



सत्यमेव जयते

National Commission for Protection of Child Rights

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Report on Visit to Himachal Pradesh

Assessment of child rights issues in the State



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1. Background

Himachal Pradesh, a state in Northern India is spread over 21,495 sqm (55,670 km²), and is bordered by Jammu and Kashmir on the north, Punjab on the west and south-west, Haryana and Uttarakhand on the south-east and by the Tibet Autonomous Region on the east.



Himachal Pradesh,

In 1950 Himachal was declared a union territory, but after the State of Himachal Pradesh Act 1971, Himachal emerged as the 18th state of the Republic of India. Pradesh is famous for its abundant natural beauty. The literal meaning of the state's name Himachal is *in the lap of Himalayas*. The climate varies from hot and sub-humid tropical in the southern tracts to cold, alpine and glacial in the northern and eastern mountain ranges with more elevation. The state has areas like Dharamsalathat receive very heavy rainfall, as well as those like Lahaul and Spiti that are cold and almost rainless. Broadly, Himachal experiences three seasons; hot weather season, cold weather season and rainy season.

The economy of the Himachal Pradesh is currently the third fastest growing economy in India. Himachal Pradesh has been ranked fourth in the list of the highest per capita incomes of Indian states. The abundance of perennial rivers enables Himachal to sell hydroelectricity to other states such as Delhi, Punjab and Rajasthan. The economy of the state is highly dependent on three sources: hydroelectric power, tourism and agriculture.

Himachal Pradesh is the least urbanized state in India with nearly 90% of population living in rural area, but the Shimla district is comparatively urbanized with nearly 25% population living in an urban area. According to a 2005 Transparency International survey, Himachal Pradesh is ranked the second-least corrupt state in the country after Kerala.

Population:

Himachal Pradesh has a total population of 6,856,509 including 3,473,892 males and 3,382,617 females as per the provisional results of the Census of India 2011. This is only 0.57 per cent of India's total population, recording a growth of 12.81 per cent. Total fertility rate (TFR) per woman is 1.8 which is one of lowest in India.

Himachal Pradesh has a literacy rate of 83.78 per cent and gender ratio at 974/1000, according to the 2011 Census figures.

The main communities are Rajputs, Rathis, Brahmins and Ghirth. The Ghirth (choudhary) community is found mainly in Kangra District. Himachal has a sizeable population of Tibetans. Himachal Pradesh has the highest proportion of Hindu population in India (95%). Other religions that form a small percentage are Buddhism and Sikhism and Islam. The life expectancy at birth in Himachal Pradesh is 62.8 years (higher than the national average of 57.7 years) for 1986–1990. The infant mortality rate stood at 40 in 2010 and crude birth rate has declined from 37.3 in 1971 to 16.9 in 2010, below the national average of 26.5 in 1998. The crude death rate was 6.9 in 2010. Himachal Pradesh's literacy rate grew by 34.65% between 1981 and 2001.

2. Purpose of the Visit

National Commission for Protection of Child Rights (NCPCR), constituted by Government of India, as a statutory body under section 3 of the Commission for Protection of Child Rights (CPCR) Act ,2005 (No.4 of 2006) for dealing with protection of child rights and related matters.

To assess the current status of the child right violations and deprivations of the entitlements due to the children in the State of Himachal Pradesh, a team of the Commission led by the Member-in-Charge made a visit to the state for three days 29th July to 31st July 2013 to address emerging issues like the service delivery structures under ICPS - CWCs, JJBs, SJPU; child labour; corporal punishment; status of Child Care Institutions in the State, compliance on the provisions of RTE Act 2009, POCSO Act 2012 (Under both these Acts, NCPCR is mandated to monitor the implementation), and other child related issues in the State. The Commission had also been receiving a complaints on Child labour, Violation of RTE Act and other child rights issues in Himachal Pradesh.

3. Team Composition:

A team, comprising the following visited the State of Himachal Pradesh :-
Vinod Kumar Tikoo, Member, NCPCR

Shaista Khan, Senior Technical Expert, NCPCR

Priyanka Konsam, Junior Technical Expert, NCPCR

4. Programme Schedule

29th July 2013

Meeting with Her Excellency the Governor of Smt. Urmila Singh, Governor of Himachal Pradesh

Meeting with Hon'ble Justice Shri. R.B. Mishra, Justice, Himachal Pradesh High Court,

30th July 2013

Meeting with civil Society Organisations, NGOs, CWC Members, JJB Members and the State & District Legal Services Authorities

Meeting with Principal Secretary Social Justice & Empowerment, Women & Child Development, Principal Secretary Labour, Principal Secretary Education, Principal Secretary Health, Director Tribal Welfare, Director General Police, Deputy Commissioner Shimla and other concerned officials representing the District Administration responsible for providing the entitlements due to the Children and senior officials of Police Department.

Visit to a Government run Child Care Institution in Shimla

31st July, 2013

Meeting and briefing the Media Personnel

5. Meeting with Her Excellency, Governor of Himachal Pradesh



Member Shri Vinod Kumar Tikoo Presenting Annual Report and other Publications of the Commission to Her Excellency Governor of Himachal Pradesh Shmt Urmila Singh

Vinod Kumar Tikoo, Member, NCPCR met Her Excellency Ms. Urmila Singh, Governor, Himachal Pradesh at the Raj Bhawan, Shimla on the 29th of July, 2013 and apprised on the working, the mandate and the successes of the Commission so far.

In the brief meeting, the issues regarding *child rights violations in H.P* state, like physical sexual and psychological abuse of children in institutional settings, child labour, corporal punishment, child marriage, deprivations of children of their due entitlements including health care etc., were discussed. Her Excellency was also apprised of the fact that despite the Hon'ble Supreme Court orders the State was yet to come up with setting up of a State Commission for Protection of Child Rights as per the provisions of the CPCRA Act 2005. The need for Children's Courts as provided under the CPCRA Act 2005 the Special Courts under the provisions of the POCSO Act also figured in the discussion. In general the pressing need for providing an enabling environment for the children in the State so that they could flower into a fruitful and productive citizen was impressed upon.

Her Excellency, by virtue of her being the President of Himachal Pradesh Child Welfare Council shared her experiences and a re-assured commitment to promote and protect the rights of children in the state of Himachal Pradesh. Being associated with working on the ground zero, her passion in reaching out to the children to ensure that they receive a positive and enabling environment was found to be inspiring.

She was presented with a few of the publications of NCPCR. Her Excellency re-assured her support to NCPCR in its mandated work and also to direct the Govt of Himachal Pradesh to promote and protect the rights of children of Himachal Pradesh.

6. Meeting with Justice R B Mishra of High Court, Himachal Pradesh



Vinod Kumar Tikoo and other team members from NCPCR in a brief meeting with Justice R B Mishra,

Shri. V.K. Tikoo and team members of NCPCR along with Mr. R.K. Sharma, Deputy Director, Women and Child Department and Mr. R.P. Chauhan, DPO met the Hon'ble Chief Justice R.B. Mishra's at his residence in Shimla. Member NCPCR acknowledged the contribution made by Justice Mishra in field of child rights. The main points discussed were centred on the setting up of the Children Court and the Special Court as per the provisions of the CPCR Act 2005 and the POCSO Act 2012 respectively. The need for an all round sensitisation programme / awareness campaign on the various issues of child rights issues and the important role of the DLSA in effectively implementing the JJ Act was discussed at length. The salient features of the Hon'ble Supreme Court order dated 10th May, 2013 on missing children also figured in the discussion.

The current situation of the children in the state, migrant workers and their children and substance abuse in children were also discussed. Justice Mishra said that most of the cases of substance use among children were reportedly found in Solan, Manali and Dharamshala.

Justice Mishra, an eminent jurist, firmly believes in positive parenting and subscribes to the ideology that children should be made aware of their duties towards their homes, community, society and the country at large, besides their rights, assured that he would continue to work with the children wherever, he is posted, with the same zeal as he had been doing in the past in HP.

7. Meeting with representatives of Civil Societies/NGOs

The NCPCR Team interacted with the Civil Society Organizations/NGOs working in the various areas of Child Rights in the State of Himachal Pradesh. The meeting was organized at Conference Hall of Hotel Holiday Home, Shimla on 30.07.2013 at 10.30 AM. This was the first time in the State when a team from the Commission visited the State and interacted with civil societies/NGOs working in child rights area. The meeting was started with a brief round of introduction and area of work in child rights in which the Organizations are working. Team sought inputs from the NGOs on the issues that emerged from working in the field. Some of the important issues that emerged during the discussion relating to the migration, Child labour, non-compliance to implementation of RTE Act, working of the CWCs; pendency in disposal of JJB cases; registration of Children Homes; corporal punishment etc.



NCPCR team interacting with the civil society organisations (CSOs)/NGOs working in areas of child rights in the State

The following issues emerged during the discussion with the CSOs /NGOs:

- i. Education**
- ii. Child Labour**
- iii. Child care Institutions**
- iv. POCSO Act**
- v. Substance Abuse**
- vi. Functioning of CWCs**
- vii. Children with Special needs**
- viii. Trafficking and Missing Children**

The meeting carried forward the discussion on the following major issues of concern:

Education

It was brought to the notice of the Team that the govt. schools lacked either completely the toilet facilities for girls or if there was a toilet, it was not at all safe or hygienic, dropouts recorded were more in girls than boys, lack of clean drinking water and absence of the school boundary walls in schools further aggravated the issue. The Himalayan Education Society, Kullu had carried out a survey of the schools in Kullu which they assured of sharing with the Commission. According to the study, accessibility, unsafe roads, unhygienic toilets were cited as the primary reasons for girl child dropping out of schools. It was shared in the meeting that the compliance under the RTE Act, 2009, was far from satisfactory.

Corporal Punishment in schools emerged as one of the leading points of discussion in the meeting. The presence of Ghost teachers and teachers not performing their duties was also highlighted as a cause for poor attendance levels of children in the government schools. It was reiterated that the District Education Officer needs to inspect the schools in order to curb this practice. Pupil -Teacher ratio was also touched upon stating that this number needs to be kept in check to ensure proper and quality education being imparted to the children. It was shared by the members of NGO's that most of the SMC's were not functioning well and would not meet regularly. The lack of provisions for children of migrant workers was shared with the commission.

Need for restructuring of course curriculum, assessment of special needs and the need for special educators in school was also one of the highlights of the meetings. It was agreed upon that there was a lack of awareness about the children with special needs, their assessment and special services for these children.

For the children with special needs, it came to the fore that a few special educators were appointed by the State, but they were not available in the

Shri Tikoo underlined the need and importance of selecting teachers from the local areas to ensure constant and proper monitoring of the school functioning and imparting a continuous and uninterrupted flow of teaching to the children in the schools.

Child Care Institutions

The condition of various government run and funded homes was discussed. It was stated that there were no counsellors in these homes, no special educators for the children who are intellectually challenged with either physical, mental or visual impairments. Two such homes were mentioned- Nari Niketan, Mashobra and State run home for girls, Mashobra where the staff was common for both and the children of inmates were not receiving proper care. The sorry state of affairs at this particular home was highlighted and members present in the meetings requested the Commission to take up the matter on an urgent basis. There were two cases where children were being abused in the homes. In one case minor girls from Jharkhand was brought to Shimla by a Delhi based NGO, Aadi Jati Sevak Sangh and kept at a home run by them at Kinnaur. The Warden's husband was reported to be molesting the girls. Her Excellency the Governor of HP, Smt. Urmila Singh

had paid a visit to the home, following which, it was closed. Another such incident happened at Tutu where deaf girls were being raped in the home. It was informed that all Children homes/Shelter homes/Observation homes in the State were not registered under the JJ(C&P of C) Act.

Apart from the above issues it was shared that there was a lack of life skills program for the inmates in the homes. The representatives of the CSOs and NGOs felt a strong need to institute a concrete life skills program and extracurricular activities in the homes.

The representatives from Child Care Institutions were informed by the Member on the mandatory legal requirements of profiling of all the CNCPs and the CCLs by maintaining a case file as well as individual care plans; registration of all the Child Care Institutions under section 34(3) of the JJ(C&P) C Act, 2000 and that all the CNCP children must be presented before the CWC. The CWCs were also informed of their important role of regular inspection of the Children Homes.

Child Labour

The civil society members informed the commission that there is a lack of awareness among the Police officials as well as the officials from the Labour Department on the issues concerning child labour. The Police is also not reportedly sensitised on the provisions of the JJ (C &P) C Act 2000, especially on the role and the functioning of SJPU, which is still not setup in all the districts. Even the officials from the Labour Department are felt wanting on the issues of providing necessary cooperation whenever the cases of child labour was raised for rescue, restoration and rehabilitation. The Labour Department has not come out with any action plan on elimination of child labour in the State. Apprehensions were raised by some of the representatives on the determination of age and the gaps observed in the ossification test when resorted to, even though very remotely.

Representative from Child line revealed that the police as well as the labour authorities do not cooperate where rescue of child labour is concerned. Moreover, the children are now being presented before CWCs, wherever CWCs are present, but in a few cases due to lack of proper monitoring system and inspection mechanism, it was reported that the children were later on found to be missing and untraceable from the Homes. Concerns were also raised over the functioning of the CWCs. For example it was revealed that the CWC Shimla, the Chairperson is Delhi based and attends the CWC meeting/sitting very rarely, even the other members are not regular in their sittings. The Orders are not signed by the Chairperson even for ratification, most of the time.

The gathering was informed that in the absence of a school leaving certificate or the age proof certificate, wherever age determination test was resorted to, the lower range of age proclaimed in the ossification test must be taken in the best interest of the child, e.g. if after age determination test, the age range declared is 16-18 years, then 16yrs. will be considered as the age, in the best interest of the child.

It was also pointed out that the Labour Department has not been giving any details on the State Advisory Board or the District Child Labour Welfare Fund and no meetings are reported to take

place ever. In no case of rescue of a child labour, has any employer reportedly been challaned, and neither the penalty nor the unpaid wages & interest thereon recovered from such offenders. The Hon'ble Supreme Court Guidelines issued in the case of M C Mehta vs. State of Tamilnadu is not being followed.

POCSO Act 2012

The POCSO act was discussed briefly. It came to the notice that there were no training programmes on creating awareness on the provisions of the POCSO Act organised and that a strong need was felt in the related area. Representative from NGO facilitating the Childline services, informed reported that just half an hour training programme on POCSO for the civil societies and NGO's was organised by the Department of Women and Child Development, which was not perceived to be sufficient to understand the legal framework under the Act and the service delivery structures required to be provided under the Act, including the Special Court under section 28 of the Act. A few cases were reported to have been lodged under this act so far.

Functioning of CWC's

It was brought to the notice of all present that all children in homes are not registered in the State under section 34(3) of the J J (C&P of C) Act 2000. The commission was informed that CWC's were present in 6 districts of H.P. Important district manifested with good number of child labour cases - Solan did not have a CWC. The lack of Coordination amongst the CWC members at Shimla and the consequent inefficacy of the committee were revealed. The members present at the meeting shared with the commission that there was a need for strong and functional CWCs without which the children continue to suffer. A CWC member present in the meeting was not satisfied with the overall functioning of the CWC in rendering due justice to the CNCP. Even the pendency of cases in JJBs was reported to be high, thereby making the children in conflict with Law suffer in silence, in their long wait of disposal of the cases. The lack of awareness about the provisions of the JJ Act coupled with the absence of the available infrastructure was quite evident as the issues came to the fore during the discussion and needed a relook at the continued orientation.

Children with Special needs

It was brought to the notice of the team that as per the The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 the norms for treating Children with disabilities were not in place in the state. Special educators were not there in all the schools run for the children with special needs (CWSN). It was brought to the notice of the team by representative of Umang Foundation that there are 9 visibly impaired girls in the 10+2 Std in the Govt Sr Sec School for girls, Portmore, and they are provided with a TGT teacher instead a PGT teacher. The school after a great amount of relentless effort was provided with 4 computers but without any software for use by such visually impaired children. In addition there are 10 hearing impaired girls, who are without any Special Educator at all. Similarly, there are 12 boys in the class XI in Govt Sr Sec School, Joginder Nagar, Mandi and no special educator has been

provided. It was further shared that very old model Desk Top Computers were provided which are not even in a working condition. It was further informed that 3 visually impaired girls were denied admission initially in a Government School at Portmore, the school is not even quipped with the Braille facilities. This has raised more important issue of mapping of such CWSN in the state and matching of the Spl Educators in pockets where their effective utilisation could be ensured in helping the children in the schools.

The need of appointment of either Chief Commissioner under section 57(1) and /or Commissioner u/s 60(1), was also discussed as there was no Disability Commissioner appointed or nominated in the State so far, resulting in the woes of CWSN remaining unheard and unaddressed.

Missing/Trafficked Children

Special Juvenile Protection Units (SJPU) were either not present or non functional in the state as reported by the CSOs/ NGOs in the meeting. Anti-Human Trafficking Units (AHTUs) were also reportedly not at all operational in the State. The importance of setting up SJPU and AHTUs was emphasized in the meeting and all the representatives present were told that a coordinated effort by the civil societies and NGOs will help get the infrastructure and the service delivery structures in place for dispensing child rights services. The Hon'ble Supreme Court order of 10th May, 2013 in the case of BBA Vs. UOI observed on the need to file a FIR in case of a missing child **“an Office Memorandum was issued on 31st January, 2012, by the Ministry of Home Affairs, Government of India, by way of an advisory on missing children and the measures needed to prevent trafficking and for tracing of such children”**.

Substance Abuse

The districts that were prone to substance abuse in children were Solan, Kullu and Manali. There are no RRTC's/ rehabilitation centres or qualified counsellors to deal with such cases. The common forms of substances were: chewable tobacco, thinners, white fluid or the ink erasers and cannabis. It was informed to the team that the districts bordering the States of Haryana and Punjab had reportedly the higher incidences of substance abuse. Besides, the districts with tourist attraction had reportedly higher incidences of substance abuse among children.

Observations

There was an air of excitement in the participants as this was reported to be the first of its kind inter-active meeting of the Civil Societies/NGOs with an apex body like NCPCR in the state. The attendees were very proactive in their approach and discussion and in sharing the current scenario of child rights in the state. There were many gaps that were found in the mechanism of ensuring child protection and were addressed. The members of civil society expressed their willingness to work with the government bodies. It was observed that though the commission has received only a few cases from the state, as per the discussion a lot more issues relating to child rights specially where education, CCI's, and training of manpower in JJ act and POCSO were perceived to be necessary. It was observed that many of the NGO's were keen on a public hearing and a follow up visit to the address these issues.

The commission assured that the concerns raised in the meeting would be taken up with the officials of the state government in the meeting to be held at the Secretariat on 30th July 2013.

Annexure I**List of Representatives of Civil societies, Himachal Pradesh in a meeting with NCPDR on 30/07/2013**

S. No	Name	CSO/NGO/Organisation	Contact No.	E-mail
1.	Mrs Manju Sagar	Member CWC, Shimla	9816003690	
2.	Mrs Anita Sharma	HPVHA, Childline, Solan	9418399551	1098solanhp@gmail.com
3.	Mrs Surekha Kumari	Childline, Shimla	9418572200	1098shimla@gmail.com
4.	Mr Inder Pal	HPVHA, Childline	9817085067	1098shimla@gmail.com
5.	Mrs Meenakshi Kanwar	Childline, Shimla	9817328926	1098shimla@gmail.com
6.	Mrs Aruna Pundir	Childline, Solan	9459693467	1098solan@gmail.com
7.	Mrs Sanyogita	Sarvodaya Bal Ashram	2624489	
8.	Mr Suresh Kumar Sharma	Divya Manav Jyoti, Dehar, Mandi	9817140407	dmjanathalya@yahoo.co.in
9.	Mr R. S. Rana	Udaan, New Shimla	9816119505	udaanhp@gmail.com
10.	Mr Prem Singh	Deen seva mandal	9418499963	
11.	Mrs Suvarna Lama	Shanti Niketan Children's Home	01792-275450	subchildren_home@yahoo.com
12.	Mr Abhishek Rai	Himalayan Environment Protection Society, Kullu	9418003142 9218510004 9218600505	hepskullu@gmail.com abhishekkullu@yahoo.com
13.	Mr Sanjeev Sharma	H.E.P.S	01902-223146	aarayasharma@gmail.com
14.	Mr Nandlal	Soham, Solan, HP	9318693300	
15.	Mr H. S. Vegresh	Secretary		
16.	Mr Lekh Ram Thakur	Dealing Assistant	9882017175	
17.	Mr Kailash Raghuvanshi	Accountant, HPCCW	9805979779	
18.	Prof. Ajai Srivastava	Umang Foundation	9816077535	ajaisri02@yahoo.co.in
19.	Mrs Sapna Banta	CWC Member, Shimla	9418435333	
20.	Mrs S. Mathews	Body of Christ (Asha Sadan)	9816664359	boc777@rediffmail.com
21.	Mrs Monika Singh	CWC, Member, Shimla	9418470606	adv.monikasingh@yahoo.com

8. Meeting with Addl. Chief Secretary, Principal Secretaries, DC, DGP, SP on 30th July 2013



Member Vinod Kumar Tikoo, meeting with senior officials of Himachal Pradesh Government at Secretariat, Shimla on 30.07.2013

Shri. Vinod Kumar Tikoo held a meeting with the Addl Chief Secretary, Social Justice and Empowerment, Special Secretary, Social Justice and Empowerment, ADGP, Principal Secretary of Labour and Employment, Govt. of Himachal Pradesh at Secretariat, Shimla in which the Director, Women and Child Development, Joint Director, Education, DC, Shimla, SP, Shimla, DY. SP, CID, Shimla, State Programme Manager, SCPS, and other officials participated. Mr Tikoo's initiative for State visit was appreciated. The meeting began with Shri VK Tikoo introducing the team and giving a brief about NCPCR and its activities. The discussion revolved around the following agenda's which in brief are discussed below.

RTE and its implementation

According to the officials of the education department the enrolment rate is 100%. There are no exact figures of the number of out of school children in Himachal Pradesh. The same was true for Dropout rate and difference in the rates of girls and boys. It was revealed in the meeting that there are no fees for girls till Class 12. Moreover there are other schemes run by the state for the upliftment of the girl child. These include:

- SABLA, for girls in the age group of 11-18. It is being implemented in 4 districts
- Kishori Shakti Yojana in 8 districts

Apart from this bus travel for school children is free of cost. A discussion on the infrastructure of schools and compliance with norms was also discussed. The SMC's were reported to be highly

active in the districts. The District Commissioner receives regular reports from the SMC's. The need for special educators in schools was highlighted. Currently there is a lack of special educators, counsellors in schools and also awareness on the provisions of the RTE Act 2009, was lacking. Mainstreaming of children with disabilities and inclusive education was one also one of the core issues discussed. No concrete figure of children with disabilities was provided.

Child Labour

A brief report was given by the Principal Secretary, Labour Department on the current status of the child labour. Mapping of children engaged in labour is being carried out in collaboration with the HP University. The report is expected to be ready in a month's time. The MC Mehta Guidelines were discussed and it was assured that the guidelines are being implemented. Till date about 3900 inspections have been carried out to check child labour. Moreover, there are 600-700 inspectors for child labour.

Police Authority

An update on the status of SJPU's and AHTU's was called for in the meeting. As per the ADGP, there are 9 SJPU's in place. The SHO of the police station acts as the CWO. This point was taken up and the authorities were asked to clarify this point. There are 4 AHTU's in the State (2 have been notified) at Shimla, Chamba, Kullu and Sirmaur. The AHTU's have all the required resources except computers. The SP was asked to ensure the availability of the all the sanctioned resources to prevent any hindrance in the functioning of the units. With regard to missing children, the 10th May Supreme Court judgment was discussed and emphasized that all cases be registered as per the judgment. The guidelines are being followed strictly and the FIR is lodged at the first instance, informed the ADGP. The importance of the Police force as being a part of the service delivery mechanism and an integral and inseparable part of the society was highlighted by the NCPCR Member. It was also recommended that in cases booked by the police, the necessary sections of the JJ Act be applied. The authorities present were also questioned about the case of death of two girls from the Jesus and Mary Convent and requested to revisit the case as there were some gaps in the report received by the commission.

CWC's and Children's Homes

It was informed that there are 6 CWC's functioning in the state at present. Solan, a district with good number of reported child labour, does not have a CWC. The problems being faced by the CWC of Shimla was also discussed and it was suggested that the matter be resolved at the earliest to prevent the hampering of services of a CWC. There are 32 shelter homes in HP and One Observation home (Una). A second observation home is under construction at Hiranagar. 11 of these homes have been registered under relevant sections of the JJ Act. While 12 are being brought under the ambit of the registration. 20 of these shelter homes are govt. aided.

With regard to the Child Care Institutions- at Sundernagar for girls and at TutiKandi for Boys, the Director, DWCD, said that the problem faced by them was the underutilization of the buildings. There are no drop-in centres. It was shared that though they have been sanctioned it has

still not been instituted due to non-availability of proper buildings. However, a drop-in centre is being constructed at Dharamshala. Mr Tikoo emphasized that the CWC is the most important body in the district that is empowered to dispose off the cases relating to the children in need of care & protection and their functioning need to be strengthened, by the State. Training and re-orientation of CWC members by NIPCCD, New Delhi on provisions of ICPS and POCSO was also discussed. A strong need was felt to get the Home Investigation of the children in the child care institutions carried out and an individual care plan to be adopted.

With regard to *Anganwadicentres*, it was informed that there was a greater need to maintain proper records. The team was informed that under the ICPS the amount spent on each child was Rs750/- (from the Central Govt) +Rs728/- (from the State Govt -Mukhya Mantri Bal Yojana). In addition a lump sum Rs. 50,000/-p.a. is sanctioned per children home for the maintenance etc. Also, 100% of the training costs are being borne by the State Govt.

The DWCD was requested to share with the Commission, a report on the following:

- Service delivery mechanism-ICPS
- Adoption policy procedures followed in the State.

Nari Niketan, Mashobra

The condition of the Nari Niketan and the shelter home for girls at Mashobra was discussed as it was revealed that the condition of the home is deplorable. The director, DWCD was requested to submit a report on the status of the infrastructure of the Home especially the boundary wall of the homes within 7 days, as serious concerns were raised on the security aspects of the inmates in the Home. The children of the inmates, some of whom are intellectually challenged are not being separated from their mothers currently, but would be shifted to the children homes after attaining the age of 6. The need for a psychologist/ social worker to assess and engage the intellectually challenged mothers was emphasized. The girls of the Shelter home are shifted to Nari Niketan on attaining the age of 18.

Complaint matters:

- I. Commission had taken cognizance of the matter regarding alleged physical and mental torture of two girl students of Class VI in Convent Jesus & Mary School, Shimla (which has allegedly led to their mysterious death). Commission issued notice for all the concerned Officials of Education Department, Police Department and School Authorities to appear before the Commission in the month of January 2013. Post proceedings, the Commission has sent certain recommendations to be acted upon by the Department of Home and DGP, State Education Department (including the Directorate of



NCPCR Team at the site where the two girls from a reputed school reportedly committed suicide

Elementary Education) vide Commission's letter dated 30.01.2013. The Commission was yet to receive action taken report on many recommendations forwarded to the State.

The Additional Chief Secretary, during the meeting with all the concerned officials, invited SP, Shimla to give an update in the matter. He informed that the charge sheet in the case had been filed and the relevant sections of the law were invoked, however, the department was considering filing a supplementary charge sheet in the matter. The Member recommended to revisit the case and to send a status report on the action taken including by the Education Department, to the Commission at the earliest.

II. Tibetan Children Village (TCV)

A complaint was received by the Commission regarding protection of rights of a minor child from Tibetan Children's Village School, Dharamshala. After taking cognizance of the complaint a report was called from the Principal Secretary, Deptt of Social Justice and Empowerment, Govt of Himachal Pradesh, DGP, Himachal Pradesh, Superintendent of Police, District Kangra and the President of the TCV. A proper report from the Pr.Secy. Deptt of Social Justice and Empowerment, Govt of Himachal Pradesh was yet to be received by the Commission. A set of the copies of the communication exchanged with the State was made available to the Addl Chief Secy, who had recently taken charge.

A detailed report on the matter was requested at the earliest, to be placed before the commission.

Annexure II**Attendance list of senior Govt official of Himachal Pradesh with NCPCR on 30/07/2013**

S. No.	Name	Department	Contact No.	E-mail
1.	Dr. P.C. Kapoor	Addl. Chief Secretary, H. P.	9418450676	drpckapoor@gmail.com
2.	Dr. M. P. Sood	Spl. Secy (SJE)	9418250005	soodmp58@gmail.com
3.	Mr. Sanjay Kumar	ADGP (L&O), Police Hqrs, Shimla	9816617595	sanjaykr85@gmail.com
4.	Mr. Amitabh Avasthi	SS (H)/ MDNRHM	9418008449	amitabhavasthi23@gmail.com
5.	Mr. Brijesh Sood	Dy. SP (SCRB)CID Shimla	9418039449	soodbrijesh9@gmail.com
6.	Mr. G. K. Shammi	State Programme Manager SCPS	9418462515	
7.	Mr. Gian Chand Sharma	Stare Programme Manager SCPS	9418480001	
8.	Mr. Ashish Kohli	Jt. Director Education	9418085682	
9.	Mr. Abhishek Dular	SP Shimla	9418834911	abhishekd1@gmail.com sp-shi-hp@nic.in
10.	Mr. Dinesh Malhotra	DC Shimla	9418077244	dc-shi-hp@nic.in
11.	Mrs. Upma Chawdhry	Pr. Secy. LEP	9868829990	upmachawdhry@hotmail.com
12.	Mrs. Madhu Sharma	Director Women & Child Development	9418022240	madhubalasharma66@yahoo.in
13.	Mr. Ram Prakash Chauhan	DPO, Shimla	9418050393	wcdpo@gmail.com
14.	Mr. R. K. Sharma	Deputy Director	9418821829	rkdpo@yahoo.in
15.	Mrs. Mala Rah, S.O	SJ&E, H.P.	9418749926	

Observations:

The following observations emerged out of meeting with the officers of the State Government:-

Department of Labour

1. Mapping of child labour (as informed, study already in progress, report awaited) to be shared with the Commission.
2. Report on the number of inspections conducted, number of prosecutions and convictions under the CL (PR) Act, 1986 – district wise to be shared with the Commission.
3. Details of the meetings of the state level High Powered Steering Committee on Eradication of Child Labour headed by the Chief Secretary.
4. No of beneficiaries – district wise, rehabilitated under the child labour relief welfare fund.

Principal Secretary, Education

1. Mapping of out of school children to be shared with the Commission
2. Dropout rate of children, especially the girl child to be shared.
3. Confirmation on compliance on provision of infrastructure especially toilet facilities for the girls in the schools to be shared with the Commission.
4. Provision of special educators for children with special needs(CWSN)
5. Compliance on elimination of corporal punishments in schools.

Director, Department of Women and child Department

1. Mapping of all Child Care Institutions in the State and ensuring their registration u/s 34(3) of the J J Act, 2000. (safe placement of children from the unregistered CCIs closed in the process of inspection for registration to be ensured).
2. Boundary wall and staff at the Nari Niketan, Mashobra-Report to be sent immediately by DC Shimla(DC Shimla had volunteered to get the Home secured immediately). Status on infrastructure of other Homes to be shared with the Commission within a time frame of 45 days
3. Status on the Service Delivery Mechanism under ICPS to be shared on an emergent basis with the Commission and the Ministry of Women & Child Development, G O I, N Delhi.
4. Constitution of CWC to be ensured in a time bound manner in all districts, with the requisite infrastructure for their proper functioning.
5. Home investigation of children in the homes to be ensured.

Home Department & Police

1. Revisit the Convent and Jesus Mary case
2. Report to be sent to the Commission
3. Setting up of the SJPU's
4. Setting up of Children Court u/s 25 of the CPC Act 2005, and Special Court u/s 28 of the POCSO Act, 2012.in all the districts.

9. Visit to Children Home, TutiKandi, Shimla

The NCPCR team led by Shri Vinod Kumar Tikoo, Member visited the Govt. run 'Bal Ashram' at Tuti Kandi. Due to time constraints, the team could visit only one home during the visit. The visit was made around 7:00pm on 31 July 2013.

At the time of the visit the children were watching TV in a large spacious room sitting on a 'dari'. Mr Tikoo and the team interacted with the children asking them about their daily routine, backgrounds etc. This was followed by an inspection of the premises, kitchen, rooms, facilities etc.

Based on the interaction with the children and visit around the Home, the following was observed :

Overview

There were 54 children residing at the home. Some children had gone home for the vacations. The children are in the age group of 14-18 years studying in class 9 to 12th. The premises were clean with a large quadrangle



The dull rooms with discoloured walls

courtyard in the centre. The children were sitting on a *dari* and were dressed neatly. At the entrance there were four mentally challenged boys who were rescued by childline. One of the 4 has been in the home for the past 3-4 years. Their condition was not good as they were not engaged in any activity throughout the day. As reported they keep sitting in one corner waiting for the meal timings. There was one boy from Nepal who was rescued by Childline. The boy and his two sisters were brought from across the border and engaged in a *Sabzi Mandi* and as domestic help respectively before being rescued. The sisters are placed at a girl's home at Durgapur.



Rooms and Toilet Facilities

The rooms which were on the first floor of the building were dull and with dim light. The walls were dirty and in some rooms the false ceilings had come off and the mesh of windows was not intact. The beds were neatly kept by the inmates. There was no lighting in the corridors and a rat was seen in one of the rooms. The toilet facility is far away from the rooms, in the rear side of the

building with no lighting on the path leading to the toilet and bathroom block. Even the toilets and bathroom has no light. At 7:30 pm the toilet complex was pitch dark. There were dysfunctional and damaged solar panels, the solar water tank was also dysfunctional. The children are also exposed to harm from certain wild animals that have been sighted in the area and the security measures were wanting.

Kitchen

The kitchen was kept neatly and the dinner was being cooked. The rice seemed of good quality. The dal was watery in consistency. The menu is decided by the warden Mr. Kalak Ram Mehta and though there is a 'Bhojan Committee' the children have never been consulted on the menu.

Various other committees were displayed on the display board in the office, however they are not functional as the children did not have any idea of the same. There was no tasting register.

They are given breakfast at 9:00 am and their school starts at 10:00am. They go to school by bus which is free of cost. The home does not provide lunch even during the holidays. The only meal they get in the afternoon comprises of *dalia* and milk which is given

at 4:00pm (sometimes 6:00 pm for boys who

get back late due to tuitions). Almost all the boys go for tuition outside the home, fee for such tuition is borne by each child. For dinner they get rice and dal and on some days they are given *paneer* and chicken.

Computer and Library

There were three computers which looked new but have not been connected and used since the time they were brought to the home. The library had a good collection of books but there was no librarian and the children

could have access only a few limited books.

There are no recreational activities that are conducted in the home. The children are provided with a football and cricket equipment only.

Psycho-social Support

There is no counsellor or social worker to work with the children in the Home, especially with the intellectually challenged boys. No psycho-social support has ever been provided to the children.



Maintenance of files and Records:

The file maintenance was not up to the mark and the record of the children with MR was either not complete or updated. There is no regular medical check-up of the children. There is check-up every quarter when the children are reportedly taken to the hospital, for which no records were available in the files. The children reported that they are taken to the hospital as and when required in case of any medical emergency and sometimes the child goes to the hospital on his own.

There is no register to monitor the movement of people in the Home. The protocol for receiving children and taking away of children (by guardians/parent) was not being followed. During the interaction with the children, it was observed that many children were not CNCP, and had their regular families who could afford to keep them but chose to put them up in the Home to facilitate their education and were aware of the fact that after 18 years the children can return in any case. No Home Investigation or the Social Investigation Reports (SIR) were available in the records. Children are allowed to go to their parents/village during “holidays” without any CWC orders or even without the consent/permission of the Superintendent, and even without even verifying the identity of the person approaching the Home to carry the child. This is a serious lapse on part of the Home in disregard to the security of the child. Children are allowed to avail paid tuition facility outside the Home with the money received from their villages/parents.

Some children were reported to have single parents, while many other parents were reportedly in regular jobs.

10.Press Meet

At the press meet with the local news channels and newspapers of Himachal Pradesh/Punjab, Mr V.K. Tikoo addressed the main concerns that emerged during the visit to the state and in the discussions with the state and civil societies. Some of the major points covered were the dropout rates in school going children, the gaps in the implementation of RTE, the need for proper infrastructure of the children homes and child care institutions with special focus on

special educators for the differently abled children and inclusive education for this group. With regard to the POCSO Act, 2012, the need for police and civil societies to empower themselves with the nuances of the provisions of the act was also highlighted. Constitution of the State Commission on Protection of Child Rights and the major role that it needs to play was touched



upon. The importance of setting up of the Child Welfare Committees to dispose off the cases relating to

11. Observations

- This was a first of its kind, meeting of the Civil Societies and NCPCR in the state. The attendees were very proactive in the discussion and in sharing the current scenario of child rights in the state. There were many gaps that were found in the mechanism of ensuring child protection and were addressed. The members of civil society expressed their willingness to work with the government bodies.
- After Commission's recommendations advertisement for appointment of Members of Juvenile Justice Board in ten districts of Himachal Pradesh viz: Bilaspur, Chamba, Hamirpur, Kangra, Kinnaur, Kullu, Shimla, Sirmaur, Solan and Mandi under Juvenile Justice (Care & Protection of Children) Act 2000 (56 of 2000) as amended in 2006 section 45, 6 & 7 of the Juvenile Justice ((Care & Protection of Children) Rules, 2007.
- Advertisement has also been given by the Department of WCD for appointment of Chairperson/Members of Child Welfare Committee for five Districts viz: Chamba, Solan, Kinnaur, Lahul & Spiti, and Sirmour in the State.
- It was also observed by the Commission that condition in Child Care Institutions in the State is not good and mapping of all the CCIs in the State is required.
- During interaction with Child welfare Committee members it was observed that training and orientation in Child Rights issues and Acts is required.
- It was observed during the meeting with Civil Societies that SMCs are functioning in the State but there is need to do Social audit.
- It was found during the visit to Children Home Tutikandi that there are no counsellors or social workers to work with the intellectually challenged boys. No psycho-social support was being provided to the inmates.
- Team members also observed that there is not much awareness about POCSO Act 2012 although Special Courts have been established in the State under the Act.

12. RECOMMENDATIONS

I. Women and Child Development

1. To ensure the registration of NGO-run Homes U/S 34(3) of Juvenile Justice (Care & Protection of Children) Act, 2000, and also ensure a robust mechanism of monitoring and inspection and regular submission of Inspection reports to ensure protection of children against any child right violations, deprivations or subject to any kind of physical or sexual abuse.
2. Mapping of all the Child Care Institutions by Department of Women and Child Development, Himachal in two months and a detailed report to the Commission.
3. Proposal of setting up temporary shelter Homes or Drop in Centres to be given to the State Government, Himachal Pradesh.
4. Child Welfare Committees to be strengthen and inspections should be done by Child Welfare Committees. Social Investigation Reports (SIR) to be submitted by CWC members of each child living in Shelter Home.
5. Occupational therapists must be involved by the District authority to assess on the basis of modern IQ and aptitude tests about the way in which such Children can be taken forward to mainstream living by offering vocational guidance.
6. The recently setup CWC be provided with necessary infra-structural support so that they can commence their work properly.
7. Funds should be allotted for the maintenance of the observation home specially repair work in toilets needs to be done as soon as possible as it was observed by the Team of the Commission in Children's Home, Tutikandi that there was no electricity in toilets and the rooms required repair work and white wash.
8. Provisions should be made for medical care in the Children home and a doctor or at least a nurse should be present 24/7 in the home for taking care of the child. Also the child should be medically examined thoroughly and her medical chart should be maintained and if any such disease is found, treatment of child should be done.
9. Members of CWC should inspect these homes once in every fortnight and a report should be submitted to the D.P.O of the same. Similarly the D.P.O. should also visit these homes occasionally
10. All the places where these children are kept should be inspected routinely by the district administration and it should be seen whether the children living in these homes are in a

healthy state or not. Also it should be seen whether the place is hygienic and is fit for the best interest of children.

11. Action should be taken against all the homes or NGO's which are not registered and who have held the children illegally without the proper procedure
12. Make available specially trained teachers for handling the differently-abled children, particularly the children with intellectual impairment. Effort may be made to keep the special arrangement for children with special needs.
13. Boundary wall of Nari Niketan and Shelter Home for girls at Mashobra to be constructed immediately. District Commissioner has been asked to submit the compliance report within a week.
14. More staff to be appointed at Nari Niketan and Children Home for girls at Mashobra as it was reported that at present there is only one Superintendent is taking care of both the Institutions.
15. Detailed assessment report of four boys with intellectual impairment at Children Home, Tutikandi, Shimla and appointment of a Special Educator.
16. Appointment of Computer Instructor and Librarian for children living in all the Children Home especially in Children Home, Tutikandi, where it was observed by the team that children have not been given training in Computers.
17. Nutritious food should be provided to all children living in Children Homes and children should be involved in deciding the weekly Menu of food as it was observed by the team that in Children Home, Tutukandi children were given *sabji and chappatis* in the morning and *daal-chawal* in evening . They were not given meals for lunch and no breakfast has been given to the children.
18. Constitutions of CWCs and JJBs in remaining Districts of Himachal Pradesh. It was reported by Director, WCD that advertisement for the same has been given. A report to be submitted to the Commission.

II. labour Department

1. Labour Department, Himachal Pradesh should map the whole area mainly, District Solan, Kullu and thorough search should be conducted in a wide scale over the whole district for instances of child labour and immediate rescue, restoration and rehabilitation of such

children should be done. Education facility should be provided to all the recued children under NCLP.

2. Crèches for children of Migrant workers to be established.
3. Training and Orientation of officials mainly Child Welfare Committees with regard to child rights issues on regular basis.
4. Survey on Child Labour which is now going to be completed with University of Himachal Pradesh may be shared with NCPCR.
5. Enrolment detail of children in NCLP schools into regular formal schools and initiation of Right to Education provision to address education of child labours

III. Education

1. Mapping of drop out students should be done by the Education Department and efforts should be made to enrol them in age appropriate classes through special coaching under RTE Act. If the same has been done than a report may be shared with the Commission.
2. Distribution of Mid- Day Meal should be ensured, safe drinking water should be made available to all the students and separate toilets for male and female should be made available in every school as it was reported to the Commission in the State there are no separate toilets available for the girls in the Schools.
3. Special Educators and School Counsellors to be appointed in all the Schools of the State.
4. Department of Education to conduct sensitization programme on Corporal Punishment across the state to educate and sensitize the School authorities/SMCs/Teachers/Education Officers to prevent the incidents of Corporal Punishment.

IV. Police

1. Police should register FIR in cases regarding missing children immediately.
2. Establishing AHTUs as it was reported that at present there are AHTUs functioning in Four Districts, Shimla, Chamba, Sirmour and Kullu. Anti-Human Trafficking Unit should provide information regarding trafficking of children to the Commission
3. Special Juvenile Police Units to be established in all the areas as informed by the Senior Police Official that at present there are 9 SJPU's are functioning in the State. A Special Juvenile Police officer should be present in every Police Station and instructions regarding how to handle the children should be posted in every Police Station in the whole district. A detailed report to be submitted to the Commission.

4. To provide detailed report in compliance with recommendations given by the Commission in the matter of death of two girl students of Convent f Jesus and Merry Covent, Shimla.

V. Social Justice and Empowerment

1. Appointment of a Disability Commissioner to look into psycho social needs and assessment of children with special needs in Institutions and in Schools.
2. Mapping of Institutions under the Department.
3. Life skill Training Programmes for children with Special needs.

VI. Home Department

1. Training of all the Officials, CWCs, JJBs, Police, and Stake Holders in dealing with children of Sexual offences under POCSO Act 2012.
2. Constitution of Children Courts under POCSO Act. It was informed in the meeting that Trial Courts have been set up in 9 Districts of Himachal Pradesh with Order of Hon'ble Supreme Court of India.
3. Principal Secretary, Home to review the status of missing children at least once in a quarter if it is not possible on monthly basis.

!3. MEDIA REPORTS

Annexure III: Media Reports



'Kids not getting due attention as they are not vote banks'

Wednesday, July 31, 2013, 22:43

Shimla: The NCPCR on Tuesday said children are not getting due attention as they are not considered as vote bank for any political party and maximum number of complaints about violation of child rights are coming from Uttar Pradesh, Delhi, West Bengal, Chhattisgarh and Jharkhand.

"However, Delhi is the only state where children are writing directly to us, complaining corporal punishments and about their abuse," National Commission for Protection of Child Rights (NCPCR) member Vinod Kumar Tikoo said.

Tikoo, who was here to review Himachal Pradesh's policies on child rights, said "certain pockets in West Bengal and entire Jharkhand are notorious for child trafficking." Pulling up the Himachal Pradesh government for not taking appropriate measures to protect child rights in the state, he said, "There are many grey areas of concern that should be addressed on priority and the state is yet to set up child welfare committees, anti-child trafficking units in eight districts, besides setting up special courts for children."

"We have also sought compliance report on implementation of Right to Education (RTE) Act from the state government within seven days. Thousands of schools in Himachal don't have facilities like toilets, proper drinking water, playgrounds and other basic amenities and children are facing problems and are being deprived of their rights because of these deficiencies," he added. He informed that after intervention of the NCPCR, Himachal government has started the process to set up State Commission for Protection of Child Rights. A notification in this regard has been issued in April and the process to fill up the posts is in progress, Tikoo said.

Cases of child labour and corporal punishment in schools were on rise in the state and incidents of child labour have been reported in abundance, especially from Solan and Kullu district of Himachal, he said.

"The state has been asked to map all children's home within two months on pattern of Haryana so that they can be monitored effectively," he added. "Even the disaster-hit areas are more prone to child trafficking as children in these areas are generally allured by traffickers and then a majority

of them are pushed in flesh trade," Tikoo said. NCPCR recently toured flash flood-hit areas of Uttarakhand to know the status and programmes initiated by the state government there to rehabilitate orphaned children, he said, adding that all states have been directed to start victim compensation scheme. "Nineteen states have agreed to start the compensation scheme and rest have been told to launch it on priority," he added.

THE TIMES OF INDIA

No commission in Himachal yet for safeguarding children's rights
, TNN Jul 30, 2013, 06.41AM IST

SHIMLA: In the recent years, Himachal Pradesh has witnessed rise in sexual assault cases against children, especially exploitation by teachers in schools. While seven years back a central Act had obligated the states to formulate Commission for Protection of Child Rights (CPCR), Himachal has failed to do so.

Not happy with the unwanted delay in setting up the body, now the National Commission for Protection of Child Rights (NCPCR) has threatened to drag the state to court if it is not formed at the earliest. Three months back, the state government had announced to set up state commission for protection of child rights with immediate effect, but till date the chairperson and other members have not been appointed. In a notification issued on April 27 this year, the state government had announced to constitute the commission with its headquarters in Shimla.

The commission was proposed to have a chairperson, member secretary - a secretary level official of state government - and six members, including two women. As per the notification, tenure of chairperson and others members would be of three years.

While the government appointed WCDDirector Mrs Madhubala Sharma as the Member Secretary the same day, it formed three-member selection committee comprising social justice and empowerment minister Col (retd) Dhani Ram Shandil, chief secretary Sudripta Roy and principal secretary (social justice and empowerment) to choose the rest. However, till date the government has not issued any notification about the appointment of chairperson and other members.

NCPCR has acted on child rights issue following the death of two class VI students of Convent of Jesus and Mary, Shimla, who had died under suspicious circumstances after falling from Kala Dhank near the school in September 2012.

When social justice and empowerment minister Col Dhani Ram, chairman of the selection committee, was contacted over phone for his comments on delay in appointing members in the commission, his PA Trilok said, "Saheb is travelling in another vehicle and I cannot ask him to speak."

C S Sudripta when asked about delay in selecting chairperson and members of the commission, too said that he would inform only after collecting relevant information. "I will get back to you after collecting the information," he said.

NCPCR member Vinod Kumar Tikoo said there were many gaps in the system adopted by HP. "We had taken up many issues related to child rights with the state government but still gaps are

there," he added. He said despite issuing a notification, the government is yet to set up the state commission.

Tikoo said child care institutions in the state have not been mapped or registered under Section 34(3) of the Juvenile Justice Act. He said child welfare committees, mandatory for each district, too have been set up in an improper manner as deputy commissioners have been made the chairpersons of these committees, which is against the rules.

"In Himachal we need to have a robust mechanism for inspection of child care institutions whether in government or private sector. At present there is no check on their functioning," he added. Tikoo said if the state government would not comply with the guidelines under the Act then it would be dragged to court for not implementing the provisions. "We had earlier taken Punjab, Haryana and Chandigarh to court on child right issues," he added. NCPCR team on Monday met Himachal governor Urmila Singh while on Tuesday they would hold a meeting with the state government officials.

571 children sexually abused in 10 years

In April, two instances of sexual abuse of girl student at the hands of their teachers were reported from Shimla and Sirmaur districts. In May, a 48-year-old school teacher was arrested in Bilaspur district of Himachal on the charges of sexually abusing a minor female student of class VIII. A study conducted by Asian Centre for Human Rights, Delhi, had showed that in Himachal, 571 children were subjected to sexual exploitation between 2001 and 2011.

Business Standard

Wednesday, August 7, 2013 | 11:23 AM IST

IANS | Shimla August 2, 2013

Children becoming more aware of their rights

A greater awareness of their rights is leading a growing number of kids all over India to speak out against harassment and abuse by school authorities and other exploiters. But Delhi children top the list.

"Awareness among Delhi's students regarding their rights is quite high compared to those in other states," National Commission for Protection of Child Rights (NCPCR) member Vinod Kumar Tikoo told IANS in Shimla.

He was in Himachal Pradesh to review the state's policies on child rights. He said the maximum number of complaints on violation of child rights were from Delhi, Uttar Pradesh, West Bengal, Chhattisgarh and Jharkhand.

"But Delhi is the only state where the children are writing directly to us. They are complaining of corporal punishments and their abuse. This is what we want," Tikoo said.

He said certain pockets in West Bengal and the entire Jharkhand are notorious for child trafficking.

Each state, he said, has a peculiar problem. "Girls in West Bengal and Assam are duped with promises of employment and then forced into prostitution or marriage in Punjab and Haryana." From Jharkhand, minors are being exploited on the pretext of being provided jobs and ended up as bonded labour."

"Disaster-hit areas are more prone to child trafficking. In these areas, children are generally allured by traffickers and then a majority of them are pushed into the flesh trade. Some of them end up as bonded labourers," he said.

The commission recently toured flash-flood-hit areas of Uttarakhand to determine the status and programmes initiated by the state government to rehabilitate orphaned children.

Tikoo believed that the major problems being faced by the minors can, to a large extent, be resolved with each state setting up a commission for protection of child rights. "Himachal Pradesh has started the process, but we have told them to speed it up."

Child labour is another area of concern in the state. "We are getting a spate of complaints, mainly from the Kullu and Solan districts. We have apprised the state government of the lack of child implementation laws."

According to him, Section 34 requires mandatory registration of all homes where children in need of care and protection are living.

"Himachal Pradesh has been told to map all the children's homes within two months like Haryana so that they can be monitored effectively and to set up child welfare committees and special children's courts," Tikoo said.

The appointment of inspection committees for the children's homes is also mandatory, he said. Further, appointment of advisory boards by the state governments for the children in need of care and protection is a must.

He said all the states have been directed to start schemes for compensating victims.

"Nineteen states have started compensation schemes and the rest of them have been told to launch it on a priority basis," he said.

The NCPCR member said the Supreme Court, in a landmark decision in May for the protection of children, has made it mandatory to register first information reports (FIRs) within a month in the case of missing children.

A bench headed by now retired chief justice Altamas Kabir and comprising Justices Vikramajit Sen and Sharad Arvind Bobde also held that all cases of missing children across the country are to be registered as cognizable offences and investigated.

Each police station should have at least one juvenile welfare officer to investigate crimes against children, it added.

The NCPCR, one of the youngest commissions, has to its credit getting the police to vacate a school building it had forcibly occupied during an agitation in 2011 against Posco's 12 million tonne steel plant in Odisha.

"The primary school was literally converted into a fortress. We even found some policemen in the school in their underwear," Tikoo said.

(Vishal Gulati can be contacted at vishal.g@ians.in)

DIRECTORATE OF WOMEN & CHILD DEVELOPMENT

CEDAR HOME, BRENTWOOD ESTATE, NEAR HOTEL HIMLAND HIMACHAL PRADESH SHIMLA -1.

Applications on prescribed format are invited from the eligible candidates for appointment as Members of Juvenile Justice Boards to be constituted in ten districts of the State of Himachal Pradesh viz; Bilaspur, Chamba, Hamirpur, Kangra, Kinnaur, Kullu, Shimla, Sirmaur, Solan and Mandi, under Juvenile Justice (Care & Protection of Children) Act, 2000 (56 of 2000) as amended in 2006 Section-4 and Rule 4, 5, 6 and 7 of the Juvenile Justice (Care & Protection of Children) Rules, 2007.

FORMAT:- APPLICATION FOR THE APPOINTMENT OF MEMBER MALE/FEMALE OF JUVENILE JUSTICE BOARD

1. NAME OF DISTRICT J.J.B APPLIED FOR:
2. NAME OF APPLICANT:
3. ADDRESS:
4. DATE OF BIRTH & AGE:
5. EXPERIENCE:
6. QUALIFICATION:
7. DETAIL OF SOCIAL WORK:
8. CONTACT NUMBER:
9. SIGNATURE:
10. DETAIL OF CERTIFICATES:

Qualifications for the Members of the Board:

- (1) The social worker to be appointed as a member of the Board shall be a person not less than 35 years of age, who has a postgraduate degree in social work, health, education, psychology, child development or any other social science discipline and has been actively involved and engaged in planning, implementing and administering measures relating to child welfare for at least seven years.
- (2) No person shall be considered for selection as a Member of the Board, if he,
 - (a) has been convicted under any law;
 - (b) have ever indulged in child abuse or employment of child labour or any other human rights violations or immoral act;
 - (c) is holding such other occupation that does not allow him to give necessary time and attention to the work of the Board;
 - (d) does not fulfill the qualification and experience prescribed in the Act and the rules made thereunder and in such a case the Selection Committee shall after due inquiry and on establishment of such fact, reject his application and recommend the name of next person from the list of names prepared for filling the vacancies.

Members of the Board shall be paid such travel and sitting allowance, as the State Government may determine.

No TA/DA will be paid for attending the interview and incomplete applications will be REJECTED summarily.

LAST DATE OF RECEIVING APPLICATIONS:- 17th AUGUST, 2013.
IN THE O/O THE DIRECTOR WCD-CUM-COMMISSIONER, ICPS,
CEDAR HOME, HIMLAND SHIMLA-171001.

Sd/- Director-cum-Commissioner, (ICPS)
 Women & Child Development, H.P. Shimla-2.

DPRVHP/198

Advertisement (CWCs) DIRECTORATE OF WOMEN & CHILD DEVELOPMENT HIMACHAL PRADESH.

Application from eligible persons are invited for appointment of Chairperson/Members of Child Welfare Committee to be constituted for five districts Viz. Chamba, Solan, Kinnaur, L&Spiti, Sirmour in the State under Juvenile Justice (Care & Protection of Children) Act, 2000 (as amended in 2006) Section 29 Chapter-III and under Juvenile Justice Rule 19, 20 and 21 of 2007 on the following format:-

1. Name of applicant
2. Father /Husband's name
3. Date of Birth as per certificate of High School
4. Qualification
5. Permanent Address.
6. Correspondence Address.
7. Telephone/Mobile number.
8. Details of experience in the field of social work.

Essential Qualifications:

1. A person with post graduate degree in Social Work, Psychology, Child Development, Education, Sociology, Law, Criminology and where such a person is not available, a person with at least a graduate degree in any of the social science disciplines.
2. A teacher, Doctor of Social Worker who has been involved in the work concerning children.
 In addition to either of the above qualifications a person to be selected as a Member of the committee shall have minimum of seven years' experience in their respective fields.
3. The Chairperson or Member of the Committee shall be a person not less than 35 years of age.

Note:- No person shall be considered as Member of the Child Development,, Committee, if he/ she:-

- (i) Has a previous conviction record.
- (ii) Has been involved in any immoral act or an act of child abuse or employment of child labour.
- (iii) Is holding such full time occupation that may not allow him to give necessary time and attention to the work of the Child Welfare Committee as per the Act/Rules.
- (iv) Does not fulfill the qualification and experience as prescribed in the Act and Rules made thereunder, and in such a case the Selection Committee shall after due inquiry and on establishment of such fact, reject his application and recommend the name of the next person from the list of names prepared for filling the vacancies.

4. The Chairperson and Members of Child Welfare Committees shall be paid Rs. 500/- per sitting/meeting of Child Welfare Committee and such travel allowance as approved by the state Govt. from time to time.

The applicant must submit their applications in the prescribed typed format alongwith copies of certificates of educational qualification and experience to the Director-cum-Commissioner (ICPS) Women and Child Development, Cedar House, Near Hotel Himland, H.P. Shimla 171001 by 17-08-2013.

Sd/- Director-cum-Commissioner (ICPS)
 Women & Child Development,
 Himachal Pradesh Shimla-1

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