HIV/AIDS. She is into First Line ART since 2009 from Thambaram GH. Udhayakumar and Pavithra are HIV negative. He is studying in 7th STD at Arasanir Meninai Palli, Periyar Nagar, 5th Street Kandarathoor, Chennai. His sister Pavithra is also studying in the same school. At present Sununa with her two children are living in rented house in Kandarathur paying rent of Rs.1500. Suguna is working in an exporting company and earning Rs.1000 per month. The children were previously studying in Matriculation has shifted to government school because of money problem. Mother is as a domestic worker. Due to financial problem and stigma, mother wants to commit suicide. Since she is earning so less and she able to meet the need of her children hardly asked for the education support, housing and nutritional support.

Issues presented before jury

1. Need educational support for the children.
2. Feel insecure about the future of the Children.
3. Need livelihood support for continuous income.
4. She needs widow pension

Recommendations:

1. Link the children to any scholarship programme.
2. She was to get in touch with the District Administration.
3. TNSACS assured all legal issues will be addressed and children will be given educational support.
4. TNSACS assured that mother will be entitled for the benefits under widow scheme.

Case Eighteen

Details of the Child: Kalaiarasi, 15 years (F), District Villupuram, Double Orphan.

Profile: Kalaiarasi, studying 11th std is a double orphan. She has a brother who is studying 9th Std. Both are affected by HIV/AIDS. They are living with their grandfather. They are insecure about their future.

Issues presented before jury:

1. Need educational support.
2. Need own home to live.

Recommendations:

1. Requested to link them in scholarship programme relevant to their community.
2. District Administration ensured to provide scholarship.

Case Nineteen

Details of the Child: Manisha, 11 years (F), District Chennai, Parental Orphan.

Profile: Manisha is studying 5th Std. She is a paternal Orphan. There is no support from the relatives. Her aim is to become an I.A.S. Officer. She has a younger brother. They need a home to live.

Issues presented before jury:

1. She needs guidance and long term support in education
2. She needs a permanent home to live.

Recommendations:

1. A Comprehensive plan for the family has to be submitted.
2. District Administration ensured to provide necessary support.

Case Twenty

Details of the Person: Mrs. Muthulakshmi (F), District Chennai.

Profile: She deposed that she is HIV positive. since 1998. Her husband Ravi passed away in the year 1998 because of HIV/AIDS. Muthulakshmi has no child and she is into First Line ART since 2005 from GH Tambaram. At present she is living with her parents: No.12, J.D.Durairaj Nagar, Aminjikai, Chennai-29. She faced discrimination by her mother in law. House is under court case. She has financial problem. She has dispute with money lender and is being threatened by them. She is a domestic worker.

Issues presented before jury:

1. She needs ration card
2. She needs assistance to solve financial problem.

Recommendations:

1. Jury asked to submit the details to the District Administration for ration card.
2. District Collector will take care of issuing the ration card soon.

Case Twenty One

Details of the Person: Mrs. Alphonsa, 38 years (F), Villupuram District.

Profile: She deposed that she is HIV positive. She is from Melvalai Village, Mailvalai Post, Mugayure Union, of Villupuram district of Tamilnadu. Her husband Jesudas died in 2007 due to HIV/AIDS. She is into First line ART medication from GH Villupuram. Alphonsa works as an agricultural laborer and earns Rs.1500 per month. She has three children; two boys and one girl. She is denied of property right from her family.

Issues presented before jury:

1. Need assistance to acquire her property share through which she can attain financial support.

Recommendations:

1. Assist her legally to acquire her property.
2. Ensured to provide legal assistance.

Case Twenty Two

Details of the Person: Mrs. Kalaiselvi, 40 years (F) (mother) / K. Velmurugan, 16 years (M) (son) Vellore District.

Profile: She deposed that she is HIV positive. Mrs. Kalaiselvi's husband died of HIV/AIDS and has a son. Both are infected with HIV. After the death of her husband, the in laws took all the property, profit from her husband business and husband's insurance claim and denied to give her share. She couldn't fight back as single women since they are violent people.

Issues presented before jury:

1. She needs a home
2. She wants the right share of her husband's insurance, profit and property.
3. She wants secured future for her son.

Recommendations:

1. All legal issues have to be settled.
1. District Administration assured all legal support after submission of the details by the victim.

Case Twenty Three

Details of the Person: Mrs. Devi, 32 years (F), District Chennai.

Profile: She deposed that she is HIV positive. They have a five year old child Pavithra. Both the parents and child are positive. Pavithra is into First Line ART since 2009. Pavithra is having Opportunistic Infection-Vomiting and fever. She is into Pre KG. The first child is with grandmother. They live in No.5 Periyar Nagar, Anna Salai, Alwarthirunagar, Chennai-87. Since the first child was born at home, the mother is unable to get birth certificate. They don't have ration card. This family is also seeking for medical support.

Issues presented before jury:

1. Need assistance in getting birth certificate.
2. Need ration card.
3. The family needs medical support.

Recommendations:

1. Follow up on the health of the mother is required as she is pregnant.
2. Delay pertaining to issue of birth certificate and ration card has to be resolved soon.
3. TNSACS assured to follow up on the health of the mother to prevent mother to child transmission of HIV/AIDS.
4. District Administration assured to speed up the process of issuing birth certificate and ration card.

Case Twenty Four

Details of the Person: Mr. Balamurugan, 42 years (M), District Kuddalore.

Profile: He deposed that he is HIV positive. His wife Kamachi 34 is also positive for past 7 years. They don't have children. They live in a rented house in No.60 Vinayaka Kovil Street, Gunamangalam, Kaddalore district. Mr.Balamurugan was a lorry driver. They are accessing First Line ART from GH Kadallore. Due to fracture in forearm, he is unable to work at present. He needs livelihood support and home to live.

Issues presented before jury:

1. Needs livelihood support and home to live.

Recommendations:

1. The details have to be submitted to ActionAid and through them approach the District Collector.
2. ActionAid assured to follow up the case.

Case Twenty Five

Details of the Person: Mr. Ravi, (M) father/ R. Vijay, 13 years (M), son District Cuddalore.

Profile: He deposed that he is HIV positive. His wife ill treated him and took away his son. He complains that she doesn't even allow him to see the child. He faces social stigma. He is unable to walk. He has petitioned to the legal aid centre which didn't take any action.

Issues presented before jury:

1. He needs livelihood support.
2. He needs relief from social stigma.
3. He wants to see the child.
4. He wants the legal aid centre to take up his case and settle justly.

Recommendations:

1. Jury instructed to approach TNSACS.
1. TNSACS assured to follow up with the respective legal aid centre to settle the case.

Case Twenty Six

Details of the Person: Mrs. Banu, 35 years (F) District Villupuram, (not affected/infected by HIV/AIDS.)

Profile: She deposed that she is HIV positive. She has two step sons and both of them left the family. One daughter was born in the marital life of Mrs. Banu; Fathima who studying in 10 STD at Virugambakkam Corporation School, Kaliyamman Koil Street, Chennai-92. Her step sons went away from them. Only in 2008, Banu came to know she is infected. Her husband and daughter are negative and support her. She is visually impaired in one eye with 20 % vision. They are living in a rented house at 2/11 Shanmuga Nayak Street, 1st Street, KK.Nagar, Chennai-78. They have not paid three months rent because her husband is the only working person who is aged 60 years. Her husband recently fractured his arm and unable to work. She has petitioned to the government which has responded with letter to avail a house through Tamil Nadu Slum Clearance Board (TNSCB). But as per her statement TNSCB has not responded properly.

Issues presented before jury:

1. Need proper housing and livelihood support.

Recommendations:

1. This can be sort by the District Administration.
2. District Administration ensured to provide necessary support.

Case Twenty Seven

Details of the Child: Shanmugapriya, 10 years (F), Chennai.

Profile: She deposed that she is HIV positive. She is studying in Six Std. she faced stigma at home and community. Due to improper medical facilities in Erode, she has come to Chennai and staying in SIP home.

Issues presented before jury:

1. Stigma at home and community
2. SIP home where she stays need a proper shelter for the residents.

Recommendations:

1. Explore possibility to provide permanent shelter for the home.
2. District administration assured to look into the possibility of providing permanent shelter.

Case Twenty Eight

Details of the Child: Gokul, 11 years (M), Chennai District

Profile: He deposed that he is HIV positive. Gokul is studying in V Std. His father died of HIV/AIDS. Both Gokul and his mother are infected. He wants to study in English medium and need a home to live. Since they are taking ART medication, his neighbours are stigmatizing them and not willing to provide house for rent.

Issues presented before jury:

1. Need proper housing
2. Need educational support to study in English medium.

Recommendation:

1. The child can be admitted in English medium school.
TNSACS ensured to admit the child in any of the government English medium schools.

Case Twenty Nine

Details of the Child: Srinivasan, 11 years (M), District Erode.

Profile: He deposed that he is HIV positive. He is studying in SVM School, Periyar Nagar in Chennai. Srinivasan is also under the First line ART care from Kilpauk Medical College Hospital. He has 2 elder sisters, who are negative and are staying in some institutions. Because at first their Mother passed away so the father admitted him into SIP + home. In 2009, their father also expired. Thus the children are left into the mercy of charity institutions. Srinivasan is depressed that he does not have anybody to come and meet him. Srinivasan is looking forward to help for the education, protection and for the medical treatment.

Issues presented before jury

1. SIP home where he stays need a proper shelter for the residents.

Recommendations:

1. Explore possibility to provide permanent shelter for the home.
2. District administration assured to look into the possibility of providing permanent shelter.

Case Thirty

Details of the Child: Jacintha, 9 years (F) and Jeyaraj (M), 12 years, Chennai District.

Profile: Jacintha (9 years old girl-HIV positive) is into First Line ART form KMC-Chennai and Jeyaraj (12 years old) are brothers and sisters. They are studying Sri Arangai Naidu High School, Ayanavaram, Chennai-23. They are double orphans. Their Father (Arul Joythi) and Mother (Anushiya) died of HIV/AIDS in 2004. After the death of their parents they are being brought up by their aunt (Mary-age 48). They are staying with their grandmother and Aunt. Aunt has come out of her family in order to support these children. Mary has no children. Her husband has stigmatized them and did not allow them stay in his house. They are presently living in rented house. Since the aunt's salary is meager, they are unable to meet their financial needs of the family.

Issues presented before jury.

1. They need own house.
2. Aunt needs livelihood support for regular income.

Recommendations:

(Note: Recommendations are not suggested by the Jury.)

Case Thirty One

Details of the Person: Mrs. Thangam, 37 years (F), District Nagapattinam

Profile: She deposed that she is HIV positive. Her husband Rangaswami died of HIV/AIDS in 2007. She has a son (Raiben Raj, 17 years old who is HIV Negative). He completed his ITI (Vocational Training Course) and unemployed. Mrs.Thangam is taking ART since 2004. She is living in a rented house and paying the rent of Rs.1800 in No.5, Kizhu Ragunathapuram, Anjeneya Kovil Street, Melvadi Poonamalli, Chennai-56. Mrs.Thangam works in a shoe company and earns Rs.3500. She faces discrimination at hospitals. Income of the family is not sufficient to meet the basic needs. Her mother is denied of PF from a shoe company where she previously worked. When she enquired in the PF office, they informed that no PF account is there in her name.

Issues presented before jury:

1. Legal assistance can be given to withdraw the PF.

Recommendations:

1. Legal rights have to be taken care of by the concerned department.
2. District Administration assured to settle PF dispute.

Case Thirty Two

Details of the Child: Radhika, 18 years (F), District Villupuram

Profile: Radhika is an 18 years old girl studying at 12th STD at Thuringipattu, Thirukovilure Block, Villupuram district. Her younger brother is studying at 7th STD at Thuringipattu Middle School. Her father Mayavan (52) died three years ago because of AIDS and her mother Jayalakshmi (47) is accessing First Line ART from GH Villupuram. Jayalakshmi works as agricultural laborer and earns very less income which is too little to support her children. Their house got destroyed in a fire accident three years ago. So they are staying in a cattle shed. She and her mother faced discrimination by neighbours. So her mother put her in a hostel. But presently she lives with her mother and needs proper home to live and also educational support.

Issues presented before jury

1. She needs a place to stay.

Recommendations:

1. Directed them to the District Collector to provide a proper place to stay.
2. District Collector asked them to submit details, so that he will follow up.

Case Thirty Three

Details of the Child: Mrs. Meenammal, 47 years (F) Chennai District.

Profile: Mrs. Meenammal is 47 years old. Her husband Lokanadhan died due to HIV/AIDS in 1990. Meenammal is into First Line ART from KMC-Chennai. She is working as domestic servant and earns Rs.1000 per month. She is living in rented house and paying rent of Rs.1000. One of her widowed daughter is also staying with her. She had ration card previously. After shifting her home, she could not avail ration card for present address: No 65, 3rd Street, Arumbakkam, Chennai-106.

Issues presented before jury:

1. She needs ration card.

Recommendations:

1. Jury asked to submit the details to the District Administration for ration card.
2. District Collector will take care of issuing the ration card soon.

Case Thirty Four

Details of the Child: Lakshmi, 20 years, (F), Villupruam District.

Profile: She deposed that she is HIV negative. She is a drop out from eight STD. She suffers epilepsy. She asked to take treatment for 5 years. But due to financial problem she is unable to take treatment. Her father passed away and her mother works as an agricultural labour and earns less income which can help only to sustain two lives. Lakshmi live in Gundallor Coloney, Mugayure Union, Villupuram District. Seeking help for financial assistance for the medication and for the livelihood support.

Issues presented before jury

1. Needs financial assistance.

Recommendations:

1. She need not drop out of school for epilepsy because it can be easily solved.
2. The District Collector assured to follow up the case.

Case Thirty Five

Details of the Child: M. Saran, 7 years (M), District Chennai.

Profile: M. Saran 7 years old boy studying at 1st Standard is on the first line ART. His father Mohan is a partially blind person. Thus his mother his mother has to toil the whole day to sustain this family. But with her income can hardly manage the family. The father of this child is partially blind. So the mother has to work to take care of the livelihood of this family. Saran has been taking ART since 2006. Thus Saran is seeking help for his education, financial support for the medication and nutrition too.

(**Note:** He did not Deposited).

Case Thirty Six

Details of the Child: Nandhini, 8 years (F), Chennai.

Profile: Nandhini an 8 year old Positive girl came to SIP+ by the referral of Thiruvellur Positive Network. She is staying in SIP+ for last two and half years and doing her studies at SVM Primary School, Kulathur. Nandhini is into ART care for last one year. Due to HIV/ AIDS both the parents of the child have expired. Relatives have discriminated the child. No relatives of the child come to see her. At present Nandhini a Native of Thiruvellur district of Tamilnadu is in South Indian Positive child care centre. She is looking forward to the help of medication, educational support and protection.

(Note: She did not Deposed)

Case Thirty Seven

Details of the Child: Balaji (Infected) 16 years (M) /Rajesh (Negative, presently given blood for testing), 11 (M).

Profile: Balaji is sixteen studying in Plus 2 (Infected HIV/AIDS), Rajesh is Seventeen studying in class 6th at Chinthathripet and Pulianthope are brothers. Their father is a daily wager. Balaji is into first line ART care. Since the parent is being a daily wager it is difficult to educate the children and also to provide nutritious food. Thus the needs of the children are of educational help, medication of the children and Nutrition. Children are seeking right to protection and right to health.

(Note: He did not Deposed)

Case Thirty Eight

Details of the Child: Priyanka, 10 years (F), District Chennai.

Profile: She is HIV positive and also most of her family members except one child. Priyanka's mother is only the working person in the family and taking care of her children. The husband family has got a land in his name, if they get that land the whole family can be provided with good care and nutrition. Thus they seek help to get their land for them from their husbands family.

(Note: He did not Deposed)

Case Thirty Nine

Details of the Child: P. Raja, 9 years (M), Kalikalwakkam District.

Profile: Raja is affected by HIV/AIDS. He has applied for the first line ART since his CD4 count is 400. He falls in frequent fever and cold. Everyone in the family is on ART treatment except one child.. They do not have a proper house to stay in, so that they are in need of a house to stay in and also seeking support for the education of the children and nutrition.

(**Note:** He did not Deposed)

Case Forty

Details of the Child: Ruth, 13 years (F), Raichal, 11 years (F), Nagapattanam District.

Profile: Raichal an 11 years old girl child is an HIV positive. She lost her parents due to HIV/AIDS. They were being taken care by the step mother but at present she not. Raichal has wounds in her body and in the mouth. In the school the teachers know the HIV status of the child. Thus the teachers discourage the child being mingling with other children. Due to wounds in her body she did not go to school for one month. At present Raichal is staying in a hostel and continuing her studies.

(Note: They did not Deposed)

Case Forty One

Details of the Child: Vidya, 10 years (F), District Namakkam.

Profile: Vidya, a ten years old girl of class 5th is from Namakkal. Her father passed away due to HIV/AIDS leaving four children Vijay (7) Nandhini (11), Rajkumar (8) and Vidhya (10) along with their mother Indhira. Indhira is an HIV positive. After the death of her husband she started to live alone since both her parents and in Laws disliked her. Indhira being a daily wager and also not having a consistent work is not able to meet her four children's education and all other basic needs. Her father is retired police man and having property. Thus she is seeking help to get her property from her father. He is arguing that his daughter is having HIV/AIDS so he will not give property to her. Two children are staying with Indhira and other two children of her are staying in the hostel and doing their schooling. This mother is seriously concerned about the future of her children and looking forward to the rightful share of her from her father.

(Note: She did not Deposed)

Case Forty Two

Details of the Child: Premkumar and Sonia, Chennai

(Note: They did not Deposed)

Case Forty Three

Details of the Child: P. Sivasankari, 9 years, Nagapattanam District.

Profile: P.Sivasankari is a 9 years old girl studying in 5th St, and Sandhya aged 7 is a 2nd St. student of Subhramni Bhakther Arasu Udhavi Perum Thodakkapalli, Mahalakshmi Nagar, Perumal Koil, 2nd Street Velipalayam, Nagapattanam. Father has died of HIV/AIDS in 2004. Mother Amutha is a 27 years old widow affected by HIV/AIDS. She has registered for the First Line ART in GH Nagapattanam. Amutha is working in a Networking agency and earning Rs.5000 per month. They are living in a rented house in Mahalakshmi Nagar, Perumal Koil, 2nd Street Velipalayam, Nagapattanam. P.Sivasankari and Sandhya is HIV Negative. They asked for educational support for her children, housing and Nutritional support.

(Note: She did not Deposed.)

**National Commission for Protection of Child Rights (NCPCR),
5th Floor, 36 Janpath, New Delhi- 110001.**

**Recommendations regarding Policy and Programmatic Actions
for Orphan and Vulnerable Children Affected/Infected by HIV/AIDS**

- (i) Care givers of orphans, mainly aunts, grandparents, elder sister/ brother be provided with Antyodaya Card.
- (ii) Widows may avail the scheme of Widow Pension.
- (iii) All the children must be benefitted under all the schemes like Educational Scholarship, Nutritional Support etc. Government can stimulate the corporate sectors for educational scholarship,
- (iv) TNSACS should take up the issue and ensure sustainability of the employment for the women who were part of positive network at district level.
- (v) Lawyers in Legal aid centres should be given training to be more sensitive towards handling the cases.
- (vi) In order to reduce discrimination at hospitals, a poster containing contact details for complaint can be put up.
- (vii) Private meeting to be held regularly by the district administration to deal with sensitive cases,
- (viii) All the victims should demand of their rights for that. propaganda of rights and benefits have to be made.
- (ix) Government must ensure that PLHV should be given priority and fast tracking has to be done for pending cases.