



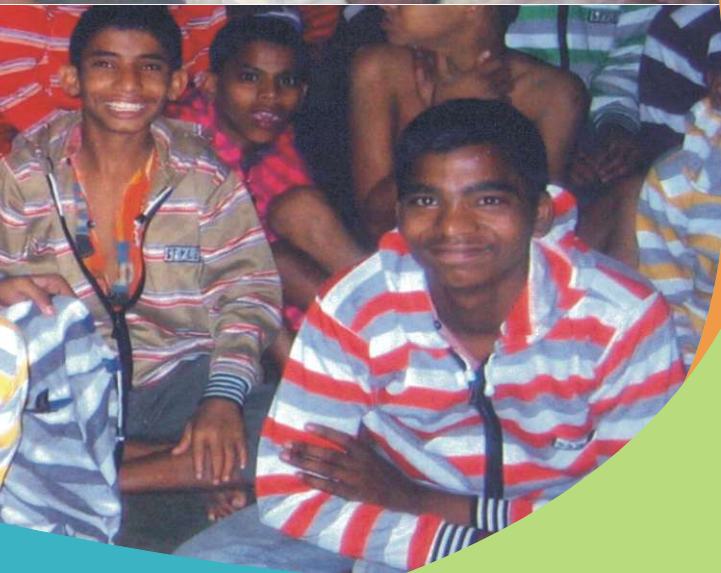
सत्यमेव जयते



# West Bengal Commission for Protection of Child Rights

Annual Report 2014-15





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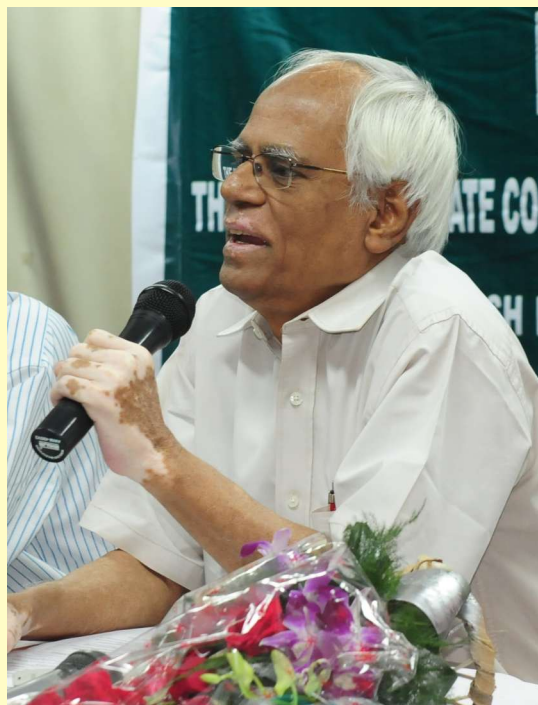
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# *Humbly Yours*

*– From the Desk of Chairperson*

**G**overnment of West Bengal in the Department of Child Development and Women Development Social Welfare constituted the present Body of the West Bengal Commission for Protection of Child Rights by issuing Notification no 5694-SPO/JJA-37/12 dt. 20.02.2014. I was excited at the trust reposed on me by the Government to head this Commission and I assumed charge of the Commission on 28th February, 2014. The above mentioned notification was subsequently modified by Notification no 941/CD&WDSW/14 dated 4th March, 2014.

Our society is generally tradition bound and often ignores the rights of children, particularly their rights to participate and express opinion. Despite substantial progress of the society Child Marriage has not yet been fully eliminated; Child Labour and Trafficking are also still continuing. The society ignores engagement of children as domestic help/helps in small retail out lets/tea shops, transport business etc depriving such children their right to education, recreation and normal growth.



The society is aware of Human Rights and Women Rights but, I am sorry to say it does not yet have clear idea about rights of the children as future members of the society.

Our nation builders, however, were aware of the importance of child rights. Their ideas and intentions are effectively echoed in our Constitution. India did not hesitate to sign and subsequently ratify United Nations Convention on the Rights of the Children (UNCRC). Intentions of the Government were made clear by framing of Acts and designing of different schemes/projects at National / State levels to protect the interests of the children but in spite of all these efforts our children are not yet fully protected. Here lies importance of the Commission for Protection of Child Rights.

I do not hesitate to admit that the greatest challenge before this State Commission is to make people, be it judiciary, media, bureaucracy including functionaries in health, education, labour etc., care givers and above all the civil society, aware of the importance of rights of the children. We want to make this Commission visible and socially accountable.

In this report a brief account of Commission's activities during the year 2014-15 has been given. It may be noted here that the Commission had to face several teething problems. The



Commission did not have its office, fund, human resource and other infrastructural supports. But neither the Commission nor the Government sat idle. As soon as the Model Code of Conduct was lifted the cabinet approved 19 posts for smooth functioning of the Commission. The number was not enough, moreover the cabinet decision on manning has not yet been fully implemented but the intention and message of the Government were clear. Commission started its journey from a small room at Social Welfare Director's office with the help of two devoted hardworking young persons at the desk. The Department & the Directorate officials under the leadership of Hon'ble Minister of State, Secretary, CD and WDSW and the Director, Social Welfare extended all cooperation. I must admit here that our Hon'ble Chief Minister also greatly inspired us and took several positive steps to help the Commission move forward. The Commission finally shifted to its new office at ICMARD Building at Ultadanga on 9th June, 2014.


However, with great pain and anguish I want to state on record that in some cases the response of a few Government functionaries is not satisfactory. We need to sensitize all functionaries and caregivers in order to make aware of the provisions of Act / Rules for implementing the promises of the state.

Moreover, to protect children and to ensure their rights, I must say that coordination among line departments is also very important. The Commission is trying its best to build up such coordination.

Notwithstanding several problems like paucity of fund, space, man-power etc the Commission is trying hard to make itself visible and develop appropriate redressal mechanism apart from propagating education on child rights. Our support staff are working hard to protect best interests of the children. We gratefully acknowledge their contribution.

We also gratefully acknowledge contribution of CCL (NLSUI) who in partnership with UNICEF organized a two day training programme on 22nd and 23rd August, 2014, for the Commission's functionaries. The contributions of NGOs and SCPS / DCPUS also deserve mention.

We do have limitations. Like other Human rights institutions WBCPCR is a body with limited autonomy. This Commission is supposed to act as an independent watchdog for ensuring rights of the children in all fields. The Commission wants to play a very constructive role in achieving this objective by constantly pursuing the Government departments / agencies to make them sensitive to the needs and rights of the children of our state. The Commission with its limited resources is trying its best, but that is not enough. I invite the members of the civil society of West Bengal to come forward to help us by building mass awareness and by watching the activities of this Commission without prejudice so that the Commission succeeds in fulfilling its mission to protect rights of our children to help them grow as responsible citizens of the Society.

A handwritten signature in blue ink, appearing to read 'A. Sengupta'.

**Asokendu Sengupta**  
**Chairperson**  
**WBCPCR**



## List of Members of The Commission

G.O. No.- 941/CD&WDSW/14

dated : March 4th, 2014

### Annexure A

#### LIST OF MEMBERS

1. **Prof. Asokendu Sengupta** - **Chairperson**
2. **Ms Chaitali Maitra** - **Member**
3. **Ms Mahua Maitra** - **Member**
4. **Ms Suma Mukherjee** - **Member**
5. **Ms Ananya Banerjee** - **Member**
6. **Mr. Sourav Chakraborty** - **Member**
7. **Mr. Joy Bhadra** - **Member**

## Manning pattern of the Commission

(POSTS SANCTIONED VIDE G.O. NO. 2051-SW/JJA-58/11 DATED- 26th JUNE, 2014)

SlNo	Name of the post	Filled up (✓)	Vacant (X)
1	Secretary	✓	
2	Joint secretary		X
3	Asst Secretary	✓	
4	Law Officer		
5	Accountant-cum-UDA		
6	Stenographer (Two)	✓	
7	Section Officer	✓	
8	UD Assistant (One)	✓	
9	LD Assistant (One)		X
10	LD Assistant with computer knowledge (Two)		X
11	Peon (Six)		X
12	Night guard-cum-Darwan (One)		X

**Complaints received and action taken by the Commission**

Nature of Complaints	Source	Action Taken
RTE Act	NCPCR 11 Cases  Direct Complaint about 100 Cases	Commission has intervened on all the Cases
POCSO Act	21 Cases	
Juvenile Justice (Care & Protection of Children) Act	More than 100 cases	State Level Inspection Team took adequate measures
Child Marriage / Cruelty / abuse / trafficking	48 Cases	Commission has intervened on all the Cases

**SUO MOTU Cases**

Nature of Complaints	Location	Action Taken
Death of a student	South Point School	Commission constituted a Committee to enquire. Report submitted.
Child Abuse	Lake Town	The Chairperson and one member of the Commission enquired; ATR submitted.
Abduction of a girl	Salt Lake	The girl was rescued and restored
Abduction of a girl	Nadia	The girl was rescued and restored
Violation of Child Rights	Birbhum	WBCPCR intervened
Violation of Child Rights	Burdwan	WBCPCR intervened and referred the matter to NCPCR



## Important Seminar / Workshop attended by CHAIRPERSON, WBCPCR

Sl.No.	DATE	SEMINAR / WORKSHOP	VENUE	ORGANIZED BY
1	3/21/2014	Training of Child Protection Officers under ICPS	ATI, Salt Lake, Kolkata	SAVE the CHILDREN
2	3/27/2014	Training on CARINGS for SAA	ATI, Salt Lake, Kolkata	DSW, Govt. of West Bengal
3	3/28/2014	Meet with PAPs	Aikatan, Salt Lake	DSW, Govt. of West Bengal
4	5/5/2014	Activities of REPA	Bikash Bhavan, 5th floor	Secretary, School Education, Government of West Bengal
5	5/14/2014	South Point fact finding Committee	jalasampad Bhawan	WBCPCR
6	5/21/2014	Meeting of the Chairpersons of State CPCR- NCPCR	Jacaranda-II, India Habitat Centre, Lodhi Road, New Delhi-110003	NCPCR
7	5/22/2014	Meeting of the Chairpersons of State CPCR	Jacaranda-II, India Habitat Centre, Lodhi Road, New Delhi-110003.	NCPCR
8	5/26/2014	POCSO Consultation	Pride Hotel	UNICEF
9	6/9/2014	Inauguration & Seminar at ICMARD office	ICMARD	CD & WDSW Department, Govt. of W.B.
10	6/12/2014	One day consultation with all stakeholders to discuss the success and challenges	New Admin office, DM, South 24 pgs, Conference Hall	SANLAAP
11	6/23/2014	Co-ordination Meeting on effective implementation of JJ Act	Collectorate Conference Hall, Paschim Medinipur	DCPS, Paschim Medinipur, & UNICEF
12	6/28/2014	Destination Unknown Children on Move Campaigned by Path Welfare Society	Birla Museum, Kolkata	Path Welfare Society
13	7/15/2014	Meeting with Panchayat	Rabindra Bhavan , Barasat	DCPS, North 24 Parganas
14		GB Meeting of SCPS	ICMARD	SCPS
15	8/9/2014	High Court Committee Meeting	High Court	High Court Committee
16	8/14/2014	Kanya Shree	Netaji Indoor	CD & WDSW Department, Govt. of W.B.
17	8/27/2014	Madhyamik & H.S. Prize distribution	Rabindra Okakura Bhavan	CD & WDSW Department, Govt. of W.B
18	9/1/2014	Meeting with WBCPCR & SLIT SLIM members	ICMARD	WBCPCR
19	9/12/2014	One day training programme with teachers, SMCs and other stakeholders	Hotel Heritage, Siliguri	WBCPCR & JPISC
20	9/13/2014	Regional Round Table Conference of Eastern States on Effective Implementation of J J Act	Odisha Judicial Academy, Cuttack.	OSPCPCR, UNICEF & OJA
21	9/14/2014	Regional Round Table Conference of Eastern States on Effective Implementation of J J Act	Odisha Judicial Academy, Cuttack.	OSPCPCR, UNICEF & OJA
22	10/29/2014	Hope Foundation	Science City	Hope Foundation



Sl.No.	DATE	SEMINAR / WORKSHOP	VENUE	ORGANIZED BY
23	11/11/2014	Meeting with VCs	Netaji Subhash Open University	WBCPCR
24	11/15/2014	CINI	HHI	CINI
25	11/18/2014	Partichi	Pratichi Office	WBCPCR
26	11/20/2014	International Child Rights Day	Rabindra Sadan	WBCPCR
27	11/22/2014	Launch of State Plan of Action by Hon'ble Governor, WB	Kolkata	UNICEF
28	11/26/2014	Seminar on Child Rights	Durgapur Govt. College	Durgapur Govt College, WB
29	11/28/2014	50th Annual meeting of WBHE Council	Rabindra Bharati University, Jorasanko, Kolkata	WBHE Council, WB
30	12/9/2014	National Consultation on Child Domestic Work & Trafficking	New Delhi	NCPCR Delhi & Save the Children
31	12/11/2014	Meeting for School Visit	ICMARD	WBCPCR
32	12/22/2014	Meeting with DSWOs	ICMARD	WBCPCR
33	1/5/2015	Higher Education Council Office	Higher Education Council Office, R.B. Avenue, Kolkata	WBCPCR
34	1/6/2015	DCPS Training	ATI, Kolkata	CD & WDSW Department, Govt. of W.B.
35	1/15/2015	West Bengal Task Force	Indi Smart Hotel	UNICEF
36	1/20/2015	ECCE Council	Bikash Bhawan 10th floor	CD & WDSW Department, Govt. of W.B.
37	1/22/2015	National Girl Child Day	ICMARD	CD & WDSW Department, Govt. of W.B.
38	1/22/2015	DLSA	JALASAMPAD BHAVAN	WBCPCR
39	3/3/2015	State Child Protection Day Programme at Guwahati, Assam		GUWAHATI ASCPCR
40	3/4/2015	State Child Protection Day Programme at Guwahati, Assam		GUWAHATI ASCPCR
41	3/5/2015	SOP on RAILWAY CHILDREN	New Delhi	NCPCR
42	3/13/2015	Seminar on Child Rights	David Hare Training College	David Hare Training College, WB
43	3/19/2015	PSC Meeting	Bikash Bhawan 10th floor	CD & WDSW Department, Govt. of W.B.
44	3/28/2015	Workshop on Migrants	ICMARD	WBCPCR, GO AL INDIA, JPISC
45	3/30/2015	Seminar on Child Rights	Barasat Govt College	WBCPCR & Barasat Govt College, WB





## Annual Report 2014-15

### Visits / Inspections by Members of WBCPCR

#### Name of the Member: Smt Ananya Banerjee

Date	Visit / Inspections etc	Venue	Organized by
14-03-2014	Seminar	Amity University, Noida	Udayan Care
15-03-2014	Seminar	Amity University, Noida	Udayan Care
26-05-2014	Workshop	Pride Hotel, New Town	CD & WDSW, UNICEF
22-08-2014	Workshop	Indismart Hotel, Sector V, Salt Lake	CCL, NLSI, UNICEF
23-08-2014	Workshop	Indismart Hotel, Sector V, Salt Lake	CCL, NLSI, UNICEF
27-08-2014	Felicitation Programme	Rabindra-Okakura Bhawan, Salt Lake	CD & WDSW
11-09-2014	Destitute Home, Uttarpara; Satya Bharati, Nabagram; Prabartak, Chandernagore, Hooghly	Hooghly District	WBCPCR
21-10-2014	District Shelter Home; Observation Home; NGO-run Home; Aganwadi Centre	Nadia District	WBCPCR

#### Name of the Member: Smt Chaitali Maitr

Date	Visit / Inspections etc	Venue	Organized by
14-03-2014	Seminar	Amity University, Noida	Udayan Care
15-03-2014	Seminar	Amity University, Noida	Udayan Care
22-08-2014	Workshop	Indismart Hotel, Sector V, Salt Lake	CCL, NLSI, UNICEF
11-09-2014	Destitute Home, Uttarpara; Satya Bharati, Nabagram; Prabartak, Chandernagore, Hooghly	Hooghly District	WBCPCR
21-10-2014	District Shelter Home; Observation Home; NGO-run Home; Aganwadi Centre	Nadia District	WBCPCR

#### Name of the Member: Shri Joy Bhadra

Date	Visit / Inspections etc	Venue	Organized by
06-09-2014	Child Labour	1. Dhapa; 2. Mathpukur; Kolkata	WBCPCR
10-12-2014	Child Labour	1. Ghajadanga; 2. Daspara; Kolkata	WBCPCR

## IMPORTANT EVENTS AND ACTIVITIES

1. Status of Child Protection at JJ Homes in West Bengal – A study by Pratichi Institute (**Annexure 1**).
2. Inauguration of WBCPCR office at ICMARD, on 9th June, 2014.
3. One-Day Workshop at Siliguri on issues of Child Rights and Child Protection on 12th Sept 2014 NCPCR provided fund support and following their guidelines Jay Prakash Institute of Social Change provided technical support for this Workshop (**Annexure 2**).
4. Children were rescued from Kerala at the behest of the Chairperson with the support of UNICEF, Directorate & the Department and they were restored; Chairperson visited source area Harishchandrapur Block, met the children.
5. Regional Round Table Conference of Eastern States on effective Implementation of JJ Act on 13-14 September 2014 (**Annexure 3**).
6. International Child Rights Day Celebration.  
25th year of UNCRC was celebrated as International Child Rights Day on 20th November-2014 at Rabindra Sadan, Kolkata under the banner of WBCPCR. The programme was attended by Dr Shashi Panja, Hon'ble MOS(Independent charge), Dr. Kalyan Rudra, reputed River Scientist; Prof. Nrisingha Prasad Bhaduri, Writer; Smt Roshni Sen IAS, Secretary of the Department of CD & WDSW Sri Somnath Mukherjee, IAS, Director Social Welfare and other dignitaries.



## A BRIEF REPORT

- ❑ Ms Anwara Khatoon was felicitated on that day for her outstanding contribution in organizing movements in protecting Child Rights in remote areas of West Bengal.
- ❑ About 1000 children from several Child Care institutions participated in the programme.
- ❑ Several NGOs and DCPOs actively supported the WBCPCR in making the event a great success. Officers of the Directorate of Social Welfare and CDPOs also toiled hard for success of this Programme.



- ❑ Logo Competition on 20th Nov 2014 at the International Child Rights Day celebration : Chairperson invited inmates from all Children's Homes to participate in designing the LOGO of the Commission. The children responded with great enthusiasm. The Commission puts on record its appreciation for the help offered by Shri Abhijit Mitra, a noted painter in finalising the LOGO design.

### 7. School Visit for monitoring compliance of obligations under RTE Act

At the request of NCPCR, West Bengal State Commission undertook a study of 200 Schools randomly selected in all the districts to assess the level of compliance of RTE obligations by the Schools (**Annexure 4**) .

### 8. OTHER INITIATIVES

#### A. The WBCPCR has constituted a Task Force to study the problems of Adoption.

Two meetings of Task Force have already been held. Composition of the Task Force

- i) Prof Subha Sankar Sarkar, Vice Chancellor, Netaji Subhas Open University- Chairman
- ii) Dr. Sabyasachi Basu Roy Chowdhury, Vice Chancellor, Rabindra Bharati University- Member
- iii) Sri K. P. Sinha, IAS (Retd.)— Member
- iv) Sri Dilip Ghosh, IAS(Retd.)— Member
- v) Sri Kalyan Nandi— Member
- vi) Sri D. P. Bandyopadhyay, IAS (Retd.) Secretary, WBCPCR— Member Secretary.

Sri Supriya Sarkar, Programme Manager, SARA, has been deputed by the Directorate to assist the Task Force with data, reports etc.

**B.** Chairperson, WBCPCR, requested Secretary, West Bengal Higher Education Council to convene a meeting of Vice-Chancellors of the state to examine desirability and scope of introduction/inclusion of courses on Protection of Child Rights in under graduate/post graduate curriculum. Prof Neela David, TISS participated in that meeting at the invitation of Chairperson, WBCPCR. The meeting was held on 11-11-2014 at Netaji Subhas Open University, Salt Lake Office.

West Bengal Higher Education Council in its 50<sup>th</sup> Annual meeting held on 28<sup>th</sup> November 2014 at Rabindra Bharati University, Jorasanko Campus, discussed the issue further and constituted a Committee to pursue the matter. The meeting of the Committee was held on 5<sup>th</sup> January 2015 at Higher Education Council Office, R.B. Avenue, Kolkata following which two Sub committees were constituted.,

### Composition of the Sub Committees:

#### I. School Sub-committee

1. Prof. Samita Sen: Chairperson,
2. Prof. Avik Majumder: Member
3. Prof. Makbul Islam: Member
4. Dr. Malayendu Saha: Member

#### II. College / University Sub-committee

1. Prof. Rattan Lal Hangloo: Chairperson
2. Prof. Debnarayan Bandyopadhyay: Member
3. Prof. Saikat Mitra: Member
4. Dr. Malayendu Saha: Member

It was decided that Chairpersons of the two Sub Committees may nominate two members to their respective Sub Committees in consultation with Chairperson, WBCPCR. Secretary, WBCPCR will act as the convener of the above mentioned two Sub Committees.

The School Committee will examine the existing curriculum and suggest one model curriculum. The College/University Committee will examine the existing curriculum as regards Human Rights and will suggest model curriculum for UG Level/PG Level Certificate/Diploma/Degree Courses of duration of 3 months to 2 years. This Committee may also suggest curriculum framework for refresher courses for School/College/University teachers and other stakeholders.

Both the Sub Committees may consider any other allied issues. The College/University Committee will also consider employment opportunities for the learners.

The goal is to spread Child Right literacy among various sections of the society and promote awareness and to prepare an action plan that may be forwarded to all concerned for implementation.

#### 9. Research / Study

- a) WBCPCR has started to make a comparative study of the CPCR Rules framed by different State Governments with the objective of bringing uniformity in the State rules and also giving recommendations to improve the rules wherever necessary. UNICEF is assisting WBCPCR in this effort.



- b) A workshop was organized by the WBCPCR in collaboration with the GOAL INTERNATIONAL at ICMARD on 28th March 2015 on the conditions of migrant child labourers. The key note address in this Workshop was delivered by Prof Achin Chakraborty, Director, IDSK (**Annexure 5**).
10. Activities of SLIT (**Annexure 6**).
11. Homes run by Dept of Mass Education are to follow JJ Act; orders issued on the basis of the request made by the Chairperson.
12. Chairperson visited following districts after assuming the office; Bankura, Paschim Medinipur; Malda; Murshidabad; Jalpaiguri, Birbhum; Burdwan; Howrah; North 24 parganas; Kolkata; Alipurduar; Darjeeling.



**FUNCTIONS AND POWERS OF THE COMMISSION**

- 13.(1) The Commission shall perform all or any of the following functions, namely:—
- (a) examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;
  - (b) present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
  - (c) inquire into violation of child rights and recommend initiation of proceedings in such causes;
  - (d) examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;
  - (e) look into the matters relating to children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;
  - (f) study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendation for their effective implementation in the best interest of children;
  - (g) undertake and promote research in the field of child rights;
  - (h) spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, print media, seminars and other available means;
  - (i) inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;
  - (j) inquire into complaints and take *suo motu* notice of matters relating to,—
    - i) deprivation and violation of child rights;
    - ii) non-implementation of laws providing for protection and development of children;
    - iii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children,or take up the issues arising out of such matters with appropriate authorities; and
  - (k) such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

- (2) The Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.
- 14.(1) The Commission shall, while inquiring into any matter referred to in clause (j) of sub-section (1)) of section 13 have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of any person and examining him on oath;
  - (b) discovery and production of any document;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any court or office; and
  - (e) issuing commissions for die examination of witnesses or documents.
- (2) The Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear die complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.
15. The Commission may take any of the following steps upon die completion of an inquiry held under this Act, namely;—
- (i) where the inquiry discloses, the Commission of violation of child rights of a serious nature or contravention of provisions of arty law for the time being in force, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as die Commission may dean fit against the concerned person or persons;
  - (ii) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may dram necessary;
  - (iii) recommend to the concerned Government or authority for the grant of such interim relief to the victim or the members of his family as the Commission may consider necessary.







**Annexure 1**

**Status of Child Protection at Juvenile Justice Homes in West Bengal**

*A Study  
By*

**Pratichi Institute**

Pratichi (India) Trust

IB 14, Ground Floor, Sector III, Salt Lake, Kolkata 700106

**January 2014**

*In Association with*

**Railway Children**

Flat 801/802, Valmik CHS Ltd, Sane Guruji Nagar, 90 Feet Road, Mulund (East),  
Mumbai 400 081

*With the support of*

**State Level Inspection & Monitoring Committee,**

**Department of Social Welfare**

Govt. of West Bengal

Jal Sampad Bhawan, Sector II, Salt Lake  
Kolkata 700091





**Status of  
Child Protection  
at  
Juvenile Justice Homes  
in  
West Bengal**

**The Team**

PIA SEN  
TOA BAGCHI  
SUSMITA BANDYOPADHYAY  
MANABESH SARKAR  
SANGRAM MUKHERJEE  
MUKHLESUR RAHAMAN GAIN  
DILIP GHOSH  
SUBHRA DAS  
SWAGATA NANDI  
SUBHRA BHATTACHARJEE  
PRIYANKA GHOSH  
PIYALI PAL  
SUJATA GUPTA  
SAKILA KHATUN SEKH  
MORIUM BEGUM

**Logistical Support**

SAUMIK MUKHERJEE, SUMANTA PAUL,  
PIULI CHAKRABARTY AND  
SUJIT ADHIKARI

### ***Acknowledgement***

- ❖ Amartya Sen, Chair, Pratichi (India) Trust
- ❖ Antara Dev Sen, Managing Trustee, Pratichi (India) Trust
- ❖ Dinesh K. Bhat, Pratichi (India) Trust
- ❖ K. Gopalan Kutty, Pratichi (India) Trust
- ❖ Shailaja Gopalan, Pratichi (India) Trust
- ❖ Asokendu Sengupta, Chairman, State Level Inspection Team and State Level Inspection & Monitoring Committee, Government of West Bengal
- ❖ Somenath Mukherjee, Director of Social Welfare, Government of West Bengal
- ❖ Sabir Ahamed, Programme Officer East, Railway Children
- ❖ Prantik Ghosh, Superintendent of Kisholoy Home
- ❖ Ushree Roy, District Child Protection Officer, North 24 Pgs
- ❖ CINI Urban Unit
- ❖ Don Bosco Ashalayam
- ❖ Prajaak
- ❖ CONC'RN
- ❖ All the concerned home authorities, personnel and especially the children
- ❖ Entire Pratichi team and Field Surveyors



### PREFACE

Neglect draws from several sources. Factors of class division, social hierarchy, and identity relations continue to supply, either independently or in combination, the very element of injustice, called neglect. However, while these contributory streams of neglect have found some recognition at social, political and other public platforms, little importance has been attached to the role of negligence as an interminable source of neglect. The negligence of cerebral exercise, however, appears to be intertwined with the other sources of neglect – various ways of isolation and concentration of power, and becomes at once a cause as well as a consequence. The attitude towards and treatment of the children in our – and also in many other – societies does illustrate this in a better way. Children's well-being is one of the most blissfully forgotten issues. The lot of voiceless and powerless "creatures" called children not

only fails to draw adequate attention of public policy but also frequently disappears from the intellectual radar. While this being a general case applicable to all children, society seldom tries to imagine the trauma of children, the struggle to survive without any support, either from their parents or from others. Negligence in understanding does play a crucial role in allowing such a terribly indifferent and insensitive world to emerge.

Not that the children carrying on their little shoulders such misfortunes are not visible; they are seen all around – on the city pavements, railway stations, market places, bus terminuses. And, some – only a fraction, perhaps – are provided shelters in state supported Juvenile Justice Homes, in pitiable condition, as the present report uncovers. While the power-based social balance – and imbalance – makes the society blind towards these children, an obscure veil of ignorance, born out of selective abhorrence of analytical churning, leads to atrocious social insensitivity. Indeed, sympathy does not drop down to us – there is certainly, of course not exclusively, an intellectual linkage. A case, once understood with a fair degree of comprehension, draws on its own merit a certain degree of attention.

It is this realization that inspired the Pratichi Institute, which has been engaged in the issues related to children's right to education, health and capacious development, to make some meaningful and analytical contribution to the field through a systematic inquiry with an attempt to connect the various correlates underlying the issue and to bring to light not just the problems but also the possibilities of making the world of these unfortunate children better than its present existence.

We are grateful to the Railway Children, committed to the cause of the most helpless children; State Level Inspection Team and the State Level Inspection & Monitoring Committee, Government of West Bengal, headed by Ashokendu Sengupta who came forward to advance this inquiry in a collaborative manner. Sabir Ahamed of Railway Children deserves special mention for his consistent support in various forms. The study would not have been possible without the cooperation extended by the Department of Social Welfare – its officials at various levels. We owe a lot to the homes selected and visited during the exercise of developing a clearer understanding of the subject. Finally, words are inadequate to recognize fully the role the researchers and other members of the team involved in the study have played. We have reason to believe, based on our past experiences, that the inquiry, driven by and relevant for a socio-responsive epistemological engagement, committed to objectively draw a picture of the conditions of the children staying in the JJ Homes by setting it on the diverse but real contexts, would add to generate debates and discussions on the subject and supply some catalyzing energy for policy modification and implementation.

**Pratichi Institute**

## Status of Child Protection at Juvenile Justice Homes in West Bengal

### Highlights

- ◆ Nearly 50 percent of the children staying in Juvenile Justice (JJ) homes had their families with parents and siblings.
- ◆ Poverty and lack of educational facilities at home were the two most important factors behind children's staying in JJ homes, away from their families. The home authorities confirmed that the backward economic status and lack of education had forced the children to come in conflict with the law.
- ◆ Children categorized as Juvenile in Conflict with the Law (JCL) were found to be kept confined to their rooms round the clock with no provisions for schooling, vocational training or contact with the outer world.
- ◆ Separation from family, quality of education provided to them at these homes and anxiety about future were the primary concerns expressed by the children.
- ◆ Vocational Training sessions were irregular in most of the Government homes and were conducted in infrequent intervals only with the support of NGOs.
- ◆ Almost 40 percent of the children staying in Government homes and about 33 percent in those run by NGOs had expressed desires to learn new skills which would help them to earn a living in addition to what (if any at all) was already being taught to them at their respective shelter homes. Tailoring, computer classes, music, dance and painting had topped the list of what the children wished to learn while at the shelter homes.
- ◆ Regarding quality of food being served at JJ homes, reactions were mixed, though a substantial proportion reported it to be of poor quality.
- ◆ Cost estimate analysis revealed that based on present market rates, fund required for providing a child with two meals, breakfast and snacks a day was around twice the amount allotted as per present food budget prescribed by the Integrated Child Protection Scheme (ICPS).
- ◆ Irrespective of gender, age or type of home, the Body Mass Index (BMI) levels of almost all the children was below or close to the lower end of the standard normal range.
- ◆ As a matter of concern, 67 percent of the Government homes reported that no medical check-ups were conducted for the resident children whereas 50 percent of their NGO run counterparts reported twice-a-month check-up for the children.
- ◆ That 60 percent of the government homes reported that they did not provide the girls with required sanitary products, and only 20 percent reported to be providing the same at irregular intervals, indicated poor attention being paid towards the adolescent girls.
- ◆ More than 50 percent of the children reported that they got their supply of cigarettes, alcohol and products for substance abuse on their way to the court, while a good 20 percent reported obtaining it with the help of their own relatives, the staff working at homes and others associated with the home.
- ◆ The home authorities as well as children confirmed that lure of a better life together with desire for freedom from prison-like atmosphere of homes had actually forced some of the children to escape.



- ◆ Absence of sex education or lifestyle counseling support often led these children into misguided relationships which in many cases took the form of abuse when older children forcibly imposed themselves on the young ones.
- ◆ Most of the children reported some kind of corporal punishment. Severe beatings were more prevalent in the boys' homes.
- ◆ Majority of the children belonging to both government and NGO homes expressed their desire to return to their families.
- ◆ None of the Government homes reported a well-functioning post-restoration followup system and only 50 percent of the NGO homes reported this to be functional.
- ◆ Lengthy departmental procedures and unnecessary delays were highlighted by about 22 percent of the authorities as the possible reasons behind the children's not being able to be restored.
- ◆ Coordination problems – especially non-cooperation from CWC— were pointed out by many Government home authorities. This led to unnecessary delays in child restoration and numerous other problems.
- ◆ Moreover, an absolute absence of child-centric approach – that of prioritizing their needs and interests— were perceived as one of the major faults of the system.
- ◆ Severe staff shortage created extreme difficulty in the overall functioning of these homes.
- ◆ The children expressed their dislike towards inadequate educational facilities, and absence of health and hygiene needs and deprivation of basic utilities like clothing, bedding, and storage facilities at these homes.
- ◆ Concern about absence of infrastructural facilities had also been highlighted by children and the authorities. Both Government and NGO run homes reported severe problems with regard to infrastructural issues. Almost every home reported requirement for some or other kind of repairing.



## Executive Summary

1. Condition of the children living in Juvenile Justice (JJ) Homes in West Bengal has seldom surfaced through media coverage. There remains a paucity of reliable information on the status of these children staying in shelter homes in relation to their identities, health condition, access to education under RtE, protection, participation, and system of reunification with respective families, follow up after reunification with families and aftercare facilities. Recurring escapes of children from those Homes indicates some sort of malfunctioning of the care giving procedures within the Government and Non-Government Homes. The response of civil society groups regarding these critical issues has rarely been demonstrative. This context added urgency to develop a deeper and clearer understanding on the much neglected issue and thus the concern led to carry out a systematic study on the child protection status of the children staying in JJ homes in the state of West Bengal.
  2. The study was conducted over a period of about six months, covering 15 homes (9 government and 6 NGO homes) across the districts of West Bengal. In order to select the homes for this purpose stratified random sampling method was followed. Collection of data was done through designed questionnaires which were developed through brainstorming sessions in an in-house workshop.
  3. The study brings to light numerous interesting and, at times, somewhat disturbing findings. It was found that in all government homes the children categorized as JCL and CNCP were kept together. Further, the JCLs were kept confined to their rooms which provoke latent anti-social tendencies. Also, the JCLs were not allowed to avail basic opportunities of schooling or vocational training, thus leaving them ill-equipped to cope with the world at large. The plight of the girls, who had been detained at homes for under-age marriages, was difficult as well as unbearable. These girls were also confined to their rooms the whole day since there was a high possibility of their making attempts to escape. These girls exhibited every sign of Hindu marriage whiling away their time hoping to reunite with their husbands after they come of age.
  4. Around 24 percent of the JCLs in these homes were from Bangladesh. Many of them were ignorant about crossing the India-Bangladesh border. Some had been lured by touts promising them work. These children involved in the lengthy Government procedures for repatriation were being forced to stay away from their homes and families.
  5. Another fact that emerged from this study was that absence of lifestyle management training often led these children into misguided relationships which frequently took the form of sexual abuse of the younger by the older children. The home personnel were found to be unequipped to handle this uncalled for situations. The forcible imposition of the seniors created an atmosphere of aggression and fear. Besides, the children reported being reproved for petty complaints which often scaled up to harsh corporeal punishments.
  6. Although restoration and social rehabilitation were the prime objectives of every home, in most of the cases, the efforts directed were just not enough. For many a child the homes served the purpose of residential schools since the parents preferred to keep them here for proper schooling. Thus, it seemed that the homes no longer served as temporary shelter for such children. Though these children had proper families, they did not have any steady communication with them.
- Concerned authorities reported that the children were primarily enrolled in these homes owing to their family's low economic status and not having enough money to educate them. The children agreed to this. Similarly common reasons for coming in conflict with the law included emigrating from Bangladesh without official documents, having been victims of underage marriage and sexual abuse.



7. An evaluation of the educational and healthcare facilities showed that while the CNCP regularly attended school and pursued education, the JCLs were either given informal education or left without their educational needs attended for. Despite being irregular, vocational training sessions were quite popular among the children. However most of the children had expressed their needs of being trained in some other skills which might help them find an occupation.
8. Health check-ups for the children were conducted at irregular and infrequent intervals. Not having a permanent medical officer aggravated this problem. Unavailability of basic sanitary products made maintenance of menstrual hygiene of girls extremely difficult. The authorities blamed the irregularity of fund disbursement and shortages of financial allotment for these shortfalls which bear their effect on the resident children.
9. Finally, an absence of well trained and child friendly workers was a common feature in most of the homes. Many homes suffered from staff shortage. Personnel posted in the Homes were not trained adequately for shouldering responsibilities related to children. This disrupted the routine functioning of the homes creating hostility among the children.

### *The broad aims of the study were:*

1. To form an understanding with regards to the overall status of child protection and child engagement in these homes – and identify the factors that affect their functioning. An effort would also be made to evaluate the picture of resource allocation in these homes ranging from essential infra structural requirements to workforce distribution.
2. To develop an understanding about the children – their age, family background and history. Further, what did these children do once they turn 18? Were they provided with any employment or rehabilitation opportunities and was any monitoring done for the same? Also, an enquiry would also be made to find out the most common offense in case of the children in conflict with law.
3. To assess the general well being of the children in these homes and understands the dynamics of the relationship of the inmates and its subsequent impact on their mental health. How were these children adjusting themselves in this environment? Was the home environment benefitting them in any respect? And, what was their perception about their entire condition?
4. To ascertain whether the children were being kept separately on the basis of nature of offences and age, in conformity with the provisions with the JJ Amendment Act 2010.
5. To assess the provision and quality of health and medical care in the homes.
6. To assess the availability and quality of educational provisions and understand the degree of learning achievements of these children. And whether such education adequately prepared them to lead a useful life after they left the Home. What was the status of compliance with the Children's Right to Free and Compulsory Education Act 2009 in the Homes?
7. What were the teaching-learning methods (if any) being followed there and what were the specific problems related to these methods of teaching and learning? Was the degree of variation in problems being faced by different children addressed by the teachers?
8. Nutrition being an imperative requirement for development, the study made an attempt to evaluate the children's nutritional levels on the basis of their height and weight.
9. To evaluate the role and functional mechanism of the administrative system towards the care and protection of the children and thereby contributing to the smooth functioning of these homes. Also, an attempt would also be made to assess the current status of the capacity building programme for the care-givers and identify any further areas of need.

10. Rehabilitation and social reintegration of children being the prime objective of any children's home, this study also aimed to assess the current status of these child restoration processes - the weaknesses experienced and the challenges faced together with taking into account the role of the Child Welfare Committee and the Inspection Committee in this regard.

The study was conducted covering thirteen districts of West Bengal. The children living in these homes largely belonged to the underprivileged sections of the society, who had a rural upbringing and were staying at these homes either because of absence of any family or because of household poverty. In many other instances, cases of child marriages and trafficking of children were also recorded, and this gave an idea regarding the diverse nature of children staying together at these homes. Keeping with these objectives, the study was conducted in government and NGO homes and a detailed description of the child protection status has been put forward and recorded in the following chapters.

The study has broadly been divided into the following themes:

1. Profile of the Children in JJ Homes
2. Entitlement to Education and Healthcare of the Children in JJ Homes
3. Life & Experiences of the Children in JJ Homes
4. Social Reintegration and Possible Backlogs
5. Resource Allocation

Discussion covering each particular theme has been done under each chapter putting forward a distinct picture of the status of overall child protection and the condition of the children in these homes.

## ***Conclusions and Recommendations***

### ***Conclusion***

The survey and post-survey analysis of child protection status of the fifteen Juvenile Justice homes spread across the state of West Bengal suggests in so many ways, how rights of the child residents staying at these homes are under trial. Be it nitty-gritty of everyday life or specialized education and healthcare, there lies a gap between what the Juvenile Justice Act states and the implementation of the same at the homes. The authorities and care givers should primarily aim at bridging this cleavage to ensure quality life for the children.

But mechanical implementation of the Act would not solve the problem alone; the homes require to be staffed with sensitive and capable personnel who can turn these homes into a caring child friendly institution from indifferent shelters. A social welfare officer and counselor must be in position in every home in order to understand and deal with every child and her problem in isolation.

Since every child comes from different background with some kind of anomaly associated with her past, individual child planning should never remain limited to paper but require urgent implementation. Mere categorization of children as JCL and CNCP and treating them likewise lead to mechanization of the process which adds apathy to an already distressed child. Special care should be taken to make the child comfortable in the alien home environment. RtE and right to health care facilities have not been found to be taken with seriousness; this lack of attachment must be addressed urgently.

The children who stay at homes often have scarred pasts. Callous and cruel parenting, poverty, lack of education, absence of family bonding has already shown them the bitter side of the life. Proper counseling facilities can remedy many of these difficulties and help the children discover the sunnier,



positive side of the life and grow up as responsible sensitive human beings. The children charged with under-age marriage and caught in conflict with the law require proper counseling and vocational training which would prepare them for an affirmative adulthood. Moreover during the teenage quite a number of young adults suffer from confused sexual identity which might accelerate due to constant exposure to same sex relationships. Sensitive adults and counselors can solve the adolescent crisis, help them discover their true selves and form healthy relationships. Hence when it comes to these children education, healthcare and counseling should operate hand in hand to ease their way to adulthood.

Finally, restoration and post restoration facilities need regularization. Since the family is the best place for a child to grow up, the higher authorities should make it a point to take each child's problem individually and cut short the meticulous official procedure which puts the child into deeper distress.

In a word, since the entire system works in order to ensure child welfare. It should be mandatory that the system be made child centric as well as child friendly. Every child has a right to basic care and protection which needs to be guaranteed at any cost. Proper implementation of the JJ act coupled with sensitivity on the side of care giving adults should not find this too difficult.

## Recommendations

### Infrastructural Reforms

1. Suitable child-friendly atmosphere and opportunities for all children. There should be special initiative to develop child-friendly accommodation for the JCL. Basic environmental sanitation and cleanliness needs to be ensured along with complete eradication of the jail/prison like environment in these homes.
2. Separate buildings for the JCLs and CNCP in accordance to the ICPS norms need to be ensured with absolute urgency and immediate effect.
3. Majority of the homes have been found to be unguarded, without any measures for security, leaving the children completely unprotected. A proper security system of the homes requires to be ensured, round the clock for total security of the children.

### Functional Improvements

4. Significant emphasis on education for JCLs required. The issue needs to be discussed with the School education Department to ensure these children's right to education.
5. Formation of a functional Home Management Committee seems essential to ensure the participation of the children and CWC. This could be one platform for the coordination among CWC, home authorities and DCPS and home Management committee. A standard operating procedure to supervise family identification and reunification and rehabilitation could be developed.
6. Regarding children from Bangladesh, the Deputy High Commission, Bangladesh and Ministry of External Affairs can be involved to ease and expedite the process of children's repatriation where reunion with the family is possible.

আনন্দ আশ্রমের আবাসিকদের দৈনন্দিন খাদ্য তালিকা				
	প্রাতরাশ	দুপুরের আহার	বিকালের টিফিন	রাত্রের আহার
সোমবার	মুড়ি, ভেজানো ছোলা, বাদাম	ভাত, ডাল, সবজি	পাউরুটি, কলা	ভাত, ডাল, সবজি
মঙ্গলবার	মুড়ি, গুড়	ভাত, ডাল, সবজি ও মাছ	পাউরুটি, কলা	ভাত, ডাল, সবজি
বুধবার	মুড়ি, ভেজানো ছোলা, বাদাম	ভাত, ডাল, সবজি	পাউরুটি, কলা	ভাত, ডাল, সবজি ও ডিম
বৃহস্পতিবার	মুড়ি, গুড়	ভাত, ডাল, সবজি ও মাছ	পাউরুটি, কলা	ভাত, ডাল, সবজি
শুক্রবার	মুড়ি, ভেজানো ছোলা, বাদাম	ভাত, ডাল, সবজি	পাউরুটি, কলা	ভাত, ডাল, সবজি ও ডিম
শনিবার	মুড়ি, গুড়	ভাত, ডাল, সবজি ও মাছ	পাউরুটি, কলা	ভাত, ডাল, সবজি
রবিবার	মুড়ি, ভেজানো ছোলা, বাদাম	ভাত, ডাল, সবজি ও মাংস	পাউরুটি, কলা	ভাত, ডাল, সবজি

7. Cases that deal with underage marriage require empathy. Proper counseling sessions need to be arranged for these minor girls. Rather adequately designed psychological interventions based on the mental status of all the children need to be initiated in all Homes. In this respect, a possibility of an association with the department of psychology of the various universities can be initiated.
8. The SJPU's need to be activated and made functional through orientation and training. Supportive hand holding may also be organized during the initial period.
9. Financial constraints have been cited as one of the reasons for not ensuring timely treatment of the children. It should be ensured that public health facilities be made available for catering the medical needs of the children as and when required. Furthermore, regular medical check-ups of the children also need to be initiated following ICPS norms.

## *Training and Orientation*

10. Recruitment of staff and training of existing personnel need to be taken up with extreme urgency. Possibilities of giving preference to the ex-inmates of the homes during recruitment might be explored. There should be proper training for the caregivers on child rights, psychosocial support to children and on sex and sexuality.
11. Vocational training based on present market needs and child's interest requires to be designed which can play a role in mainstreaming of the children. The design of the training schedule should be home-specific, if possible, catering to the needs of each individual home and its children.
12. Sanitary needs of the adolescent girls should be catered to. Vocational training can enable preparation of sanitary products for usage of the girls.

## *Planning Priorities*

13. As 50 percent of the children staying in JJ homes has families with parents and siblings, the Superintendent of the Government homes could undertake family investigation report to understand the feasibility of reunification. The state level Inspection and Monitoring Committee of the Homes can recommend family strengthening of the reunified children linking them up with the social security and livelihood programmes.
14. The study reveals that the amount being allotted for food as per the prescribed norms do not match the prevailing market price. The amount needs to be enhanced or supplemented from other sources such as donations from philanthropic institutions or corporate sector.
15. After-care homes exist in very limited numbers in the state which requires to be increased with immediate effect. Further on, the duration of stay at these after-care homes (which is 3 years – from 18 years to 21 years) also needs to be reexamined considering the vulnerability of their age. Moreover, this issue calls for an absolute rethinking with respect to exit policy of the children.
16. Civil society support in Government homes could be channelized through a centralized system at State Level: committee could allow permission to work in Govt. homes with regard to sharing of their objectives, resources and interventional model to avoid duplication of work.
17. Since each child has her own individuality and uniqueness, emphasis needs to be put on developing specific child-centric plans rather than collective methods.

## List of Sampled Juvenile Justice Homes

Sl. No.	Category of JJ Home	Name of Home	District
1.	Government	Ananda Ashram (M)	Murshidabad
2.	Government	Sukanya (F)	Kolkata
3.	Government	Destitute Home Uttarpara (F)	Hooghly
4.	Government	Vidyasagar Balika Bhavan (F)	Paschim Midnapore
5.	Government	Anandamath (F)	Purulia
6.	Government	Sahid Bandana Smriti Mahila Abas (F)	Coochbehar
7.	Government	Korak, Observation and Juvenile Home for Boys (M)	Jalpaiguri
8.	Government	Suvayan (M)	Dakshin Dinajpore
9.	Government	Dhrubashram (M)	North 24 Parganas
10.	NGO	ANUBHAB – Jalpaiguri Mahila Kalyan Sangha (F)	Jalpaiguri
11.	NGO	Karimpur Social Welfare Society – Asha (M)	Nadia
12.	NGO	Janasiksha Prochar Kendra – (F)	Hooghly
13.	NGO	Malipukur Samaj Unnayan Samity (B)	Howrah
14.	NGO	All Bengal Women's Union (F)	Kolkata
15.	NGO	HASUS - Alo Home for Girls	South 24 Parganas



**Annexure 2****ONE DAY TRAINING ON CHILD RIGHTS ISSUES**

**Technical Support :** Jayaprakash Institute of Social Change, Kolkata

**Date :** 12-09-2014

**Venue :** Hotel Heritage, Siliguri

**Introduction:**

One day training programme on Child Rights Issues in Siliguri is organized by West Bengal Commission for the Protection of Child Rights (WBCPCR) in collaboration with the Directorate of Social Welfare, Govt. of West Bengal with technical support from Jayaprakash Institute of Social Change, Kolkata.

**Purpose of the Training:**

- ☐ To spread awareness on child rights among various stakeholders.
- ☐ To promote awareness about the Constitutional Safeguards available for protection of Child Rights
- ☐ To sensitize various stakeholders about roles and functions of SCPCR for ensuring Child Rights and Child Protection Issues
- ☐ To promote responsiveness through publications, the media, seminars, and other available means.

**Session I:****The situation of children in West Bengal and Concept and meaning of Child Rights**

**Shri J. Mazumdar, JPISC**

Shri J. Mazumdar, Executive Director, JPISC gave some information about the status of children in West Bengal. He provided some statistics on children. Like:

- ☐ The state has an adolescent (10-19 years) population of 1.82 crore, of which 49 per cent are girls. The age group of 10-14 years comprises 9.3 per cent of the total population while the age group of 15-19 years forms 9.7 per cent of the total population (Census 2011).
- ☐ According to Census 2011, there are more than 5.48 lakh children in West Bengal who suffer from one kind of disability or the other. Of these, 2.65 lakh suffer from a mental disorder or illness. More than 82,000 of the total number of children with special needs are less than 4 years of age, and are too young to be institutionalized.
- ☐ An analysis of under-5 mortality rates shows that West Bengal's performance is better than the country average.
- ☐ About 37.6 per cent of children under three years of age in West Bengal were underweight, 19.2 per cent suffer from wasting, and 41.8 per cent are stunted (NFHS-3, 2005-06).



**Session II:****Roles and Responsibilities of the SCPCR in ensuring the Rights of the Child****Prof. Asokendu Sengupta, Chairperson, WBCPCR**

Prof. Asokendu Sengupta briefly discussed about the structure, roles and responsibility of the SCPCR. The commission is mandated to monitor implementation of Provisions of CPCR Act, JJ Act, RTE Act and POCSO Act. The functions of the commission are the same as those of National Commission for Protection of Child Rights :

- ☐ Examine any law or constitutional provisions to ensure that the law protect child rights.
- ☐ Provide the state government with recommendations to improve correct the safeguards.
- ☐ Inquire into child rights violations.
- ☐ Examine the risk factors for children affected by terrorism, communal violence, riots, natural disasters, domestic violence, HIV/ AIDS, trafficking, maltreatment, torture and exploitation, pornography, and prostitution and recommend appropriate remedial measures.
- ☐ Look into the special care and protection of children from distress, marginalised and disadvantaged backgrounds.
- ☐ Study and ensure implementations of child rights treaties.
- ☐ Conduct research in the field of child rights.
- ☐ Create awareness through various mediums.
- ☐ Inspect any children's home or observations homes where children have been detained.
- ☐ Investigate the violation of human rights or the failures of the state or other to prevent a human rights violation.

**Identifying and Managing behavior problems among school going children****Dr Rajlaxmi Guha, IIT, Kharagpur**

Dr Rajlaxmi Guha, IIT Kharagpur discussed the issues of behavioural problem of School children. She also discussed the relationship between the behavioural problems and academic performance. According to Dr Guha some risk factors for behavioural problems like temperament of the child, Genetic and Neurological contribution, parent-child interaction and family background of the child.

She also mentioned some interventions of behavioural problems of school going children such as: parental education, Family therapy, Cognitive behavioural therapy, social training, Anger management, Positive stokes, time out, storytelling, Role playing, medication etc. Reinforcement is good kind of intervention as she said. Dr Guha emphasized on corporal punishment and its effects on children's behaviour.

**Session-III:**

Discussion on Roles and Responsibilities of Teachers in ensuring the Rights of the Child focusing on the Corporal Punishment the following:

Taken by Ms Madhumita Halder, JPISC, Mr. Mechbahar Saikh, UNICEF & Prof. Asokendu Sengupta, Chairperson, WBCPCR in Chair.

The session was started with an Audio-Visual on Child Rights.

Ms Madhumita Halder, JPISC discussed on Roles and Responsibilities of Teachers in ensuring the Rights of the Child focusing on the Corporal Punishment.

Then she emphasized some sections of the child protection laws.

#### **Right to Education Act:**

The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which has come into force with effect from 1 April 2010, prohibits physical punishment and mental harassment under Section 17(1) and makes it a punishable offence under Section 17(2).

Sections 8 & 9 of the RTE Act place a duty on the appropriate Government and the local authority to ensure that the child belonging to weaker section and the child belonging to disadvantaged group are not discriminated against and prevented from pursuing and completing elementary education on any grounds.

#### **Juvenile Justice (care and protection of children ) Act, 2000:**

Section 23 of JJ Act 2000, “Whoever, having the actual charge of, or control over, a juvenile or the child, assaults, abandons, exposes or wilfully neglects the juvenile or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such juvenile or the child unnecessary mental or physical suffering shall be punishable with imprisonment for a term which may extend to six months, or fine, or with both.”

#### **Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989:**

To prosecute an adult in the general category who inflicts corporal punishment upon a scheduled caste or scheduled tribe child.

#### **National Policy for Children, 2013:**

The National Policy for Children 2013 states that in education, the state shall “ensure no child is subjected to any physical punishment or mental harassment” and “promote positive engagement to impart discipline so as to provide children with a good learning experience”.



Mr. Mechbahar Saikh, UNICEF emphasized that the Role of Teachers in dealing with Challenged Children. In his discussion he mentioned that-

- ☐ Prevent negative stereotypical attitudes about children with disabilities by avoiding negative words, such as “disabled,” “crippled,” “handicapped,”
- ☐ Depict children with disabilities with equal status as those without disabilities.
- ☐ Allow children with disabilities to speak for themselves and express their thoughts and feelings
- ☐ Early detection of disabilities
- ☐ Refer the child whose disability is identified, for developmental screening and early intervention
- ☐ Adapt the lessons, learning materials and classroom to the needs of children with disabilities.
- ☐ Sensitize parents, families, and caregivers about the special needs of children with disabilities.
- ☐ Actively involve parents of young children with disabilities as full team members in planning school and after school activities

He also highlighted that the Role of school management administration like:

- ☐ All staff should ensure that all children enjoy their rights as per the RTE Act.
- ☐ No physical punishment or mental harassment or discrimination of any kind should be permitted
- ☐ Any instance of corporal punishment, should be dealt with in a time-bound manner in such a way that implications for the child are minimised.
- ☐ It should be the responsibility of all staff to create an environment free of all forms of fear, trauma, prejudice and discrimination.
- ☐ The treatment of the child in the school should be such that the child feels included and secure.
- ☐ Counselling services for children should be made available.

Prof. A. Sengupta Chairperson, WBCPCR chaired this session.

### Session – IV:

#### **Discussion on Implementation of Juvenile Justice (Care & Protection of Children) Act, 2000 and POCSO, 2012**

● **Shri J. Mazumdar, JPISC.**

● **Mr. I.S. Chatterjee, Asstt. Director, DSW, Govt. of WB as Moderator.**

#### **Implementation of Juvenile Justice (Care & Protection of Children) Act, 2000:**

**Shri Joydev Mazumdar** started his discourse with a brief history of evolvement of Juvenile Justice Mechanism in India.

**Mr. I.S. Chatterjee, Asstt. Director, DSW, Govt. of WB** emphasized on the need for deinstitutionalization and explained in brief how measures for non-institutional care like adoption, foster care and sponsorship can be organized for rehabilitation of orphaned, abandoned, surrendered children.

#### **Protection of Children from Sexual Offences Act (POCSO), 2012:**

After this session Prof. Mazumdar briefly discussed about the Protection of Children from Sexual Offences Act (POCSO), 2012.

**Mr. I.S. Chatterjee** also highlighted some important sections of the act.

At the end of the session, Mr. I.S. Chatterjee pointed out some important part of the act. He mentioned that the state govt. shall prepare guideline for NGOs to assist the child for pre & post trial stages. The Central & State govt. shall do awareness of this Act.

## Annexure 3

**Report on the Regional Round Table Conference of Eastern States On  
Effective Implementation of Juvenile Justice (Care and Protection of Children) Act, 2000  
13-14 September 2014**

**Introduction**

The Regional Round Table Conference of Eastern States on the Effective Implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act) was attended by participants from the states of West Bengal, Bihar, Chhattisgarh, Jharkhand and Odisha. The participants included Hon'ble Mr. Justice S.C. Parija, Judge Orissa High Court & Member, Juvenile Justice Committee, Hon'ble Mr. Justice D.N. Patel, Acting Chief Justice, Jharkhand High Court, Hon'ble Mr. Justice V.N. Sinha, Judge Patna High Court, Hon'ble Mr. Justice Navin Sinha, Chhattisgarh High Court, Hon'ble Ms. Justice N. Patherya, Judge, Calcutta High Court, representatives of the Department of Women and Child Development; State Commissions for Protection of Child Rights; Department of Social Welfare; Department of Health; Department of Home; Director and Office bearers of the Odisha Judicial Academy; Members of the Registry of Orissa High Court; Member Secretaries of the State Legal Services Authority; Judicial Officers; Chairpersons and Members of the Child Welfare Committees; and civil society organisations.

**Issues of Common Concern:**

At the Eastern Region Round Table, several challenges that impaired the effective functioning of the JJBs, CWCs, management of institutions, and provision for legal aid were shared. The lack of convergence among key stakeholders and need for greater dialogue and coordination among CWCs, JJBs, police, DCPUs, SLSAs and State Departments was repeatedly stressed upon. The need for scrutiny of the selection processes for the appointment of members of JJBs and CWCs was also identified as an issue that merits attention as it impacts the functioning of these bodies. Most participants emphasized on the need for a dedicated cadre of ICPS staffs that can be trained on the JJ Act and be expected to fulfill their responsibilities. The need to focus on rehabilitation measures also emerged very strongly during the State and Group presentations.

The issues that emerged have been depicted below in the form of a State-wise table under four themes.

**Effective Functioning of CWCs:**

Key challenges that affect the effective functioning of CWCs that emerged from the State-wise Round Tables are as follows:

- ❖ Lack of Coordination: CWCs are not sufficiently coordinated with other stakeholders particularly the police resulting in many children not being produced before the CWC especially victims of trafficking and child sexual abuse. The communication of CWCs with the DCPO and with the LSAs is also very poor.
- ❖ Lack of sufficient infrastructure: CWCs lack basic infrastructural support such as separate office space, furnished office, travel support, etc which greatly impedes their functioning.
- ❖ Lack of a robust database and poor data management: Documentation at CWCs is poor consequently records do not have an organized database. This creates more work and confusion and impairs the functioning of these bodies. Accessibility to government schemes is minimal there is no comprehensive data on the functional schemes or clarity of their structural framework.





- ❖ Lack of initiative on the part of CWC members: CWC members often wait for children to be produced before them and do not take *suomotu* cognizance of cases.
- ❖ Staffing problems: CWCs face severe staffing problems resulting from failure to make appointments or due to frequent transfers
- ❖ Inappropriate Appointments: Some CWCs are presided over by IAS officers who generally play the monitoring role leading to a conflict in interest.

### Effective Functioning of JJBs

Key challenges that affect the effective functioning of JJBs that emerged from the State-wise Round Tables are as follows:

- ❖ Lack of proximity between the JJBs and OHs: The JJBs are situated at a distance from the Observation Homes thus making the transportation and production of children before JJBs a huge challenge. This in turn affects pendency.
- ❖ CJMs serving as Principal Magistrates: Chief Judicial Magistrates have been designated as Principal Magistrates in some JJBs in contravention of the JJ Act.
- ❖ No full-time Magistrates: The absence of full-time Magistrates in the JJBs affects the disposal of cases in a timely manner. There are no alternative arrangements made in case of absence of the Principal Magistrate if she or he is transferred or is on long leave. This in turn affects the speedy disposal of the cases.
- ❖ Large number of petty cases pending: There is a need to address the disposal of petty cases as a significant number of cases have been pending in most States for years. Some participants proposed the options of plea bargaining and BalSamvaad Adalats to deal with this issue.
- ❖ No clarity on role of Social Work Members: There is a need for clarity on the role of Social Worker Members in the JJB.
- ❖ Lack of accountability of Social Work Members: While the functioning of the Principal Magistrate is monitored by the judiciary, no such oversight mechanism exists in the case of the Social Work Members. It was proposed that the Director of DWCD be made responsible for monitoring the SW members.
- ❖ Lack of infrastructure/support systems has rendered the passing of certain orders impossible under Section 15 of JJ Act such as the ordering the juvenile to do community service etc.
- ❖ Places of safety are absent: Need for establishment of 'places of safety' as in most States they do not exist.
- ❖ No understanding of Individual Care Plans: There is a lack of understanding about preparation and implementation of individual care plans for children and this affects not only the orders passed by the JJB but the ultimate goal of rehabilitation and re-integration of children in conflict with the law.
- ❖ Problems with the grant of bail: There are problems with the grant of bail to juveniles by the JJBs due to insufficient understanding of section 12 of the Act.
- ❖ Poor data management and follow up: JJBs do not maintain a proper database and there is poor organization of their data, which contributes to pendency.

The following table indicates additional issues that were flagged as a concern by two or more states:

**Table 3: Issues affecting the effective management of Child Care Institutions**

	West Bengal	Bihar	Chhattisgarh	Jharkhand	Odisha
Shortage of staff	✓			✓	
Lack of trained staff	✓				
Limited/lack of after-care services	✓				✓
Paucity of funds and delay in release of funds	✓				
Need for focus on rehabilitation and social-integration		✓	✓	✓	✓
Violation of RTE	✓	✓			
Lack of adequate CCIs in every district	✓		✓	✓	✓

#### West Bengal

- \* SJPU exists only on paper.
- \* Child Welfare Officers are holding **additional charges**.
- \* Functioning of the CWCs is hampered by **lack of a robust database**.
- \* Children in conflict with the law are **not allowed to attend schools** and their right to education is affected.
- \* Children Homes, OH, SH, short stay homes and Swadhar homes are all clubbed together and there is **no separation or classification** as a result of which children from all categories are placed together.
- \* Persons in key positions hold **additional responsibilities** leading to **demotivation** of the staff as well as **lowering the standards of care** provided to children in their care.



## Key Challenges and Proposed Solutions to Ensure Effective Functioning of JJBs

Issue	Key Challenges	Proposed Solutions
<b>Infrastructural deficiencies</b>	<p>Lack of adequate number of Observation Homes and Special Homes. In several States, a single OH serves a group of districts and transportation time from the Home to the JJB can take several hours. With even fewer Special Homes, remoteness of these Homes it has become stressful and totally impractical to produce them before JJBs in a timely manner.</p> <p>Basic infrastructure lacking resulting in absence of a child-friendly ambience within most Obs. and Sp. Homes. Lack of segregation, study, vocational training and counseling areas, proper hygiene maintenance, inadequate security and safety, outdoor recreational areas, family meeting area etc. All this contributes to violation of children's rights and often leads to violence within Homes.</p> <p>Segregation of boys by age and gravity of offence and segregation of persons above 18 years in Homes not being followed causing management problems and increasing the vulnerability of younger children to abuse in closed environments (Homes) by young adults with history of unlawful behavior.</p>	<ul style="list-style-type: none"> <li>Observation Homes and Special Homes should be established in every district.</li> <li>Alternatively Place of Safety should be set up in every district for easy accessibility of juveniles to JJBs.</li> <li>ICPS provides resources for various facilities which must be utilized. Additionally public funds could also be mobilized for better facilities. Example TV, beds, library, study materials etc.</li> <li>Registration and licensing of institutions.</li> <li>Each Home must have a Standards of Care manual /ISO certification and close monitoring by internal and external agencies to protect the rights of children entering the Homes.</li> <li>The Odisha model of creating Juvenile Justice Bhavans in two districts where CWCs, JJBs and DCPUs and the Homes are all located in one complex would ensure improved monitoring.</li> <li>Principal Magistrates and JJ Members must make unannounced visits and seek reports of Inspection Committees, Management Committees and Children's Committees as a monitoring strategy.</li> <li>Place of safety for detainment of such persons should be identified or constructed.</li> </ul>

Issue	Key Challenges	Proposed Solutions
<b>Selection Process for Social Work Members</b>	Absence of transparency in the selection process.	<ul style="list-style-type: none"> <li>Merit of the members should not be compromised</li> <li>Transparency in the selection process should be adhered to and advertisements should be issued in the local and national print media.</li> <li>Social Work Members should be appointed from the locality in which the JJB is functioning.</li> </ul>
<b>Magistrates</b>	Part time magistrate In some States, JMFC are working as Principal Magistrates of JJB. There is a need to appoint experienced Judicial Magistrates.	<ul style="list-style-type: none"> <li>Where case load and pendency is high, full time must be assigned to the JJBs.</li> <li>The Hon'ble High Courts may consider providing orientation on issues related to correctional administration relating to children to newly posted Principal Magistrates.</li> </ul>
<b>Pendency</b>	SIRs delayed. Adjudication of cases of juveniles living out of district or State time consuming due to SIRs not coming in or families not seeking bail. Juveniles not traceable once sent on bail also a contributing factor. All these result in failure to complete investigation into case within stipulated period of 4 months. Where pendency and case load high, one JJB within a district insufficient to handle the case load. Transfer of Prl Magistrate or Social Workers or availing of long leave by Prl Magistrate and failure to fill in vacancy caused.	<ul style="list-style-type: none"> <li>The Act allows the creation of one or more JJBs and this must be done in districts with a high case load.</li> <li>BalLokAdalats should be held on a quarterly basis to dispose off petty cases.</li> <li>Police should be orientated and trained for providing bail at PS where this is permissible by law.</li> <li>Additional POs must be recruited and attached to Homes/JJBs to expedite SIRs</li> <li>High Court to oversee that JJBs function as full bench without any interruption .</li> </ul>
<b>Family Antecedents</b>	Economic and social depravity of families leading to exclusion, migration and dysfunctional families unable to provide care and protection to their children and a conducive and caring home for reform.	<ul style="list-style-type: none"> <li>Children in need of care and protection should be the focus area of State because once they are taken care of they will not turn into children in conflict of law. Consequently need to strengthen CWC.</li> </ul>
<b>Role of Police</b>	Overall poor sensitivity of police force to child rights violations and in particular regarding reasons why children commit unlawful deeds. Police serving as CWOs/JCOs and in SJPU's not dedicated. Both reasons contribute to poor implementation of	<ul style="list-style-type: none"> <li>SJPU's should perform their duties as mandated by law and optimize non-institutional options for Juveniles.</li> <li>Sensitization of police on priority basis for granting bails and disposing of petty cases would reduce the burdens of JJBs.</li> <li>JJB must invoke accountability of police u/s 13(a)&amp;13(b)</li> </ul>





Issue	Key Challenges	Proposed Solutions
<b>Gaps in Human Resources</b>	<p>provisions in law like interacting with parents of Juveniles, giving bail etc. to the detriment of children. Failure to invoke responsibility provided u/s 13(a)&amp;13(b)</p> <p>Children apprehended unable to produce proof of age or misguided and often thus wrongly entering adult criminal justice system.</p> <p>Lack of clear understanding by JJBs of causes why children indulge in anti-social and unlawful behavior, come under peer influence, recruitment of children by naxalities and other outfits and cultural practices of certain tribal and other communities.</p> <p>Sanctioned posts not filled up particularly POs to undertake SIRs.</p> <p>Lack of supportive staff who are trained and skilled at JJBs</p> <p>Non availability of sufficient trainers for imparting training to the staff of Child Care Institution.</p> <p>Lack of sufficient number of NGOs with expertise in child care practices.</p> <p>Lack of trained persons in providing special education to children with special needs</p> <p>Lack of knowledge on certain elements of tribal culture, tradition, rites &amp; rituals and minimal interaction with outsiders by the tribal community cause for apprehension of juveniles</p> <p>Difficulties in implementing provisions u/s15 as per spirit of the Act.</p> <p>Legal Aid cell not attached to JJBs and failure to keep track of juveniles once the case is registered at JJB with the assistance of free legal aid</p>	<ul style="list-style-type: none"> <li>▶ The investigating officers should act as per provisions in law and collect the documents regarding age proof of the juveniles to prevent wrongful detention and entry into adult criminal justice system.</li> <li>▶ Thorough orientation and on the job training would empower Prl. Magistrate and Members to implement the various provisions according to the spirit of the Act.</li> <li>▶ Adequate number of POs must be sanctioned and attached to JJBs to facilitate implementation of provisions u/s 15.</li> <li>▶ Need for dedicated cadre of ICPS staff.</li> <li>▶ DCPU social workers must be available at JJBs to provide counseling etc.</li> <li>▶ Orientation of State functionaries including POs and police on tribal culture, tradition, rites &amp; rituals a necessity to gain better sensitivity to issues of juveniles of tribal origin</li> <li>▶ Support of local NGOs must be mobilised</li> <li>▶ State Legal Services Authority must recruit lawyers and set up Legal Aid unit at all JJBs to ensure that free legal aid is accessible by every juvenile entering the system.</li> <li>▶ Services of para legal volunteers would be used for this purpose too.</li> </ul>

Issue	Key Challenges	Proposed Solutions
<b>Grant of Bail</b>	<p>Absence of Additional PPs in Chhattisgarh.</p> <p>Principles and provisions in JJ Act not complied with while granting bail.</p>	<ul style="list-style-type: none"> <li>• The issue can be taken care by the State Government.</li> <li>• Sensitization of Principal Magistrate and Members of Juvenile Justice Board required.</li> <li>• Bail should be granted in accordance with the principles contained in Section 12 of the J.J.Act.</li> <li>• Nature and gravity of offence should not be considered while granting bail.</li> <li>• Ends of justice to be construed in the context of welfare and development of juveniles.</li> <li>• Due consideration to be given to empirical data that brain matures slowly till the age of 25 and therefore the propensity to take risks among juveniles.</li> <li>• Justice Verma committee report relied on this research finding for rejecting the proposition to lower the definition of juvenile from 18 years to 16 years.</li> </ul>
<b>Rehabilitation and Reform</b>	<p>Lack of sufficient emphasis on rehabilitation and reform due to failure to prepare individual care plan for each juvenile, employing adequate skilled and trained human resources and building community linkages to facilitate reform, rehabilitation and reintegration of juveniles.</p> <p>Lack of convergence among key stakeholders and need for greater coordination among CWCs, JJBs, police, DCPUs, SLSAs and State Departments</p> <p>Victim rehabilitation and social integration lacking</p>	<ul style="list-style-type: none"> <li>• Stress on preventive measures rather than curative mechanism.</li> <li>• Need to focus on non-institutional forms of rehabilitation and avoid overreliance on institutional forms of care.</li> <li>• Mobilise sponsorship support from ICPS and through NGOs</li> <li>• High Court could seek monthly reports on rehabilitation outcomes for juveniles entering the system</li> <li>• State to ensure that State and District Advisory Boards discuss this matter as a priority agenda in their review meetings and Home Management Committees supervise the preparation of individual care plans based on inputs from juvenile, his/her family and their problems and specific needs.</li> <li>• Ensuring support to victims for their rehabilitation and social integration must gain priority</li> </ul>
<b>Assessment</b>	<p>Disposition of cases</p> <p>Absence of focus on quality of disposal</p>	<p>Section 15 should be explored first and detention should be the last resort. Victim compensation scheme should be borne in mind.</p> <ul style="list-style-type: none"> <li>• The focus should be more on right protection than to ensure disposals</li> </ul>

Issue	Key Challenges	Proposed Solutions
<b>Data Management System</b>	Absence of a data management system that maps or tracks the number and status of children in conflict with the law.	<ul style="list-style-type: none"> <li>Qualitative output should be stressed upon</li> <li>Constant monitoring, after care, liasoning, among all stakeholders as JJB does not work in isolation.</li> </ul> <p>Need for the establishment of case management system for creating data base for mapping the children in conflict with the law and the status of the cases at the earliest.</p>

## Way Forward identified by Groups:

- Children in need of care and protection should be the focus area of State intervention. Once their interests are taken care of, their vulnerability to come in conflict with the law will be largely reduced.
- To become more accessible, JJBs should hold sittings at different places within the districts.
- Where pendency is high, JJBs should organize Lok Adalats quarterly
- Adequate legal aid counsels should be provided at all JJBs
- State should undertake constant monitoring of After Care Services and liaison with all stakeholders to provide linkages for the effective functioning of JJBs as they cannot work in isolation.
- Providing children sponsorship support through NGOs should be explored as a primary non-institutional approach to rehabilitation
- Stress should be on preventive measures rather than curative mechanisms.
- Focus should remain on implementation of all the provisions of JJ Act 2000 which seems a distant reality. The solution does not lie in re-enactment of the JJ Act.

ইচ্ছে ডানা, ইচ্ছে ডানা  
নেই যে তোমার উড়তে মানা।  
ইচ্ছে মত উড়ে যাও,  
মনের খুশি লুটে নাও  
আমার মনের ভাবনা গুলো  
পায় গো যদি রঙিন পাখা  
মেঘের মাঝে উড়ে গিয়ে  
বাঁধবে যে তার বসতখানা।



## Key Challenges and Proposed Solutions to Ensure Effective Functioning of CWCs

Issue	Key Challenges	Proposed Solutions
<b>Resource and Infrastructural Issues</b>	<p>General lack of adequate infrastructure</p>	<p>►State should specifically work for providing adequate infrastructural facilities for functioning of CWC.</p> <p>►Child friendly environment to be created–Seating facility, waiting room, computer and internet facility , recreation area with toys, books, creative material to keep children engaged while they wait to be seen by the CWC .</p> <p>Expenses made by volunteers should be reimbursed expeditiously</p>
<b>Staffing</b>	<p>Reimbursement to the volunteers involves lots of procedural delays</p> <p>Inadequate interim shelter facilities to provide refuge to the child received by the CWC.</p> <p>Not all CWCs have independent bank accounts</p> <p>Inadequate number of trained personnel in CWCs</p> <p>Lack of adequate skilled child protection functionaries</p>	<p>State needs to facilitate the establishment of a larger number of shelters for interim care and protection.</p> <p>Opening of bank account of CWCs and state authority for utilisation of funds</p> <p>Appointment of trained personnel in CWCs</p> <p>State should provide skilled child protection functionaries as per ICPS norms</p>
<b>Follow up &amp; Repatriation</b>	<p>Poor follow-up of children placed in CCIs or repatriated to families.</p> <p>The process of repatriation of children at the inter state/intra state level is cumbersome.</p> <p>Slow pace of inter-country repatriation due to lack of human resources and inter-country agreements</p> <p>Slow Pace of inter-state repatriation</p>	<p>Need to mobilise support from DCPU , District Inspection Committee and involving Panchayat/Block /Village Level Child Protection Committee to improve follow-up</p> <p>National level circular defining uniform transfer mechanisms must be followed</p> <p>MEA should liaise with other countries and finalise such agreements which would improve coordination and expedite repatriation</p> <p>States should through holding dialogues work out inter-state protocols to expedite repatriation</p>
<b>Police Support</b>	<p>Lack of support from police during lodging FIRs and other processes as mandated by law.</p>	<p>Sensitising and building skills and knowledge of the police is called for. When CWCs direct filing of FIRs, they should not be made a third party. Police need to work collectively with CWCs to protect the interests of CNCP they encounter</p> <p>Channel of communication between JJBs with</p>





Issue	Key Challenges	Proposed Solutions
<b>Rehabilitation of children who have faced trial before JJBs</b>	JJBs fail to refer cases that have been referred to CWCs for further rehabilitation and support .	CWCs must be open and on disposal of cases, JJBs must be advised to refer them to the CWCs for their rehabilitation and follow-up.
<b>Sittings and Workload</b>	Sittings of CWCs at three sittings per week are insufficient in several districts	Where vulnerable child population is high and case load has increased, provision for holding sittings should be increased to six days weekly. Additional financial allotment must also be made
<b>Visibility and Awareness about the CWCs</b>	Lack of awareness about the functioning of CWCs and lack of respect towards orders passed by CWCs  Non-compliance with the orders/directions/recommendations issued by the CWCs to CCI, Police and other stake holders restricts the CWCs ability to make appropriate decisions in the best interest of CNCP	Awareness, sensitization and orientation on the provisions in the JJ Act and role and function of CWCs must be provided to all stakeholders  Strictures must be served by DCPUs against any agency / person / department not following the orders of the CWCs.
<b>Selection of CWC Members and Ensuring Competent Persons are selected</b>	Selection Committee for CWCs have not been constituted as per the JJ Rules  Invitation/advertisement for calling of applications for appointing CWCs not followed.  Efficiency of the Chairperson and Members is compromised	Constitution of the Selection Committee should be strictly according to JJ Model rules 2007  Public advertisements in newspapers should be undertaken for greater transparency
<b>Enquiry</b>	Proper enquiry into antecedents of child sometimes become difficult	Training and exposure of CWCs to best practices is a must
<b>Rescue Operations</b>	Low efficiency of rescue operations of children who are being exploited	Seeking the support of agencies like police, Child line and Aanganwadis, etc would facilitate improved inquiry  Coordination between CWCs within the State and also with all other stakeholders is a necessity
<b>Nodal Departments</b>	Lack of initiative to mitigate the problems faced by CWCs by the nodal Department	Nodal Departments should take proactive steps of introducing CWCs all the stakeholders particularly the district administration  Appointment of said experts in the CWC must be considered as a priority
<b>Professional services</b>	Absence of professionals in CWC such as counselors, psychologists.	Appointing POC's in wards for better information flow
<b>Child Tracking</b>	No proper child tracking system in place	Need for convergence and proper communication between CWCs and all other stakeholders through monthly District Advisory Committee Meetings
<b>Convergence</b>	CWCs working in isolation to the detriment of CNCP	Need for putting in place a monitoring mechanisms to assess the functioning of the CWCs
<b>Monitoring</b>	Levels of functioning of CWCs not always upto the mark.	

### Way Forward identified by Groups:

- ⇒ State needs to ensure establishment of all types of institutions under the JJ Act and provide for skilled staff as per ICPS norms.
- ⇒ State should provide adequate infrastructural facilities for functioning of CWCs.
- ⇒ Constitution of Selection Committee should be in accordance of the JJ Model Rules, 2007. There is need for transparency in the selection of CWCs – advertisements must be issued.
- ⇒ Need for efficient coordination and convergence between all stakeholders.
- ⇒ Need to create awareness among all stakeholders about the functions and powers of CWCs
- ⇒ Penalties should be imposed for non-compliance of orders of CWCs.
- ⇒ Need for a monitoring mechanism to assess the functioning of the CWCs
- ⇒ Appointment of professionals in CWCs such as counselors, psychologists in the Committee
- ⇒ Child tracking necessary at the village level-involving panchayats in child tracking; appointing POCs in wards for better information flow and setting up Point of Contact (POCs) in Wards.
- ⇒ Need for a national level circular defining uniform transfer mechanism for repatriation of children inter-state / intra-state.
- ⇒ Provision for number of sittings per week should be revisited and a minimum of three days per week should not be a limitation.
- ⇒ Need for referral of CICL to CWCs after disposal for further rehabilitation and support system.
- ⇒ CWCs must open a bank account to have emergency funds and must be authorised to utilize the funds.
- ⇒ Need to ensure a child friendly environment – sitting facility, waiting room, computer and internet facility, recreation facility for children.
- ⇒ Need for a Child Protection Policy in all CCIs.



## Key Challenges and Proposed Solutions to Ensure Effective Management of Institutions

Issue	Key Challenges	Proposed Solutions
<b>Registration for child care institutions under JJ Act:</b>	Identification of registered and non-registered CCIs	<ul style="list-style-type: none"> <li>Mapping of CCIs</li> <li>Penalty procedures for non compliance to be introduced</li> <li>Unrecognized CCIs to be prohibited from functioning unless approved under some other dept.</li> </ul>
<b>Place of Safety</b>	<p>Inclusion of CCIs run by various depts.</p> <p>Lack of clarity as to what such an institution encompasses</p> <p>Non-implementation of such a provision</p> <p>Scope of such an institution is too limited</p>	<ul style="list-style-type: none"> <li>Govt. Order to be passed and advertised to promote the registration of CCIs</li> </ul> <p>Expediency in recognition / establishment of Places of Safety</p>
<b>Education</b>	<p>CICLs are not given formal education and only CNCPs are provided this service</p> <p>Rampant failure to provide educational services in CCIs leading to violation of the RTE Act</p> <p>Lack of moral education and life skills</p>	<ul style="list-style-type: none"> <li>Scope should be expanded to include children whose age verification is under process and persons who are young adults</li> <li>Amendment of RTE Act to include children in CCIs</li> <li>CICLs should also be included in services which provide formal education outside the CCIs</li> <li>Build linkages of these CCIs with services under the SSA</li> <li>Technical requirements by HRD must be exempted/removed to facilitate inclusion of children in CCIs</li> </ul>
<b>Inadequate Health Care Services</b>	<p>No specific services for differently abled children.</p> <p>Poor status of WASH (Water, Sanitation &amp; Hygiene)</p>	<ul style="list-style-type: none"> <li>Moral education and vocational training including life skills to be given – linkage with National Skill Development Mission</li> <li>Linking CCIs with National Health Mission:</li> <li>Arrange regular visits by doctors to conduct health check-ups and provide medical attention</li> <li>Fulltime para medical staff must be employed in CCIs</li> <li>Guidelines for health care services for differently abled children (all categories) must be prepared and adopted by all CCIs</li> <li>Statutory audit of all services must be a regular feature</li> </ul>

Issue	Key Challenges	Proposed Solutions
<b>Provision of Counseling in all CCIs</b>	Poor quality of counseling services prevalent	<ul style="list-style-type: none"> <li>Recruitment of trained counsellors must be a priority.</li> <li>Partnership with professional institutions &amp; NGOs working in this context.</li> </ul>
<b>Establishment of Monitoring Committees</b>	Non-functional Children's Committees	Strengthening Children's Committees in partnership with NGOs and academic institutes.
<b>Restoration rehabilitation and aftercare services</b>	Absence/poor quality of such services	<ul style="list-style-type: none"> <li>Better coordination among various stakeholders: Develop and adopt state specific aftercare guidelines</li> </ul>
<b>Segregation</b>	Absence of age-wise classification	Age wise classification is necessary with separate accommodation
	Transporting of juvenile offenders with adult prisoners	<ul style="list-style-type: none"> <li>Place of Safety must be established in proximity to the JJBs</li> <li>Use of videoconferencing must become the norm to interact with CICLs housed in distant Homes</li> </ul>
<b>Number, Capacity &amp; Accessibility of Institutions</b>	Overcrowding in certain CCIs	For larger cities there should be more than 1 unit as per requirement
	Accessibility of Institutions	Establishment of at least 1 Observation Home for each cluster of districts- effective range of distance not to exceed 50 kms.
<b>Environment &amp; Infrastructure within the Institutions</b>	Environment and infrastructure is not child friendly	Upgradation of infrastructure as per ICPS guidelines and possible consultation with experts on this point
<b>Staff</b>	Perpetual shortfall of staff <i>vis-a-vis</i> sanctioned strength	All vacant posts should be filled up as per ICPS guidelines

### Way Forward identified by Groups:

1. Mandating a child protection policy for all CCIs (for example to include banning of corporal punishment etc.)
2. Building a cadre of skilled child protection professionals.
3. Exploring possibility of support through CSR in all aspects of CCIs.
4. Establishing standards of care for CCIs, notifying same and making it mandatory
5. Setting uniform standards for monitoring and evaluation of CCIs to avoid duplication and serve best interest of the child.
6. Re-orientating entire institutional set up under JJA towards rehabilitation, reintegration and re-socialisation



7. Counseling and mentoring facilities a must for each and every CCI
8. Ensuring community and family involvement and making this a priority. Constant counseling support to children and families.
9. Humanizing CCIs and providing a homely environment for children
10. Converging all medical (including psychiatric) services preferably through a cluster referral unit.

## Way Forward identified by Groups:

- ◆ Separate allocations of funds for payment to panel lawyers must be assigned to JJBs. This will ensure their ready availability to CICLs.
- ◆ Need for legal representation of children before the CWCs should be considered in special cases with the consent of the CWCs. CWCs could take legal advice of panel lawyers to arrive at decisions which are in the best interests of children.
- ◆ Regular orientations programs for panel of lawyers, parents and community on JJ Act and child centric laws.
- ◆ Need for a robust database on utilization of legal aid lawyers to indicate whether children have had access to free legal aid services.
- ◆ Need to adopt a monitoring mechanism for JJB/CWCs to examine utilization of legal aid lawyers.
- ◆ Need for scheduled training on juvenile justice within the police training academy.

## Good / Innovative Practices that emerged from State Presentations

- \* BalSamvaad Adalats in Bihar for speedy disposal of petty cases.
- \* BalMitra Police Stations, AHTUs, Missing Child Helpline, One Stop Resource and Facilitation Centres, Social Policing Unit in Jharkhand.
- \* SOP for CWCs, child safety guidelines, detailed standards of care, food safety guidelines, protocol for repatriation in Odisha. State and District level festival – Rainbow.
- \* Process of registration of all CCIs under JJA has been initiated in West Bengal and there have been monitoring visits by State Level Inspection Team and High Court Committee.
- \* Legal clinics attached to all JJBs in Chhattisgarh.
- \* Act and Rules to contain Placement Agencies and protect children (from being trafficked) at source formulated and implemented across the State.



## WEST BENGAL

## Short Term Goals

1. Ensure disposal of cases before the JJB within the prescribed period.
2. Sensitize SJPU on handling CINCP
3. Ensure registration of all child care institutions including open shelters.
4. Ensure implementation of Rule 11(11 & 12) by the police through training, orientation programmes and monitoring.
5. Ensure free legal aid to children in conflict with the law.
6. Ensure improvement in functioning of the JJ Homes with minimum standards of care in these institutions as part of the Home Management Committees.
7. Ensure use of the case monitoring sheet with, inclusion of socio-economic background of each child and drawing the individual care plan.
8. After Care Plan to be prepared for restored children especially trafficked girls.
9. Training/Orientation of judicial officials (at least one annually)
10. Annually organise one coordinating meeting between all stakeholders.
11. Establishment of a Children's Home for specially abled children is required in every district.
12. Undertake mapping CICL whose cases are yet to be disposed off, showing distribution of age, sex, nature of offences, time lag between apprehension and granting of bail and between granting of bail and reasons for delay in disposal.
13. Ensure establishment of a Legal Aid Clinics in every JJB having at least two panel advocates and two para-legal volunteers.

## Long-term Goals

1. Issue directives to the SJPU to prioritize cases involving CICL from different states.
2. Give directions to Probation Officers to pay attention to non-institutionalized care of CICLs after release on bail.
3. Urge district administration to create separate homes for CICLs and CNCs.
4. Sensitization of SJPU must be a priority
5. Initiate BalLokAadalats to clear pending cases at JJBs
6. Constantly pressuring the appropriate authorities to address infrastructural deficiencies.
7. Organise training of newly appointed Magistrates (JMFC) of the State batch-wise on the provisions in the JJ Act, 2000.
8. Organise training of Additional District Judges of the State batch-wise on POCSO Act, 2012.
9. Judicial Academy to undertake research programmes in collaboration with WB -NUJS on the topic "Juvenile Justice in Marginalised Section of the Society-Analysing the Reality".
10. Ensure Uniform standards of care in CCIs.
11. Ensure establishment of strong non-institutional services.
12. Establish a robust Child Protection Management Information System and (nation-wide) web-based child tracking portal. Case History Forms and Individual Care Plan should be filled up and updated regularly in consultation/involving the children concerned.
13. Implementation of RTE for each child coming within the purview of the JJ Act.
14. Convergence of various departments (Health, Education, Labour, etc) and Public-private-partnership (tapping CSR) and NGOs to ensure sustainable development of the CICLs through vocational training and at the same time ensuring minimum basic academic education of these children. Submit innovative project proposals to Government wherein the NGOs in partnership with the



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JJBs and various departments ensure academic education of the CICLs through vocational training and job placement of these children (above 14 years) in various sectors, thus inducting them into mainstream society.

15. Draw up of individual care plan for each child (CNCP & CICL) and follow up to ensure that the plan is implemented in a timely and appropriate manner.
16. Ensure the formation of dedicated SJPU in the State.
17. Spread/generate awareness in schools/academic institutions, amongst the public about the working of the Juvenile Justice System and gain their empathy and understanding for these marginalized, stigmatized children.
18. Use of culture therapy along with other tools to bring about positive changes in these children, where they are weaned away from unlawful activities and brought back to mainstream society.
19. Ensure the conviction of the adult perpetrators who are responsible for introducing children to the criminal world.
20. Ensure child-friendly infrastructure.
21. Ensure transparent selection process of competent and sensitive members in the CWCs.
22. Organise regular training and orientation for the police, advocates and PPs
23. Establish Coordination Committee/Task Force with inclusion of different stakeholders in each district.
24. Institute a Child Protection Policy.
25. De-institutionalization of children through sponsorship programmes under ICPS must be a priority
26. Ensure convergence of services provided by various Govt departments to bring about qualitative changes in the institutional care services
27. Ensure legal aid services to all CICLs and their parents.
28. WB-SLSA to organize regular awareness and training programmes of PLVs, Panel Advocates, Police (SJPU) and JMs.
29. Ensure victim compensation to all child victims.

## Annexure 4

## RTE COMPLIANCE MONITORING METHODOLOGY

West Bengal State Commission for Protection of Child Rights undertook a study of 200 Schools at the request of National Commission for Protection of Child Rights in terms of D.O.No. 25-11-2014-15 / NCPCR-RTE / 29054-29079 dt. 11-06-2014 of Chairperson of NCPCR. The objective of this study was to assess the level of compliance of the obligations under RTE Act by the Schools. The State Commission has completed this study and the reports have already been sent to National Commission.

In the following paragraphs the State Commission has tried to summarize the observations that have emerged from these School visits.

**METHODOLOGY**

**DATA SIZE :** 200 SCHOOLS of West Bengal, 10 Schools from each district surveyed by 40 teams. Each team had two members – each member visited 5 schools.

Schools were selected at random though following points were taken note of regarding selection:

1. Locality;
2. School Category;
3. Remoteness;
4. Presence of noticeable number of people belonging to SC/ST/OBC/MINORITY Community;
5. Natural Calamity-prone area.

**85.5% selected schools are in rural areas; only 14.5% are in urban areas. Out of these 200 selected schools 122(61%) are purely primary schools and 95.5% schools(191) are non-residential.**

The information given above, we may hope, amply clarify the basic character of the survey. Moreover, it may be noted that the survey was based on the questionnaire prepared by the NCPCR. But, we did get practically no help from School Education Department. Though the Higher Education Department provided support. Most importantly, the district level social welfare officers cooperated fully.

**Funding :** NCPCR committed fund for visiting teams' expenditure and honorarium.

Two Teachers' Organizations namely ABSGCTA & STEA provided volunteers who constituted the visiting teams mostly.

■ The problems faced by the study team

Such a study cannot be undertaken simultaneously throughout the state for following reasons:

1. Internal & external Examination & admission
2. Local festivals like *MAKAR SANKRANTI* apart from DURGA PUJA
3. Election schedule
4. Inaccessibility of schools due to wide climatic variation. For example – schools located in hill areas remain closed for about 10 weeks continuously during winter

**Other problems that our visiting teams had to face are:**

- a) Schools, basically the primary schools do not have adequate experiences in modern technologies as regards record-keeping, accounting.



- b) The system of school inspection by government authority has been paralyzed for decades. Hence, for some technical data, at least, like student enrolment, library, safety of drinking water etc our team members had to depend on statement of school authorities. 54% of schools reported that school mapping/ household survey has been conducted. We do not have evidence enough to accept this statement and hence discarded.

## FINDINGS

### I. ENROLMENT

No less than 80% of children living in a 1 km radius of the primary school are enrolled. This fact makes it clear that **there are children who are yet to be enrolled!** As regards UP enrolment is only 53%. Proper care needs to be taken in this segment.

### II. BOUNDARY WALL OR FENCING

It does not exist in 50% schools. This fact it remains a great concern for the guardians.

### III. TOILETS

Keeping in mind that a large number of children in India die due to preventable diseases, we must say that safe drinking water and sanitation are very important for school-goers. Open defecation is a socio-cultural problem indeed. Importance of SWCHH BHARAT/NIRMAL BHARAT programme is underlined in our study also.

Though 95.5% of toilets are located inside schools only 74.5% schools have separate toilets for girls & boys and more importantly, only 82% are open and can be used by all children. It may also be noted that at least 4% toilets are kept locked up.

It is true that in most schools there were no child with disability. May be, MOST school authorities avoid admitting CWSN, but, who knows, next day one such learner may come. At present, only 16% schools do have separate toilets for children with disabilities.

Lack of running water facility in toilets is most common; only 28% schools could arrange such facility in all toilets whereas, in 61% schools running water facility is certainly not available. Students of 68% schools, where running water facility is not available, have to fetch water from a source inside the campus.

The fact that in only 25% school toilets are cleaned regularly – daily/on alternate days – certainly deserve immediate attention.

We also need to note that the fact 73.5% school toilets have doors indicates that many schools do not have!

Despite massive campaign hardly 62% schools could provide soaps etc for washing hands.

### IV. DRINKING WATER

It is very difficult to provide safe drinking water in many blocks of the State. Out of total 341 blocks of West Bengal 81 blocks are Arsenic affected whereas 49 blocks are fluoride affected – that is, in 38% blocks water is contaminated and the actual figures may far exceed the average value we arrived at from visitors' reports..



Where the source of water remains within the institution campus our visiting teams report that

i) about 71% schools can provide safe and adequate drinking water to students. Supply is made mostly from tube wells & hand-pumps. Support of modern technologies/purifiers has not been reported. It may be noted that Visiting teams do not have requisite expertise nor do they have proper support to verify the statements of school representatives.

ii) School representatives did not hesitate to admit that in 68% schools safety/quality of water was never checked. And iii) it is checked only once in a month in less than 11% schools.

#### V. CLASS ROOMS

Head Masters do have separate room in 50.5% schools and teachers have separate staffroom in 64.5% schools. Separate classrooms for each class are available only in 72.5% schools. If it is deplorable, and deplorable indeed, we must not fail to register our displeasure over the fact that there is space for computer room in only 22.5 % schools.

#### VI. PLAY GROUND

54.5% Schools claim that they have playground and children of 65% schools get games/sports material to play.

#### VII. LIBRARY

We need to note that library room and books are available in only 32.5% schools. Further, it is recorded that in 45% schools only books and periodicals in Library are available in local language, whereas, a system of issuing books to children exists and children take home books regularly only in 35% schools; children's magazine/newspapers are not available in at least 59% schools.

This fact confirms that the importance of Library is grossly neglected in our schools.

#### VII. BARRIER FREE ACCESS

Construction of ramps for CWSN has not been given importance in most schools. 41.5% schools have ramps at entry points but at other places like classrooms(26.5%), toilets(11%), Library(3.5%) etc it is absolutely neglected. We are sad to know that 83.5% schools could not make any provision for Visually Impaired children.

#### VIII. MID DAY MEAL

In 179 i.e. in 89.5% schools MDM is cooked inside schools. Of these 179 schools 178 have kitchen room, 170 have store room and 123 rooms have kitchen shed. **Visiting teams report that only 10% of these spaces are clean.** We may not depend on the reports entirely because for 146 schools the concerned teams preferred to keep the column blank. Still, teams categorically mentioned that **these spaces are dirty in 7.5% schools** and this is no less disturbing finding. It may also be noted that at least 25% schools have not been able to develop any method to prevent any form of discrimination against children while eating the meal. May be, the school authority did not ever notice any discrimination that needs a protection mechanism.

#### IX. QUALITY LEARNING

Interacting with children of class V & VIII the members of visiting teams report that the grade level speaking ability(82%), the grade level reading ability(74%) & the grade level writing ability(70.5%), of the children are, more or less, satisfactory.

1. As regards availability of full time subject teachers at schools at upper primary level the reports state:

a) Science—87%; b) Mathematics—77%; c) Social Science—91%; d) Language—94%;

Looking at the poor state of science education and growing trend of non-scientific events in the state we may conclude that teachers fail to develop crave for scientific knowledge—may be, teachers are not properly trained or equipped; may be ripples created by their individualistic approach could not be

converted into ever expanding waves for absence of befitting & adequate popular science movements.

2. As regards availability of part- time subject instructors at schools at upper primary level the reports state:

a) Art Education – 4%; b) Health & Physical Education – 33%; c) Work Education – 35%;

It reveals that Art education is absolutely neglected, Health and Physical Education & Work Education have not got expected attention. Work education in particular has failed to attract attention of the guardians and that indicates the structural defects of curriculum.

#### **X. CORPORAL PUNISHMENT & GRIEVANCE REDRESSAL**

Going by the reports of our visiting teams we can say that the school education department has not taken up the issue of corporal punishment & mental harassment despite being warned/ advised/ directed by proper authorities including the NCPCR. Only 62% schools receive the rules/guidelines/notifications; training programme has been conducted to eliminate corporal punishment & mental harassment but, in last one year only 38.5% teaches & staff did avail it.

As regards confidential system of receiving complaints/feedback from children/parents we can say that the system is practically absent – only 26% schools responded positive though 67.5% children and parents are aware of the existence of the system. 44.5% of them aware of different authorities outside the school whom they may approach.

Non-availability of infrastructure & provisions of entitlement in time constitute the majority of complaints.

It is very sad that only 11.5% schools keep a written record of complaints.

#### **XI. SCHOOL MANAGEMENT COMMITTEE**

Visiting teams were told by 39.5% schools that SMCs have been formed. This is nothing better than a half-truth. They observed that in 6% schools only names of SMC members are displayed and about 7 meetings were held, on an average, with improper structure in most cases in last 12 months. School HMs do not know clearly the Veracity of existing SMCs in the light of the RTE Act, still they continue with this body under the instructions of the DIs. However, pending the arguments, we find that Only about 22 % of such SMC members received training in last 12 months and these training was provided by state education authority mostly. Such SMCs developed School Development plan (SDP) in 38% schools. SDP grant was received by 23% schools of the 200 schools under our scanner.

In most schools SMCs were not formed and directions of School Education Department helped create more confusion. High officials of the Department are fully responsible for failure in this regard and they should be brought to book for that.

#### **XII. COMPARATIVE STUDY**

DISE report was taken into consideration for comparative study. It may be noted that only a few items were found by us in DISE report for comparison. One important item, however, we have included in the chart below, that is availability of electricity in schools under study, though data under this head is not collected by our teams – it is collected from DISE records. Further, following schools were not figured in DISE list for reasons not known to us -

**BHADUTALA VIVEKANANDA HIGH SCHOOL, PASCHIM MIDNAPUR**

**PARUA CHILD LABOUR SCHOOL, SOUTH 24 PARGANAS**

**PATHAR PUKUR HIGH SCHOOL, SOUTH 24 PARGANAS**

**NAXALBARI NEPALI HIGH SCHOOL, DARJEELING**

### Comparison Chart : U-DISE for 2013-14 and our study

Item	Heading	Ours : 200 Schools (In %)			DISE : 196 Schools (In %)			Comments
2	In which area is the School located	Rural 85.5	Urban 14.5		Rural 83	Urban 16		Nil
3	School category	Pry. 61	UP 8.5	others * 30.5	Pry. 65	UP 10	others * 25	Nil
* Primary with upper primary; Primary with upper primary and secondary and higher secondary; UP and secondary and higher secondary; UP with Secy								
10	Does the school have boundary wall	YES 50	NO 50		YES 54	NO 46		No noticeable change
11	Are Toilets located within the school premises	YES 95.5	NO 4.5		YES 99	NO 1		We depend on our study
12	Are there separate toilets for girls and boys	YES 74.5	NO 15	Others * 10	YES 69	NO 20	others * 11	Improved marginally
* Including Not Applicable; No Toilets; Blanks								
16	Is there running water facility in the toilet	YES 28	NO 72		YES 21	NO 79		Improved but still poor
18	Availability of soaps etc. for washing hands	YES 62	NO 35		YES 57	NO 43		Improved
29	Does the school have a Playground	YES 54.5	NO 45.5		YES 49	NO 51		Improved but still poor
37	MDM is cooked inside or outside the school	Inside 89.5	Outside 9.5		Inside 92.3	Outside 7.7		Declined
X	Pupil - Teacher Ratio (including Para Teacher)	Student 101111	Teacher 1872	Ratio 54.01	Student 111042	Teacher 1739	Ratio 63.85	Improved but progress not satisfactory
Y	Electricity	Yes Not	No Available		Yes 57	No 35		

#### I. Chairperson's Observations

- A. PTR is remarkably good but, due to uneven distribution of posting PTR remains poor in remote places. Appointment through centralized system would not be able to tackle the problem. Local authorities, at least, DPSC may be empowered to engage local boys /girls on contact as and when situation so demands.
- B. UP schools are much less in number than required in this state. To arrest school drop-out more UP schools are to be established immediately.
- C. Sanitation and supply of pure drinking water are grossly neglected in rural Bengal.



- D. Students may be engaged to monitor MDM and MDM may be made part of school education.
- E. Important features of child rights & toll-free childline number should be displayed prominently in all educational institutions.
- F. At least one teacher, preferably a lady teacher, may be asked to interact with students & guardians at regular interval, say once a week, to monitor protection of child rights.
- G. Grievance redress mechanism has been paralyzed. The WBCPCR needs full support of the school education department & PBSSM to play effective role in this regard. They should, at least honour the CPCPCR Act & Rules as well as RTE Act.
- H. Had the visiting teams been asked to report on conditions of laboratories the prevailing state might have been made clearer.
- I. Students must not be asked to pay any fee for any reason for the schools under direct control of the school education department. The Department must cancel Notification No. 187-SE (LAN) / S/1A-01 / 09 - 14th February 2011 published in Kolkata Gazette on February 21, 2011. The school education department may constitute one fee structuring committee as suggested by NCPCR.



**Ms. KUSHAL SINGH**  
Chairperson



भारत सरकार  
GOVERNMENT OF INDIA  
राष्ट्रीय बालक अधिकार संरक्षण आयोग  
NATIONAL COMMISSION FOR  
PROTECTION OF CHILD RIGHTS

D.O.25-11/2014-15/NCPCR-RTE / 24060

Dated: 11.06.2014

Dear Mr. Asokendu Sengupta,

In view of the common mandate to monitor the implementation of the Right of Children to Free and Compulsory Education (RTE) Act, 2009, there is a need to synergize the efforts of NCPCR and SCPCRs, to ensure that children are provided full time elementary education, of satisfactory and equitable quality, in formal schools which satisfy certain essential norms and standards.

In order to ensure that children in schools, particularly in remote and backward areas, receive all the benefits and entitlements under the RTE Act, the NCPCR has proposed to organize a monitoring programme, in partnership with the SCPCR and the CWCs (or any other agency selected by the SCPCR) to monitor the implementation of the RTE Act at district level. The proposal was also discussed in detail in the meeting of the Chairpersons of SCPCRs held at New Delhi on 21<sup>st</sup> May, 2014.

The Commission proposes to implement this initiative in 600 districts in the Country. Funds for the monitoring programme would be provided by NCPCR to SCPCR. **The budget for a visit to a school is attached.** Under the overall supervision of the SCPCR, the identified agency would undertake a visit to 10 schools in each district to collect details on compliance of various parameters indicated in the RTE Act. While making the selection of schools to be visited the following could be kept in mind:

- The schools should preferably be located in remote and backward areas;
- The habitations should preferably have a sizeable number of scheduled casts / Scheduled tribes;
- The habitations should preferably witness seasonal migration;
- Habitations prone to natural calamities to be covered;
- In urban areas the habitations should include a sizeable number of urban deprived children.

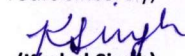
A format for collecting the data is attached with **Annexure – 1**. This can be added to in case required.

I would therefore, request you to kindly send your consent for undertaking the monitoring programme, at the earliest possible, along with the name of the identified monitoring agency and the proposed budget, to enable NCPCR to release funds to the SCPCR. The data collected may kindly be shared with NCPCR by 31<sup>st</sup> December, 2014.

I would also request that inspections of schools conducted by the SCPCR directly may also be done on the same format and copy of the report be shared with NCPCR. This will enable the NCPCR to collate the information received from the SCPCRs to provide a national picture of the implementation of RTE Act.

With regards,

Yours sincerely,

  
(Kushal Singh)

Mr. Asokendu Sengupta,  
Chairperson,  
WSCPCR, Director of Social Welfare,  
Juvenile Court Building,  
Sector-1, Salt Lake, Kolkata- 700164. West Bengal.

5वां तल, चन्द्रलोक बिल्डिंग, 36, जनपथ, नई दिल्ली-110 001  
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### Annexure 5

#### **Workshop on Promoting Rights and Entitlements of Seasonal Migrants in an Enabling Policy Framework: An Abridged Report**

**Organised by: West Bengal Commission for Protection of Child Rights (WBCPCR)**

**Venue: ICMARD, 3rd Floor, Block 14/2, CIT Scheme VIII, Ultadanga, Kolkata 700064**

**Date: 28th March 2015**

#### **Background and introduction :**

Migration and human mobility within the country is one the rights accorded by the constitution of India. Migration from one area to another in search of improved livelihoods is a key feature of human history (Srivastava and Sasikumar, 2003). The rapid economic growth, globalisation and urbanisation have impacted the pattern and pace of migration in India. But in absence of a coherent policy framework and strategy, migration imposes a heavy impact on human development indicators. Migrants from poorest of the poor families constitute the major portion of this uncounted and invisible section of the population and they remain unheard in the policy decisions. Constrains faced by migrants are many- they lack access to basic amenities; formal local residency documents; local identity proof; political support and face limited access to state-provided services. Unplanned migrations also take the shape of human trafficking! Children are the worst sufferer of this unequal migration-development equation and they become the worst victim of this socio-legal-political equation.

There is no separate department to deal with the issue of migration and therefore West Bengal State Commission for Protection of Child Rights (WBSCPCR) felt the responsibility to drive the agenda to ensure rights of children of migrant's families through Promoting Rights and Entitlements of Seasonal Migrants in an Enabling Policy Framework.

About the workshop (28th March 2015): West Bengal Commission for Protection of Child Rights (WBCPCR) commissioned its first workshop on 28th March 2015 at ICMARD. The commission collaborated with Jayaprakash Institute of Social Change (JPISC) for technical support and GOAL India for technical and financial support to conduct the first workshop. The workshop aimed at sensitizing delegates through deliberating different aspects of migration, strategic bottlenecks and possible solutions. The commission has also planned to form a working committee to facilitate state level policy preparation process Promoting Rights and Entitlements of Seasonal Migrants in an Enabling Policy Framework.

Participation: Chief functionaries of Government and Civil Society Organisations, academicians, research scholars, social activists, implementing NGOs, students participated actively in the workshop and deliberated different aspects of migration. Eminent speakers and panelists included academicians, research scholars and key officials of important departments like Health, Education, Social Welfare and Labour of the Government of West Bengal.

Inaugural session: The workshop was inaugurated by Prof. Asokendu Sengupta, Chairperson, WBCPCR. Mr. D. P. Banerjee, Secretary WBCPCR, Mr. Somnath Mukherjee, Commissioner, Social Welfare, Govt. of W.B., Mr. N.C. Saha, DPI, Dept. of Higher Education, Govt. of WB, Mr. S. Pal, Addl. Director of Social Welfare, Govt. of W.B. and Prof. R.P. Banerjee, Director, EILM contributed in the inaugural session and agreed to take active role in deliberating the issue further to support a strategic direction.

## Summary of the deliberations:



**Key note address:** The key note address was delivered by Prof. Achin Chakraborty, Director, Institute of Development Studies, Kolkata. He emphasized that Migration is an issue, not simply a problem and it must be viewed in various enabling perspectives. He emphasized movement of people is a natural and normal phenomenon which cannot be or should not be restricted as people's aspiration for seeking greener pastures is a fundamental right. Prof. Chakraborty illuminated on the thought of preventive vs. enabling policy framework to promote rights of migrants. He explained through the example of employment generation programmes. Employment generation programmes can be supported to enhance the average per capita income not as means to stop migration. He took the

example of Prof. Amartya Sen who migrated (Officially immigrated) to USA and could contribute because of enabling policy framework. He summarized that Migration is an issue which cannot be prevented but an enabling policy framework and institutional mechanism can ensure social security and safeguard sanctity of migrants and their families.

## Deliberation by GOAL:

Dr. Swati Chakraborty, representative from GOAL India explained that migration and human mobility is a global issue and will accord due importance in the International forum. She thanked West Bengal Commission for Protection of Child Rights (WBCPCR) for taking the responsibility to drive the agenda of migration in West Bengal. She elaborated GOAL India's experience of working with seasonal migrants as they are the worst among migrant populace. She highlighted that there is a serious data gap on the magnitude of in-and-out internal migration in India. The data gap is much wider in case of seasonal migrants. Through her presentation she highlighted their experience of working with seasonal migrants work in Brick Kilns. From GOAL's experience they estimated that on an average 1,34,750 people migrate seasonally in brick kilns of north 24 Parganas and remained out of preview of health, education and other rights and entitlements related services.

She very briefly highlighted the structural bottlenecks that migrants face and several initiatives GOAL India adopted that resulted in more than 77% success in ensuring children's rights to safe birth facilities; birth registration and creating access to ICDS services. These were possible through active support of district authorities and responsive line departments. She mentioned that GOAL along with its partner agencies (NMCS, BUP and CLPOA) has gained institutional knowledge, identified policy level/implementation gaps and also eager to contribute state authorities in designing a coherent policy framework to ensure basic human rights of seasonal migrants.

## Panel discussion:

Participants deliberated the issues of structural barriers and policy level bottlenecks for ensuring rights of migrants. There was a detail discussion on preventive vs. enabling policy framework to promote rights of migrants. Eminent speakers and panelists felt the need forming a separate policy framework for effective inclusion of seasonal migrants in policy decisions.





The panelists included Dr. Pallav Bhattacharya, Zonal Health Officer, KMHUO, Govt. of W.B., Mrs. Sumita Mukerjee, DLC, Dept. of Labour, Govt. of W.B., Mr. Mehbahar Saikh, Sr. Consultant on Education, UNICEF, Mr. I.S. Chatterjee, Asst. Director of Social Welfare, Govt. of WB, Mr. Surojit Neogi, Action Aid.

### Summary on Health Provisions:

- \* No data available at the Sub centre/PHC level on In-&-Out migration.
- \* The National Health Mission 2012-2017 has suggested states to ensure universal access to health care through strengthening of health systems. NHM has suggested states to accord focused attention and adopt strategies appropriate to the local situation. It can be summarised that provisions have been made under RMNCH+A to include migrants but implementation requires more attention.
- \* Presently migrants are covered under Pulse Polio Immunization and Special Immunization week.
- \* There is problem in transferring cash under JSY to the in-migrants if they do not possess bank accounts.
- \* Migrants have been included in the mother and child tracking system but it is in early stage.
- \* The Urban Health Mission and NACO have also included migrants in its service delivery mechanism.
- \* The key words in policy formulation for migrants are equity, convergence and universal assurance.

### Summary on Educational Provisions:

- \* There are many types of support those guarantee migrant-children's RTE.
- \* Under Sarva Shiksha Mission, Stay Homes, Girls Hostels, Kasturba Gandhi Balika Vidyalaya etc. are some of the hostel facilities available for children of migrant families.
- \* Education department has some comprehensive data like DISE, Child Register. However, children of migrant families are not incorporated. Initiatives are required to include them.
- \* Cross-cutting plans and data sharing are necessary.
- \* There are several issues specific to migrants that thwart education like language barrier of both teachers and students, difference in curricula, different text books etc.
- \* The WBCPCR should take responsibility as per Rules / Acts to ensure implementation of RTE.

### Summary on Social Securities:

- \* The basic problem is that the brick kilns absorbing so much migrant workers are not under the purview of the Factory Act and hence remain outside the domain of the Labour Department.
- \* There are some policies for the migrants to ensure safe migration. For inter-state migration, the workers originating from the source states are required to register there and they should be provided with a licence in the destination states where they would be working.
- \* There is also a need to include the work in the brick kilns under the enlisted jobs within the unorganised sector by the Labour Department.
- \* There are certain schemes introduced by the Labour Department like the State Assisted Provident Fund Scheme for Unorganised Workers and Rashtriya Swasthya Bima Yojana. These scheme are to be fully operationalized.

- \* Data deficiency is a major problem in migration and there is a need to form a common data bank to be accessed by all the line departments of the government.
- \* Under Social Welfare there are several schemes and provisions like ICDS benefit; SABALA for life skill education; Open shelter under ICPS; Centre for the urban homeless; Kanyashree Scheme.

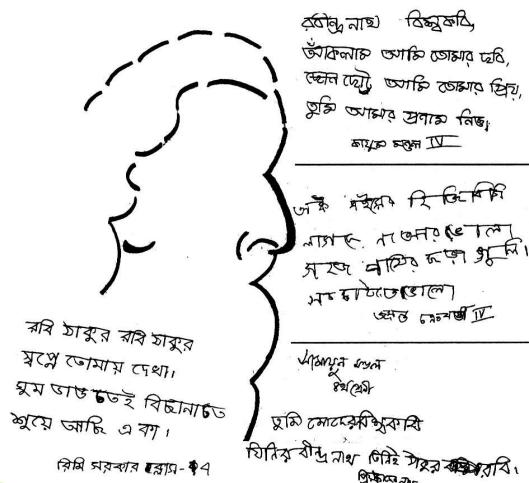
### Summary of Policy Gaps and Solutions:

- \* There is serious data gap on the magnitude of migration.
- \* Migrants specially seasonal migrants remain out of the purview of health, education and social security related schemes because of structural and implementation related bottlenecks.
- \* The Labour Dept. has enlisted only 93 trades under the unorganised labour sector. However, there is no Workers Welfare Board for the enlisted trades which diminishes the hope for registration in RSBY and State Assisted Provident Fund Scheme for Unorganised Workers.
- \* Inter-state migration is covered under the Union List; their protection is covered under the State List and ensuring better working condition at their work places is included under the Concurrent List of the Indian Constitution. However, these workers are left alone owing to the conflict between the Union and State governments.

### Conclusion:

Prof. Asokendu Sengupta concluded the panel discussion and announced that **West Bengal Commission for Protection of Child Rights (WBCPCR)** decided to form a state level working group to pursue the agenda of migration and GOAL agreed to provide secretarial support for initial few months to make the group functional.

There would be two bodies in this committee: core group or task force and advisory group consisting of stakeholders, duty-bearers, social activists and other interested groups.





### Annexure 6

#### **REPORT OF State Level Inspection and Monitoring Committee & State Level Inspection Team Government of West Bengal Till 31-03-2014**

1. The Governor is pleased to constitute the State Level Inspection & Monitoring (SLIM) Committee vide Memorandum No 7057/SW/O/JJA-33/12 dated 26-09-2012 & the State Level Inspection Team (SLIT) vide Notification No 7058/SW/O/JJA-33/12 dated 26-09-2012 with the Following Members :
  1. Shri Asokendu Sengupta- Chairman
  2. Smt Sipra Bhattacharyya- Member
  3. Shri Kalyan Rudra- Member
  4. Ms Arpita Chowdhury- Member
  5. Shri Bidhan Bhattacharyya- Member
  6. Ms Mahua Moitra- Member
  7. Two Members- to be nominated by the Chairman
  8. Shri Pramal Kumar Samanta- Member Convenor
2. Subsequently, Chairman nominated Dr Siddhartha Gupta and Shri Dilip Ghosh FOR THE SLIM Committee ; and Dr Pradip Dan and Shri Sujato Bhadra for the SLIT.
3. The SLIM Committee & the SLIT have started its venture to diagnose ills and to prescribe remedies in order to revitalize a delivery system which is practically in a moribund state. Apart from inspection and monitoring the committee is entrusted with building a transparent monitoring mechanism.

Total Number of Homes visited: 132

Districts visited: All

### **ACHIEVEMENTS:**

1. Revision of inside wage of Vagrancy Home: After almost 40 years the wage has been revised (from Rs. 4.05 to Rs. 40, vide order No 1536 – SW, dated 2-5-2013) on the recommendation of the SLIT & SLIM Committee. However daily wages of inmates of other homes remain unchanged (Rs 9.10 only).

Recommendation: Recommended that reasonable enhancement of daily wages of inmates of other homes may be made immediately.
2. The difference in scale of support for different categories of inmates is disturbing. Some kind of uniformity is necessary and the possibility of sourcing the additional amount required from the state budget needs to be explored.



3. About 800 books have been distributed among several Homes. Organisations like Friends of Democracy and All Bengal State Govt. College Teachers Association have helped SLIT & SLIM committee in this move.
4. Kadai Home, Murshidabad rechristened as Kazi Nazrul Islam Destitute Home as proposed by the chairman & reopened.
5. SLIT & SLIM COMMITTEE recommended that reservation quota for home inmates in ICDS be restored. This was accepted and scope for them has further been extended.
6. There are reasons to believe that inter-sectoral meetings will bear fruit very soon. Many a government department/ directorate have taken active interest and have already nominated nodal officers for better coordination.

The Director, Social Welfare, the Department of CD and the Department of WCDSW may nominate Liaison Officers immediately to strengthen the bondage.

The SLIMC & the SLIT wish to add that

- a) The SLIT is constituted in terms of the section 63 of JJ Rules. The SLIT & the DLITs need to be considered as essential component of the Service Delivery Structures. The PAB may be urged to provide fund for the smooth functioning of the SLIT & the DLITs.
- b) The SLIMC may be considered as an Innovative Project. A detailed proposal may be sent to PAB and the Government of India with a request to release grants in this regard.

## NEWS:

- i) In his letter dated 24-04-2013 the chairman requested the Secretary to send ATR on the 1<sup>st</sup> Interim Report that was submitted by the Chairman on 21-01-2013.
- ii) A MOU had been signed by the Chairman, the SLIM Committee and the SLIT with Railway Children & Pratichi Institute for a study on status of child protection at Juvenile Homes in West Bengal. Railway Children & Pratichi Institute were to bear the entire cost towards this study, it was agreed upon.

## Shortcomings & Recommendations:

1. Audit pending in almost all govt-run homes for couple of years.  
The Superintendents of the homes may be asked by the Director to take necessary steps immediately.
2. I-Cards for members of CWCs and SCPS, SARA, DCPS Staff have not been issued yet. Interestingly, despite several reminders the department had not yet been able to provide letterhead & I-Card for the SLIT & SLIM Committee.  
I-Cards, letterhead etc need to be provided by the competent authority immediately.
3. The chairman had sent letters to all DMs (Memo no: Nil Dated 21/08/2013 & Memo no 02/SLIM-SLIT Dated 5/12/2013) requesting them to constitute District Inspection Teams; most districts constituted such committees subsequently.
4. It is noticed that the department/directorate is unaware of many care-giving institutions in this state. Some NGOs have definitely been serving the people in need of care & protection seriously. But, activities of some NGOs and some institutions deserve scrutiny. In some areas it is observed that NGOs are not interested in providing services.





The Director, Social Welfare may please convene a meeting of NGOs to devise a plan for better partnership.

5. DSWOs/DCPOs were asked to map all homes in their respective districts. They had further been requested to register all CCIs under section 34(3), to constitute M.Cs & C.Cs in consonance with section 56 & 57 of the JJ Rules. The DMs were asked to take expeditious actions in this regard. (Memo No : Nil Dated 21/08/2013 & Memo no 02/SLIM-SLIT Dated 5/12/2013).
6. Ideal Group donated Rs 4,65,000/ for the development of Kishalay Children Home, Barasat under CSR activity. Administrative approval accorded after about two months allowing the DM, North 24 Parganas to receive the donation through DCPS SB account as per section 45 of JJ Act. It may be noted that section 45 of JJ Act is no mandate for receiving such fund. If the Department creates JJ Fund as per section 95 of JJ Rules, 2009 (read with section 61 Of JJ Act 2000) the Department may avoid such ambiguity and circuitous path.

The Department is urged to create a JJ Fund as per section 95 of JJ Rules immediately.

7. Following Requirements are to be met urgently in government-run homes:
  - a) Guarding staff (preferably Male ) for Main Entrance of Home .
  - b) Doctor / Lady Doctor and full time Nurse .
  - c) Full time counselor / lady counselor.
  - d) Teacher / lady Teacher for providing Vocational training along with teachers for education.
  - e) Separate infrastructure for keeping the CNCP and JCL girls.
  - g) Removal of Condemned vehicles etc from the campus.
8. Repairing of electrical wiring, building etc are urgently needed for safety and security of the home. It is suggested that maintenance of all government-run home may be placed in PWD (Civil & Electrical) book. Secretary, Department of Social Welfare should take up the matter with PWD.
9. Shortage/Transfer of staff from homes: It is observed that in government-run homes there is an acute shortage of staff. Further, it is noted that a large section of employees have never been transferred and allowed to work at the same place for over decades.

The Department may, for the best interest of the inmates, fill in vacancies transfer immediately all employees who have served a particular home for more than 10 years continuously.

10. Constitution of CWC: In many districts the CWCs are not constituted properly and that resulted in many legal problems.

The government may take expeditious steps to fill in all vacancies in CWCs.

11. SCPS/DCPS/SARA: The department has not yet been able to complete recruitments for the sanctioned posts in SCPS/DCPS/SARA.

The government may take expeditious steps to fill in all vacancies in SCPS/DCPS/SARA.

12. Principal, Suryoday Deaf & Dumb School, Raigunge, Uttar Dinajpur served the institution for more than 12 years. This is a unique post and the incumbent has no scope for promotion in his service career.

Department may consider upgradation of the post and explore promotional avenues.

13. Blind School, Cochbehar may be provided financial support to run the Braille Press & Library.
14. In many homes it is observed that eligible girls are not provided with sanitary napkins.

15. All WORKING WOMEN'S HOSTEL in the state of West Bengal such as No. of such hostels, present status, location, physical condition, mode of use, functionality etc. The said mapping process may be undertaken by the Directorate Level and efforts will be taken to expedite the same at the earliest time frame.
16. On analysis of the State's financial load, it is observed that the state will gain Rs. 7.30,31,040/-, if the units under Cottage Scheme are converted to ICPS. However, this conversion can be made possible when the units are registered under u/s 34 (c) of Juvenile Justice Act.
17. There are many Bangladeshi inmates in many homes. The Government should take all possible measures to repatriate them as early as possible.
18. Secretary and Commissioner of Social Welfare may be asked to provide updates regularly to the committee/team by sending notes / reports (except confidential ones) to the Committee/Team on subjects pertaining to the purview of this committee/team.
19. WBJSW cadres should get enough space to vent their opinions, their experiences need to be utilized fully and they need to shoulder more responsibilities. The scope for enabling this cadre to render the required services more effectively by improving their career prospects needs to be explored. They deserve better logistic support, mobility and scope for capacity enhancement through systematic training and exposure. The SLIM Committee may also be entrusted with examining these aspects. It may be noted that such reforms apparently will not put much pressure on state exchequer.
20. ICDS is a centrally sponsored mega project. Successful implementation of this project is particularly important in this state considering the fact that nutritional level of the children under six, pregnant women and lactating mothers is shameful. And so, a separate Directorate may be formed to handle ICDS project.
21. Directorate must have a strong legal cell.
22. The system and spirit of e-governance with applications of modern technologies may be extended at the earliest to the base level for smother and faster functioning of this department.
23. The state government should examine all archaic Acts and Rules and provisions thereof may be amended in such a manner that maximum benefits may be extended to the beneficiaries. Framing/ amendments of acts and rules should be made compatible with Resolutions of General Assembly, known as Beijing Rules, Riyadh Rules, adopted in 1985 and 1990 respectively.
24. Since it is not possible in many cases to ascertain caste/religion of an inmate the department of SC/ST/OBC and minorities may be approached to issue appropriate certificates on the basis of the recommendations of home superintendents.
25. At Sardiha, about 2 km away from Nivedita Home, Manikpara, there is one abandoned house with huge land at the disposal of Social Welfare Board. DSWO may come up with an appropriate plan so as to utilize this land for the education and other benefit of destitute girls, particularly girls of weaker section.
26. District administration may be asked to take necessary steps to stop encroachment and oust unauthorized occupants immediately.
27. Appropriate authorities may be approached to declare all children of homes as CWSN. As regards birth certificates, the SLIT recommends that in absence of such certificates the doctors attached to

respective homes may, in consultation with home superintendents, be empowered to issue birth certificates.

28. Safe drinking water and proper sanitation home managements should take care of.
29. It appears that a section of police, Municipality, health & other line department staff are not fully aware of the Juvenile Act and the welfare schemes of the government. Sensitization programme need to be started immediately.
30. Separate friendly sanitation system for disabled children be provided.
31. Local Muniapialties/Panchayets may be requested to cooperate.
32. 9. Strict supervision over SAM(SEVERELY ACUTE MALNOURISHED) children is needed.
33. Provision for proper fire fighting arrangements in every home must be made compulsory for issuance/renewal of licences.
34. Provision for proper fire fighting arrangements in every home must be made compulsory for issuance/renewal of licences.
35. Transit Homes, of the nature of Shelter Home, may be set up near Howrah Station/ Sealdah Station to receive girls coming from other states.
36. A special home for girls booked under IPT Act may be established by the state government.
37. The staffing pattern of government-run Home needs to be reviewed. These posts were created long back.
38. The State govt may provide special financial package for continuation and furtherance of enterprises meant for persons with mental retardation and multiple disability.



### **Guwahati Charter of Action on Child Protection**

1. We, the representatives of the State Commissions for Protection of Child Rights, assembled at the Interactive Meeting in Guwahati, Assam on 3 March 2015, reaffirm our obligation to monitor the States' fulfillment of obligations under the Juvenile Justice (Care and Protection of Children) Act, 2000 and Rules, the Protection of Children from Sexual Offences Act & Rules, 2012, and the Right of Children to Free and Compulsory Education Act, 2009 and Rules. Towards this end, we commit to develop monitoring indicators and monitoring systems, in collaboration with each other and with the assistance of experts on child protection. Reliance will also be placed on the monitoring guidelines on the POCSO Act issued by the National Commission for Protection of Child Rights.
2. We place on record our appreciation and applaud the award of the Nobel Peace Prize to Shri Kailash Satyarthi on 10th December 2014, child rights activist for his struggle against the suppression of children and young people.
3. We commit ourselves to collectively advocate for the immediate notification of State Rules in States in which this is pending as of date and also advocate for amendments to the Commissions for Protection of Child Rights, 2005 and State Rules with a view to promote the foundational, operational, functional and financial independence of all State Commissions for Protection of Child Rights and to strengthen the implementation of our mandate under sections 13, 14, and 15 of the CPCR Act in true letter and spirit. We also agree to advocate for uniformity in status and terms of conditions of office-bearers of State Commissions.
4. We resolve to urge our respective State Governments to equip the Commission with necessary infrastructure, finances, and human resources required to discharge our mandate under the law and in order to establish dedicated cells to enable the efficient monitoring of the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000, Protection of Children from Sexual Offences Act and Rules, 2012, the Right of Children to Free and Compulsory Education Act, 2009, and any other Acts related to children.
5. We resolve to follow-up on the measures taken by the State Government to establish a Coordination and Action Group and frame a Plan of Action at the State and district level under the National Policy for Children, 2013.
6. We pledge to ensure that the rights of the most marginalized and invisible children namely migrant children, trafficked children, children in bonded labour, children in mines and quarries, sexually exploited children, children with disabilities, adolescents, children living with and affected by HIV/AIDS, children in conflict areas, children from socially excluded communities, such as those from the tea communities, children in red light areas, abandoned and surrendered children, children vulnerable to substance abuse, street children, children in conflict with the law, the girl child, and all children in need of care and protection under Section 2(d) of the Juvenile Justice (Care and Protection of Children) Act, 2000 are brought to the attention of relevant government agencies and non-government actors.





7. We recognize the strength of collective action and agree to periodically dialogue with the National Commission for Protection of Child Rights, State Commissions for Protection of Child Rights as well as other national and state human rights institutions to share good practices and effective methods of operation and to collaborate on issues of common concern.
8. We will continue to proactively engage with organizations and stakeholders at the national, state, and international levels, including children, civil society organisations, non-State actors, media, UN agencies, and others to strengthen and advance the framework on child protection within our respective States
9. We commit ourselves to monitor and encourage compliance of our respective State Governments with the following directions of the Hon'ble Supreme Court:
  - a) Directions dated 13.01.2015 in *Bachpan Bachao Andolan v. Union of India*, Writ Petition (Civil) No. 75 of 2012 related to tracing of missing children by the Central Government and State Governments.
  - b) Directions dated 12.10.2011 in *Sampurna Behrua v. Union of India*, Writ Petition (Civil) No. 473 of 2005 related to the establishment and training of Special Juvenile Police Units in every district and city.
10. We will continue to consult with experts in the field of child rights and other stakeholders including children to assess the effective implementation of the laws, policies and safeguards on child protection.
11. We commit to analyze the adequacy of budgets on child protection at the State level, particularly the utilization of the budget available under the Integrated Child Protection Scheme at the State and district levels and to make necessary recommendations.
12. We are aware that the *Report of the Independent Expert for the United Nations Study on Violence against Children*, A/61/299 (29 August 2006) noted that violence against children is largely invisible yet significant in its scale, scope and underreporting, all of which are exacerbated by societal acceptance. Some forms of violence are rooted in discriminatory and unequal societal gender dynamics, and harmful practices. We commit ourselves to intensify education, research and awareness-raising activities among children, community, teachers, police, government departments, and all other stakeholders on child protection and to also modify the culture of acceptance of violence against children through educational measures.
13. We recognize the concluding observations of the Committee on the Rights of Child on India's third and fourth periodic report made on 7 July 2014 and commit ourselves to monitor the State Government's compliance with the recommendations, and in particular the:
  - a) Timely allocation of sufficient human, technical and financial resources for the effective operationalization of the National Policy For Children.
  - b) Adequacy of the budget allocation to all social sectors, in particular education, health and child protection at the State level.
  - c) Measures taken by the State Government to achieve the sex ratio target (950 girls to 1000 boys) in line with the 12 National Five-Year Development Plan.

- d) Safeguards to prevent female infanticide and abandonment of girls and sex-selective abortions.
  - e) Legal measures to prohibit corporal punishment of children under 18 years in all settings and educational measures taken to change the general attitude towards this practice.
  - f) Measures taken to promote awareness to prevent and combat child abuse, including physical, sexual and emotional abuse, taking into account the gender dimension. Also monitor measures taken to prevent and eliminate discrimination against children with disabilities.
  - g) Measures taken to address stigmatization of victims of sexual abuse and to put in place an effective reporting system that is accessible and child-friendly.
  - h) Measures taken to ensure the effective implementation of the Prohibition of Child Marriage Act, 2006.
  - i) Measures taken to raise awareness among children on how to access the 24-hour helpline, provide the necessary human, technical and financial resources for the effective functioning of the service and ensure feedback, including advice and counseling, information on referral services and rescue operations when necessary.
  - j) Measures taken to promote alternative care centres and relevant child protection services in order to facilitate quality rehabilitation and social re integration of children in institutions.
  - k) Protection provided to children in street situation,
  - l) Human, technical and financial resources provided to the Juvenile Justice Boards.
  - m) Designation of specialized judges for children who have received appropriate education and training.
  - n) Provision of qualified, independent, free or subsidized legal and other appropriate assistance to children in conflict with the law, at an early stage of the procedure and throughout the legal proceedings.
  - o) Promotion of alternative measures to detention, such as diversion, probation, mediation, counseling or community service, wherever necessary, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it.
14. We recognize that the Protection of Children from Sexual Offences Act, 2012 binds the State Governments to establish Special Courts and appoint Special Public Prosecutors to promote child-friendly justice. We commit ourselves to advocate with our respective Governments to:
- a) Ensure the appointment of Special Public Prosecutors for conducting cases only under the Protection of Children from Sexual Offences Act, 2012 pursuant to their obligation under Section 32(1) of the Act.
  - b) Ensure that the provisions of the POCSO Act are given wide publicity and periodic trainings of all stakeholders are conducted.
  - c) Ensure that guidelines under Section 39, POCSO Act are framed in consultation with relevant stakeholders and duly implemented.

15. We pledge to encourage our respective Governments and High Courts to take effective measures to ensure that pre-trial and trial processes under the POCSO Act are conducted in a child-friendly manner, secondary victimization and exposure to the accused is avoided at all stages, identity of the child and the child's family is protected, and compensation is awarded and disbursed within the stipulate timeframe. We also agree to urge the State Legal Services Authority and the State Judicial Academy Lo sensitize the police, Public Prosecutors, judges, media and all other stakeholders on the POCSO Act and Rules.
16. We emphasize the need of counseling, aftercare and holistic rehabilitation of children in conflict with the law and children in need of care and protection in order to enable their social reintegration and rehabilitation.
17. We emphasize the need to promote child participation through *Bal Samvaads*, *Bal Sunwais*, and through the Children's Committees under the Juvenile Justice (Care and Protection of Children) Act, 2000.
18. We emphasize the need of the Stale Commissions for Protection of Child Rights to look into standardization of training modules for authorities and actors tasked with the implementation of laws relating to children.
19. We record our appreciation for the Two Hundred Sixty Fourth Report of the Department-related Parliament Standing Committee on Human Resource Development on The Juvenile Justice (Care and Protection of Children) Bill, 2014 and agree lo advocate for the right of all children in conflict with the law to be treated equally under the Juvenile Justice (Care and Protection of Children) Act, 2000. We reiterate that age and/or offence-based exclusions are incompatible with the Constitution of India, the United Nations Convention on the Rights of the Child, 1989 and international standards on juvenile justice.
20. We commit ourselves to develop in consultation with experts and stakeholders a child protection policy for adoption by all institutions related to children like schools, pre-schools, and day care-centres, etc.
21. We commit to meet annually to revisit this Charter.



Signed on the Third Day of March 2015 at Guwahati by:

*S. Muralidhar Reddy*  
3-3-2015

Mr. S. Muralidhar Reddy  
Member,  
Andhra Pradesh SCPCR

*Mitali Tingkhata*

Ms. Mitali Tingkhata  
Chairperson,  
Arunachal Pradesh SCPCR

*Runumi Gogoi*

Ms. Runumi Gogoi  
Chairperson, Assam SCPCR

*Nisha Jha*

Ms. Nisha Jha  
Chairperson, Bihar SCPCR

*Devi Sirohi*

Prof. Devi Sirohi 3/3/15  
Chairperson,  
Chandigarh SCPCR

*Shatabdi S Pandey*

Ms. Shatabdi S Pandey  
Chairperson,  
Chhattisgarh SCPCR

*Mamta Sahai*

Ms. Mamta Sahai,  
Member, Delhi SCPCR

*Sameera S. Kazi*

Ms. Sameera S. Kazi  
Ex- Chairperson, Goa SCPCR

*Rameshwari Pandya*  
3.3.05

Dr. Rameshwari Pandya  
Chairperson, Gujarat SCPCR

*Shyama Dogra*  
3/3/15

Ms. Shyama Dogra  
Chairperson,  
Himachal Pradesh SCPCR

*Roop Laxmi Munda*  
3/3/15

Ms. Roop Laxmi Munda  
Chairperson,  
Jharkhand SCPCR

*Meena C. U.*  
3/3/15

Ms. Meena C. U.  
Member, Kerala SCPCR

Mr. A. N. Tripathi  
Secretary, Maharashtra SCPCR

Ms. Meena Kharkongor  
Chairperson,  
Meghalaya SCPCR

Ms. Meilemla Pongener  
Chairperson, Nagaland SCPCR

*Rajendra Maher*  
3/3/15

Mr. Rajendra Maher  
Member, Odisha SCPCR

*Sukesh Kalia*  
3/3/2015

Mr. Sukesh Kalia  
Chairperson,  
Punjab SCPCR

Mr. Sudeep Goyal  
Member,  
Rajasthan SCPCR  
March 3' 20

*Nimchoki Bhutia*

Ms. Nimchoki Bhutia  
Member, Sikkim SCPCR

*S. Mowleeswaran*  
3/3/2015

Mr. S. Mowleeswaran  
Member,  
Tamil Nadu SCPCR

*Mohd. Raheemuddin*  
3/3/15

Mr. Mohd. Raheemuddin  
Member,  
Telangana SCPCR

*Rupa Ganguly*  
3/3/15

Ms. Rupa Ganguly  
Chairperson,  
Tripura SCPCR

*Ajay Setia*  
3/3/15

Mr. Ajay Setia  
Ex- Chairperson,  
Uttarakhand SCPCR

*Asokendu Sengupta*  
3/3/15

Mr. Asokendu Sengupta  
Chairperson,  
West Bengal SCPCR





Abhyuday & Associates

CHARTERED ACCOUNTANTS

9A, ABDUL RASUL AVENUE

KOLKATA - 700 026

Tel. : 2464-7896 / 2335-1607

M : 09433605724

e-mail : profs91@gmail.com

### AUDITOR'S REPORT

We have audited the attached Balance Sheet of **West Bengal Commission for Protection of Child Rights**, an autonomous entity under the Commission for protection of Child Rights Act 2005, as at 31<sup>st</sup> March 2015, the Income and Expenditure Account and the Receipts and Payments Account for the year ended on that date annexed thereto. These financial statements are the responsibility of the Commission's Management. Our responsibility is to express an opinion on these financial statements based on audit.

We conducted our audit in accordance with auditing standards generally accepted in India. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by the management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

We further report that:

- a we have obtained all the information and explanations, which to the best of our knowledge and belief were necessary for the purpose of our audit.
- b in our opinion the Commission has kept proper books of accounts so far as appears from our examination of such books.
- c the Balance Sheet, Income and Expenditure account and Receipts and Payments account dealt with by this report are in agreement with the books of accounts.

In our opinion and to the best of our information and according to the explanations given to us the said Balance Sheet and the Income and Expenditure give a true and fair view:

1. In so far as it relates to the Balance Sheet, of the state of affairs of the Commission as at 31<sup>st</sup> March 2015 and
2. In so far as it relates to the Income and Expenditure account of the surplus for the year ended on that date.

Place : Kolkata

Date : 25-05-2015

Abhyuday & Associates

Chartered Accountants

Firm No. 317156E



Abhyuday Chowdhury

Partner

Membership No. 053354

# West Bengal Commission for Protection of Child Rights


ICMARD Building, 9th floor, Block 14/2, C I T Scheme, Ultadanga, Kolkata 700067

## Balance Sheet as at 31st March 2015

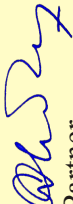
Liabilities	Rs		Assets	Rs	
	Amount			Amount	
Capital Fund	1,461,560.00				
Suplus - transfer from I&E a/c	3,236,208.09		Furniture	770,720.00	
			A C Machines	590,040.00	
			Computer	100,800.00	1,461,560.00
			<b>Current Assets :</b>		
			<b>Closing Balance :</b>		
			Cash in hand	-	
			at Corporation Bank		
			(A/c no 005200301140007)		
			Fixed Deposit	3,221,000.00	
			Savings A/c.	15,208.09	3,236,208.09
<b>Total</b>			<b>Total</b>		<b>4,697,768.09</b>

Date: 25/05/2015  
Place: Kolkata

  
Secretary  
W.B.C.P.C.R.

  
SRI ASOKENDU SENGUPTA  
Chairperson  
State Commission  
For Protection of Child Rights  
Govt. of West Bengal



For  
Abhyuday & Associates  
Chartered Accountants  
  
Partner





# West Bengal Commission for Protection of Child Rights

ICMARD Building, 9th floor, Block 14/2, C I T Scheme, Ultadanga, Kolkata 700067

## Income and Expenditure account for the year ended on 31st march 2015

EXPENDITURE	Rs Amount	INCOME	Rs Amount
Vehicle	104,414.00	Travel & Stay grant received for RTE from NCPDR	350,000.00
Telephone	6,940.00		
Travel & Stay for RTE	261,808.00	Grants received from Govt of West Bengal	6,306,276.00
Food	38,090.00		
Decoration	96,520.00	Bank Interest	10,870.09
Service Tax	310,018.00		
Stationery	14,647.00		
Repairing Charges	1,859.00		
Printing	7,875.00		
Cheque book	45.00		
Rent	2,514,982.00		
Electricity Charges	55,409.00		
Water Tax	18,331.00		
Surplus			
- transfer to the capital A/c	3,430,938.00		
	3,236,208.09		
<b>Total</b>	<b>6,667,146.09</b>	<b>Total</b>	<b>6,667,146.09</b>

Date: 25/05/2015

Place: Kolkata

*Banji*  
Secretary  
W.B.C.P.C.R.

*C. Sengupta*  
SRI ASOKENDU SENGUPTA  
Chairperson  
State Commission  
For Protection of Child Rights  
Govt. of West Bengal



For  
Abhyuday & Associates  
Chartered Accountants  
*Abhyuday*  
Partner

# West Bengal Commission for Protection of Child Rights

ICMARD Building, 9th floor, Block 14/2, C I T Scheme, Ultadanga, Kolkata 700067

## Receipt and Payment account for the year ended on 31st march 2015

RECEIPTS	Rs	PAYMENTS	Rs
Travel & Stay grant received for RTE from NCPCR	350,000.00	Vehicle	104,414.00
		Telephone	6,940.00
		Travel & Stay for RTE	261,808.00
		Food	38,090.00
		Decoration	96,520.00
		Service Tax	310,018.00
		Stationery	14,647.00
		Repairing Charges	1,859.00
		Printing	7,875.00
		Cheque book	45.00
		Rent	2,514,982.00
		Electricity Charges	55,409.00
		Water Tax	18,331.00
			3,430,938.00
Bank Interest	10,870.09	Furniture	770,720.00
		<b>Closing Balance:</b>	
		Cash in hand at Corporation Bank	
		(A/c. No. 005200301140007)	
		Fixed Deposit	3,221,000.00
		Savings A/c.	15,208.09
			3,236,208.09
<b>Total</b>	<b>7,437,866.09</b>	<b>Total</b>	<b>7,437,866.09</b>

Date: 25/05/2015  
Place: Kolkata

*Banji*  
Secretary  
W.B.C.P.C.R.

*C. Sengupta*  
SRI ASOKENDU SENGUPTA  
Chairperson  
State Commission  
For Protection of Child Rights  
Govt. of West Bengal



For  
Abhyuday & Associates  
Chartered Accountants  
*Abhyuday*  
Partner







## **West Bengal Commission for Protection of Child Rights**

### **SIGNIFICANT ACCOUNTING POLICIES and NOTES TO THE ACCOUNTS :**

West Bengal Commission for Protection of Child Rights has been formed to meet the objectives stated under the Commission for Protection of Child Rights Act 2005 at the state level. It is formed as an autonomous entity under the Child Development and Woman Development & Social Welfare Department, Government of West Bengal, having separate set of books of accounts and bank accounts.

#### **1. BASIS OF PREPARATION OF FINANCIAL STATEMENTS**

i) The financial statements have been prepared in accordance with the historical cost Convention following cash basis of accounting.

#### **2. FIXED ASSETS AND DEPRECIATION**

i) Fixed assets are stated at cost. The cost comprises of Purchase price / Departmental valuation inclusive of duties, taxes, incidental expenses if any, as applicable.

#### **3. REVENUE RECOGNITION**

Revenue is recognized as and when received. Grants are recognized in the accounts only when the grant is received by the Commission.

#### **Notes to the Accounts :**

**Nil**

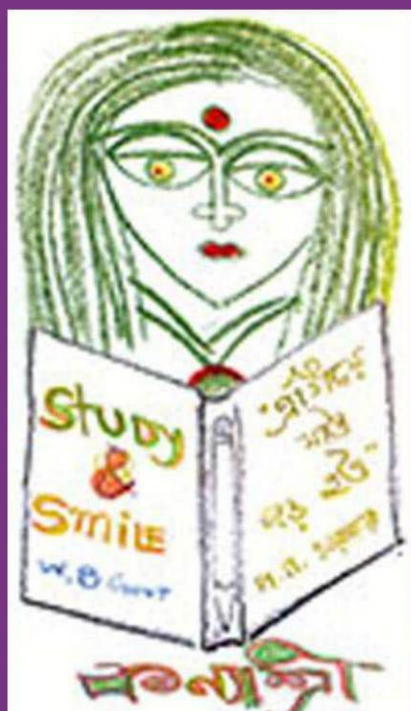
Place: Kolkata  
Date : 25-05-2015



Abhyuday & Associates  
Chartered Accountants  
Firm No. 317156E

Abhyuday Chowdhury  
Partner

Membership No. 053354



**WEST BENGAL COMMISSION FOR PROTECTION OF CHILD RIGHTS**  
Government of West Bengal

ICMARD Building, 9th Floor, Block-14/2, C.I.T. Scheme, Ultadanga, Kolkata - 700 067  
Telefax : 033 2356 0385 Mobile : +91 98311 03761 e-mail : wbscpcr@gmail.com

**Child Line "Call 0000"**