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NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
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**Recommendations
of
NATIONAL COMMISSION FOR PROTECTION OF CHILD
RIGHTS
for
Inter-Ministerial Consultation on Education sector
initiatives in the Union Budget 2017-18,
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Recommendations of NCPCR for Inter-Ministerial Consultation on Education sector initiatives in the Union Budget 2017-18.

A) PRE-SCHOOL EDUCATION:

As per Section 11 of the Right To Education Act, 2009, the responsibility of preparing children above the age of three years for elementary education and to provide early childhood care and education (ECCE) for all children till they complete six years of age lies with the States. In the light of Article 12 of the Constitution of India and as mentioned in the RTE Act 2009, ECCE needs to be viewed as State's Responsibility. The need is to strengthen the existing systems in respect to the participation of the States in framing and implementing the ECCE Programme in the States.

As per National ECCE Policy 2013, National Commission for Protection of Child Rights (NCPCR) has already framed 'Regulatory Guidelines for Private Play Schools'.

For the Government Sector, the Recommendations of NCPCR for convergence between various Ministries/Departments/Institutions are as follows;

➤ **Ministry of Women and Child Development (MWCD) :**

- Ministry of Women & Child Development (WCD) is providing all services to the children starting from the time of conception of the child through the provision of Antenatal check-ups, ensuring institutional delivery, exclusive breast feeding till 6 months, nutrition and developmental care from 6 months to 3 years, nutritional , developmental and early childhood education from 3 to 6 years. In addition, it is providing care and mainstreaming of adolescent girls in the age group of 11 to 18 years. In the existing system, the developmental rights are met through Anganwadi Centres (AWCs). It may be mentioned that the early childhood care and early childhood education are different components. Therefore, there is a need for creation of a vibrant ECCE Centre imparting pre-primary education.
- For the effective outcomes and realisation of the Goal No. 3 (Good Health & Wellbeing), Goal 4 (Quality Education) and Goal 6 (Clean Water & Sanitation) of the Sustainable Development Goals 2030; Ministry of Women & Child Development (MWCD) may like to consider to hold a consultation with the relevant Ministries and Departments responsible from framing the National Indicators to make the indicators more comprehensive and inclusive.

- Anganwadi Centres (AWC) are fulfilling the children's Right to Development, Right to Health and Right to Nutrition and Right to Education under the ICDS programme of MWCD. On the basis of observations made by the Commission, it is noted that under the RTE Act 2009, the fundamental rights of education for children are in the form of individual benefits to children such as uniforms, textbooks, shoes, school bags, books, and fee reimbursement for the students admitted even in the private schools. In view of these individual entitlements, MWCD may like to converge with MHRD to ensure these benefits reach all the children who are beneficiaries of Anganwadi Centres (AWCs).

➤ **Ministry of Human Resource Development (MHRD) :**

- The right of children under RTE Act, 2009 is in form of individual entitlements. Even the children studying in private schools under Section 12 (1) (C) of the RTE Act, 2009 are getting benefits of these individual entitlements, however, the children studying in AWCs are deprived of these rights based entitlements. Therefore, MHRD may like to converge with MWCD to ensure the individual entitlements for children as per Section 11 of the RTE Act, 2009 in Anganwadi Centres (AWCs).
- During the process of mapping of children for admission, the village education register should be authenticated by the Anganwadi Workers (AWWs) as the Anganwadi Workers are already doing the exercise of mapping and tracking of children for Anganwadi centres.
- Presently, the Nursery Teachers Training (NTT) courses offered by NCTE have limited seats and have not been able to meet the demand of the sector. In addition, the courses offered are of two years duration and it is difficult for the Anganwadi Workers to enrol in the scheme. Therefore, it is suggested that the NCTE may prepare courses of short duration, may be of 6 months which can be taught on campus as well as online. This would not only help the existing Anganwadi workers but also other care givers engaged in the private playschools.
- NIPCCD is currently offering training courses for the Anganwadi Workers which could be leveraged for the training of the private care givers of the private schools by NCTE. This collaboration would further enhance the quality of courses offered by NIPCCD.

- NIPCCD and NCERT both have designed ECCE curriculum. There is a need to frame a universal ECCE curriculum to be applicable to the government run Anganwadi Centres and private play schools as well as the schools imparting pre-school education both in government and private sectors.

➤ **Ministry of Drinking Water and Sanitation (MoDWS)**

- To provide safe and potable drinking water in AWC; Ministry of Drinking Water and Sanitation may devise a specific program for the said purpose.
- The MoDW&S may provide facility for washing of utensils in AWCs in convergence with MWCD. This will help in improving the hygiene and sanitation of the Anganwadi Centre.
- The MoDW&S may provide facility for construction and maintenance of toilets for beneficiaries of AWCs in convergence with MWCD, MoUD, MoRD and MoPR.

➤ **Ministry of Skill Development (MoSD)**

- MWCD may like to converge with MoSD for including 'Occupational Standards' for capacity enhancement of Anganwadi workers and Caregivers engaged in Early Childhood Care and Education in AWCs as well as private playschools.

➤ **Ministry of Health and Family Welfare (Dept. of AYUSH)**

- A sensitization-cum-orientation programme on Yoga for the Anganwadi Workers and educators engaged in ECCE programme may be provided by the Ministry of AYUSH in convergence with MWCD.

➤ **Ministry of Panchayati Raj (MoPR) and Ministry of Urban Development (MoUD)**

- As per section 9 of the RTE Act, 2009, local authorities i.e. Panchayati Raj Institutions and Urban Local bodies have the control over the land, schools and its infrastructure. At the same time, local authorities have the responsibilities of ensuring neighbourhood school, admission of children including the children belonging to weaker sections and children of migrant labours, maintaining records of children, monitoring of attendance, completion of elementary education etc. Therefore, it is suggested that MoPR and MoUD may converge with MWCD and MHRD for ensuring construction of AWCs in school premises.

It may be noted that the Anganwadi Centre in the School premises is the most appropriate place for transition of children from pre-primary to primary education.

- The orientation of public representatives who are responsible for functioning of village WCD Committees could be organised by MoPR in collaboration with MWCD. The theme of the orientation may be on monitoring of Anganwadi Centres.
- The orientation of the public representatives who are responsible for functioning at District/Block level WCD Committees in Nagar Nigam and Nagar Pallikas could be organised by MoUD in collaboration with MWCD. The theme of the orientation may be on monitoring of Anganwadi Centres.
- The MoUD may provide facility for maintenance of toilets for beneficiaries of AWCs in convergence with MWCD, MoDW&S, MoRD and MoPR.

➤ **Department of Rural Development**

- Currently, Anganwadi Centres are being constructed under the MGNREGS. MoRD may like to converge with the MoWCD to expedite construction of Anganwadi Centres where these are not yet constructed. It may be noted that as per observations and studies; Anganwadi Centres are running more effectively where the centres have their own building.

➤ **Ministry of Labour & Employment**

- The crèches under MoL&E for children of working women such as in the tea garden areas etc. should be converted into ECCE Centres in convergence with MWCD. In this regard, the Plantation Labour Act, 1951 needs to be amended. In addition, the Ministry may devise pathways for providing early childhood care and development facilities to children of labourers in collaboration with MWCD.

➤ **Ministry of Consumer Affairs (Department of Food and Public Distribution)**

- The Ministry of Consumer Affairs, Food & Public Distribution may like to converge with MWCD and adopt digital monitoring practices for the monitoring of the distribution of nutritious and wholesome food to the beneficiaries of AWCs.

➤ **Ministry of Statistics and Program Implementation (MoSPI)**

- Currently, the Census of India provides data for children in the age group of 0-4 years. Due to this the exact status of children requiring benefits of pre-primary education is not being captured. Therefore, age wise data may be generated in such a way that it would help facilitate MWCD, MHRD for implementation of various schemes and NCPCR for monitoring purposes.

➤ **Ministry of Finance (Department of Expenditure)**

- The Ministry of Finance has increased in allocation of fund to the Ministry of WCD (of 27 % over the year 2016-17) . However, there is a need for special allocation for the ECCE services based on the entitlements of the children.

B. ELEMENTARY EDUCATION

The crucial role of universal elementary education for strengthening the social fabric of democracy through provision of equal opportunities to all has been accepted since inception of our Republic. Article 21A, as inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, provides for free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right. Consequently, the Right of Children to Free and Compulsory Education Act, 2009, came into fruition from 1st April, 2010 to provide for free and compulsory education to all children in the age groups of six to fourteen years. The Ministry of Human Resource Development (MHRD) is the administrative ministry that implement the Act through the Sarva Siksha Abhiyaan (SSA) scheme in collaboration with the State Governments.

➤ **Ministry of Women & Child Development (MWCD)**

- One of the important components of the scheme - SABLA/Kishori Shakti Yojna under MWCD is to mainstream out-of-school adolescent girls in the age group of 11-18 years. Accordingly, data pertaining to adolescent girls in the age-group 11-14 years is maintained in the register by the Anganwadi Centre for their mainstreaming into school education. This register /data may be verified and authenticated by the School Head Master of the local schools. This will help convergence with MHRD, avoid duplicity in data and most importantly in effective mainstreaming of the adolescent girls into the school.

- Similarly, data of number of children aged 6 years that are identified by AWWs for enrolment in primary school should be centrally maintained and shared periodically with MHRD for reconciliation with DISE data available with MHRD.
- Currently, programmes like; Kasturba Gandhi Balika Vidyalay (KGBV) provides residential facilities for girls in Educationally Backward Blocks (EBB blocks). To strengthen this and encourage girls for continuous education, MWCD may introduce a scheme for residential facilities for girls in the education system on the lines of Working Women Hostel Scheme.

➤ **Ministry of Human Resource Development (MHRD)**

- Support of Non-government organizations and volunteers should be taken to conduct mega surveys during household surveys for admissions of Out of School Children (OoSC), in coordination with School Heads, AWWs, ASHAs, PRIs, DCPUs and CCIs.
- Mapping of children going to Madarsas, Gumpas (Buddhist Monasteries providing education) and any other faith based non formal institutions and unrecognised schools should be carried out. Madarsas and Gumpas (Buddhist Monasteries providing education) should be affiliated to their respective Board and should follow the state approved curriculum in addition to religious studies. Getting affiliated to Boards shall facilitate mapping of such children and they shall not be considered as out of school children.
- Strategy for migrant labour and seasonal migrant and community migrant children could be the same. As part of strategy for tracking community/seasonal migrant data should be maintained in a separate register by the School Head and cross checked by the PRI. This data should be fed in MIS and updated in UDISE system. The class teacher should provide a migration certificate mentioning status of syllabus taught. Syllabus and books from school before seasonal migration should also be provided to such children who are tracked as seasonal/community migrant child. This migration certificate should contain UDISE code of the school and should be countersigned by the Head of the school. The register should be reviewed periodically by the SMCs during meetings.
- For the registration of the complaints to the NCPCR and redressal of grievances on violation of provisions of RTE Act as mandated under section 31 of the RTE Act; provision of a helpline has been provided under section 26 of the RTE Rules 2010. Accordingly, Ministry of HRD should make provision for a national helpline for the redressal of grievances to

enhance the capacity of monitoring through grievances received by the dedicated helpline.

- UDISE can be a platform for convergence for re-engaging OoSC through data sharing. The data may be shared with the district level authorities from all relevant departments like; Labour, WCD, Social Justice, Tribal welfare, Minority Welfare etc. This will help in effective facilitation of the services for the mainstreaming of the out of school children.
- Education of girls/ children rescued from trafficking and victims under POCSO should be done in a convergent manner with assistance from concerned Ministries with MHRD and Education Departments of the States.

➤ **Ministry of Skill Development and Entrepreneurship :**

- As per the data captured by National Crime Record Bureau (NCRB); about 30,000 children are in conflict with laws and are apprehended under different sections of the IPC & CRPC. Mainstreaming and rehabilitation of these children is very important during their stay in the observation homes. These children need quick employment at the age of 18 years or else they may fall into the cycle of crimes. Therefore, Ministry of Skill Development in collaboration with MWCD may devise scheme for the rehabilitation of the children in conflict with laws.
- Create an exhaustive list/data bank of probable vocational trades at the national level, keeping in mind various skills through which the same could be imparted to children at school level. At least 5000 occupation based job protocols should be identified and be made part of a data bank. These job protocols should be made part of school curriculum for children studying in 6th Std. and above. Ministry of HRD and Ministry of Skill Development should jointly prepare such Job Protocols, Occupational Standards and year wise curriculum thereof.
- At District level a Committee/Board should be set-up under District Institute of Education & Training (DIET) may review and firm up the aforesaid data bank of occupation based job protocols. The District Collector/District Magistrate, District Education Officer, Local Representative, MLA, MP, MLC, PRI etc should be members of this Committee. This Committee should meet quarterly to create and review plans for execution of Skill based Vocational Training for children in all schools within their districts. The District level Committee should choose

the most relevant Protocols from the existing data bank. The skill based vocational training should be made part of curriculum for children.

- There should be grade based approach for skilling which should be evaluated through Continuous & Comprehensive Education (CCE) for children in 6th Std. and above. It should be relevant and need based at district levels. Students from 6th std. onwards should be taught specialised trades and skills.
- Training and capacity building of teachers imparting vocational/skill education in schools should be provided by MHRD in convergence with MoSD&E.
- For Std. I to Std. V i.e. (6-10 yrs) there should be a set of common skill/Life Skills imparted to all school children. Example; identification of various plants, leaves, herbs, minerals and ores etc.

➤ **Ministry of Social Justice & Empowerment (MSJE):**

- Article 21A, as inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, provides free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right. Consequently, the Right of Children to Free and Compulsory Education Act, 2009, came into fruition from 1st April, 2010. In view of this Act, it is imperative to review the provisions and entitlements provided to the children who are beneficiaries in the schools/residential schools running under the Ministry of SJE and to ensure the entitlements are provided as per the RTE Act.
- The Juvenile Justice (Care and Protection of Children) Act , 2015 (Amendment Act) and the Rules 2016 where age wise break up i.e. for the boys in the age group of 11 to 15 years , and 16 to 18 years for 12 to 18 years in children's homes for girls and boys specified. The clauses have been prescribed keeping in view the social, psychological, and physical changes amongst the children. The arrangement of stay for the children in the hostels running under the Ministry of Social Justice & Empowerment may be made as per the age groups mentioned in the Juvenile Justice Act, 2015.
- Ministry of Social Justice & Empowerment is running stand alone hostels and for the children. Therefore, Ministry of Social Justice may frame regulatory guidelines for this in consultation with the Ministry of Women and Child Development. NCPCR is already in the process of framing regulatory guidelines

for standalone hostel. As soon as draft will be ready; Commission will circulate and consult with the stakeholders.

- Ministry of Social Justice & Empowerment is running schools- residential and non-residential for the children. Right to Education Act, 2009 provides for the norms and standards including for duty of teachers, School Management Committee, pupil teacher ratio, infrastructure, learning equipments, working days/instructional hours, play materials, games in the schools. Therefore, the Ministry of Social Justice may provide the facilities to the children accordingly.

➤ **Ministry of Tribal Welfare:**

- Article 21A, as inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, provides free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right. Consequently, the Right of Children to Free and Compulsory Education Act, 2009, came into fruition from 1st April, 2010. In view of this Act, it is imperative to review the provisions and entitlements provided to the children who are beneficiaries in the schools/residential schools running under the Ministry of Tribal Welfare and to ensure the entitlements are provided as per the RTE Act.
- The Juvenile Justice (Care and Protection of Children) Act , 2015 (Amendment Act) and the Rules 2016 where age wise break up i.e. for the boys in the age group of 11 to 15 years , and 16 to 18 years for 12 to 18 years in children's homes for girls and boys specified. The clause have been prescribed keeping in view the social, psychological, and physical changes amongst the children. The arrangement of stay for the children in the hostels running under the Ministry of Tribal Welfare may be made as per the age groups mentioned in the Juvenile Justice Act, 2015.
- Ministry of Tribal is running stand alone hostels and for the children. Therefore, Ministry of Social Justice may frame regulatory guidelines for this in consultation with the Ministry of Women and Child Development. NCPCR is already in the process of framing regulatory guidelines for standalone hostels. As soon as draft will be ready; Commission will circulate and consult with the stakeholders.

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- An initiative to devise a mechanism for mapping of seasonal migrant labours from source to destination should be undertaken by Tribal Welfare. The data may be captured at different levels i.e. school , village, block , district, State and shared with MHRD so that course material can be prepared and provided to the children according to their mother tongue.

➤ **Ministry of Drinking Water and Sanitation**

- Ministry of Drinking Water and Sanitation may devise a specific program for providing safe and potable drinking water in schools and hostels.
- The MoDW&S may provide facility for regular cleaning of toilets; and upgrading the existing kitchens into 'smokeless kitchens' for Mid Day Meals (MDM) in schools and structure for cleaning utensils in convergence with MHRD, MoUD, MoRD and MoPR.
- Additionally, MoDW&S should make provision for sanitary napkins dispensing machines and their refilling in residential and non-residential schools such as KGBVs and other hostels for 14-18 years old girls.
- Currently, in many States children bring their own utensils from home for MDM. However, it is noted that many children do not have such utensils and they are unable to avail this facility properly. Hence, MoDW&S may like to converge with MHRD and MoPR for providing utensils to all the children in schools and ensure that the dignity of children is preserved.

➤ **Ministry of Minority Affairs**

- Ministry of Minority Affairs should consult with MHRD to provide benefits of Article 21 A of Constitution of India for the children going to recognised and unrecognised Madaras and linguistic minority schools across the country.

➤ **Ministry of Panchayati Raj**

- The Panchayats are Local Authorities who have been given several responsibilities including monitoring of schools in their jurisdiction under Section 9 of the Right to Education Act, 2009 in convergence with MHRD . So there is a need for regular orientation program on RTE Act, 2009 for representatives of Panchayats who are responsible and empowered by the said Act for good governance through active participation of local representatives.
- State should notify in the Election Rules of the election of the Local Bodies to make it mandatory for every candidate, whose children/ward are in the school going age group of 6-14 years , and who want to contest election should obtain a signed certificate from the school principal that their ward/s are enrolled and regular in attending schools.

➤ **Ministry of Labour & Employment**

- The existing Plantation Labour Act, 1951 is not in consonance with the Right to Education Act, 2009. Therefore, MoL&E may take initiative to amend the Plantation and Labour Act, 1951 in consultation with MHRD for compliance of RTE Act, 2009.
- An initiative to devise a mechanism for mapping of seasonal migrant labours from source to destination should be undertaken by MoL&E. The data may be captured at different levels i.e. school , village, block , district, State and shared with MHRD so that course material can be prepared and provided to the children according to their mother tongue.

➤ **Ministry of Rural Development**

- Electricity connection and continuous supply of power in the school is an essential requirement for the functioning of a school. However, there are only 57 % of schools where electricity connection is available. Accordingly, provision may be made for providing connectivity and supply of electricity in the remaining schools.

➤ **Ministry of Urban Development**

- The Urban Local Bodies are Local Authorities who have been given several responsibilities including monitoring of schools in their jurisdiction under Section 9 of the Right to Education Act, 2009. So there is a need for regular orientation program on RTE Act, 2009 for representatives of Urban Local Bodies who are responsible and empowered by the said Act for good governance through active participation of local representatives.
- The Urban Local Bodies should converge with MHRD to ensure continuous flow of water, electricity in all the schools in urban areas. Also, they may converge with SSA implementing authorities from time to time. The Ministries should issue advisories in this regard to all State Education Departments.
- More centralised kitchen are required for preparation and supply meals to the anganwadi centres as well as the schools. Therefore, the Urban Local Bodies of the Ministry of MoUD may make provisions accordingly.

➤ **Ministry of Information and Broadcasting**

- On the basis of Grievances received by the NCPDR; there is a need for creating awareness. Ministry of I&B may like to develop appropriate IEC material for dissemination of information and awareness generation regarding provisions and entitlements under RTE Act, 2009 and admission of children of EWS category as provided under Section 12 (1) (c) and the corporal punishment under Section 17 of the RTE Act, 2009.

➤ **Ministry of Consumer Affairs , Food & Public Distribution (Department of Food and Public Distribution)**

- DoF&PD may like to converge with MHRD to ensure the compliance of FSSAI guidelines for High in Fat Salt & Sugar (HFSS) foods in schools and issue an advisory to all the State Department of Food &Public Distribution.

➤ **Ministry of Health & Family Welfare (MoHFW)**

- MoH&FW is implementing the Rastriya Bal Swasthya Karyakram (RBSK). The district wise data pertaining to deficiency in nutrition causing different diseases may be shared with MHRD so that the menu for the mid-day-meal can be prepared to address the nutritional deficiencies faced by the children.
