

**Minutes of the 63<sup>rd</sup> Statutory Meeting of the Commission held on 24<sup>th</sup> February, 2025 at 3.00 p.m. in the Conference Room (5<sup>th</sup> Floor) of NCPCR, Chanderlok Building, Janpath, New Delhi.**

The 63<sup>rd</sup> Statutory Meeting of the Commission was held on 24<sup>th</sup> February, 2025 at 3.00 p.m. in the Conference Room (5<sup>th</sup> Floor) of National Commission for Protection of Child Rights, New Delhi. The following officials were present :

1. Ms. Tripti Gurha, Chairperson & Additional Secretary, Ministry of Women & Child Development
2. Dr. Divya Gupta, Member
3. Ms. Preeti Bharadwaj Dalal, Member
4. Ms. Rupali Banerjee Singh, Member Secretary

The meeting commenced with a welcome note and brief introductory remarks by the Chairperson.

**Confirmation of Minutes of the 61<sup>st</sup> Statutory Meeting of the Commission held on 23.09.2024 (Monday).**

The Member Secretary informed the Commission that no comments were received regarding the Minutes of the 61<sup>st</sup> Statutory Meeting. Accordingly, the Commission decided that the Minutes of 61<sup>st</sup> Statutory Meeting shall be treated as confirmed. The Member Secretary also informed the Commission that the 62<sup>nd</sup> Statutory Meeting, scheduled on 10<sup>th</sup> October, 2024 and continued on 14<sup>th</sup> October, 2024 was convened but could not be concluded. The Chairperson suggested that the agenda items from the 62<sup>nd</sup> Statutory Meeting be taken up in the forthcoming 64<sup>th</sup> Statutory Meeting of the Commission.

**AGENDA ITEMS:**

**Agenda Item No.1- Annual report on Analysis of NICU/PICU & SNCU-** As per Commission's mandate, NCPCR had developed a tool to capture the data regarding status of the existing health infrastructure for children (NICU, PICU & SNCU) functioning in the districts of all States and UTs. Commission has analyzed the data of 654 districts based on the data received from the districts. It is proposed to continue this work by reviewing the health care facilities by inspection and review meeting with the State Health departments. As a result its annual progress report shall be submitted to the Government of India with gaps and

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recommendations.

**Decision:** The item was placed before the Commission and approved.

[Action: Member (DG)]

**Agenda item No.2- Review of JAP-** The Joint Action Plan - "एक युद्ध नशे के विरुद्ध" - was formulated by NCPDR with NCB and concerned ministries to streamline and stratetise the efforts made by various authorities, institutions, agencies to bring paradigm shifts in the direction of drugs and substance abuse prevention amongst the children in the country. NCPDR has monitoring role for implementation of JAP, in view of this, it is proposed to hold State level review meetings on the progress of JAP. Special attention shall be on aspirational and bordering districts. These Review meetings shall be started by giving attention to Jammu & Kashmir. A detailed plan shall be submitted on file.

**Decision:** The item was placed before the Commission and approved. However, the Commission desired that before starting Review of JAP in J&K, it would be imperative to take feedback from the concerned Ministries to include the same in JAP.

[ Action: Member (DG)]

**Agenda item No.3- SOP on Prevention of Obesity among children"-** Obesity is a chronic complex disease defined by excessive fat deposits that can impair health. Obesity can lead to increased risk of type 2 diabetes and heart disease, it can affect bone health and reproduction, it increases the risk of certain cancers. As per the NFHS-5, there has been an increase in the percentage of children under 5 years who are overweight (weight-for-height) from 2.1 percent in NFHS-4 (2015-16) to 3.4 percent in NFHS-5 (2019-21) at All-India level. To tackle the prevalence of childhood obesity, a multifaceted approach is required, involving Government, Health-care professionals, Educators, Parents, and the food industry. It is proposed to hold a consultative meeting with the concerned stakeholders and draft a SOP for prevention of obesity among children.

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**Decision:** In order to address the issue of formulative SOP on Prevention of obesity among children, the Commission desired that this issue may be first discussed with Ministry of Health & Family Welfare (MoH&FW), to invite their inputs. At the same time, Chairperson also pointed out that obesity problem among children is broadly concerned with Urban areas, the problem with regard to malnutrition etc. in rural area may also be addressed. The functionality of Anganwadi, Poshan Tracker, NFHS Survey etc. may also be evaluated/considered, while addressing the issue.

[Action: Member (DG)]

**Agenda item No.4- Meeting with the concerned Ministries on Prevention and Management of Sickle Cell disease in children-** Sickle Cell disease is a genetic blood disease which affects whole life of affected person. It is more common in tribal population in India but occurs in other population as well. It is proposed to hold a meeting with the concerned Ministries i.e. Ministry of Health & Family Welfare, Ministry of Tribal Affairs, and Ministry of Social Justice & Empowerment for Prevention and Management of Sickle Cell disease in children.

**Decision:** The Agenda Item was placed before the Commission and approved. However, it was felt desirable that the Ministry of Health & Family Welfare may also be consulted.

[Action: Member (DG)]

**Agenda item No.5 - SOP on "Care and Management of children with disabilities in Child Care Institutions"-** The disability among children is a matter of serious concern as it has wider implications. Children living in Child Care Institutions are more vulnerable even children with disabilities require more care. Every child living in CCIs should live in a supportive, protective and caring environment that promotes his/her full potential. To enable disabled children to live a healthy life, it is required that staff is trained in handling such children and understand their needs. In this regard it is proposed that A Standard Operating Procedure could be drafted

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with the concerned stakeholders.

**Decision:** The Agenda Item was placed before the Commission and approved. However, it is desirable that the Department of Empowerment of Persons with Disabilities (Divyangjan) under Ministry of Social Justice & Empowerment may also be consulted.

[Action: Member (DG)]

**Agenda Item No.5.2- Others Items** Regarding filling of vacant posts; policy decision for remuneration, travel norms, 3 months contract of Consultants in NCPCR and formulation of Internal Complaints Committee (ICC), NCPCR :

**Decision:** Regarding filling up of vacant posts, (05 posts of PPS and 01 post of AD), advertisement has already been published giving wide publicity, as per directions of MWCD. However, no response has so far been received. The last date of receipt of applications was 25.03.2025. Taking concern on the issue, the Commission desired that all out efforts be made to fill-up the vacancies within 02 months. The Chairperson, NCPCR further pointed out that the specific directions have also been given to Registrar, NCPCR for revival/restructuring of posts meant for direct recruitment/deputation. She also desired to examine whether the manpower in the Commission can be engaged through GEM in all cases and while formulating of policy for outsource engagement, it must be ensured that the remuneration, travel entitlement etc of such manpower is at par with the manpower engaged as per the policy of the NCW or any other such Govt. Organization.

The Member Secretary, being the Chairperson of the Internal Complaints Committee, and as she is demitting office it would be appropriate to constitute a new Committee. The details of newly formed ICC shall be shared with the Members of NCPCR.

[ Action: (Registrar/Admn.)]

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**Agenda Item No.6-** Report of National Review cum Consultation on implementation of Joint Action Plan on Prevention of Drugs and Substance Abuse among children and illicit trafficking held on 30th June, 2024 is placed for ratification of the statutory meeting members.

**Decision:** Since the comments/views of all concerned stakeholders have already been incorporated in the Report of National Review-cum-Consultation on Implementation of Joint Action Plan on Prevention of Drugs and Substance Abuse among Children held on 30.01.2024, the Commission has ratified the same.

[Action: STE (SK)]

**Agenda item No.7** - Correction w.r.t to numbering of Statutory Meeting It was informed that the Statutory Meeting No.62 was convened on 10<sup>th</sup> October 2024 and further continued on 14<sup>th</sup> October 2024. All the meeting notices received since 12<sup>th</sup> February 2025 states 62<sup>nd</sup> Statutory meeting, which is incorrect and which may be an inadvertent error and therefore, **request to correct the error and re-number** it in all the meeting notices, including the minutes as stated above as **63<sup>rd</sup> Statutory Meeting of the Commission** instead of 62<sup>nd</sup> Statutory Meeting. (Please find the relevant annexure, for reference.)

**Decision:** The Agenda item was discussed in detail. It was decided that since the 62<sup>nd</sup> Statutory Meeting scheduled on 10<sup>th</sup> October, 2024 and which continued on 14<sup>th</sup> October, 2024 was, in fact, convened but could not be concluded. Therefore, the current statutory meeting may be treated as 63<sup>rd</sup> NCPCR, Statutory Meeting. Besides, Chairperson has also desired that the Agenda items of the 62<sup>nd</sup> meeting, if deemed necessary, be put up before the next Statutory Meeting (i.e. 64th Statutory Meeting).

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**Agenda Item No. 8 - Annual Review Meetings with District-Level Stakeholders on Prohibition of Child Marriage and Awareness Creation** - It is proposed to conduct **review meetings across all districts in India** with relevant stakeholders to evaluate and strengthen efforts towards the prohibition of child marriage. These meetings aim to foster collaboration among stakeholders and enhance public awareness, contributing to the prevention of child marriage. The initiative emphasizes the importance of community involvement and stakeholder engagement in effectively addressing this social issue.

**Decision:** The Member, LRC informed the Commission that the Annual Review Meetings with District Level Stakeholders on the Prohibition of Child Marriage and Awareness Creation have been conducted for the past three years upon receiving the notification from the Ministry of Women and Child Development on Akshay Tiritiya. The agenda was placed to inform the Commission and to seek approval for continuing the process this year as well. The Chairperson also suggested that Member (LRC), NCPCR may formulate the concept paper/(s) and way forward on the following :-

- i. Prevention of Child Marriage
- ii. Child Begging/Child Labour
- iii. Child Trafficking

[ Action: Member (PBD)]

**Agenda Item No. 9 - Preparation of Comprehensive Training Modules for Child Marriage Prohibition Officers** - It is proposed to **draft comprehensive training modules for Child Marriage Prohibition Officers and support persons** to ensure the effective protection and support for vulnerable children. These modules will provide essential knowledge, skills, and tools for stakeholders to carry out their duties efficiently.

**Decision:** The item was placed before the Commission and approved 'in- principle' with stipulation that since NIPCCD is already having Training Modules for CMPOs, the comments

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of NIPCCD may be obtained for incorporating the same in the proposed Training Modules in view of NCPDR's reservations/ experiences which indicate lack of adequate legal understanding by the CMPOs. The Commission also desired that the directions of Hon'ble Supreme Court on Child Marriage may also be gone through while formulating Training Modules.

[ Action: Member (PBD)]

**Agenda Item No.10- Proposal for Training Modules for Child Marriage Prohibition Officers (CMPOs)** - As a special measure for the prevention of child marriages on occasions such as Akshaya Tritiya, the Commission has been conducting **virtual review meetings with district authorities across all the States and Union Territories** to monitor the efforts undertaken at the district level.

During these meetings, it has been observed that Child Marriage Prohibition Officers (CMPOs) across India **lack adequate legal understanding** regarding the applicable laws. Consequently, in many instances, the issue is not addressed effectively, leading to situations where **victim children and their families are merely counseled and sent back without initiating FIRs or legal action against the perpetrators**. Furthermore, injunction orders, as mandated under the Prohibition of Child Marriage Act (PCMA), are not being obtained from the courts by the CMPOs.

In view of the above, it is proposed that the Commission may develop **comprehensive training modules for CMPOs to enhance their understanding of the law and procedural requirements**. These training modules will provide essential legal intricacies regarding child marriage laws, including PCMA, BNS, JJ Act, and POCSO Act while equipping CMPOs with practical skills to handle cases effectively, and thereby ensuring coordination with law enforcement agencies and judicial authorities. Also, it will enable CMPOs to obtain injunction orders as per the mandate of the PCMA Act.

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All in all, the development and implementation of these training modules will ensure more effective enforcement of **child marriage laws and strengthen the protection** framework for children, at risk.

**Decision:** The item was placed before the Commission and approved 'in- principle' with stipulation that since NIPCCD is already having Training Modules for CMPOs, the comments of NIPCCD may be obtained for incorporating the same in the proposed Training Modules in view of NCPCR's reservations/ experiences which indicate lack of adequate legal understanding by the CMPOs. The Commission also desired that the directions of Hon'ble Supreme Court on Child Marriage, may also be gone through while formulating Training Modules.

[ Action: Member (PBD)]

**Agenda Item No.11- Conduct a comprehensive in-house study on the quality, discrepancies and consistency of Medico-Legal Reports (MLRs) in sexual abuse cases of minors.** It is proposed to conduct a comprehensive in-house study to assess the quality, consistency, and discrepancies in Medico-Legal Reports (MLRs) in cases of sexual abuse. The objective of this study is to establish standardized protocols for medical professionals to ensure accurate, child-sensitive, and legally admissible reporting in matters under the POCSO Act.

**Decision:** The Agenda Item was placed before the Commission and approved.

**Agenda Item No.12 - Preparation of Awareness Materials for Nationwide Programs on the POCSO Act and CSAM for Schools** - It is proposed to develop comprehensive awareness materials for nationwide programs aimed at educating school children, teachers, and staff about the provisions of the POCSO Act for Child Sexual Abuse Material (CSAM). These materials will be designed for effective dissemination across schools to enhance awareness, prevention, and reporting mechanisms.

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**Decision:** Member (LRC) discussed that there is no available awareness material on CSAM even in NIPCCD and, therefore, it requires consideration. Given the increasing number of CSAEM cases, the Hon'ble Supreme Court, in Just Rights for Children Alliance Vs. Harish, has emphasized the need for awareness regarding CSAEM. The proposal was in-'principle' approved by the Commission.

[ Action: Member (PBD)]

**Agenda Item No.13 - (i) Proposal for Training Modules for Support Persons under the POCSO Act.** Section 39 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 emphasizes the crucial role of Support Persons in ensuring justice and providing necessary assistance to child victims throughout legal proceedings.

The Hon'ble Supreme Court of India, in **We the Women of India vs. Union of India & Ors. (W.P. (C) No. 1156/2021)** and **Bachpan Bachao Andolan vs. Union of India (W.P. No. 427/2022)**, directed NCPCR to prepare the Model Guidelines for the support persons, which were duly prepared and submitted before the Hon'ble Supreme Court by the Commission.

Despite the availability of specific guidelines, **it has been observed that the Child Welfare Committees (CWCs)** in many districts are not assigning Support Persons for POCSO victims, as mandated. In cases where Support Persons are appointed, they often lack awareness of their roles and responsibilities and do not possess adequate legal understanding. This gap in implementation results in child victims being deprived of the necessary psychological, emotional, and legal support during the trial process.

To address this issue, it is proposed that the Commission may develop comprehensive training modules for Support Persons. These modules will aim to:

1. Enhance legal understanding of their roles under the POCSO Act and related legal provisions and equip them with skills to provide effective psychological, emotional, and legal support to child

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victims.

2. Ensure better coordination with CWCs, Special Courts, and law enforcement agencies and enable proper case documentation and reporting to strengthen child protection mechanisms, thereby, ensuring victims receive the necessary support throughout legal proceedings and beyond, safeguarding their overall well-being.

Accordingly, it is proposed that the Commission may prepare and implement the training modules to ensure effective assistance and protection for child victims under the POCSO Act, and

**(ii)- Nationwide Awareness Programs on the POCSO Act and CSAM in Schools** - It is proposed to conduct nationwide awareness programs in schools to educate students, teachers, and staff about the provisions of the POCSO Act and the risks associated with Child Sexual Abuse Material (CSAM). Comprehensive awareness materials will be developed and disseminated to ensure effective sensitization and preventive measures across educational institutions.

**Decision:** The Commission approved the proposal 'in-principle'. However, Chairperson has advised that NIPCCD Training Module may be gone through before formulating Training Modules for Support Persons under POCSO Act. She further informed that MWCD has also prepared a PPT on victim compensation, which will be shared with Member (LRC) for comments, if any, to incorporate details in their Training Module, as per legal requirements.

[ Action: Member (PBD)]

**Agenda Item No.14 - Recommend amendment/s in Laws relating to Children (especially POCSO Act) regarding waiver of privileges or immunity to diplomats and foreign nationals in crimes against children.-** In the recent past, the Commission have been receiving serious matters wherein crimes under laws like POCSO have be committed by foreign nationals against minor children in our State or on minor foreign nationals in India by their peers and particularly those belonging to diplomatic communities in India. Under international law, particularly the Vienna Convention on

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Diplomatic Relations, 1961, Vienna Convention on Consular Relations, 1963 and statutory law to honor these Conventions - the Diplomatic Relations (Vienna Convention) Act, 1972, diplomats and certain foreign officials enjoy immunity from prosecution in the host country. United Nations Convention on the Rights of the Child (UNCRC), are obligated to ensure that child protection laws are effectively enforced so that justice should not be obstructed by certain diplomatic privileges and/or immunities.

**Legal jurisprudence and case-law on the subject is sparse and if at all, available provide ambiguous and vague inputs. In view of the changing scenario in all aspects in the 21st century, newer laws are being brought in and older ones are either done away with or substituted with or amended to bring them in line with the changing national and international dynamics. Therefore, it is important to re-visit, review the international treaties as stated above, as well as domestic laws on the subject, and other international/national laws/ documents especially with specific reference to child rights and their safety and security. The Commission has the mandate to effect the same under the CPCRA Act under Section 13 (f), (g), (b), (g) and (k).**

Accordingly, it is proposed that the Commission may undertake research, conduct brainstorming sessions, and deliberations with the stakeholders and thereafter, formulate recommendations and suggestions for amendments to the existing laws effecting the protection and rights of children and to address the issue with MWCD and Ministry of External Affairs, who may consequently initiate dialogue at international fora effectively.

**Decision: Agenda item was discussed at length and it was decided that since the issue raised pertains to Amendment in existing laws, Member (LRC) may examine this in detail with its legal provisions.**

[ Action: Member (PBD)]

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**Agenda Item No.15 - Proposal for a Dedicated Email ID for Laws Relating to Children Division.** The Commission receives several grievances, complaints from general public as well as national/state/district/block authorities and also communications vide various online meetings which are conducted by the commissions and attended by vast number of authorities. The communication regarding all, as stated above, reaches the personalized e-mails IDs of different consultants/officials of Commissions and which makes difficult to retrieve because of the temporary nature of employment of most of the employees. Therefore, in order to ensure the smooth functioning of day-to-day work, it is proposed that **a dedicated email ID be created for the Laws Relating to Children Division to serve as a centralized point of contact for correspondence.**

The permanent E-mail ID, as proposed, will facilitate seamless communication, efficient collection of information from various authorities across India, thereby enhancing coordination, expediting responses, and improving overall workflow management. Accordingly, it is proposed that necessary provisions be made for the creation and allocation of the said e-mail ID for Laws Relating to Children.

**Decision:** The Agenda Item was placed before the Commission and approved.

[ Action: Consultant (IT)]

**Agenda Item No.16-** To be completed **Proposal for Subscription to Legal Journals and Case Law Databases-** The Division frequently encounters situations requiring in-depth legal research on relevant case laws and precedents to effectively perform its functions. Given the dynamic nature of legal developments, it is imperative to have access to authoritative legal journals and case law databases to support comprehensive and up-to-date research.

In this regard, it is proposed that subscriptions be obtained for the following legal resources, which are essential for the Division's day-to-day functioning:

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"...A) The undersigned, wishes to raise strong objection to bringing the Anti-Child Trafficking Cell and also Agenda entitled NE/J&K/LADAKH and Anti Trafficking Cell - without any consultation in any statutory meeting or any other meeting, whatsoever. It is submitted that Trafficking as a subject has been dealt by LRC. A letter signed by PPS, NCPCR vide Office Order No. A-11012/19/2024-Admn dated 30<sup>th</sup> September, 2024 establishes the Trafficking cell, as mentioned above. A verbal objection with the Chairperson, NCPCR has already been raised by the undersigned.

Further, objection to the Agenda Items No. 12, 13, 14, 16, 17 circulated vide O.M. No.A-11011/59/2024-Admn. dated 09<sup>th</sup> October, 2024, is also being raised hereby by the undersigned. Justifications to the objections raised are as below:-

1) Supervising and monitoring the activities of the Anti-Trafficking Cell of the Commission as cited in the above mentioned Agenda Items are the prerogatives of the undersigned in the capacity of Member (Laws Relating to Children).

2) As enumerated in Rule 5 of the National Commission for Protection of Child Right Rules, 2006, the Member Secretary have "power to execute all decisions taken by the Commission in order to carry out the powers and functions of the Commission as provided in Sections 13 and 14 of the Commissions for Protection of Child Rights Act, 2005". In this context, the undersigned, would like to state that the learned Member Secretary has significant duty to execute the decisions of the Commission, which constitutes only of the Chairperson and Members.

3) Bestowing statutory functions of the Members to Administrative Head is neither in the best interest of the Commission nor would lay any remarkable and good precedent for the Commission.

4) It is therefore, proposed to reconstitute the Anti child trafficking cell after due consultations and

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1. Kurukshetra Law Journal
2. Indian Journal for Law and Legal Research
3. Economic and Political Weekly
4. Lexis Nexis
5. Manupatra – Online Legal Research Database
6. SCC Online
7. Live Law
8. Case-mine

Access to these resources will enhance the Division's ability to stay updated with evolving legal principles, facilitate better legal analysis, and improve the overall efficiency of its research and decision-making processes. Accordingly, it is proposed that subscriptions of the above journals may be procured.

**Decision:** The Agenda Item was placed before the Commission and approved. However, the Library existing in NCPCR may also be reviewed.

[Action: Member (PBD)/Admn.]

**Agenda No. 17 - Withdrawal/Amendments w.r.t Office Order date 30<sup>th</sup> September 2025.**

Vide an office order, an Anti-child Trafficking Cell was created/established/formed without any consultation with concerned member/s of Commission. The Cell was formed in the intervening period of 20 days between the 61st and 62nd Statutory Meetings, a copy of an office order dated 30th September 2024 creating the **Anti Child Trafficking Cell** was shared with Members.

This order was signed by the PPS, NCPCR and issued with the approval of the competent authority. Copy of Office Order dated 30th September 2024 is annexed herewith as **Annexure**

Since the subject of Trafficking till date has been directly dealt with Laws Relating to Children Division, therefore, undersigned requested the then Chairperson to reconsider, review and reconstitute Anti Child Trafficking Cell with due consultations and deliberations, to be headed by expert legal resource. **The request by member (LRC) was made both verbally and in writing, before and on October 10, 2024 and further** vide a written note dated 10.10.2024 and the relevant para of which is reproduced as below:

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*deliberations..."*

It is recommended therefore, to withdraw the Office Order dated 30<sup>th</sup> September 2024. In view of reservations above, **Agenda Items number 13 and 14 be dropped altogether, for deliberations in the forthcoming Statutory meetings.** In view of the above, the Office Order may kindly be amended, on lines of reasoning as provided (in paras as above) and/or withdrawn vide this Statutory meeting - as it is not in consonance with CPCR Act.

**Decision :** The meeting concluded and it was decided that since the Minutes of 62<sup>nd</sup> Statutory Meeting were not circulated they could not be discussed or considered in the present meeting. Therefore, it was decided that the agenda items from 62<sup>nd</sup> Statutory Meeting would be taken up in the forthcoming 64<sup>th</sup> Statutory Meeting of the Commission. Additionally, as this agenda item was also a part of the 63<sup>rd</sup> Statutory Meeting, it was decided by the Commission that it would be taken up for discussion and consideration in the 64<sup>th</sup> Statutory Meeting of the Commission.

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