



All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI)

NATIONAL SECRETARIAT

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Date: 17 June 2019

To,

Mr. Priyank Kanoongo,
Chairperson, National Commission for Protection of Child Rights,
Fifth Floor, Chanderlok Building,
36, Janpath,
New Delhi – 110001.
cp.ncpcr@nic.in

Respected Sir,

Subject: Recommendations to the Hon'ble Chairperson and Members of the NCPCR attending the review meeting in Ramanathapuram, Tamil Nadu on 21st June, 2019 – Regarding

The All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI) is a national platform of individuals and organisations from across the country to monitor and strengthen the functioning of national and state human rights institutions and their adherence to Paris Principles. I have served as the 'Special Representative' for the Hon'ble National Commission for Protection of Child Rights for the state of Tamil Nadu during the tenure of former Chairperson of this commission Prof. Shanta Sinha (2011 to 2013) I have also been member of the ' NHRC's Core Group on NGOs and HRDs ' for two terms from 2001 to 2011.

Firstly, I would like to appreciate congratulate the NCPCR for organizing a review meeting for the ten southern districts of Tamil Nadu in Ramanathapuram on 21.06.2019. We have come to know of this through news articles that the non-governmental organisations can submit complaints regarding child rights issues to the Members of the Commission who will be present during the meeting.

The state of Tamil Nadu has been witnessing a rise in the incidents of violence against children. The working and effectiveness of the Tamil Nadu SCPCR, the CWCs, the JWBs, the ChildLine, the DCPUs, the reception centres and the other district level authorities and institution for the protection of child rights are therefore in question, especially given the increase of violations.

It is therefore that we have planned to bring a few important issues to the attention of the NCPCR to be discussed during the review meeting in Ramanathapuram on 21.06.2019:

1. As per '*The Right of Children to Free and Compulsory Education Act, 2009*' (RTE Act), under Section 31 (1), the SCPCR along with its other functions shall also perform following functions:
 - a. examine and review the safeguards of rights by or under this Act and recommend measures for their effective implementation
 - b. Inquire into complaints relating to child's right to free and compulsory education

The Act has conferred a duty and responsibility towards the SCPCR to **monitor** the implementation the Act. Hence, we recommend that, during this review meeting it should be reviewed by the NCPCR from 2017 till now after the assuming of responsibility of the Hon'ble Chairperson and all Members whether

- there have been any strategic plans evolved by the Tamil Nadu SCPCR for the effective implementation of RTE Act and if so a report on the same to be called for in advance of the review meeting;
- there has been any coordinated periodic efforts undertaken by the SCPCR along with the officials of the school education department towards monitoring of the RTE act in the state and if so a report on the same to be called for in advance of the review meeting;
- what were the steps undertaken by Tamil Nadu SCPCR for monitoring the effective implementation of RTE Act and if so a report on the same to be called for in advance of the review meeting;
- whether there have been any review meetings conducted by Tamil Nadu SCPCR on the same and if so a report of the same with dates and minutes to be called for of the same;

- what were the recommendations or action plans that emerged from each of those meetings and reports on the monitoring of the same providing each of their status.
2. The Protection of Children from Sexual Offences Act, 2010 (POCSO) under Section 44(1) has made the NCPCR and respective SCPCR's responsible to monitor the implementation of POCSO Act. The Act also gives powers to the National and State Commissions to enquire into incidents of alleged sexual offences against children. Accordingly, there should also be an annual report on the functions of these Commissions.

In the review meeting of the 21st June it should be seen whether

- the Tamil Nadu SCPCR has conducted any review meetings on the implementation of POCSO ACT at the state, regional and district levels as mandated and if so provide detailed reports of each of the review meetings so convened;
- what were the recommendations or action plans decided during each of those review those meetings undertaken by the TN SCPCR;
- what is the present status of those recommendations and action plans.

There was a recent media article citing the pendency of cases under POCSO Act in courts. Given the rise and long pendency in the number of cases it should also be reviewed on the steps taken by Tamil Nadu SCPCR to ensure that POCSO cases are completed early.

3. The Tamil Nadu Government has issued a Government Order No. 121 dated 17.05.2012 regarding action to be taken on teachers who misbehave with children at schools. But it is sadly a fact that this government order has not been implemented effectively. The government order renders strict punishment such as dismissal of the teacher (Section 3(1)), cancellation of educational certificates of the errant teacher (Section 3(2)). Can the TN SCPCR report on the steps it has undertaken to ensure the effective implementation of this government order with details of the date of the meetings when this was subject was discussed and actions followed thereafter as a result in terms of disciplinary actions against teachers pending, dismissals made and cancellations of educational certificates ordered as a result between 2017 and now. The TN SCPCR should also be asked to release publicly, the details of

actions taken on teachers convicted under POCSO Act or against whom disciplinary actions were undertaken under this government order.

4. The TN SCPCR is presently is
 - a. not functioning as an independent state human rights institution following the UN Guidelines under the Paris Principles. On the contrary it functions almost as a sub-department under the state government and functions without autonomy and independence.
 - b. There has been no appointment of full-time members for the Commission. The present members are only part-time members who are officially paid only for sitting in a meeting of the SCPCR once a month and are provided an honorarium of only Rs. 1000/- per meeting per month – though they may have attended several meetings and also travelled extensively across the state.
 - c. It is saddening that the members of a State Commission for Protection of Child Rights are remunerated so poorly in this manner which is completely against their personal dignity.
 - d. In the aegis of 'Digital India', it is surprising that the TN SCPCR does not even have a website of its own and its Facebook page has not been updated since March 2017.
 - e. Under Section 25 (2) of the Right to Information Act (RTI), every public authority should prepare and release their annual reports and should also proactively disclose certain information under Section 4 of RTI Act.
 - f. During the upcoming review meeting, it should be checked whether the SCPCR, the District Child Welfare Committees, the Juvenile Justice Boards, the District Child Protection Units have all submitted their annual reports as expected under the RTI act , which if done regularly would instill confidence of the people on these bodies.
5. The review meeting should also review whether the members of District Child Welfare Committees, the Juvenile Justice Boards, the District Child Protection Units in each of the districts are appointed to work on a full-time basis or whether the functionaries of these bodies are also working in other state departments as full time or part time staff.

6. The review meeting should also review whether the relatives of the members of the District Child Welfare Committee run any shelter homes for children within their own district and also the actions undertaken by the SCPCR in this regard if they were aware of the same. According to our reliable sources, it is said that one of the members of Ramanathapuram District Child Welfare Committee is running a ChildLine center, which should be verified by NCPCR.
7. Though many children illegally detained and tortured by the police violence between May 22-23, 2018 at Thoothukudi, the National Commission for Protection of Child Rights has not taken cognisance of the matter. The TN SCPCR had undertaken an enquiry on this matter and even prepared a report but there has not been any visible action that has followed in terms of disciplinary actions, prosecutions or compensation for such illegal acts of the police on juveniles. The District Child Welfare Committee of Thoothukudi has failed to provide necessary psychological counselling to children from the families of deceased and injured persons as a result of which many children of the deceased families have also dropped out from schools.
8. The JJ Act specifically mandates that the cases pending before the JWBs should be completed within a certain span of time. It is pertinent to find out in the review if the same is being adhered to and what steps have been taken to follow up on the same.

We appreciate the fact that the National Commission for the Protection of Child Rights during its review meeting to be held in Ramanathapuram on 21.06.2019, will be reviewing issues relating to abolition of child labour, juveniles, children with disabilities, education, POCSO Act, Prohibition of Child Marriage Act, Information Technology Act, child health, and also hear complaints from victims.

It is also essential to review the work and actions of government departments on child protection. Most importantly, the working and function of Tamil Nadu State Commission for Protection of Child Rights, which is entrusted with the protection of rights of all the children in the state.

I wish to stress upon the NPCR that we have high regards and respect for the Hon'ble Chairperson and Members of the Tamil Nadu State Commission for Protection of Child Rights in their individual capacity but if the state Commission is not strengthened for its full statutory functioning, then this becomes only an institutional piece that is existing to serve the political will of the masters and not to protect the

rights of children across the state. The TN SCPCR is not an NGO. It is a state human rights institution with statutory responsibilities and hence this memorandum. The CWCs, the JWBs and the DCPUs are also institutions created under a statute. Government order. People in the district and the state have a right to know what their functions exactly are through periodic annual reports and audited statement of accounts. Till date this has not yet been made public.


I submit this memorandum as it was mentioned in the media that written submissions from non-governmental organisations will be accepted during the review meeting.

Hence, during this review meeting, I request that functions of Tamil Nadu State Commission for Protection of Child Rights, District Welfare Committees and Juvenile Justice Boards, District Child Protection Committees of the ten districts under review should be done critically considering the issues raised above.

I kindly request the Hon'ble Commission to issue prior intimations to the concerned officials and stakeholders so as to submit information to your goodselves in advance with necessary information on the issues to be discussed during the review meeting. I also request this Hon'ble Commission to permit a senior representative from our organization to personally be represent before the Members on the issues raised during the review. A copy of the reports submitted by these bodies pursuant to this agenda may also be kindly shared with us ni the spirit of transparency.

Thanking you,

With kind regards,



(Henri Tiphagne)

National Working Secretary

All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI)

Copies to:

1. Chairperson, Tamil Nadu State Commission for Protection of Child Rights
2. Members, Tamil Nadu State Commission for Protection of Child Rights
3. Commissioner, Social Welfare Department, Government of Tamil Nadu

4. District Collectors (Kanniyakumari, Tirunelveli, Thoothukudi, Ramanathapuram, Sivagangai, Viruthunagar, Madurai, Theni, Dindigul, Pudukottai)
5. Chief Educational officers of all the ten districts with reference to disciplinary actions on teachers prosecuted under POSCO, actions thereupon and actions under GO 12.
6. Child Welfare Committees (Kanniyakumari, Tirunelveli, Thoothukudi, Ramanathapuram, Sivagangai, Viruthunagar, Madurai, Theni, Dindigul, Pudhukottai) to produce their annual reports for 2017- 2018 and 2018 – 2019
7. District Child Protection Committees ((Kanniyakumari, Tirunelveli, Thoothukudi, Ramanathapuram, Sivagangai, Viruthunagar, Madurai, Theni, Dindigul, Pudhukottai) to produce their annual reports for 2017- 2018 and 2018 – 2019
8. Juvenile Justice Boards (Kanniyakumari, Tirunelveli, Thoothukudi, Ramanathapuram, Sivagangai, Viruthunagar, Madurai, Theni, Dindigul, Pudhukottai) to produce their annual reports for 2017- 2018 and 2018 – 2019
9. Child Line Foundation units in the districts where they exist to produce their annual reports for 2017- 2018 and 2018 – 2019.