



दिल्ली सरकार  
आप की सरकार

# Delhi Commission For Protection Of Child Rights (DCPCR)

## Government of NCT of Delhi



# Performance Report 2020-2022

# **Delhi Commission For Protection of Child Rights (DCPCR)**

**Government of NCT of Delhi**

## **Performance Report 2020-2022**

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## FOREWORD

*“Every right, for every child”*: this is the core belief that governs the Delhi Commission for Protection of Child Rights (DCPCR). This is especially relevant given the crisis created by Covid - 19 pandemic. Thousands of children have lost parents and their relatives. School closures have caused significant learning losses and compromised their social, emotional and cognitive learning growth. It is in such times that the Commission strived to rise to the occasion and sought to advance the cause of children.

The Commission has worked towards ensuring the implementation of the existing policies as well as taken up various initiatives to support children. From identifying thousands of children who lost their parent(s), and providing them medical care and essential supplies, to improving the ‘Take Home Ration’ under ICDS services from 23% to 91% by strong monitoring and working with departments, the Commission placed children’s interest at the centre. Through its Helpline and Emergency Response Team, the Commission has successfully created a platform where grievances related to child rights violations are not only reported but emergency situations are responded to within a very short span of time.

The Commission is committed to improve its reach by means of technology and media seeking to genuinely hear the grievances of our children. Consequently, the number of complaints and disposal rate have both shot up. For instance, the Commission has disposed of 5,118 cases in 2021-22 which is more than the last five years combined.

As we aggregate our work with this report, I realise how far we have come as an institution but I also realise that we faltered at many places, made mistakes and fell short. The past two years have been humbling for us all and has cultivated in us an enduring belief about public service.

I am very sure we will do better in the years ahead.

**Anurag Kundu**  
Chairperson DCPCR  
June 2022



## ABOUT DCPCR

The Delhi Commission for Protection of Child Rights (DCPCR) was constituted under the Commission for Protection of Child Rights (CPCR) Act, 2005. It is the statutory monitoring body of the Government of Delhi on matters of child rights. Some of the child rights on which the Commission works are:

- a. Protection of children from exploitation, abuse, labour, trafficking, and violence.
- b. Protection of children from sexual offences;
- c. Protection of children from child marriage;
- d. Right to Education;
- e. Right to Health with an emphasis on pregnancy care, infant care, nutrition, clean drinking water, immunisation, etc.;
- f. Protection of rights of children with special needs;
- g. Protection of children from substance abuse;
- h. Enforcement of legal protections for children in case they commit offences and necessary safeguards associated therein;
- i. Right to play;

There are different divisions within the Commission for monitoring the implementation of child rights, reviewing safeguards, inquiring into violations and advising the government on policy formulations and amendments. Each of these divisions is mapped to corresponding departments of the government and is headed by a Member, a State Government Secretary level position. The Commission has an Administrative Secretary as well in addition to the regular staffing. The Commission is headed by a Chairperson who holds a Joint Secretary, Government of India level position.



## MANDATE

The primary functions and responsibilities of the Commission include, but not limited to:

- a. Conduct inquiries into violations of the rights of children based on complaints or taking suo-motu cognisance of the issues
- b. Examine legal safeguards for children under different legislations and policies
- c. Conduct/commission research studies into governance challenges faced while implementing child rights policies
- d. Monitor and review policy design and its implementation,
- e. Organise workshops, seminars, conferences and awareness campaigns,
- f. Advise government on matters related to children and child rights
- g. Initiate proceedings and recommend prosecutions,
- h. Inspect or cause to be inspected institutions related to children such as Schools, Anganwadis, Child Care Institutions etc.

To fulfil its responsibility in catalysing the process of strengthening the cause of rights of the children, the Delhi Commission for Protection of Child Rights discharges its functions through the following divisions:

1. **Health & Nutrition Division:** Mainly focuses on early childhood care, development and education through anganwadis, immunisation, and combating malnutrition. The division also focuses on adolescent girls' health by means of monitoring school health programs, and menstrual hygiene issues, amongst others. Ms. Ranjana Prasad, Member, DCPCR heads the Health & Nutrition Division.
2. **Protection of Children From Sexual Offences (POCSO) Division:** Mainly focuses on preventive measures, awareness on issues concerning sexual safety of the children. The division also works to encourage reporting of the instances of sexual violence, and then tracks the legal proceedings, compensation, education and other rehabilitative standards



and their implementation for the children victims of sexual violence. Ms.Nidhi Dwivedi, Member, DCPCR heads the POCSO Division.

3. **Education & Children With Special Needs (CWSN) Division:** Mainly focuses on monitoring the implementation of the rights of children with special emphasis on different provisions pertaining to Government, Municipal and private schools. The Division also fulfils the Commission's obligation to act as appellate authority against decisions of the Department on all matters of Right to Education. The Division lays emphasis on learning levels, basic infrastructure in schools, schools' safety standards, curbing drop outs, and improving attendance. The Division has a Cell to prioritise the cause of children with Special Needs. Ms. Ranjana Prasad, Member, DCPCR heads the division.
4. **Protection of Children from Child Labour & Trafficking Division:** The Division focuses on preventive measures for curbing child labour, and trafficking as well as facilitate different rescue operations. The Division is also responsible for tracking of rescued children, their compensation, and the rehabilitative mechanisms.
5. **Juvenile Justice Division:** Mainly focuses on monitoring the implementation of Juvenile Justice (Care and Protection of Children) Act, 2015, review setting up of institutions under the Act, organise awareness campaigns, workshop, and training for different stakeholders. The Division has two dedicated cells: Missing Children Unit responsible for preventive measures to curb children from going missing, tracking of the process for finding them and protection of children. Substance Abuse Cell focuses to curb the substance abuse amongst children, and monitor the rehabilitative and de-addiction related process.





## GRIEVANCE REDRESSAL

Year	Cases Received	Cases Disposed Off
2015-16	664	580
2016-17	547	494
2017-18	624	409
2018-19	899	356
2019-20	1,401	553
2020-21	6,656	2,530
2021-22	12,375	5,118

### Good News:

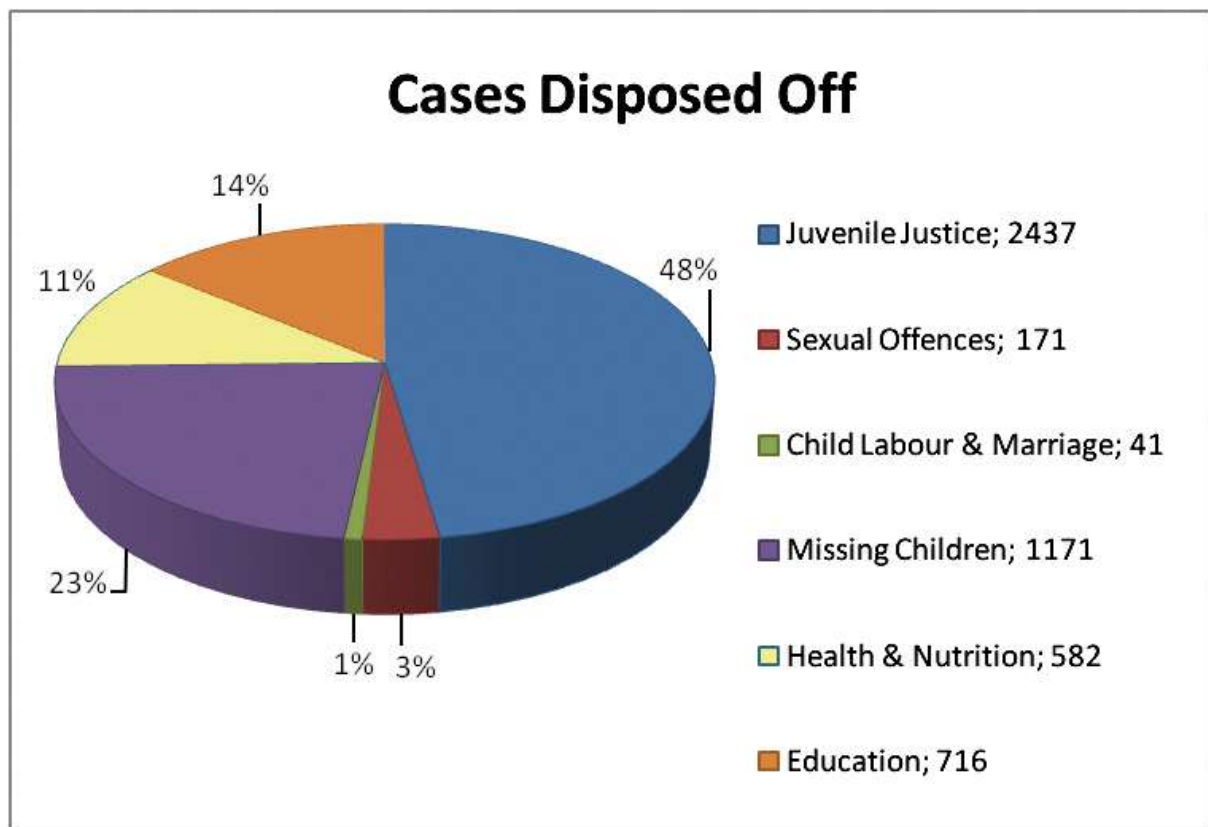
The Commission has witnessed a significant increase in the number of complaints in the past years, which indicates the increasing accessibility of the Commission to the citizens, as well as a strengthened faith in the Commission's role in resolving such grievances. This has been possible because of the Helpline Commission instituted in April 2021.

The Commission **has resolved 5,118** complaints from April 2021 until March 2022, the highest in any year since the Commission was constituted. ***The number of cases disposed of is nearly 925% (i.e. 9.25 times) the cases disposed of in 2019-20.*** In other words, the Commission disposed off more cases in 2021-22 than the cases in the last five years taken together. Evidently, the grievances resolution rate has witnessed a sharp increase despite the fact that the disposing guidelines have become more extensive and holistic in its approach.



## Challenge

A significant number of cases have remained unresolved. While we have come a long way in the past two years, it is important that the processes are streamlined further to ensure timely resolutions. The Commission is working diligently to ensure smooth process management in the times to come.





# Stories of Struggle and Hope

## 1. Rehabilitation of child diagnosed with Attention Deficit Hyperactivity Disorder



The Commission received a complaint regarding a child who was abused by his school van driver. The Commission held thorough discussions with the family of the victim and noted that the child required intensive therapy as he had been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD). The child had become quite aggressive after the incident of abuse. The Commission contacted IHBAS hospital and issued a letter to the concerned authorities for taking up the matter. Child's medical examination and medications were taken up by doctors at IHBAS and the child is being given counselling once a week presently. The Commission's intervention ensured appropriate treatment facilities and improvement in the child's well being.

## 2. Compensation to a Class X student for wrongful failing in class exam



The Commission received a complaint from a class X student studying in government school alleging that he was wrongfully marked 'failed' because the school did not forward the student's marks to CBSE, despite the student clearing the exam in reality. Given the casual attitude of the school, the student lost 8 academic months as well as excessive trauma for no fault of him. After extensive hearings and investigations on the matter, the Commission advised the Directorate of Education, GNCTD to pay a compensation of Rs. 1 Lakh to the child to ensure access to opportunities that the student might need. The student has received Rs. 1 lakh compensation. The Commission also advised the Directorate to ensure that the teachers, the results of whose carelessness are being faced by the child, are not considered for post-retirement re-employment, and record the Commission's observation in service books of the teachers.



### 3. Busting illegal adoption racket



The Commission received a complaint regarding an adoption fraud committed against a couple involving their 1 month old child. The complainant informed the Commission that they were approached by a family member of theirs to give their child to another couple known to the family member. The complainants gave their child to the couple without formal process. However, the complainant felt suspicious and advised their child be given back to the parents and formal process is followed for adoption. The couple who had taken the child became unreachable after this demand. The complainant then approached the Commission, the Commission took cognizance of the matter, intervened and sought help of Delhi Police to investigate. After a month of inquiry, the child was finally recovered from the accused family from Ghaziabad, safe and sound.

### 4. Parental loss on account of Covid



In a case the Commission received, the child 'A' lost both her parents to the COVID-19 pandemic and was residing with her paternal uncle's family. The child was facing harassment over a property dispute from her maternal side of the family and in addition, the electricity at her residence was cut-off due to impending dues. Taking immediate cognizance, the child was enrolled in schemes such as the Mukhyamantri COVID-19 Pariwar Aarthik Sahayta Yojana, PM Cares Fund, Delhi Family Benefit Scheme, Sponsorship Scheme etc. It was further ensured that the child is safe and protected. The Commission also helped in getting the pending electricity bills waived off.



## 5. Need based intervention to protect victim from aftermath of abuse

In September 2020, the Commission received a complaint from the mother of Rhea (child, name changed), who was sexually exploited by her father, the child was six at the time. Due to the traumatic nature of the case, the child showed signs of psychological distress. She informed that despite the passing of the compensation order by the Special Court, her daughter was yet to receive the compensation.



Considering the seriousness of the matter, the Commission intervened and escalated the matter to the concerned authority. Consequently, the child received the compensation amount of Rs. 2 lakh in her bank account. The Commission also arranged a counsellor for the child and resultantly, the child's condition has been improved as shared by her mother.





# Organisational Reforms

## 1. Launching DCPCR's Journal: Children First, Journal on Children's Lives



The Commission identified that there is a significant gap in a research based discourse around child rights. Hence, the Commission launched Journal 'Children First Journal on Children's Lives' with the aim of deepening and broadening the discourse on child rights by providing a platform to all persons who are engaged with the rights of children in varied capacities, including children, to share their learnings, views and experiences. It is a bi-annual and peer-reviewed Journal.

Journal's Advisory Board composition:

- Chair: Justice Madan Lokur (Retired Judge, Supreme Court of India)
- Members:
  - Ms. Sujatha Rao (IAS & Former Union Health Secretary)
  - Ms. Soledad Herrero (Child Protection Chief, UNICEF India)
  - Mr. Alex Beard (Senior Director, Teach For All)
  - Dr. Gyanendra Badgaiyan (IAS & Former Chief Economist, UNDP)
  - Ms. Enakshi Ganguly (Co-Founder, Haq: Centre for Child Rights)
  - Ms. Rushda Majeed (India Representative, Bernard Van Leer Foundation)

Journal's Editorial Board:

- Chief Editor: Dr. Venita Kaul (Professor Emeritus, Ambedkar University)
- Editors:
  - Prof. Srikrishna Rao (Vice-Chancellor, National Law University, Delhi)
  - Ms. Yamini Aiyar (President, Centre for Policy Research)
  - Dr. Vandana Prasad (Community paediatrician & Public Health Expert)
  - Mr. Mahesh Menon (Assistant Professor of Law, Sai University, Chennai)
  - Dr. Suraj Yengde (Senior Fellow, Harvard Kennedy School)
  - Prof. Disha Nawani (Professor, School of Education, TISS Mumbai)
  - Dr. Devjani Ray (Associate Professor, Miranda House, University of Delhi)



- Associate Editor:

- Dr. Kamayani Kumar (Assistant Professor, Aryabhata College, University of Delhi)

Journal's ISSN number is: 2583-3073.

The inaugural issue launched in October 2021 focused on 'Impact of Covid-19 pandemic on the lives of children'. Nearly 100 submissions were received for the first issue of which the issue had published 26 pieces including research, commentary, articles, voices from the field and book reviews. The authors hail from reputed institutions such as IITs, IIMs, TISS, DU, Azim Premji University and NGOs such as Educate Girls, Save the Children, CRY Pratham and Teach For India. The published themes touch several dimensions of children's lives ranging from challenges of online education to social-emotional growth struggles during pandemic to learning losses on account of school closures, social audits and POCSO victims' plight. The published pieces range from stories from government schools in Delhi and states such as Andhra Pradesh to struggles of rural tribals of Rajasthan and communities of Assam.

The Journal featured illustrations from the children as part of the design. DCPCR received nearly 1100 submissions of which nearly 10 illustrations have been used in the Journal including that of the cover page.

The issue was launched by Justice Ravindra S. Bhat (Hon'ble Judge, Supreme Court of India), Mr. Manish Sisodia (Deputy Chief Minister, Delhi) and Dr. Yasmin Ali Haque (UNICEF India Chief).





*From Right to Left; Mr. Rakesh Bhatnagar (Member-Secretary, DCPCR); Ms. Yasmin Ali Haq (Representative UNICEF India); Mr. Anurag Kundu (Chairperson, DCPCR); Justice Ravindra Bhat (Hon'ble Judge Supreme Court); Mr. Manish Sisodia (Deputy Chief Minister, Delhi); Justice (Retd.) Madan B. Lokur (Chief Advisor); Dr. Venita Kaul (Chief Editor; Professor Emerita Ambedkar University Delhi)*

Building upon the success of the first issue, the Commission is preparing the Children First Journal's Second Issue to be launched in July 2022 on the theme "Second Year of Covid-19 Pandemic: Disrupted Childhoods, Disrupted Education".

## 2 .Establishing Child Rights Fellowship to involve young professionals in governance



The Commission, in collaboration with Ashoka University, has initiated a Flagship Programme called the Child Rights Fellowship which brings together brilliant young talent to work on some of the biggest challenges being faced by the child rights sector currently.



The Fellows of first cohort worked on diverse set of the projects some of which are listed below:

- a. **Early Childhood Care:** The project focused on growth monitoring of children under six years of age, monitoring of the Take Home Ration through anganwadis, and immunisation program.
- b. **Curbing School Drop-outs:** The project focused on proactively identifying long absentee students from schools using attendance data, and making interventions to bring them back to school.
- c. **Rehabilitation of Children in Street Situations:** The project focused on identification and rehabilitation of children in street situations such as begging, labour, homelessness etc.
- d. **Juvenile Justice Management Information System (MIS):** The project aims at designing, and developing a robust management information system to track the functioning of children homes, as well as rehabilitation of child victims of labour, begging, trafficking, parental loss, parental incarceration, disability, substance abuse etc.
- e. **Educational Rehabilitation of Children in Child Care Institutions:** The project aimed at building foundational skills of children residing in the Child Care Institutions. The project is being run in partnership with Pratham Education Foundation, and Department of Women & Child Development, Govt of Delhi.
- f. **Supporting Children who lost parents during Covid wave:** This project focused on identifying children who lost one or both parents during Covid-19 wave, and supporting their rehabilitation.

The first cohort graduated in March 2022. Justice Madan Lokur, Mr. Kailash Gahlot (Minister Women & Child Development, Govt of Delhi), Mr. Rajendra Pal Gautam (Minister, Social Welfare, Govt of Delhi), Founders of Ashoka University along with senior IAS officers graced the graduation ceremony of the first cohort.





*Child Rights Fellows 2022 (L to R): Abhishek Nadar, Sunita Boro, Sanskriti Shree, Imran Qureshi, Ambar Sharma*



*Left to Right: Imran Qureshi (CRF), Justice (Retd.) Madan B Lokur, Sh. Rajendra Pal Gautam, Cabinet Minister, Govt of NCT of Delhi*





*Left to Right: Justice (Retd.) Madan B Lokur, Abhishek Nadar, Shri Rajendra Pal Gautam and Shri Kailash Gahlot (Cabinet Ministers, Govt of NCT of Delhi)*



*Left to Right: Sanskriti Shree (CRF), Justice (Retd.) Madan B Lokur*



The Commission welcomed the second cohort of ten Child Rights Fellows who have begun working with DCPCR since April 2022. The Fellows come from diverse backgrounds such as law, engineering, sociology, social work, political science, and public policy. The cohort having wide cultural diversity spanning across 8 States of India has come together to serve the children of Delhi.

Hon'ble Deputy CM, Shri Manish Sisodia appreciated the Commission's endeavour with his words, *"Young professionals can help transform governance. DCPCR and Ashoka University's Child Rights Fellowship provides that platform for young professionals. I am personally amazed to see the kind of work they have done in the first year itself and its potential for years to come."*

### 3. Creation of Health and Nutrition Division

Pursuant to its obligation under Article 24 of the United Nations Convention on the Rights of Child, The Commission created a 'Health & Nutrition' division to ensure accessibility, availability, and adequacy of health and nutrition to every child in the city and to combat malnutrition, premature deaths, impaired cognitive development, deadly diseases and anaemia in adolescent girls. The division has launched various projects to monitor the functioning of Anganwadis, ensuring that nutritional requirements of children from the most vulnerable sections and their basic health care is met through Anganwadi Centres (AWCs), growth monitoring of children in the age group of 1-6 years. Division has recently initiated a comprehensive monitoring and evaluation of health and nutrition schemes and programmes in Delhi.



### 4. Digitisation of Commission files



As we all know technology is evolving day by day, so we have started digitising closed files since the creation of the Commission. We have completely digitised almost all files upto the year 2018. The process of digitisation of remaining records is underway.

This step was also undertaken to ease the process of maintenance, retrieval and auditing whenever necessary, while reducing the organisational responsibility of maintaining physical files over the years.

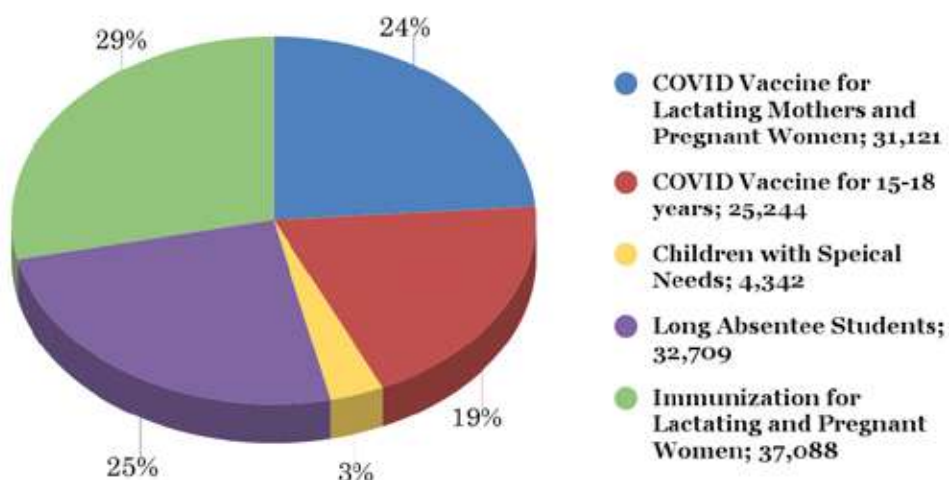


## 5. DCPCR Helpline: From Non-Existence & Emergency Support



The Commission had instituted an all week functional helpline (number 9311551393) in April 2021 wherein any citizen can report any grievance (distress call) pertaining to the rights of children or can seek any support/information regarding the rights of children in Delhi. The Helpline in its 12 months of operations has handled call volume of nearly 2.07 lakhs and addressed thousands of complaints/grievances ranging from school admissions, children's immunisation and pregnancy care to violence against children, child labour, etc. Of these, 1.3 lakh calls are information and outreach based whose breakdown and context is given below:

Outreach to Children and Women



In its second phase, an Emergency Response Support Team has been set up that will physically reach out to children in distressed and SOS situations. This means the DCPCR team can reach any place in Delhi within 30-40 minutes of the distress call on our Helpline. This has been possible with the support of 5 vans and 5 bikes received from DSIIDC as part of its CSR responsibility. The emergency service on DCPCR Helpline was flagged off by Sh. Kailash Gahlot (Minister of Women & Child Development, Delhi), Sh. Satyendar Jain (Minister of Health & Power, Delhi) and Sh. Vijay Dev (Chief Secretary, Delhi) on 13th April 2022.





*Flagging of vehicles for Emergency Response Team (Left to Right): Sh. Kailash Gahlot (Cabinet Minister, GNCTD), Sh. Vijay Kumar Dev (Chief Secretary, GNCTD) and Sh. Satyendar Jain (Cabinet Minister, GNCTD)*

## 6. Engaging bulk SMS for easy information dissemination



In order to effectively discharge its obligation of reaching to the masses for various reasons including information dissemination, schemes/policies/initiatives campaigns, the Commission hired the bulk SMS service from the C-DAC (Centre for Development of Advanced Computing), Ministry of Electronics and Information Technology, Govt. of India.

This has enabled the Commission to organise very targeted campaigns using SMSes. In the past 1 year, more than 01 crore SMSes have been sent containing information about our helpline, govt schemes, vaccination, etc.





## 7. Commission's New Website Launched



The Commission launched its new website in June 2021. The new website is based on internationally accepted standards on accessibility. This means that people with disabilities can perceive, understand, navigate and interact with our website to source the relevant information. Even those with low vision, deafness, and visual impairment can use our website with assistive technology.

## 8. Empanelment of Advocates



Considering the legal nature of its work and to strengthen its approach, the Commission has constituted a panel of 20 advocates through a transparent and fair process. The empanelled advocates will assist the Commission in court cases, background legal research, drafting, and inspections. Six empanelled advocates have been nominated as the Commission's Standing Counsels in Hon'ble High Court of Delhi. They are Mr. A. K Singh, Mr. Prateek K. Chadha, Ms. Tina Garg, Mr. Tushar Sannu, Ms. Neha Jain and Mr. R.H.A Sikander.



## 9. Empanelment of Counsellors

The Commission often comes across children and adolescents that have experienced trauma. They are at a risk of developing Post-Traumatic Stress Disorder (PTSD) and may need high quality counselling services. Therefore, to address this challenge, the Commission has constituted a panel of 06 counsellors whose services may be engaged as and when required.



## 10. Building Safe Workspaces for Women

The Commission envisions a safe work environment that is free of gender-based inequality and misconduct. Therefore, in accordance with the The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Commission constituted an Internal Complaints Committee (also called Vishakha Committee). The Committee details are on extensive display throughout the office space and they can also be reached out at [dcpcrvishakha@gmail.com](mailto:dcpcrvishakha@gmail.com). Workshop on appropriate workplace behaviour, sexual harassment for all the staff members of the Commission, as well as an intensive training workshop covering the Committee's role in prevention, action, redressal has been conducted. The Committee ensures that all such reports are inquired rigorously as mandated by the Act.



## 11. Social Media & Internet Visibility

The Commission is proactively utilising social media platforms in order to consistently communicate with its constituents. Along with a very active Twitter Handle (@DCPCR), the Commission is also present on Facebook (@DCPCR) and



Instagram (@dcpcr\_delhi) with a following of over 7000 people across the platforms. Consequent to active use of social media, and technology, the rate of receipt of cases in the Commission has quadrupled.

The use of social media and the advocacy of child rights are inextricably linked with contemporary popular culture and mass media. Therefore, the Commission also organised a training on social media and communications strategy for its team.





To augment and facilitate the workshop Mr. Ankush Vengurlekar, an international communications trainer was invited. The training workshop gave an insightful discourse on the significance of social media in the promulgation and ground-level execution of government schemes and policies for safeguarding the rights of children.

## 12. Celebrating people behind the curtains



The Commission awarded some of its best performing teammates for the year 2021-2022 in the august presence of Hon'ble MLA, Kalkaji, Ms. Atishi and Ms. Reena Gupta, Environment Advisor to Delhi Government. Majority of the awards went to the sanitation workers, peons, drivers, ministerial staff, stenographers, personal assistants, accounts and administration staff. Left to Right: Mr. Mohd. Arif (Sanitation Staff), Ms. Atishi (Hon'ble MLA), Ms. Reena Gupta (Environment Advisor)





*Left to Right: Mr. Mohd. Arif (Sanitation Staff), Ms. Atishi (Hon'ble MLA), Ms. Reena Gupta (Environment Advisor)*



*Left to Right: Ms. Sarita (Steno), Ms. Atishi (Hon'ble MLA), Ms. Reena Gupta (Environment Advisor)*





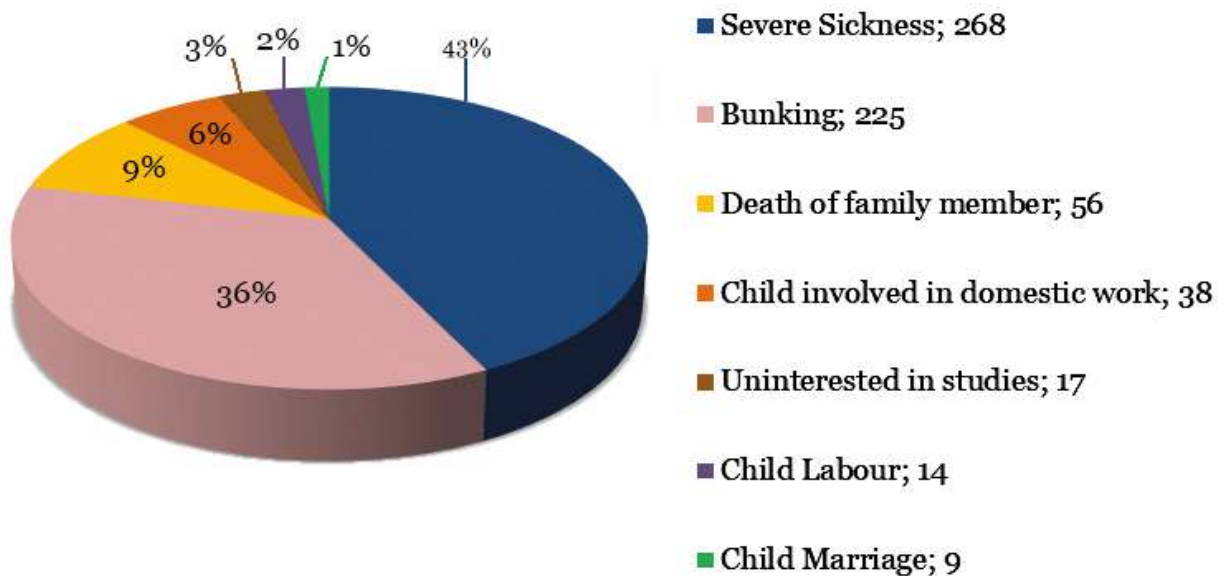
# Major Initiatives

## 1. Early Warning System: All Children In School, Happy & Learning



Students' long or frequent absence from schools is a sign of adversity. Our pilot with 3451 students reflects following most prominent 8 causes of students' frequent or long absence:




### Reasons for students' long absenteeism



Therefore, the Commission in collaboration with the Department of Education, GNCTD has initiated an Early Warning System. The system tracks students' attendance, and when absent, parents receive SMSes. This has cut down the students' persistent school bunking. Further, DCPCR helpline calls the absentee students' families, and promptly kicks off the interventions if the child is facing any adversity such as parental death or child marriage. In cases where adversity is severe, home visit is done either by DCPCR team or by the School Management Committee Members.

So far, **3451 students at-risk have been identified of which 1630 students have been brought back to school.** Notable cases are:



- a. A 16 year old girl from Nangloi, JJ Colony area was being coerced into getting married, until DCPCR intervened by tracking the consistent absence of the girl student. Currently, the child's family is being counselled regularly and the child is attending the school and preparing for 10th grade Board Exams. 
- b. To a female student in Dwarka, the class composition (sex-wise) was causing discomfort. In her section, she was the only female student and this affected her school attendance. The continued absence from the school enabled DCPCR to act proactively. She was transferred to another section where there were more female students. The student has rejoined the school and is preparing for XI class final examination. A small change, i.e., change in section has brought the student back to school. 
- c. A student studying in class X at Dwarka lost his father who was the only earning member of the family. Before losing his father at the age of 16, he was a regular student in school but now he was absent for a long period. DCPCR intervened, and supported the family under Delhi Family Benefit Scheme and PM Care scheme, and this has enabled the family basic financial assistance and child's regular attendance at the school. 

## 2. Community of Support for Parents & Students' of Government Schools

Recognising the importance of parental involvement in a child's life, the Commission and Directorate of Education partnered and launched the **Parents' Samvaad project**. Nearly 25,000 parent volunteers have been identified to support other parents of the school in ensuring students' attendance in schools, parents-teachers' meeting attendance, and fostering a community of support for each other. DCPCR has set up a Helpline by which the parent volunteers, and the parents can interact regularly without incurring any mobile related costs. The orientation sessions for the parent volunteers are ongoing. **More than 1 lakh calls** have already happened since the launch of the project.





*Glimpse of an orientation session for parent volunteers*

### 3. Region-Wise Stakeholders Collaborative Forums



The Commission has initiated a Regional Forum Meeting for facilitating better coordination, sharing of best practices, and resolution of grievances amongst different stakeholders for effective implementation of safeguards provided under various laws for the protection of child rights.

The regional forum includes different stakeholders functioning in the field of child rights:

- a. Child Welfare Committees (CWCs),
- b. Sub-Divisional Magistrates (SDMs),
- c. Childline,
- d. District Child Protection Units,
- e. District Medical Superintendents,
- f. Special Juvenile Police Units,
- g. District Education Officers/Deputy Directors, Education and
- h. Deputy Labour Commissioner, Labour Departments.



The forum has met bimonthly to deliberate on key matters such as the process of identification and rehabilitation of children in need of care and protection. The forum has ensured better coordination and collaboration across stakeholders, and also helped resolve key challenges. For example,

- a. Prior to the forum, many CWCs were identified where there had been zero applications of sponsorship. The discussions in the forums led to increased awareness about sponsorship. Over 1450 children have been enrolled and received monetary support under the Sponsorship Scheme due to constant monitoring of pending applications and disbursement of money into bank accounts of children and parents in the last 6 months.
- b. Over 1500 children who lost their parent(s) during the COVID-19 Pandemic have been admitted into Private Schools under EWS/DG and Freeship quota. This was achieved through regular follow-up with the Directorate of Education across districts of Delhi.
- c. The forums have helped focus on filling gaps in terms of physical and human resource by facilitating constant review across CWCs and DCPUs. Some of the successful outcomes include appointment of stenographers across CWCs, provision of wifi, computer systems, and other essentials for enabling them in better performance of their duties.





#### 4. Menstrual Health Awareness Campaign

In February 2021, the Commission organised a menstrual hygiene awareness campaign to break the myths around menstruation, confronting taboos and raising awareness about healthy menstrual practices. Called 'Ab pata chalne do', the digital campaign reached out to approx 2.5 lakh people through different social media platforms and witnessed the participation of several civil servants, politicians, and celebrities. People shared their personal stories, chipping away the fear and shame about the Periods.



**Atishi** @AtishiAAP · 06 Feb 21  
Menstruation is natural and monthly occurrence for 1.5 billion people across the globe!

Taboos and myths lead to unmet medical needs of menstruating girls.

**#AbPataChalneDo** is a great campaign by @dcpcr in creating awareness on this issue!



*Hon'ble MLA Ms. Atishi participating in #AbPataChalneDo campaign*



**Sanjay Singh AAP** @SanjayAzadSin

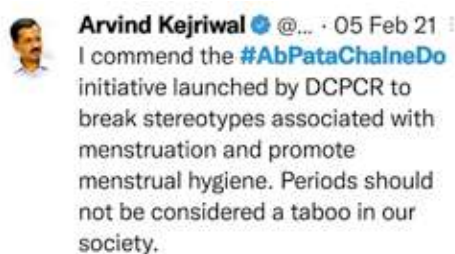
मासिक धर्म महिलाओं में कोई बुराई नहीं बल्कि एक सामान्य शारीरिक प्रक्रिया है, जिस पर खुल के बात की जाए। इस दौरान स्वच्छता और सेहत के महत्व को भी समझने की जरूरत है। आइये मिल जुलकर इस अंधविश्वास को खत्म करें

**#AbPataChalneDo**  
@dcpcr @sachhiSaheli @RanjanaPrasad8  
Translate Tweet



*Hon'ble MP Mr. Sanjay Singh showing his support for #AbPataChalneDo campaign*

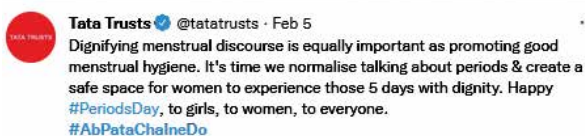




**Delhi Commis...** · 05 Feb 21  
DCPCR launches digital campaign #abpatachalnedo to spread awareness about menstrual hygiene & break the taboos surrounding periods. 5th...



*Hon'ble CM joined our campaign and appealed about dignity during periods to normalise conversation about periods*



*Tata Trusts joined our campaign and talked about dignity during periods*

The Commission also organised a sensitisation programme for its staff normalising conversations about periods in partnership with Sachhi Saheli NGO.

## 5. Ensuring children's Right to Play



The Hon'ble High Court of Delhi in W.P. No. 2345/2014 vide order dated 06 May, 2015 regarding upkeep and maintenance of Children's Park in Delhi had cast upon DCPCR the responsibility of monitoring Children parks in Delhi. The Commission has taken up several complaints related to children's Right to Play and has given directions to different government agencies about the steps to be taken for improvement in the maintenance and upkeep of all the children's parks in Delhi in accordance with the approved policy. The Commission has further utilised various channels (Social Media, Helpline, VSCPC members) for creating awareness amongst citizens.

The Commission took cognizance of 87 cases on right to play violation in 2020-22, including 17 cases of suo motu cognizance through inspections and media reports. This is 411% (4.11 times) more than 17 cases under the Commission



between 2017-19. In 11 such cases, the Commission ensured that parks were made suitable for playing and recreation of children. The Commission's efforts involve removal of waste to instalments of lights, construction of walls and installing childrens' playing apparatus.

For instance, the park of G-Block, Tilak Nagar was in very poor condition, filled with garbage and breeding ground for mosquitoes. The intervention of the Commission has ensured a clean park for the children and citizens of the area.

**BEFORE**



**AFTER**



## 6. Improving Early Childhood Nutrition, and Care through use of Poshan Tracker



Poshan Tracker is the Management Information System (MIS) developed by Govt of India for effective implementation and monitoring of the Integrated Child Development Services (ICDS). The Tracker helps improve the anganwadi's public service delivery to pregnant women, lactating mothers, and children below 6 years of age. Launched in February 2021, the implementation required serious capacity upgradation at all levels. DCPCR and the Department of Women & Child Development collaborated, and conducted a series of trainings for Project Officers, and the District Officers.



The training included themes such as using dashboards to streamline administrative work, monitor the implementation, and improve governance processes. Focusing on children's growth monitoring is a crucial part of it. Additionally, on request of the Department, the Commission conducted full fledged analysis of the tracker, and tendered 12 recommendations which were forwarded to Govt of India for its consideration. Of these, the Govt of India has already accepted and implemented 10 recommendations. The recommendations included:

- a. Reflect the timeline on which a specific data set was last updated for effective tracking
- b. Ensure visibility of height / weight data for Growth Monitoring on the backend dashboard
- c. Visibility of infrastructure details of the AWC

## 7. Combating Malnutrition: Monitoring Distribution status of Nutritional Supplements under ICDS Scheme

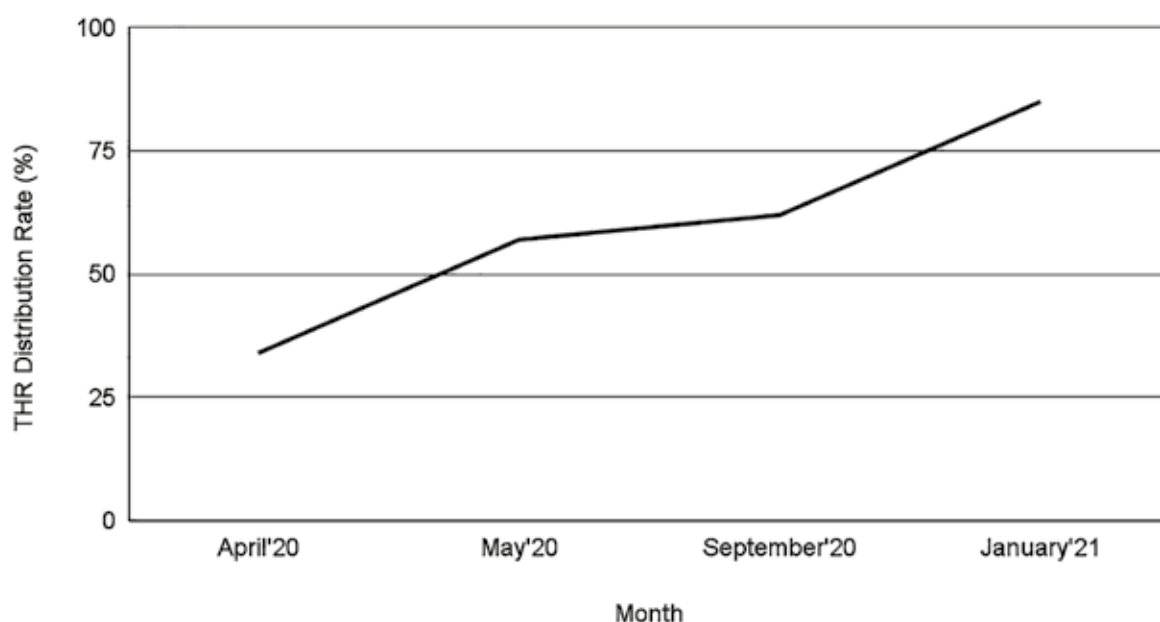


Considering the criticality of pregnancy care, and combating malnutrition in children aged under six years, the Commission conducted a rapid-response survey to evaluate the distribution of Take Home Ration (THR) involving a sample of randomly chosen nearly 1200 beneficiaries. Nearly 91% beneficiaries reported receiving their nutritional supplements (Take Home Ration) from anganwadis in May 2021. This is a remarkable improvement from 23% in May 2020.

These surveys were undertaken with the help of Indus Action, an NGO working in the field of early childhood care, and right to education. In the year 2020 and 2021, the Commission had conducted 5 rounds of rapid surveys enabling the department to improve consistently by providing real-time feedback. The Commission also has on-ground monitoring committees. Strong monitoring has resulted in remarkable improvement of THR distribution.



## THR Distribution



Recognising the importance of strong monitoring, the Commission is now institutionalising high-frequency surveys across children's immunisation, pregnancy care, Take Home Ration distribution, and iron and folic acid tablets consumption.

## 8. Planning for III Covid-19 Wave: Protecting Children

Different scientific studies establish the effectiveness and efficacy of the Covid-19 vaccines. Therefore, in anticipation of III wave, DCPCR prioritised the cause of Covid-19 vaccination of adolescents (15-18 years), pregnant women and lactating mothers. The Commission ran an extensive outreach campaign to protect children from III wave of Covid-19 pandemic and therefore prioritised three categories:



- a. **Adolescent Children:** The Commission reached out to 25,244 adolescents for their Covid-19 vaccination, spoke to their parents about the need, & relevance of the vaccines for adolescents from their health, as well as educational standpoints. Many parents had concerns and queries which the Commission responded to, and ensured their vaccination.



- b. Pregnant Women & Lactating Mothers:** Too many myths, and misconceptions prevailed around Covid-19 vaccination for pregnant women, and lactating mothers. This caused serious hesitancy in them about Covid-19 vaccines. The Commission published advertisements in the newspapers busting myths and scientific findings, and encouraging them to get themselves vaccinated. The Commission reached out to 31,121 pregnant women and lactating mothers for their Covid-19 vaccination. Additionally, a dedicated camp for Covid-19 vaccination of pregnant and lactating women was organised in Sultanpuri area where more than 2000 women were vaccinated.
- c. Children With Special Needs:** Considering the additional layer of vulnerability, the Commission made special efforts to ensure children with special needs receive Covid-19 vaccination. Therefore, the Commission reached out to 4342 Children With Special Needs with the aim to ensure that they were Covid-19 vaccinated.



Delhi Commission For Protection of Child Rights (DCPCR)  
Government Of Delhi

**Help Is Just A Call Away**  
**+91 93115 51393**

- Child needs medical care?
- Pregnant / lactating women unsure of covid vaccination?
- Child facing violence?
- Child facing mental distress?
- Child denied education?
- Spotted child labour or child beggar?

**DCPCR Helpline**  
**+91 93115 51393**



दिल्ली सरकार  
बाल अधिकार संरक्षण

दिल्ली बाल अधिकार संरक्षण आयोग (DCPCR)  
दिल्ली सरकार

**सहायता के लिए कॉल करें**  
**+91 93115 51393**

- बच्चे को मेडिकल मदद चाहिए?
- गर्भवती / स्तनपान कराने वाली महिला को कोविड टीकाकरण के सवाल?
- बच्चे के खिलाफ हिंसा?
- बच्चे को मानसिक तनाव?
- बच्चे की शिक्षा में रुकावट?
- बच्चा मजदूरी या भीख को मंजूर?

**DCPCR हेल्पलाइन**  
**+91 93115 51393**



## 9. Organised Outreach Programmes For Pulse Polio



Children missed their routine immunisation in the past 2 years because of lockdowns and the Covid-19 wave. When the Health Department organised a polio campaign in September/November 2020 & January (2021), DCPCR activated its local volunteering networks such as Vidhan Sabha Child Protection Committees, officials of the Commission visited Pulse Polio Centres and ensured that nearly 6000 children got the polio vaccine.

## 10. Geotagging of Anganwadi Centres in Delhi



Anganwadi Centres (AWCs) are the foundational block of early childhood care and education as they provide care, nutrition, and pre-elementary education to children in the age group of 0-6 years. In an effort to strengthen the accessibility of these centres, the Commission has undertaken an exercise in collaboration with the department of Women & Child Development, GNCTD to map all these anganwadi centres. 100% mapping of anganwadi centres have been achieved along with the dashboard created to search for AWCs through district, pincode and even Vidhan Sabha. The system not only provides the exact location of each anganwadi centre but also strengthens the entire service delivery mechanism enabling more than 10 lakh beneficiaries enrolled in more than 10,755 Anganwadi Centres.

## 11. Ensuring well being of children who faced parental loss amidst the pandemic



Concerned about the well-being of children who have lost either one or both parents during the COVID-19 second wave, the Commission was the first institution to initiate proactive measures to ensure that timely assistance is extended to all such families who were struggling in COVID-19 aftermath, and required immediate attention.

Leveraging the government death database, the Commission proactively identified nearly 3,500 children who lost one parent, and 70 children who lost both. The Commission stayed in touch with them, regularly inquired into their well-being in terms of medical, essential supply, counselling needs, educational



support, and enrolment in schemes. The Commission ensured that:

- 1513 children studying in private schools were adjusted in the EWS/DG category resulting in complete waiver in their fee.
- Ration was provided to over 800 families covering nearly 1700 children
- 66 such vulnerable children's families provided with nearly Rs. 20,000/- to Rs. 30,000/- financial assistance with the help of NGOs.
- 75 families assisted with scheme enrolment such as COVID Aarthik Sahayta Yojana, widow pension, disability pension etc.

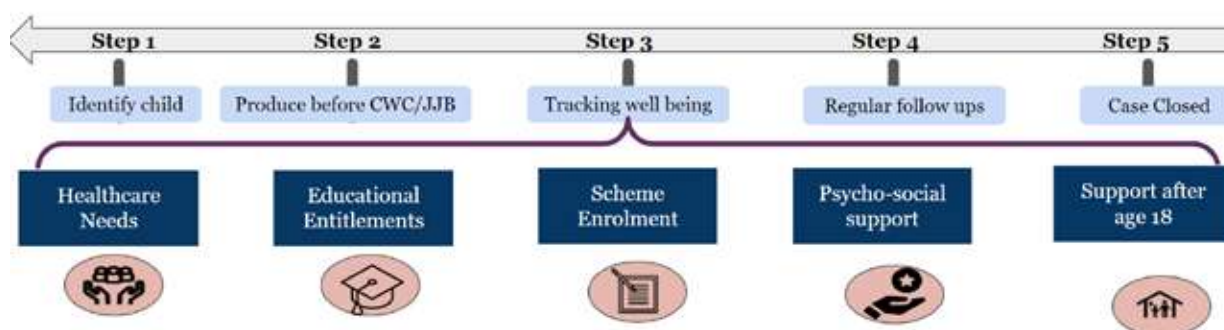
## 12. Juvenile Justice Management Information System (MIS)



The Juvenile Justice System serves the most vulnerable of children, that is,

Children who are without home or caregivers	child labour/ child begging	Children in conflict with law
Children with disability	victim or at the risk of drug abuse	child surrendered by parent/guardian
missing children/ run away child	Child marriage/ sexual abuse/illegal acts	Affected by armed conflict, civil unrest or natural calamity

Process of tracking well being of child



*Juvenile Justice Management Information System: Need and Process*

Taking cognizance of poor monitoring as well as implementation systems and processes of Juvenile Justice (Care and Protection of Children) Act 2015, the Commission and Department of Women & Child Development, Govt of Delhi collaborated to jointly design and develop robust Management Information System (MIS).



The Management Information System focused on two dimensions:

- a. Digitisation of inspections of the Child Care Institutions by different authorities such as Department of WCD, DCPCR, Child Welfare Committees (CWC), Juvenile Justice Boards (JJBs), District Child Protection Unit (DCPU), and the District Magistrates. MIS shall also enable the sharing of observations of stakeholders with each other and robust monitoring measures for remedy and improvement.
- b. Tracking system of rehabilitation of each child restored to the family on health, financial, educational, and emotional aspects. This will particularly benefit those victims of parental death, parental incarceration, disability, labour, begging, trafficking, sexual violence, substance abuse etc.

The MIS is expected to be launched in August 2022.

### 13 Education Rehabilitation in CCIs: Foundational Skills Campaign



The Commission noticed that a sizable number of children in Children Homes are facing a critical gap in their education, which significantly would impact their future. A baseline assessment conducted in March 2022 with 955 children revealed that:

- a. 181 children were unable to identify letters and 118 children were unable to identify one-digit numbers.
- b. Only 128 children in the age group of 6 to 14 were able to read a grade 5 story.
- c. Only 301 children were able to do simple division operations.

Accordingly, the Commission, Department of Women & Child Development, Directorate of Education, and Pratham Education Foundation collaborated to ensure that all children can read story level text and perform basic arithmetic operations within 3 months. For this purpose, regular training is being undertaken for teachers and staff of children homes to hone their pedagogical skills to be more engaging, interesting and impactful for children, while continuing to teach at the level the child currently is at.

Another round of assessment conducted in May 2022 revealed significant progress:



- a. The number of children who are able to identify numbers has increased by nearly 60.
- b. 239 children reached advanced story level.
- c. Nearly 463 children reached division level in mathematics

However, there is a long way to go before all children can read, and perform basic arithmetic operations.

## 14. Rehabilitation of Children In Street Situations



Based on different surveys carried out by a number of NGOs interalia including Save the Children, and analysis of different data available such as school drop-out data, household survey data, the Commission identified 70 hotspots in Delhi where children in street situations are concentrated. These include ITO, GTB Nagar, New Aruna Nagar (Majnu Ka Tila), Rajouri Garden among others. So far, 427 children have been rescued from these hotspots. Rescued children are being rehabilitated on a case-by-case basis by concerned authorities through educational, financial and guardianship support.

The Commission has launched a project in collaboration with Salaam Baalak Trust and Youth Reach, with strategic support of Dialogue and Development Commission of Delhi (DDCD), to deploy a dedicated field task-force for rehabilitation and reintegration of children in street situations. The task-force will focus on a five-pillar model of rehabilitation: (1) Education and vocational training; (2) Counselling and medical support; (3) Sponsorship; (4) Guardianship; (5) Shelter and Home for the child.

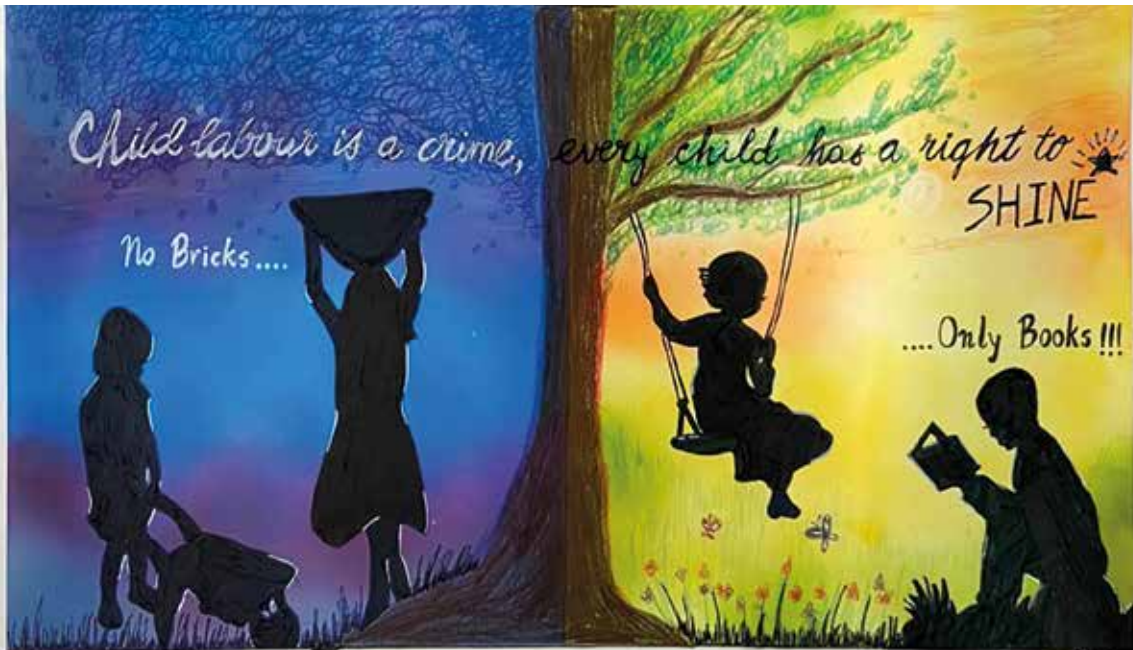
## 15. Child Labour Rescue Operations



The Commission has facilitated the rescue of 442 children in the year 2021-2022 with the help of the Sub-Divisional Magistrates, Delhi Police, ChildLine, and District Child Protection Unit. The number of children rescued in the year 2020-2021 was 336. This means 778 children have been rescued since Covid-19 pandemic struck. 202 children were rescued in the preceding three years (2017-18 to 2019-20). This shows a 577% increase in the rate of rescue of children from labour. Children were rescued from different places such as factories, bakery units, kharat machine units and auto centre units, as well as residential colonies where the children were working as domestic servants. Non-payment



of minimum wages, inordinate long working hours, and unhygienic working conditions emerged as common patterns in most of the cases.



### शपथ पत्र

मैं, ध्रुव श्रीवास्तव, कक्षा ५ स्कूल बाल भारती पब्लिक स्कूल, द्वारका का छात्र, बाल-मजदूरी के विरोध में शपथ लेता हूँ कि बाल्यावस्था में किसी भी मासूम को घर, ढाबे अथवा किसी भी कार्य क्षेत्र में काम करता देख उसका विरोध प्रकट करूंगा व उसका उचित

To sensitise children from the privileged backgrounds about the hardships faced by children who are forced into labour and to encourage them to have conversations about the same within their families, a painting competition was organised with the help of Private School Associations which had some amazing paintings depicting deep insights from the children regarding the cause. The best works were also awarded.

Multiple NGOs, Mandi Associations were also encouraged to sign a pledge to report any instance of child labour that would come to their notice.

## 16. Tracking students under EWS/DG category for attendance and drop-outs



The Commission recommended to the Directorate of Education, Government of NCT of Delhi, that the attendance of the children admitted under EWS/DG category be tracked acknowledging that this data indicator would nudge the authorities for preemptive measures to discourage them from dropping out. Given that attendance is a leading



indicator of any adversity which may be faced by the child, such a monitoring system would alert the authorities to identify children who are at a greater risk of dropping off, and assist them with their needs while retaining them in the formal education system. While the Department has done a commendable job in reducing the dropout rate by various means, as was evident with the 88.89% retention rate indicated in a retention survey undertaken by the Commission in partnership with Indus Action NGO in July 2020, the tracker would be a critical tool in reducing this gap further. Hence, the Commission officially recommended to the Directorate to consider the launch of the tracker in December 2020. The student tracker is now developed and functioning.

### 17. Provision of books and uniform to children under EWS/DG category in 307 schools



The Commission took suo motu cognizance of 307 schools across 29 districts of Directorate of Education, GNCTD that did not provide books, notebooks and writing material to the children admitted under EWS/DG category in their schools. It was brought to the Commission's notice that some schools have provided reimbursement in form of cash or cheque that do not suffice the expenses incurred by parents to actually buy the resources. Therefore, the Commission directed the Directorate of Education, GNCTD to inquire into the matter and ensure that the children receive all the resources. As a result of the enquiry, the schools started giving the resource to the parents and more than 60% of the schools have submitted a compliance report to their respective DDEs as well as the Commission.

### 18. Publishing Comics on children's issues



In an initiative of the DCPCR to help our children grow up with a better understanding of their rights and realise their fullest potential, the Commission has recently partnered with the 'Learning Comics' to produce a series of comics on children's issues. The Comics would be published both in English and Hindi to reach larger number of public, and have topics which would challenge gender stereotypes, among other things, in a way which is fun and engaging for children. The first of many issue touches upon the menace of child labour, and the consecutive comics would be engaging the children in more such child rights issues.



*Letter of appreciation from Hon'ble Chief Minister*

प्रवेश रंजन झा  
मुख्यमंत्री के अपर सचिव  
**PRAVESH R JHA**  
Addl. Secretary to Chief Minister



राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार  
GOVT OF NATIONAL CAPITAL TERRITORY OF DELHI  
दिल्ली सचिवालय, आई० पी० एस्टेट, नई दिल्ली-110113  
DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-110113  
TEL NO : 23392007, 23392030, FAX: 23392111  
D.O. NO.

दिनांक Prm/2.20/704  
Date 22/10/2020

6519  
22/10/20

Dear Shri Anurag Kundu Ji,

Hon'ble Chief Minister has received your DO No. F.6(1)/DCPCR/20-21/Misc./6470 dated 8<sup>th</sup> October, 2020.

I am directed to convey that Hon'ble C.M. is very pleased to learn that Delhi Commission for Protection of Child Rights (DCPCR) is striving hard for welfare and social wellbeing of children.

Hon'ble C.M. has, further, expressed hope that DCPCR shall continue to fulfill its mandate for protection of child rights and will devise/adopt best practices for welfare of the children with special focus on grievance redressal.

With regards,

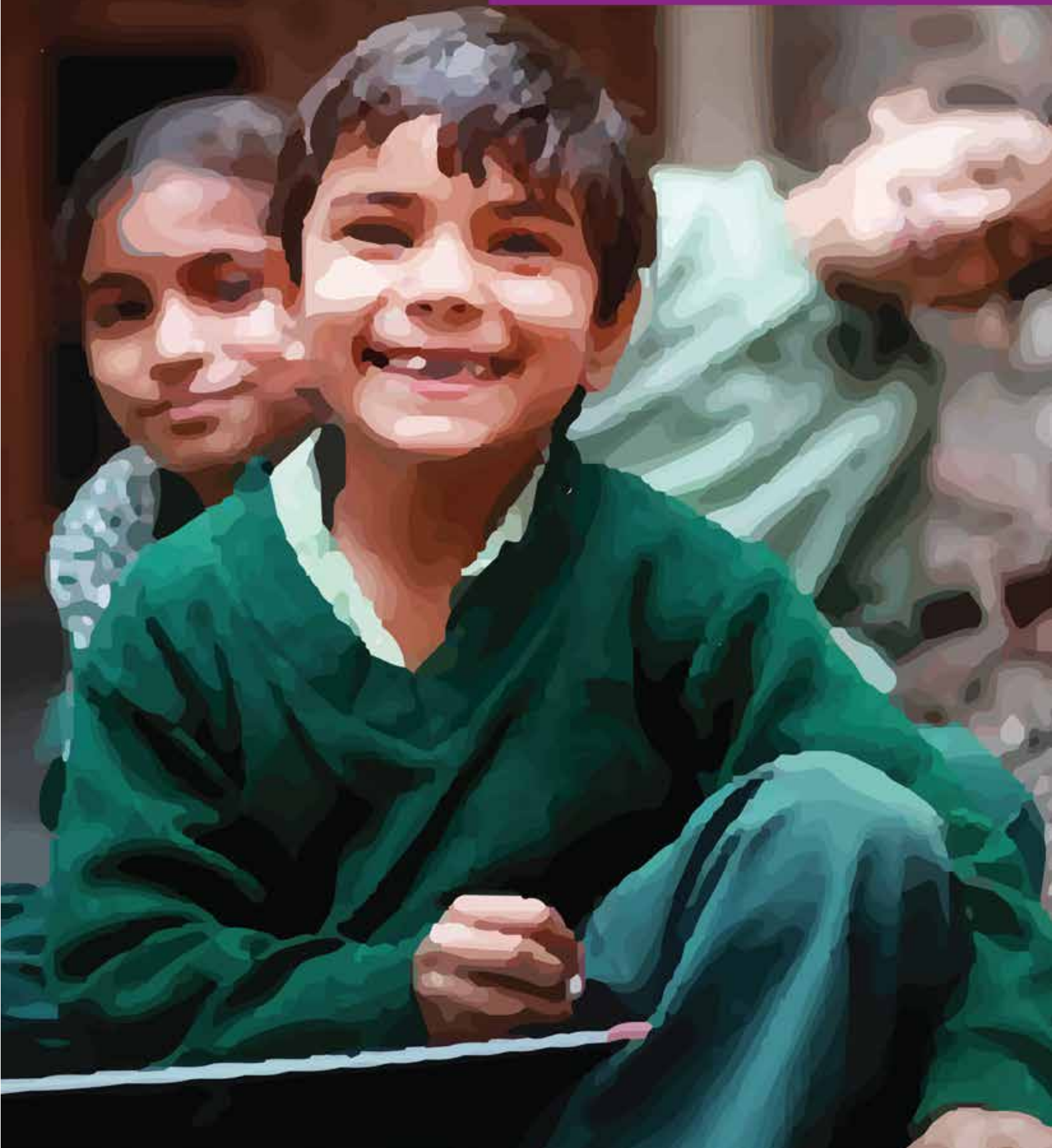
Yours sincerely,

(Pravesh Ranjan Jha)

**Shri Anurag Kundu,**  
Chairperson,  
Delhi Commission for Protection of Child Rights,  
Government of NCT of Delhi,  
5<sup>th</sup> Floor, ISBT Building,  
Kashmere Gate,  
Delhi-110 006.



# Surveys, Reports and Handbooks



## 1. Documentation of Education Reforms by Boston Consulting Group (BCG)



DCPCR commissioned Boston Consulting Group (BCG) on a pro-bono basis to prepare an independent report on the education reforms implemented by the Delhi Government between 2015 and 2020 to articulate Delhi's theory of change, underlying assumptions, interventions design, implementation mechanism, experiences, outcomes and learning. BCG interviewed and surveyed hundreds of stakeholders, ranging from the Hon'ble Minister (Education) to the bureaucrats and the children, that have worked with the Government of Delhi or have been impacted by the education system of Delhi and prepared two reports: one report summarising the mission and vision of the initiatives and the other detailing the planning and outcomes of individual initiatives. The report was launched in January 2021 by the Hon'ble Deputy Chief Minister at the Delhi Government International Education Conference Serving as foundation for the government and its machinery for the next iteration of thinking, to analyse how successful its initiatives have been and identify deltas for improvement, the report has been shared with all the State Commissions for Protection of Child Rights across the country. Below are some key findings of the same:

- a. **Learning Outcomes:** A positive impact on learning outcomes has been observed (98% pass % in Class 12 in 2020), including CBSE Board results as well as Foundational Literacy and Numeracy (FLN) outcomes.
- b. **Unparalleled motivation and momentum amongst all stakeholders:** 91% teachers who saw improvements believe that their motivation towards teaching has increased, and 72% of them cite increased parent awareness and involvement.
- c. **Scope of Improvement:** A 58% pass percentage in Class 9, and lack of foundational competencies in 25% of class 8 students was observed in the report. This high number was attributed to the fact that most students enter Directorate of education schools in class 6 without learning foundational skills in municipal schools till class 5 which creates large gaps in higher classes and leads to failure and dropouts in later years.



## 2. EWS/DG Quota Students Retention Survey



DCPCR collaborated with the organisation 'Indus Action' to undertake the retention survey of the children admitted under EWS/DG Quota in private schools as mandated under section 12(1)(c) of Right to Education Act, 2009. The survey conducted from 4th July 2020 to 24th July 2020 included a sample of 1500 families selected through stratified sampling. It established that:

- a. There was a 88.97% retention rate observed in children being admitted under the EWS/DG quota. The retention rate for children with special needs was approximately 86%. Some of the major challenges reported by the parents of 14 CWSN students included lack of special educators in schools and discrimination against such children and / or parent.
- b. While 53% of children admitted under the section were provided with free books and uniforms, 14.5% of children were charged an additional fee.
- c. The distance of the school from the child's home was reported as the leading cause of not continuing education in the allocated school, approx. 36%, followed by inability to pay the additional charges being forced approx. 11% and unwelcome treatment towards the child approx. 11%.

## 3. Assessment of effectiveness of ICDS schemes



DCPCR conducted a study through a charitable trust namely Matri Sudha to understand the status of effectiveness of implementation of Integrated Child Development Services (ICDS), a Central Government Scheme related to survival, health, care and development of children. The report evaluates Anganwadi services scheme under the umbrella ICDS projects, explains utilisation and awareness about Anganwadi services and identifies key areas of improvement and makes the following recommendations to the government of NCT of Delhi for the same:



- a. A pool of dedicated budget within ICDS or separately must be created to address the issue of identification of malnourished children at an early stage and their linkages to Mohalla Clinics and Nutrition Rehabilitation Centres across Delhi.
- b. There are 102 HUB centres created across Delhi at different locations which has increased the enrollment of children for preschool. The physical infrastructure of all the AWCs must be created on the same parameters so that every child has access to learning opportunities in early years of childhood.
- c. The execution of age-appropriate preschool activities requires an additional time as the existing two-hour duration for pre-school education in anganwadi centres is inadequate; therefore, the government should consider to extend the timings of anganwadi programme by two hours i.e., from 9 am to 4 p.m on all working days.

#### 4. Curating Accessibility Handbook on Rights and Entitlements Of Person(s) with Disabilities



The Commission has undertaken the project of comprehensively documenting and creating an extensive repository of all existing entitlements and relevant information which could be of benefit to the Person(s) with Disabilities in Delhi through the “Accessibility Handbook on Rights and Entitlements Of Person(s) with Disabilities”. This handbook will outline the related schemes, their eligibility conditions, documents required, application process, benefit details, timelines, and the grievance redressal process along with contact details of crucial institutions. The handbook would serve the purpose of addressing the information asymmetry by creating awareness about the rights of Persons with Disabilities, & assist them in understanding the means of leveraging those rightful entitlements to their own benefit. The handbook is currently in its final stage of drafting, and is expected to be launched by the following quarter in the current year.





# Policy Review, Advisory and Recommendations

## 1. Admission Rules for classes IX and XI



The Commission upon receipt of grievances of children seeking admission in grade IX and XI decided to examine the admission rules to ensure that they are not discriminatory towards the vulnerable sections of the society. Upon reviewing, it was noticed that the admission rules would not allow certain children who have been forced to discontinue their education due to situations that were out of their control (like severe health problems, physical abuse etc) to continue their education when they decide. Thus, after discussions with the Department of Education, the rules were amended for Class IX Non-Plan Admissions in the academic year 2020-21 to include these children by recommendation of DCPCR and/or CWCs. Similar changes in Grade XI Non-Plan admissions have been recommended as well.

## 2. Question of Sex-selective Surgery of Intersex Children



Based on the plea filed with it, the Commission initiated the examination of policy on permitting or banning non-necessary, sex selective surgeries in intersex children given their long term, adverse consequences on the child's mental and physical health. In addition to soliciting the comments of the Department of Social Welfare, Department of Health & Family Welfare, Delhi Medical Council along with civil society organisations in the domain, the Commission also held hearings on the matter. After meticulous deliberation, the Commission has put forth a recommendation to the Delhi Government stating that it is of the considered view that a ban should be declared on medically unnecessary, sex-selective surgeries on intersex infants and children except in cases of life-threatening situations.



## Recommendation on Sex-selective surgery of Intersex child

### Delhi Commission for Protection of Child Rights (DCPCR)

Government of NCT of Delhi  
5th Floor, ISBT Building, Kashmiri Gate, Delhi-110006  
Phone: 011-23862685/86  
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No.F/DCPCR/20-21/Health & Nutrition/Project File-VIII/1329495 Dated 13/1/2021

### ORDER

1. WHEREAS, the Delhi Commission for Protection of Child Rights has been constituted under the Commission for Protection of Child Rights Act, 2005, an act of Parliament. The Commission is mandated to inquire into complaints and take Suo motu notice of the cases involving the violation of constitutional and legal rights of the children.
2. WHEREAS, the Commission is in receipt of a plea by Dr Satendra Singh, Air Cmde (Dr.) Sanjay Sharma and Dr Aqsa Shaikh that there are instances wherein intersex people are treated as disabled, and hence are approached through a medical lens, 'reducing' intersex people to an 'impairment' leading to medical interventions that can lead to long-term impairments and requiring lifetime medical care. It has further been highlighted that most of the times these surgeries are conducted without prior, free and fully informed autonomous consent.
3. WHEREAS, the Commission takes into notice the recommendations of UN Committee for the Rights of Persons with Disability (CRPD) based on the submission of *Srishti Madurai* to the Government of India in September 2019, which includes that '*the government must take measures to prevent "sex assignment" or "sex- normalising" surgeries on intersex children. The government must also guarantee the right of intersex people to maintain their physical and mental integrity.*'
4. WHEREAS, the Commission takes note of the Article 39 (f) of the Constitution of India which reads as follows: *The State shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.*
5. WHEREAS, the Commission takes due notice of the Hon'ble Supreme Court's Judgement *National Legal Services Authority vs Union Of India & Others* dated





15.04.2014 which categorically states that *'no one shall be forced to undergo medical procedures, including sex reassignment surgeries, sterilization or hormonal therapy, as a requirement for legal recognition of their gender identity'*.

6. WHEREAS, the Commission also takes due notice of the judgment of Hon'ble Madurai bench of Madras High Court dated 22.04.2019 in WP(MD)No. 4125/2019 and 3220/2019 filed by Arunkumar and Sreeja and based on Mx. Gopi Shankar's submissions, wherein the Court necessarily *directed the Government of Tamil Nadu to issue a Government Order enshrining the aforesaid mandate of the Hon'ble Supreme Court so as to effectively ban sex reassignment surgeries on intersex infants and children.*
7. Pursuant to the Madras High Court Order, Government of Tamil Nadu issued an Order Vide Letter G.O. (Ms.) No 355, decided to *'ban sex reassignment surgeries on intersex infants and children except on life-threatening situations and orders accordingly.'*
8. To further the enquiry into the matter at hand, the Commission requested submissions from the Delhi Medical Council, Department of Health and Family Welfare, Government of NCT of Delhi and Department of Social Welfare, Govt. of NCT of Delhi along with organizations and experts in the domain, including Advisors to the Commission on the matter, Ms. Anjali Gopalan and Mx. Gopi Shankar Madurai. Key extracts of their responses are as follows:
  - 8.1. The Delhi Medical Council has filed its response Vide Letter DMC/EC/f.2/2/2020/292283 stating that they agree with the petition since *the differences of sex development/intersex are human rights issues as it pertains to bodily integrity and autonomy and further states that surgical interventions and gender-related medical interventions should be delayed until the patient can provide meaningful informed consent/assent to these interventions.*
  - 8.2. Mx. Gopi Shankar Madurai, in their submission to the Commission states *'..some doctors continue to perform medically unnecessary, 'normalizing' surgeries on infants/children. The results are often catastrophic, and the supposed benefits are largely unproven. Regulating such surgeries with medical ethics is very important.'* The same has been stated by the organization *'Human Rights Watch'* in their submission to the Commission.

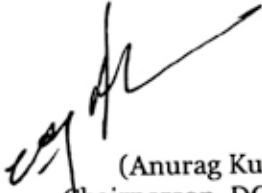





- 8.3. Ms. Anjali Gopalan submitted her response stating that *'such medical interventions are violative of the fundamental right to bodily integrity and physical autonomy. Some intersex people can face significant health issues that require treatment, which may include hormone-based therapy or surgery. Others do not require medical intervention.'*
- 8.4. The Commission is in receipt of a submission from the organization *'The Humsafar Trust'* on the matter stating that *Medical treatments of an intrusive and irreversible nature, if they lack a therapeutic purpose, constitute torture or ill-treatment when enforced or administered without the free and informed consent of the person concerned. This is particularly the case when intrusive and irreversible, non-consensual treatments are performed on patients from marginalized groups.*
- 8.5. The Commission is also in receipt of a submission from the organization *'Haq: Centre for Child Rights'* on the matter recommending *regulations instead of a complete ban and proposed constitution of a board in every hospital that shall review the request for such surgery based on an interaction with the person seeking surgery and a social and psychological impact assessment.*
- 8.6. The Commission is in receipt of a Codicil compiled by the organization *'Srishti Madurai'* which highlights the various national and international precedents supporting the argument of how medically unnecessary surgeries on intersex children interfere with their *right to bodily autonomy, the rights of health and informed consent, children's rights and women's rights.*
- 8.7. The Commission has received a submission by *'Intersex Human Rights India (IHRI)'* which states that *'such unnecessary medical interventions are against the human rights of children which has far reaching consequences on health and sense of self as attested to by intersex adults who were put through the trauma in their childhood.*
9. Furthermore, the Commission held hearings on the matter on the 7th and the 8th of December 2020. The following are the key proceedings hitherto:
  - 9.1. The Department of Health and Family Welfare, Government of NCT of Delhi has constituted a Committee to closely examine the matter and submit their report to the Commission accordingly.



- 9.2. The Department of Social Welfare, Govt. of NCT of Delhi's representative has made an on-record commitment to constitute a dedicated Committee to look into the matter which would submit bi-monthly progress reports and file their final submissions within 3 months.
10. The Commission advises the respective departments to include within the Committee people who are intersex, or from a similar marginalized background to be a formal member of the Committee. This step would ensure that the community is adequately represented, and their voices heard in the decision-making process.
  11. After careful deliberations, the Commission is of the considered opinion that the Government of Delhi should declare a ban on medically unnecessary, sex-selective surgeries on intersex infants and children except in cases of life-threatening situations and advises the government accordingly.
  12. With this recommendation, the petition would be henceforth considered disposed.

  
 (Anurag Kundu)  
 Chairperson, DCPCR

To:

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2. Secretary, Department of Social Welfare, Govt. of NCT of Delhi, GLNS Complex, Delhi Gate, New Delhi-110001, <pssw@nic.in>

Copy to:

1. Dr Satendra Singh, Doctors with Disabilities, <dr.satendra@gmail.com>
2. Air Cmde (Dr.) Sanjay Sharma (Retd), Association of Transgender Health in India <drsanjay2466@gmail.com>
3. Dr Aqsa Shaikh - Association of Transgender Health in India <emailtoaqsa@gmail.com>
4. Mx Gopi Shankar Madurai, Co-founder Srishti Madurai Volunteer Movement <br.gopishankar@gmail.com>
5. Ms. Anjali Gopalan - Founder Naz Foundation (India) Trust <anjali@nazindias.org>

Subsequently, Srishti Madurai Educational Foundation has approached the High Court of Delhi through a writ petition seeking the compliance of the Commission's recommendations. The case bearing WP (C) 8967/2021 number is currently pending in Hon'ble High Court of Delhi.



### 3. Standardisation of Proforma(s) used in Medico-Legal Cases (MLC) under POCSO



The Commission observed glaring inconsistencies in the Medico-Legal Case Proformas due to lack of standardisation in the use of proforma(s) by the medical practitioners. The MLC is legally admissible document to record the incidence of child sexual abuse. Such lack of standardisation in the use of proforma(s) are detriment in the process of providing justice to the child victims of sexual abuse rendering the investigating officer and the prosecutor handicapped to present the facts of the case before the Court of Law for which a standardized proforma(s) is of the essence. While the 'Guidelines and Protocols-Medico-legal care for survivors/ victims of sexual violence' have been enacted since March 2014 by the Ministry of Health and Family Welfare, Government of India, it is not implemented by medical practitioners dealing with child victims under POCSO Act.

Hence, keeping in view its role envisioned under the POCSO Act 2012, the Commission has taken cognizance and escalated the matter to the Directorate General of Health Services, Government of NCT of Delhi. Consequently, the DGHS has adopted the proforma and directed all the healthcare facilities to utilise the common proforma for recording the medical history of POCSO victims. This step has been taken to ensure that the health system can be strengthened and justice is delivered to the survivors of child sexual abuse.

### 4. Guidelines for implementation of Rule 8 (Special Relief Fund) of POCSO Rules, 2020



Rule 8 (Special Relief Fund) of Protection of Children from Sexual Offences Rules, 2020 provides for resources i.e., food, clothes, transport and other essential needs to the child victim. The rule lacks any effective implementation due to absence of guidelines. The Commission in coordination with the Department of Women & Child Development, Delhi State Legal Services Authority, Child Welfare Committees (CWCs), NGOs and experts in the field held deliberations and drafted the guidelines for effective implementation. Guidelines are under due consideration before the Ministry of Women and Child Development, Govt of Delhi before being formally issued.



## 5. Examination of Reimbursement Policy For Private Schools under EWS/DG Quota



The Commission had set up an expert committee to examine the criteria and amount as reimbursement disbursed to schools under Section 12(1)(c) of the Right to Education Act, as well as the process, adequacy and timeliness of the actual disbursement. The Commission accepted all its recommendations forwarding them to the Government for implementation. Some key recommendations of the Committee are:

- a. The Expert Committee has upheld the principle, methodology, and relevant calculations carried out by the Government of NCT of Delhi. However, the Committee recommended that it must be made public.
- b. Noting delays on the part of private schools to file claims, and severely delayed action by the department, the Committee recommended that the process be completed in a time-bound manner.

The Committee concluded that the current subsidy granted by the government for uniforms is inadequate when compared to actual expenses. Therefore, the Committee recommended an increase of Rs 500/- per child per year for all the schools covered under the provision. The Committee also recommended that the government may extend the provision of Section 12(1)(c) to post-elementary classes, till completion of senior secondary school in order to enable students to finish their schooling from the school where they are enrolled in elementary education.

## 6. Delay in filing of chargesheet in POCSO Cases



Pursuant to its statutory responsibility to monitor the implementation of child rights, the Commission identified some gaps in the implementation of Protection of Children from Sexual Offences Act, 2012. One of the major gaps observed is delay in filing of chargesheet which leads to dispensation of justice leading to further victimisation of the suffering children. Following are the reasons leading to such delays:



- a. Delays in Inquiries because of Police:** The Commission observed that there were some police stations where there are inordinate delays in filing of chargesheet in cases under POCSO Act. In December 2020, the Commission took cognizance and initiated proceedings against the concerned police officers. The police stations wherein the charge sheet was filed in more than 500 days were taken up for further investigation.

These Police Stations were Harsh Vihar, Rajinder Nagar, Mukherjee Nagar and Nand Nagri. The Commission conducted an inquiry against the concerned police officers and brought the same into the notice of senior police authorities in March 2021.

- b. Delays in POCSO inquiries because of delays in forensic examination report:** The Commission observed extended delays in collection of Forensic Science Laboratory (FSL) reports under POCSO cases by the concerned police officials. The Commission analysed the time taken by FSL in forensic examination of POCSO cases during the period 01.01.2021 to 31.03.2022. As per the data received on 08.04.2022 from FSL, 34% cases were pending for forensic examination and in 64% cases the forensic examination has been completed. With regard to the collection of FSL Reports, police has collected 89% reports and 10% were yet to be collected as on 08.04.2021. Accordingly, the Commission advised the Department of Home, Govt of NCT of Delhi and Delhi Police to expeditiously fill the vacant posts in the Laboratory. The Commission has learned that all posts would be filled by December 2022 bringing the time taken for forensic examination down by 50%.
- c. Delays in collection of FSL reports by Police:** Forensic reports are a critical time sensitive part of any POCSO investigation. Any delay in this part of the investigation significantly blocks the process of filing a chargesheet, thereby delaying justice. In its quest to ensure the investigations in POCSO cases are completed within the stipulated time, the Commission analysed the stage-wise life cycle of forensic examination and found significant delays on the part of Delhi Police in collecting FSL reports from labs once they were ready. The Commission examined 372 POCSO cases ranging from 26.6.2019 to 31.12.2020 wherein it was found that 29.8% (111) cases were pending for forensic examination as on 10.03.2021. With regard to the completion of forensic investigation in POCSO cases, it was observed that in 68% (254) cases the investigation was completed. Although the forensic investigation was completed, 72.8% (185) cases out of the 254 completed



cases were still lying with FSL for collection and only 27% reports were collected by the police as on 10.03.2021. Accordingly, the matter of delay in collection of FSL reports has been taken up by Chairman, DCPCR with the Hon'ble Lieutenant Governor (Delhi), Additional Chief Secretary (Home), Commissioner of Police and Special Commissioner (Special Police Unit for Women & Children). As a result of due diligence and continuous follow up with the concerned agencies, the pendency for collection of FSL Reports has lowered to 10% from 72.8% within one year. However still, there remains considerable scope of improvement.

## 7. Review of Scheme for Financial Sustenance, Education and Welfare of Children of Incarcerated Parents



Taking cognizance of poor implementation and a number of impediments in the scheme of financial assistance for children whose parents have been incarcerated, the Commission initiated its exhaustive examination of the Scheme and found the scheme badly implemented, and designed to fail. Accordingly, the Commission tendered 19 recommendations of which 18 have been accepted by the Government of NCT of Delhi. The key recommendations include:

- a. Five years residency clause to avail benefits under the Scheme be dispensed with.
- b. Eligibility is amended to include single parental incarceration to avail benefits under the Scheme.
- c. The clause which bars the children availing the benefits under other schemes is removed
- d. The benefits under the Scheme are extended till 1 month after the release of incarcerated parents, and are not revoked immediately on release.
- e. Seamless data sharing between Director General (Prison) and Chief Probation Officer to ensure proactive enrolment of beneficiaries under the Scheme.

A cabinet note has been put up on behalf of the Hon'ble Minister, Social Welfare, Govt. of NCT of Delhi and final approval of the Cabinet is awaited.



*Letter recommending improvements in the Scheme for Financial Sustenance, Education and Welfare of Children of Incarcerated Parents*



**ANURAG KUNDU**  
CHAIRPERSON

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DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS

GOVT. OF NCT OF DELHI

DELHI - 110006

D.O.No.F4(71)/DCPCR/2019-20/Workshops/9536

Dated: 4<sup>th</sup> November 2020

Respected Sir,

The Delhi Commission for Protection of Child Rights (DCPCR) has been constituted under the Commissions for Protection of Child Rights Act, 2005 Further under section 13 (1-j) of the Commissions for Protection of Child Rights Act, 2005, this Commission is empowered to undertake inquiry into complaints and to take suo-motu notice of matters relating to deprivation and violation of child rights, non-implementation of laws providing for protection and development of children, non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to ensuring welfare of the children. This report is based on the Commission's suo-motu notice and review of Scheme for Financial Sustenance, Education & Social Welfare of Children of Incarcerated Parents, 2014.

This Commission held a series of discussions with various stakeholders which inter alia includes Department of Social Welfare, Department of Women and Child Development, Child Welfare Committees, Childline, Special Juvenile Police Units, District Magistrates/Sub Divisional Magistrates, senior medical officers and Prison Welfare Officers and arrived at a conclusion that the children of incarcerated parents are placed at a disadvantaged position on account of certain gaps inherent in the design of the Scheme for Financial Sustenance, Education & Welfare of Children of Incarcerated Parents.

In view of the same, the Commission submits its special report outlining a set of recommendations for improvement of the Scheme for Financial Sustenance, Education and Welfare of Children of Incarcerated Parents, 2014. The

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Commission believes that the recommendations, if implemented, will go a long way in benefitting the children of incarcerated parent(s) and will ensure that they do not suffer and are able to grow socially, emotionally and academically. These children are victims not only of the crime, but the punishment of the crime as well.

Section 16 of the Commissions for Protection of Child Rights Act, 2005, provides that the Commission may submit any special reports to the Central and to the State Government, on any matter which, in its opinion, is of urgency or importance that it should not be deferred.

Hence, I submit on the behalf of the Delhi Commission for Protection of Child Rights (DCPCR) this special report, requesting you to initiate the process of amendment of the Scheme for the benefit and overall wellbeing of the children of incarcerated parents.

Yours sincerely



**(Anurag Kundu)**  
**Chairperson**

**Sh. Rajendra Pal Gautam**  
**Hon'ble Minister (WCD)**  
**Govt. of NCT of Delhi**  
**7<sup>th</sup> Level, Delhi Secretariat,**  
**New Delhi-110002**



## 8. Recommendations on the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021



The Ministry of Women & Child Development, Government of India on June 30, 2021 issued a public notice inviting comments/ suggestions on the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021. The Commission, after extensive consultations, tendered series of recommendations some of which are listed below:

- a. Inclusion of National/State Commission For Protection of Child Rights (N/SCPCR) and ChildLine in National/State Anti-Human Trafficking Committees given children are a large section that is victim of trafficking.
- b. The bill erodes powers of the Child Welfare Committee under Juvenile Justice Act, 2015 particularly with respect to rehabilitation of the children in need of care and protection. For example, section 8(3) specifies that all individual care plan of victims under this proposed bill are to be submitted to District Anti-Human Trafficking Committee. This is in contravention to the Juvenile Justice Act, 2015 which confers this power solely on Child Welfare Committees (CWCs). The Commission recommended that the bill needs to be suitably amended to harmonise the two laws.
- c. The bill places the burden of proof on the accused which is violative of Article 21 of Constitution against the settled principle and the law that the burden of proof lies on the prosecution and not on accused. The proposed bill reverses the presumption of innocence into presumption of guilt. Further, the bill lacked certain safeguards which are created wherever special laws reverse the burden of proof. The absence of safeguards makes it a draconian law.
- d. The bill made standards for bail equal to standards for acquittal by stating that even the bail shall not be given unless “designated court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence”. This is the definition of the acquittal and hence cannot be the standard for granting bail. Such a provision threatens the most basic jurisprudence of the justice system.



- e. **Monitoring:** Typically all the laws provide for a monitoring and evaluation mechanism. However, this bill does not provide for any such provision. Therefore, the Commission recommended that a provision be inserted in the bill casting this responsibility on the National and State Human Rights Commission in consultation with the National/State Commission for Women and National / State Commission for Protection of Child Rights.

## 9. Recommendation regarding inclusion of pregnant & lactating women under the ambit of Covid-19 vaccination drive.



Until May, 2021, pregnant women and the lactating mothers were outside the scope of Covid-19 vaccination drive. The Government of India was yet to categorise the two groups as “high-risk” categories contrary to the growing international practice and advice by the World Health Organisation.

There was enough evidence on record to suggest that pregnant women “at increased risk for severe illness from COVID-19 when compared to non-pregnant people”. Increased risk of severe illness which includes illness that requires hospitalisation, intensive care, or a ventilator, or may even result in death and they are also at risk of adverse pregnancies such as preterm birth. Pregnant women with Covid-19 might also be at increased risk of adverse pregnancy outcomes, such as preterm birth. Poor maternal outcomes are associated with poor perinatal outcomes.

Concerned by devastating impact of second wave of Covid-19 virus, and its obligation to protect the rights of the children particularly the pregnant women, and lactating mothers, the Commission held extensive consultations with the experts, studied the literature review such as advice by Federation of Obstetric and Gynaecological Societies of India (FOGSI), international activities, and the advisory by World Health Organisations, and on 12th May 2021 advised Govt of India to:

- a. Categorise Pregnant and Lactating mothers as belonging to the high-risk category and allow their vaccination subject to scientific protocols and processes.



- b. Create a registry to register pregnant women and lactating mothers being vaccinated so that a continuous monitoring mechanism can exist to see if the vaccine has an adverse effect on pregnant women. Continuous monitoring of all pregnant and lactating women receiving vaccination is necessary. Hence a separate registry such as the V-safe registry in the United States should be created to collect such data.

Subsequently, moved by the scientific consensus, Govt of India allowed lactating mothers to be vaccinated with effect from 19th May 2021.

Constrained by inaction with respect to pregnant women, the Commission approached the Supreme Court for compliance of its recommendation. Since 2nd July 2021, the Govt of India allowed vaccination of pregnant women as well.

However, the monitoring systems remained poor. Accordingly, based on the Commission's petition, Hon'ble Supreme Court of India was pleased to direct the Govt of India to consider suggestions of DCPCR with respect to monitoring systems for adverse effects on pregnant women.



## Recommendations for inclusion of pregnant and lactating women under ambit of Covid-19 vaccination



**ANURAG KUNDU**  
CHAIRPERSON

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DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS  
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D.O.No.F6(1)/DCPCR/21-22/CPPB/1189-94  
Dated:12<sup>th</sup> May 2021

Dear Sir

I write this letter to bring to your kind attention the issue of Covid-19 vaccination of pregnant women and lactating mothers, which the current vaccination drive rolled out in India for people aged 18 years and above excludes.

India had rolled out its Covid-19 vaccination drive on January 16th, 2021. India has adopted a phased manner for vaccinating her population, where vaccinations rolled out from 16th January 2021 with priorities for frontline/healthcare workers, and elderlies. From 1st May 2021 vaccination for the age group 18 years and above had been made available.

Currently, Pregnant and lactating women through an advisory issued by the Ministry of Health and Family (vide letter No. T-22020/14/2020-IMM dated 14th January 2021), have not been recommended to take the vaccine. This is an understandable position due to lack of clinical trials data on the effect of the Covid-19 vaccine on pregnant and lactating mothers.

Each year, 2.6 crore (Vital Statistics of India based on the Civil Registration system 2018) women deliver a child, add to that another 2.6 crore lactating mother and we have close to 5.2 crore women who are left out of the current vaccination program. Clearly, this is a critical population both in numbers and their vulnerability priority.

Kindly allow me to draw your kind attention to the recommendation of the Federation of Obstetric and Gynaecological Societies of India (FOGSI position statement on covid vaccination for pregnant & breastfeeding women) has recommended that obstetricians and gynaecologists and women's health care providers should be allowed to administer the Covid vaccines in pregnant & breastfeeding women with preparations to manage adverse events. They have pointed out that the method of administering and monitoring the vaccine and the schedule of vaccination should be the same for pregnant and lactating women as for the general population and concluded that "there is no obvious basis for excluding pregnant or lactating women from vaccination."

However, it must be noted that FOGSI has recommended that pregnant women receive vaccination based on the studies conducted by the Centre for Disease

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Control and Prevention in the U.S. Countries such as the USA and the U.K. have started the vaccination drive to include this group of women as Pregnant mothers are classified as high risk by the Centre for Disease Control, the regulatory authority in the United States as compared to non-pregnant women.

India, on the other hand, has not categorised them as high risk. The CDC classifies pregnant women as being “At increased risk for severe illness from COVID-19 when compared to non-pregnant people”. Increased risk of severe illness which includes illness that requires hospitalization, intensive care, or a ventilator, or may even result in death and they are also at risk of adverse pregnancies such as preterm birth. Pregnant women with Covid-19 might also be at increased risk of adverse pregnancy outcomes, such as preterm birth. Poor maternal outcomes are associated with poor perinatal outcomes.

Hence, the CDC has recommended that pregnant women can receive a COVID-19 vaccine. This is because getting a COVID-19 vaccine during pregnancy can protect them from severe illness from COVID-19. In the USA, around 90,000 pregnant women have been vaccinated mainly with Pfizer and Moderna vaccines and no safety concerns have been identified. The study is based on a registry of 100,000 pregnant and lactating women who have received the MRNA vaccination as of now provides corroborating evidence.

CDC data also provides evidence that immunisation of pregnant and lactating mothers has led to transfer of antibodies to the infant and hence extending protection of the vaccination to the infant. World over, especially in Brazil, maternal death due to Covid-19 has been acknowledged as being on the rise and requiring special attention.

In the United Kingdom, the Joint Committee on Vaccination and Immunisation (JCVI) has advised that pregnant women should be offered COVID-19 vaccines at the same time as people of the same age or risk group.

I now draw your attention to the WHO guidelines for immunization of pregnant women which state the following:

*“At present (March 2021), the WHO Strategic Advisory Group of Experts on Immunization currently recommends that pregnant women may receive the vaccine if the benefits of vaccination outweigh the potential risks, such as occupational activities with unavoidable high risk of exposure, and pregnant women with co-morbidities which place them in a high-risk group for severe COVID-19 disease.”*

WHO has recommended vaccination of pregnant women post designing & establishing the design of a surveillance mechanism to monitor the effects of vaccination

They not only belong to the high risk category but there are potential other negative impacts on pregnant and lactating women due to covid. For instance, at the country-level, the largest increase in the number of stillbirths is expected in India



(60,179, 10% increase). Similarly, the number of maternal deaths is also expected to increase in 2020 as a result of the COVID-19 pandemic response, with the highest number of deaths anticipated in India (7,750, 18% increase). Child mortality is estimated to increase in India by 15.4%. Neonatal mortality by 14.5%. This is based on the report '*Direct and Indirect Effects of COVID-19 Pandemic and Response in South Asia published by the UN*'. It studied the impact of Covid-19 on mortality, hospitalisations, and ICU admissions due to the disease and the impact of nation-wide lockdown on maternal and child mortality, educational attainment of children, and the region's economy.

Evidence on COVID-19 vaccines is being continuously reviewed by the World Health Organization and the regulatory bodies in the UK, USA, Canada and Europe.

I acknowledge that India administers a different set of vaccines other than the mRNA vaccines based for which the CDC data exists. Impact of the vaccines administered in India on pregnant women is still not known due to lack of clinical trials data for the same. Clinical trials for vaccinations happen in three phases and the third phase involves administration to the general public to see the efficacy of the vaccination. The third phase did not include pregnant and lactating women.

Although the current datasets exist only for mRNA vaccines, Gynaecologists associations such as FOGSI are of the opinion that the theoretical benefits of India's vaccines would outweigh the risk of the disease. Covaxin is a killed (inactivated) virus vaccine while Covishield is a Adenovirus vector-based vaccine. Both are non-replicating. While inactivated virus vaccines are considered safe during pregnancy, adenovirus vector-based Zika virus vaccine used in pregnant mice showed no safety concerns.

The Commission diligently studied the medical literature on the subject with the help of organisation Indus Action and consulted experts such as Dr. Gagandeep Kang, Dr Rajani Bhat, and Dr. Aparna Hegde amongst others.

Hence, in exercise of powers vested in the Commission under section 15 of the Commission For Protection of Child Rights Act, 2005 and based of the consultations with experts, and review of medical literature, Delhi Commission For Protection of Child Rights (DCPCR) formally advises the Government of India to :

1. Categorise Pregnant and Lactating mothers as belonging to the **high-risk category**.
2. **Setting up a task force for the following purpose:** A working committee should be set up to look into the matters at the earliest and this category should be included in the vaccination drive. The task force should include experts from not only the health sector but also other institutions that work in operationalising a standard procedure and can help materialise a mechanism to track and monitor Pregnant Women & Lactating Mothers post vaccination.



3. Based on recommendations from other countries and FOSGI, India should not only include Pregnant Women & Lactating Mothers in the vaccination program but also **categorize them as belonging to the high risk category such as in other countries.**
4. **Communication :** Education and Standard Operating Protocols must be developed to educate women on the side effects of vaccination, effects of vaccination on pregnant and lactating mothers and ensure that informed consent is taken before taking the vaccine. Anganwadi Centres with Anganwadi workers and ASHA workers could drive the communication and messaging.
5. **Post Vaccination:** Creating a registry to register pregnant women and lactating mothers being vaccinated so that a continuous monitoring mechanism can exist to see if the vaccine has an adverse effect on pregnant women. Continuous monitoring of all pregnant and lactating women receiving vaccination is necessary. Hence a separate registry such as the V-safe registry in the United States should be created to collect such data.
6. As pointed out there is no existing data in India on the impact of Covid-19 vaccination on pregnant women. The aim of the vaccination drive should not only be to vaccinate this category of the population but also to monitor the impact of the vaccination and gather data on it's safety. Excluding them from the drive entirely is not the answer given the evidence on the effect of Covid-19 on pregnant and lactating mothers.

I hope you give our recommendations a fair consideration. Wishing our country the earliest possible relief from Covid-19 pandemic.

Regards

Sincerely  
  
**(Anurag Kundu)**  
 Chairperson, DCPCR

**Shri Rajesh Bhushan**  
 Union Secretary (Health)  
 Government of India  
 Room No.156-A, C-Wing,  
 Nirman Bhawan, New Delhi-110001  
 Email: secyhfw@nic.in

Copy for kind information to:

1. Pr. Secretary to Hon'ble Lt. Governor, Delhi
2. Additional Secretary to Hon'ble Chief Minister, Delhi
3. Secretary to Hon'ble Deputy Chief Minister, Delhi
4. Secretary to Hon'ble Minister (Health), GNCTD
5. Secretary to Hon'ble Minister (Women & Child Development), GNCTD



## 10. Opening Schools Post Covid II Wave



Concerned by the continued school closures for almost 1.5 years in the wake of Covid-19 pandemic, the Commission on 11th October 2021 wrote to the Hon'ble Lieutenant Governor, Delhi / Chairman, Delhi Disaster Management Authority advocating for opening schools.

Citing epidemiological evidence showing infected children in the age group 0-9 years have on average a 0.1% chance of being hospitalised, and for age 11-19 a 0.2% chance. Similarly, the fatality rate in children is also very low compared to the adults'. The infection fatality rate for children 0-9 years is 5 per million, and for age group 10-19 years is 18 per million, the Commission argued that the opening of school was much safer than perceived.

The Commission highlighted the adverse impact of continued schools' closures showing that the pandemic has caused serious learning losses for children of all grades. For example, 17% more grade I students could not read letters in 2020-21 compared to 2019-20, according to the Annual Status of Education Report (ASER) 2021 by Pratham Education Foundation. This is true not just for primary grades but also for senior grades. 80% of children aged 14-18 years report lower learning levels compared to when schools were open . 92% of children on average have lost one specific language ability compared to the previous years. The Commission lamented how worrying the situation is and nudged the Disaster Management Authority to open the schools.

Schools were eventually allowed to open in a phased manner.

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<sup>1</sup> <https://www.unicef.org/india/press-releases/repeated-school-closures-due-covid-19>



*Letter to Hon'ble LG advocating opening of schools post Covid II wave*



**ANURAG KUNDU**  
CHAIRPERSON

दिल्ली बाल अधिकार संरक्षण आयोग  
दिल्ली सरकार  
DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS  
GOVT. OF NCT OF DELHI

D.O.No.F6(1)/DCPCR/21-22/CPPB/11481  
Dated: 11 October 2021

*Most Respected Sir*

I write this letter to draw your kind attention to our concerns with respect to the policy of continued school closures in Delhi affecting nearly 4 million children.

Right at the outset, kindly allow me to state that I appreciate your concerns with respect to students' safety and your sincere efforts to secure the health of the children. We are on the same side and want the best for each child in Delhi.

Delhi's Covid infection spread has shown remarkable decline and has been constantly under 40 for the past 6 weeks. Similarly, most days witnessed zero fatality in the past 6 weeks. Consequently, nearly all sectors have opened up ranging from offices, workshops, to cinema halls, malls, markets, gyms and parks.

Clearly children not attending schools cannot keep them safe since the adults are moving about and returning home. As it is, children are visible everywhere in public places. There appears to be little evidence about how school closures can benefit the children when all other sectors are open. It, therefore, remains unclear as to what extra vulnerability would children experience by coming to school or how they remain safer by not attending it.

It is, at this stage, fitting to examine the medical evidence available about infection risks to children.

Infected children in the age group 0-9 years have on average a 0.1% chance of being hospitalised, and for age 11-19 a 0.2% chance. Similarly, the fatality rate is also very low compared to the adults'. The infection fatality rate for children 0-9 years is 5 per million, and for age group 10-19 years is 18 per million<sup>1</sup>.

Indian Academy of Paediatrics stated that it was highly unlikely that the third wave will predominantly or exclusively affect children, there was no evidence to suggest that a majority of infected children will develop severe disease, and almost 90 percent of infections in children so far were mild or asymptomatic. The Lancet COVID-19

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Commission India Task Force corroborated this view<sup>2</sup>. This is true not only for the original variant of the virus but for the delta variant too.

The Indian Council of Medical Research (ICMR), the body of our country in the field of biomedical research too has recommended opening of the schools. They have recommended opening of primary schools followed by secondary<sup>3</sup>.

In times of crisis such as the one we are in, we must believe in science over fear. All the scientific evidence points towards the opening of the schools.

Therefore, our intent to keep children healthy and safe from Covid-19 vaccination by means of school closures is not yielding the desired results. On the contrary, school closures have become more harmful for children than the risk of their opening up. I articulate for your kind reference four implications of school closures all of which are catastrophic.

**Learning Loss:** The pandemic has caused serious learning losses for children of all grades. For example, 17% more grade I students could not read letters in 2020-21 compared to 2019-20, according to the Annual Status of Education Report 2021 by Pratham Education Foundation<sup>4</sup>.

This is true not just for primary grades but for senior grades too. 80% of children aged 14-18 years report lower learning levels compared to when schools were open<sup>5</sup>. 92% of children on average have lost one specific language ability compared to the previous years<sup>6</sup>.

This should be worrying all of us! A nation where children cannot read is doomed for failure setting its children up for drop-outs. Given your rich governance experience including that of Director (Education) posting, I need not recount the tragedy that is the drop-out from schools including its impact on violence, substance abuse, life-expectancy, and financial levels of the family.

**Limitations of Online Education:** Different studies establish, now conclusively, that online education is great complimentary to schools, however, is severely limiting on its own. Take for instance the study undertaken by Azim Premji Foundation which found that nearly 90% teachers reported no meaningful assessment of children's learning takes place in online mode<sup>7</sup>. This severely cripples teachers' ability to teach and children's ability to learn. I am not even delving into the specific struggles of lakhs of children with special needs who we are increasingly losing out on, with each passing day!

**Impact on social, physical and mental health of children:** A study published in The Lancet states that school closures have worsened the conditions of children and young adults. Azim Premji University study states that more than 80%



teachers expressed inability to emotionally connect with children and vice-versa<sup>8</sup>. The UNICEF study reported that nearly one-third parents of students reported their child's social, and emotional health has deteriorated<sup>9</sup>.

**Impact on Economy:** The World Bank states that this generation of students stand to lose an estimated 10 trillion dollars in earnings or almost 10% of the global GDP<sup>10</sup>. This will drive the country further back in its pursuit of achieving reduction in poverty levels. Studies have pointed out that an additional year of schooling increases a person's annual earnings by 9.7% and thus every day of school closure directly impacts the income levels of these children when they grow up to be adults<sup>11</sup>.

There is now increasing evidence pointing out how continued school closures are more harmful and significantly outweigh the risks of opening up. The Commission is in receipt of several representations in this regard.

The State of Uttar Pradesh has opened the schools for all grades including primary. The State of Haryana has opened the primary grades of the schools as well. State of Rajasthan and Punjab have also opened the schools too. All these states are similarly placed as NCT of Delhi.

Sir, similarly placed is the question of the anganwadis. They were the first institution to be closed for all the right reasons. In difficult times, keeping our youngest children safe is our first collective responsibility.

However, unfortunately, the routine immunisation of children is perhaps the worst casualty. Nearly 64,000 children less have been fully immunised in 2020-21 compared to 2019-20. This was already nearly 50,000 less compared to data of the registration of children's births.

Similarly, growth monitoring of the children has been a compromised function as well. In a city with nearly one-third of children malnourished, further compromise in the growth monitoring is dangerous.

Malnutrition and compromised routine immunisation of the children leads to impaired cognitive ability in children, vulnerability to deadly diseases and premature deaths. Anganwadis are the best antidotes for this.

Anganwadi closures become further problematic given the fact that cognitive development happens only till the age of 6 years and therefore early childhood education becomes more crucial than even secondary schooling.

Therefore, Sir, the Commission being the statutory authority responsible for protecting, and promoting the cause of the children ***urges the Delhi State Disaster Management Authority (DDMA) to issue necessary directions for the opening of the schools and anganwadis.***



Government of NCT of Delhi has prioritised the vaccination of teachers, school staff and anganwadi workers and helpers. You may kindly issue directions to vaccinate in mission mode a section of these in case they are still left.

You may kindly consider our submission with respect to schools and anganwadis opening:

- Nursery to Grade VIII to open at least two days a week for all children in staggered form;
- Anganwadis to open at least once a week for all children in staggered form;
- Random testing of students/children and school/anganwadi staff to ensure the infection spread, if any, is immediately identified and contained;

I hope that you would give our suggestions a fair consideration and take a decision in the best interest of the children.

*Warm regards & best health*

Your Sincerely

*Anurag Kundu*  
(Anurag Kundu)

**Shri Anil Baijal**

Hon'ble Lt. Governor, Delhi/  
Chairperson, Delhi Disaster Management Authority  
6, Raj Niwas Marg, Ludlow Castle, Civil Lines, New Delhi, Delhi 110054

Copy for kind information to Members of the Delhi Disaster Management Authority:

1. Hon'ble Chief Minister, Delhi
2. Hon'ble Deputy Chief Minister, Delhi
3. Hon'ble Minister In-Charge (Health & Family Welfare)
4. Hon'ble Minister In-Charge (Women & Child Development)
5. Hon'ble Minister In-Charge (Revenue), Delhi
6. Chief Secretary, Delhi, Government of NCT of Delhi
7. Additional Chief Secretary (Power), Government of NCT of Delhi
8. Additional Chief Secretary (Health/Covid-Nodal Officer), Govt of NCT of Delhi
9. Divisional Commissioner, Government of NCT of Delhi
10. Pr Secretary (Education), Government of NCT of Delhi
11. Commissioners (East/North/South MCD)
12. Director (Education), Government of NCT of Delhi
13. 66 Complainants/Petitioners (as per list)



## 11. Advocating against schools closure on account of pollution



Schools in Delhi were closed because of deteriorating air quality, and low visibility barely days after they opened up 1.5 years of closure on account of the Covid-19 pandemic in the year 2021. Hundreds of parents wrote to us highlighting their concerns. Taking cognizance, the Commission on 13th December 2021 wrote to the Air Quality Commission highlighting that there is absolutely no evidence that school closures achieve the goal of protecting children. The Commission cited a study conducted by Energy Policy Institute, University of Chicago, over a period of two years which revealed that Delhi's indoor pollution levels are also worryingly high and way above WHO limits. Since there is no marked difference in pollution levels outdoors and indoors, the school closures become irrelevant, and misplaced. The Commission further pointed out that the school closures policy assumes that the families own air purifiers. This isn't the case, except for a very very small fraction of Delhi families. Since, the families don't own air purifiers, the Commission argued that the school closures policy on account of poor air quality achieves nothing.

Lastly, the school closures now continuing for almost 600 days is deeply problematic from a standpoint of learning loss which different studies have pointed out to be significant and having adverse long term implications for children, country's economy, and human development growth. Therefore, the Commission advised the Air Quality Commission to *allow the Government of NCT of Delhi to open the schools effective immediately*. Schools were eventually allowed to open in a phased manner.



*Letter advocating against school closure on account of pollution*



**ANURAG KUNDU**  
CHAIRPERSON

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दिल्ली सरकार  
DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS  
GOVT. OF NCT OF DELHI

D.O. No.C/RTE/DCPCR/21-22/1273/15454  
Dated:13<sup>th</sup> December 2021

*Dear Dr. M.M Kuttu Sir*

I am writing this letter to draw your kind attention to our concerns with respect to the policy of continued school closures on account of poor air quality in the city.

The schools were closed on account of poor quality to protect the children from the severe conditions. However, there is absolutely no evidence that school closures achieve this stated goal. For example, a study conducted by Energy Policy Institute, University of Chicago, over a period of two years has revealed that Delhi's indoor pollution levels are also worryingly high and way above WHO limits. Since there is no marked difference in pollution levels outdoors and indoors, the school closures become irrelevant, and misplaced.

Further, I must point out that the school closures policy assumes that the families own air purifiers. This isn't the case, except for a very very small fraction of Delhi. Since, the families don't own air purifiers, the school closures policy on account of poor air quality achieves nothing.

Lastly, the school closures now continuing for almost 600 days now is deeply problematic from a standpoint from learning loss which different studies have pointed out to be significant and having adverse long term implications for children, country's economy, and human development growth.

The school's closure is problematic even from social, emotional and psychological growth of the children which is possible only in an environment like that of a school. The several months school closures have adversely impacted children's social, and emotional well-being and continuance of closures will only exacerbate the problem. The policy of continued school closures is jarring the social and emotional growth of children that can only take place in a school environment.

Considering, the Hon'ble Supreme Court has permitted the Commission for Air Quality Management to decide on curbs in Delhi including the question of

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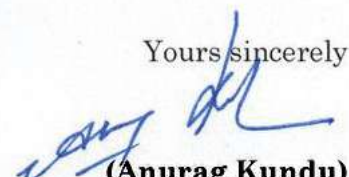
the schools, *I urge the Commission to allow the Government of NCT of Delhi to open the schools effective immediately.*

Hundreds of parents have now written to us advocating for immediate opening of the schools. We sincerely believe that the policy of continued school closure is harming the students and therefore is a bad policy not supported by any evidence or facts.

I sincerely believe that you would consider our request and pave the way for schools' immediate opening.

*kind regards*

Yours sincerely

  
(Anurag Kundu)  
Chairperson

**Dr. M.M. Kutty**

Chairperson

Commission for Air Quality Management

17th Floor, Jawahar Vyapar Bhawan (STC Building)

Tolstoy Marg, New Delhi 110001

Email: [caqm-ncr@gov.in](mailto:caqm-ncr@gov.in), [kuttvdm@nic.in](mailto:kuttvdm@nic.in)

**Copy for information to:**

1. Secretary to Hon'ble LG, Raj Niwas Marg, Civil Lines, Delhi-110054
2. Secretary to Hon'ble Chief Minister, 3<sup>rd</sup> Level, Delhi Secretariat, New Delhi-110003
3. Secretary to Hon'ble Deputy Chief Minister/Education Minister, 6<sup>th</sup> Level, A-Wing, Delhi Secretary, New Delhi-110002
4. Secretary to Hon'ble Minister of Environment, 8<sup>th</sup> Level, Delhi Secretariat, New Delhi-110002
5. OSD to Chief Secretary, A-Wing, 5<sup>th</sup> Level, Delhi Secretariat, New Delhi-110002
6. Principal Secretary (Education), Govt. of NCT of Delhi, Old Secretariat, Delhi-110054
7. Director (Education), Govt. of NCT of Delhi, Old Secretariat, Delhi-110054



## 12. Advising government to restart immunisation services through anganwadis



Concerned about the adverse effect the pandemic and the consequential delay in immunisation could have on children's health including impaired cognitive development, disability, medical conditions and even premature deaths, the Commission advised the government to resume regular vaccination activities at the anganwadi level. The Health Ministry along with the Department of Women & Child Development (WCD), Govt of NCT of Delhi undertook active steps to ensure that immunisation services are resumed from August 2020 and drive for immunisation have been in progress in anganwadis with adequate social distancing and hygiene protocols in place.

## 13. Ensuring birth registrations of the juveniles



Taking cognizance of the three Municipal Corporation delaying or refusing birth registrations of children as ordered by the Child Welfare Committee, the Commission issued an advisory to the three Municipal Corporation to ensure the directives by the Child Welfare Committee are strictly adhered to. This is crucial for children in need of care and protection and often lack identity documents which then becomes a significant hurdle in availing benefits under different schemes. The Children in Need of Care and Protection is term defined under Juvenile Justice (Care and Protection of Children) Act 2015 and includes many categories of children such as those victims of parental death, parental incarceration, sexual violence, trafficking, child labour, begging, early marriage etc.

The Municipal Corporations has reiterated the instructions internally to all its officials for strict compliance and adherence with the orders of the Child Welfare Committees and Juvenile Justice Boards.



*Letter concerning delays in Birth Registrations of Juveniles*



**ANURAG KUNDU**  
CHAIRPERSON

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दिल्ली सरकार  
DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS  
GOVT. OF NCT OF DELHI  
D.O. No: F4(129)/DCPCR/2020-21/Comp./13065  
Dated: 11/11/2021

*Dear Shri Vikas Anand*

I am writing this letter to bring to your kind attention the issue of non-compliance of Government of NCT of Delhi directions pertaining to delayed Birth Registration of Juveniles by Municipal Officials.

Your attention is drawn to notification No.F2(60)/VS/DES/2015/6521-6556 dated 16 October 2015 issued by Government of NCT of Delhi has issued authorizing Principal Magistrates, Juvenile Justice Boards/ Chairpersons, Child Welfare Committee to issue birth certificates in respect of delayed birth registration of juveniles whose age verification is done by them. (Copy annexed)

The Commission has observed that Municipal Health Officers are not issuing birth certificates on the basis of order issued by Principal Magistrate, Juvenile Justice Boards/Chairperson Child Welfare Committees.

The non-implementation of Government's Notification is a matter of serious concern and is violative of the statutory rights of the children in difficult situations. The issue deserves your intervention.

Therefore, you are requested to issue an order reiterating the Government of NCT of Delhi's directions to all the Deputy Commissioners for scrupulous compliance of the said order by all the Registrar (Birth & Death)/Municipal Health Officers.


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Telefax : (O) : 011-23862685, 011-23862692 (M) 9971398752  
Email : cp.dccpr@gmail.com, anurag.kundu@gov.in



The order so issued may be copied to this Commission for our information.

Looking forward to your early intervention.

*Kind regards*

  
(Anurag Kundu)  
Chairperson, DCPCR

**Shri Vikas Anand**

Commissioner

East Delhi Municipal Corporation

419, Udyog Sadan, Patparganj Industrial Area, New Delhi - 110096

**Copy for information:**

- a. Chairperson, Juvenile Justice Committee, Delhi High Court
- b. Pr. Secretary, Department of Women & Child Development, GNCTD
- c. Director, Department of Women & Child Development, GNCTD
- d. Principal Magistrates of all Juvenile Justice Boards (JJBs)
- e. Chairpersons of all Child Welfare Committees (CWCs)



## 14. Recommendation regarding women and child inclusion in Draft Master Plan for Delhi



The draft Master Plan 2041 was examined by the Commission regarding its ability to provide a supportive and friendly environment for children and women in Delhi. The Commission consulted various stakeholders and submitted following suggestions and concerns to the Delhi Development Authority with regard to the Draft Master Plan 2041.

- a. **Need for greater earmarking of spaces meant for children.** As the city's population grows further, there would be a greater need for more statutory bodies such as Child Welfare Committees, and Juvenile Justice Boards. Further, more Child Care Institutions may be needed. Hostels, paediatric wards, and medical colleges would be required as well. Accordingly, each planning zone may be reviewed.
- b. **Increased participation of women in the workforce** is a socially and economically noble goal to pursue. The Plan estimates that less than 15% of the workforce comprises women currently. Facilities such as creches are key enablers for women to join the workforce. The same has been empirically established in several studies across the world. Similarly, availability of sanitary pads and robust disposal systems at public utility places is a key area of focus that the Commission recommended to the Delhi Development Authority.
- c. **Reconsider development control norms:** According to the Draft Master Plan, the minimum area for educational institutions such as creche shall be 500 sq metres (with 10% variation). However, past experience of our own city Delhi shows that such a blanket rule has not worked, rather failed. Take, for example, hundreds of unrecognised private schools which continue to operate. The biggest barrier in their recognition is the land size norms. The Commission does not understand why the educational institutions require a minimum size which is independent of the number of children it caters to. There is no rationale as to why an educational institution that caters to 25 children should have the same plot size as the one that caters to 100 children. Gujarat provides a contrarian and a rather successful example in this context. They don't have a blanket rule



of minimum size, rather link it to the number of children the institutions cater to. Accordingly, the Commission requested the Authority to reconsider its development control norms.

**d. Navigability of the city by the parents with newborn and toddlers:**

All senior officials of the Government have travelled abroad. There is much to learn. Take, for example, the possibility of carrying the newborn in a stroller. The city is simply not accessible. Consequently, the parents carry their newborn and toddlers in their arms in markets, buses, metro, schools, and every other place. It is hard to carry a child in arms for hours. Parenting is hard and our infrastructure must make it easier. This requires re-envisioning our footpaths, roads, buses, and every other component of infrastructure. Let's recall our experiences of how it works abroad. Let's take further examples of the toilets. Rarely does a public toilet have facilities mapped to requirements of a 10-year old. They are designed for adults where children somehow make do. Additionally, toilets in some public places should have diaper changing facilities. This is to be noted that such a facility may not be necessarily in women's toilets only. It is time men change their children's diapers. Our government must facilitate this mindset shift by creating necessary infrastructure.

- 5. The index and parameters evolved for measuring progress** must have components that speak to children: this city looks very different from a toddlers' eyes, or an adolescent's eyes'. Both must form a formal component for measurement of how planned our city is. Similarly, crimes against children should be another indicator to measure progress.

## 15 Advising Government of India to restore cognizability status of serious offences under Juvenile Justice Act, 2015:



Juvenile Justice (Care & Protection of Children) Amendment Act, 2021 amended the Juvenile Justice (Care & Protection of Children) Act, 2015. With the amendment, certain serious offences that were earlier "cognizable" have now become "non-cognizable". The offences include:

- a. Use of children by militant groups (Section 83, JJ Act),
- b. sale and procurement of children (except for trafficking/prostitution purpose) (Section 81, JJ Act),



- c. Using children for drug peddling (Section 78, JJ Act),
- d. Inflicting cruelty on children by children home staff (Section 75, JJ Act)
- e. Employing children for begging (Section 76, JJ Act)
- f. Exploitation of child employee (Section 79, JJ Act)

Accordingly, five State Commissions For Protection of Child Rights (SCPCR) representing the States and Union Territories of Chandigarh, Delhi, Punjab, Rajasthan, and West Bengal inquired into the Juvenile Justice (Care and Protection of Children) Amendment Act 2021 and concluded that the Amendment Act in so far as it categorises serious offences under JJ Act, 2015 as non-cognizable is violative of the principles laid out in the Juvenile Justice Act, international treaties and covenants India is party to and adversely impacts children's cause. Accordingly, the Commissions recommended that the Government of India not to notify such provisions, and bring about a bill to amend the principal act again to restore cognizability status of serious offences.



**Recommendations to restore the cognizability status of serious offences under Juvenile Justice Act, 2015**



सत्यमेव जयते

**Chandigarh Commission for Protection of Child Rights (CSCPCR)**  
Administration of Union Territory of Chandigarh

**Delhi Commission for Protection of Child Rights (DCPCR)**  
Government of NCT of Delhi

**Punjab Commission for Protection of Child Rights (PSCPCR)**  
Government of Punjab

**Rajasthan Commission for Protection of Child Rights (RSCPCR)**  
Government of Rajasthan

**West Bengal Commission for Protection of Child Rights (WB-SCPCR)**  
Government of West Bengal

F4/DCPCR/21-22/JJACT/907-924

Date: 08.04.2022

Dear Shri Indavar Pandey,

We, the undersigned representing State Commissions For Protection of Child Rights (SCPCRs) from 5 different states and union territories, have resolved, and therefore, write to you to bring your kind attention to our serious concerns with respect to Juvenile Justice (Care and Protection of Children) Amendment Act 2021 (hereafter referred as "*Amendment Act*") which has amended the Juvenile Justice (Care and Protection of Children) Act 2015 (hereafter referred as "*Principal Act*").

The Amendment Act has also received the Presidential assent and has been notified as well. However the date of the commencement of the Amendment Act is yet to be notified.

Though the Amendment Act has several features, our concern is limited to the amendment of Section 86(2) of the Principal Act which has now been made non-cognizable.

We produce below the sub-section 86 of the Principal Act before substitution by the Amendment Act:

...

1

*[Handwritten signatures]*





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(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be cognizable, non-bailable and triable by a Magistrate of First Class.

...

(emphasis ours)

We now reproduce the same sub-section after substitution by the Amendment Act:

...

(2) Where an offence under this Act is punishable with imprisonment for a term of three years and above, but not more than seven years, then, such offence shall be non-cognizable and non-bailable.

...

(emphasis ours)

Thus the Amendment Act results in making the following offences (hereafter referred as "serious offences") under the Principal Act as non-cognizable and denuding the police of power to investigate and arrest offenders:

- a. Section 75 - Cruelty to child by the CCI staff (punishment <5 Years)
- b. Section 76 - Employment of child for begging (punishment < 5 Years)
- c. Section 77 - Giving intoxicating liquor or narcotic drug of psychotropic substance to a child (punishment <7 Years)
- d. Section 78 - Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug of psychotropic substance (punishment < 7 years)
- e. Section 79 - Exploitation of a child employee (punishment < 5 years)
- f. Section 81 - Sale and procurement of children for any purpose (punishment < 5 years)
- g. Section 83 - Use of children by militant groups or other adults for legal or illegal purposes (punishment < 7 years)

*[Handwritten signatures and initials]*





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Section 2(l) of the Criminal Procedure Code (hereafter referred as "CrPC") defines non-cognizable offence as *an offence for which, and "non-cognizable case" means a case in which a police officer has no authority to arrest without warrant.*

The effect of the amendment is that the bar under S. 155 CrPC applies as a non cognizable offence is an offence in which the police officer cannot start an investigation without the permission of the court nor arrest without warrant.

We draw further attention to the 14<sup>th</sup> Report of Law Commission of India on Reform of Judicial Administration<sup>1</sup> which while examining the distinction between cognizable and non-cognizable offences stated as follows:

*"1. For the purpose of police investigation, offences under the Indian Penal Code are divided into cognizable and non-cognizable offences. Cognizable Offences are defined as those in which a police officer can effect an arrest without a warrant. Such cases are specified in column 3 of Schedule II of the Criminal Procedure Code.*

*2. The principal difference between cognizable and non-cognizable offences is that a police officer on receipt of information of a cognizable offence has the power of investigation, including the power of arrest. But in non-cognizable offences, a police officer has no such power, unless the investigation is authorised by a competent magistrate. In the case of offences against laws other than the Indian penal code, a broad classification is, that those which are punishable with imprisonment for three years*

<sup>1</sup> Pg. 733-734.

*Handwritten signatures and initials in blue ink.*





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**and upwards are cognizable while those with lower limits of punishment are non-cognizable.**

[...]

6. As pointed out earlier, a police officer is not competent to investigate non-cognizable offences without the orders of a magistrate. If a complaint of the commission of such an offence is made to him, he notes the substance of the complaint in a book kept for that purpose and refers the informant to the magistrate. It is open to the magistrate on taking cognizance of such complaint, to direct a police officer to make an investigation even if it is a non-cognizable offence; but in the absence of such a direction the police officer is not competent to undertake the investigation thereof."

[Emphasis added]

Offences are classified depending upon their nature and gravity.<sup>2</sup> As per the schedule to the CrPC in part ... Cognizable offences are punishable with imprisonment for more than three years whereas non-cognizable offences are punishable with imprisonment for up to three years.

Further, as per Section 154 of the CrPC. and dicta of the Hon'ble Supreme Court of India, it is mandatory for the police to register the FIR in case the information received discloses commission of a cognizable offence. In non-cognizable cases, police can neither register the FIR nor can investigate or effect the arrest without the order of a judicial magistrate as per Section 155 of the CrPC.

Now these principles and operational realities will apply to the aforementioned 7 offences under the Principal Act.

<sup>2</sup>Govt of NCT of Delhi and Ors vs Robin Singh 171 (2010) DLT 705 [para 25].

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One might argue that the Indian Penal Code (IPC) carves out some of these offences and makes them cognizable anyway. This would be a misplaced inference borne out of little understanding of the law and the history of the Juvenile Justice jurisprudence.

If one were to accept the proposition, it would essentially mean that the entire chapter titled "*Other Offences Against Children*" under Principal Act is useless and was uncalled for. We believe that the chapter on offences against children was one of the progressive components of the Juvenile Justice (Care and Protection of Children) Act 2015. It created many new offences against children, and enhanced punishment for some others. Take, for example, the sale and procurement of the children.

The Law Commission of India in its 146<sup>th</sup> report in 1993, highlighted the case in which a child was sold for Rs. 12000 & which resulted in acquittal, decried the fact that sale and procurement of the children was not an offence and recommended to insert this as offence under the IPC.

In 2013 Kerala High Court reiterated the need for implementation of the recommendation of the Law Commission in this regard.

There are estimated 3,00,000 child beggars in India (although some organisations claim the number to be higher). A 2014 study by Ms. Anupma Kaushik titled "*Rights of Children: A Case Study of Child Beggars at Public Places in India*" stated that nearly 44,000 children fall into the clutches of the gangs annually. However, by this amendment the use of children for the purposes of begging will not invite an FIR and investigation except with order of Magistrate which is essential in crimes of this nature.

We further note that possession or consumption of drugs is a cognizable offence under the Narcotic Drugs and Psychotropic Substance Act 1985 but the Amendment Act now classifies use of children for drugs peddling and smuggling as a non-cognizable offence which will not even attract action under S. 154 CrPC & investigation. Clearly, the Amendment Act makes a significant,

*Dr. K. N. Raju*





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and rather regressive, departure from the settled jurisprudence in this country.

This delay in starting investigation allows offenders time to influence evidence or thwart investigations. Children who are vulnerable to pressure, may not be able to provide coherent testimony as time goes by

Further, the vast majority of crime against children is committed against those children who are especially vulnerable by virtue of caste, class, religion and gender. Children living in poverty, and socially deprived are among the most likely to face abuse, and among the least likely to have the resources to pursue it. To obtain a Magistrate's assent for an investigation requires resources in terms of time, money, access to lawyers, and perseverance, that disadvantaged children do not possess. Given their social and economic disadvantage, this amounts to gross injustice towards those who need the protection of justice the most.

We further note that the rationale being offered for the reclassification of serious offences as non-cognizable is that it shields the children in conflict with law from arrest without warrant. This is an erroneous and misplaced inference.

Children's protection from arrest does not come from section 86 of the Principal Act but from Rule 8 of the Model Rules notified under the Act. Even if we disregard that, if this was the intention, then the legislation should have explicitly made a distinction between adults and children but it did not. The statute in its current form effectively shields the perpetrators, nearly all of which are adults!

We also observe that the Amendment Act's provision of reclassifying the cognizability of serious offences runs contrary to India's international obligations.

India is a signatory to the United Nations Convention on the Rights of the Child ("UNCRC"), as well as the Optional Protocols thereto on the sale of children, child prostitution and child pornography and the optional protocol on the involvement of children in armed conflict.

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These instruments validate the rights guaranteed to children by the Constitution of India and various laws, policies and programmes emanating there from, and impose an obligation on India to act decisively against the very offences implicated in the present amendment, in particular, offences pertaining to cruelty and abuse, exploitation of children for begging or other labour, supplying children with narcotics or use of children in supply of narcotics, sale of children, use of children in militant activities. We list some of the specific provisions detailing India's international obligations below along with our observation:

- i. Article 32 of the UNCRC recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and obliges States Parties to take legislative, administrative, social and educational measures to ensure the implementation of the present article. There is a specific obligation to *"Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."* However, the classification of Section 79 of the Principal Act that deals with exploitation of child employees as non-cognizable runs directly in contradiction to the Article 32 of the UNCRC.
- ii. Similarly, Article 33 of the said Convention obliges States to take appropriate legislative measures against the illicit use of narcotics in children, including their use in production and trafficking of such substances. Similarly, Article 4 of the Second Optional Protocol states that armed groups should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years, and that States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalise such practices. However, the classification of section 79 of the

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Principal Act that deals with exploitation of child employee as non-cognizable is in the teeth of the Article 33 of the UNCRC

- iii. Article 38 requires States to take "*all feasible measures*" to ensure that children do not take part in any armed conflict or hostilities. However, much to our horror and shock, the section 83 that makes terrorists' use of children even for legal purposes as an offence is now non-cognizable because of the Amendment Act.
- iv. Article 10 of the Optional Protocol on the Sale of Children states that States Parties shall take all necessary steps to strengthen the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children. On the contrary, the Amendment Act dilutes a provision making the sale and procurement of the children a non-cognizable offence.

By making such offences non-cognizable, the amendment makes prosecution of the offence more difficult, expensive, and time consuming, for no apparent reason, and this militates against India's international obligations on this front.

The Amendment Act insofar as it categorises serious offences as "non-cognizable" is antithetical to the Statement of Object and Reasons of the Juvenile Justice (Care and Protection of Children) Act 2015 which states that aims at meeting the standards prescribed in Convention on the Rights of the Child which Government of India acceded on the 11<sup>th</sup> December 1992 .

We further studied the legal system in other countries including Europe and South Asia. We find that though many democratic countries have a higher threshold for arrest, the threshold is not high for registering a complaint or commencing investigation.

We also find the incongruence and incoherence in the drafting of the provision as this category of offence mentioned in Section 86(2) of the Principal

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Act is both non-cognizable and non-bailable, as non-bailable offences are ordinarily those that are serious enough to also be cognizable. On one side, the offences are non-serious enough to be non-cognizable, and on the other serious enough to be non-bailable. This is clearly a contradiction that we find no reconciliation for.

We now turn our attention to the moral consequences of the Amendment Act and what it signals to nearly 30 crore children currently in our country. It signals to the children that offences as grave as their sale and purchase, their use by terrorists and their exploitation are not deemed grave by the State.

The Amendment Act will further encourage the militant groups and organised criminal gangs to recruit children for pursuing their illegal activities and get away. This Amendment Act comes in the backdrop of the US Congressional mandated 2020 Trafficking in Persons report on India that states that children as young as 14 are recruited by militants and Maoists to handle weapons and IEDs.

There are several worrying administrative consequences of the Amendment Act. Amongst many, take for instance, the Amendment Act will further burden the already burdened courts of magistrates as the victims will have to approach courts seeking order for registration of FIR and investigation which thus far is the default and automatic approach given the cognizability.

We have very carefully examined the Amendment Act insofar as it classifies the serious offences as "non-cognizable", referred to Parliamentary debates on the subject, paid special attention to Law Commission reports, studied the different UN covenants & resolutions, undertaken literature review of international norms and laws.

We conclude that the Amendment Act insofar as it deals with the classification of serious offences as non-cognizable does not serve the cause of children in any way and in fact violates and dilutes their rights guaranteed under the Constitution of India and the JJ Act, 2015. We find ourselves deeply concerned by the complete absence of any factual basis behind the Amendment

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Act's categorization of offences into cognizable and non-cognizable renders it without any determining principle. There is no reasonable justification or rationale or any other aim sought to be achieved by reclassifying the cognizable offences as non-cognizable offences.

The objective of the Principal Act is to provide for the care and protection of the children but the Amendment Act strikes at the very core of child care and protection regime under the Principal Act thereby directly resulting in an increased harm to the rights of children and dilution of safety standards.

Having carefully studied the provision, we hold that the decision to classify serious offences as "non-cognizable" in our understanding, is ultra-vires the Constitution, and puts children's life and liberty at risk. We are of the considered opinion that the Amendment Act in so far as it classifies serious offences as "non-cognizable" cannot survive the constitutional tests, if challenged.

AND, NOW THEREFORE, the 5 Commissions representing the States and Union Territories of Chandigarh, Delhi, Punjab, Rajasthan and West Bengal in exercise of powers vested in it under Section 15 of the Commission For Protection of Child Rights Act 2005 recommend to Government of India to not notify the date of commencement of the Amendment Act 2021 in so far as it deals with classification of serious offences as "non-cognizable".

We further recommend to the Government of India that the bill be tabled in the Parliament to further amend the Juvenile Justice (Care and Protection of Children) Act 2015 to restore the cognizability status of the serious offences.

We sincerely hope that we will be communicated with the Government position on our recommendation. It may kindly be noted that the Commissions shall be constrained to approach the High Court/Supreme Court seeking compliance of the recommendations tendered therein.

With Kind Regards,

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सत्यमेव जयते

Your Sincerely

*Anurag Kundu*

Anurag Kundu,  
Chairperson, Delhi Commission For Protection of Child Rights  
Delhi Commission for Protection of Child Rights,  
Govt. of NCT of Delhi  
6th Floor, ISBT Building, Kashmere Gate, Delhi-110006

Chairperson, Chandigarh Commission For Protection of Child Rights

*Harjinder Kaur*  
Chairperson,  
CHANDIGARH COMMISSION FOR  
PROTECTION OF CHILD RIGHTS

*Sangeeta Beniwal*

संजीता बेनीवाल  
अध्यक्ष  
राजस्थान राज्य बाल अधिकार संरक्षण आयोग  
जयपुर

Sangeeta Beniwal,  
Chairperson, Rajasthan State Commission For Protection of Child Rights

*Harinder Singh*  
Chairman  
Punjab State Commission for  
Protection of Child Rights

Chairperson, West Bengal State Commission For Protection of Child Rights

*Ananya Chakraborti*

ANANYA CHAKRABORTI  
Chairperson  
West Bengal Commission for  
Protection of Child Rights  
Govt. of West Bengal

Shri Indavar Pandey  
Union Secretary (Women & Child Development)  
Government of India

Copy to:

1. Registrar, Juvenile Justice Committee, Supreme Court of India with the request to place it before the Hon'ble Chairperson, Juvenile Justice Committee, Supreme Court of India





सत्यमेव जयते

2. Attorney General of India with the request to kindly review the Amendment Act.
3. Secretary to Hon'ble Chief Minister, West Bengal with the request to place it before the Hon'ble Chief Minister for her kind information and consideration.
4. Secretary to Hon'ble Chief Minister, Rajasthan with the request to place it before the Hon'ble Chief Minister for his kind information and consideration.
5. Secretary to Hon'ble Chief Minister, Punjab with the request to place it before the Hon'ble Chief Minister for his kind information and consideration.
6. Secretary to Hon'ble Chief Minister, Delhi with the request to place it before the Hon'ble Chief Minister for his kind information and consideration.
7. Registrar, Juvenile Justice Committee, High Court of Delhi with the request to place it before the Hon'ble Chairperson, Juvenile Justice Committee, High Court
8. Registrar, Juvenile Justice Committee, High Court of Punjab & Haryana with the request to place it before the Hon'ble Chairperson, Juvenile Justice Committee, High Court
9. Registrar, Juvenile Justice Committee, High Court of West Bengal with the request to place it before the Hon'ble Chairperson, Juvenile Justice Committee, High Court
10. Registrar, Juvenile Justice Committee, High Court of Rajasthan with the request to place it before the Hon'ble Chairperson, Juvenile Justice Committee, High Court
11. Union Secretary (Law) for his consideration and review
12. Hon'ble Chairperson, Parliamentary Standing Committee on Home Affairs for his kind attention.
13. Chairperson, State Commissions For Protection of Child Rights (SCPCR) of all States for their kind consideration and review (as per list)
14. Guard Files of the respective Commissions and for uploading on their respective websites

*[Handwritten signatures]*

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The Commission also organised a consultation on this subject on 06 April 2022 with State Commissions For Protection of Child Rights of Rajasthan, Goa, Punjab and West Bengal, elected representatives including Sh. Sanjay Singh (Member of Parliament, Rajya Sabha), Ms. Atishi (Member of Legislative Assembly, Delhi), and distinguished legal experts such as Ms. Vrinda Grover (Advocate).

Sh. Sanjay Singh, MP, on this occasion said *“The Amendment Act barring police to register FIR and automatic investigation into serious offences against children is devastating and should immediately be corrected by the Government of India. I have moved a private member’s bill in Rajya Sabha in this regard, and I hope my bill will generate much needed debate on this issue.”*

According to Advocate Ms. Vrinda Grover, *“By designating offences punishable between three-seven years as non- cognisable these amendments depart from general law as codified under the CrPC. This will have a very serious fallout as in grave crimes against children there will be no strict mandate of the law to lodge an FIR or arrest the accused,”* she said.

MLA Ms. Atishi said, *“This is an anti-poor legislation. Offences against children must be handled seriously and investigated properly. If there was pre legislative consultation, or proper examination by Parliamentary Committees, such a disastrous thing wouldn’t have happened”*

Constrained by inaction by Govt of India, the Delhi Commission For Protection of Child Rights (DCPCR) has approached the Hon’ble Supreme Court of India through a writ petition seeking compliance of its recommendation.





# Major Inquiries

## 1. Inquiry Into Quality of Legal Aid for Children in Conflict With Law



Taking notice of poor legal aid available to Children in Conflict With Law leading to prolonged detention in Observation Homes, delays in granting bails, and appeals against convictions, the Commission has set up an inquiry panel under the Chairpersonship of Justice Madan B. Lokur (Retired Judge, Supreme Court). Members of the panel include Mr. Ajay Verma (Advocate), Ms. Sneha Singh (Advocate) and Ms. Suneita Ojha (Advocate). The panel is mandated to look into the following matters:

### a. Assessment of

- i. awareness of the legal proceedings and status of their cases/ inquiry among children alleged to be in conflict with law and children in conflict with law who are residing in various Observation Homes, Place of Safety and Special Homes, situated in National Capital Territory of Delhi and
- ii. duration of their stay in these institutions along with the reasons thereof;
- b. Identification of issues and challenges experienced by such children in securing bail or release (where applicable) and in securing leave, quality and effectiveness of legal services available to them and their experiences with the police;
- c. Demographic profile involving social, economic and educational status of the family of such children;

The Panel is expected to submit its report by end June 2022.

## 2. Intervention to ensure termination of 1900+ illegal proceedings against children



The Commission took suo-motu cognizance of 1900+ cases of petty offences being pursued against children in conflict with law in different Juvenile Justice Boards beyond the stipulated time-period of 6 months. Section 14 of the Juvenile Justice (Care and Protection of Children) Act 2015 mandates automatic termination of cases involving petty offences in case the inquiry remains inconclusive after 6 months. This is a crucial provision to shield the children from the stigma faced by them given the tag of “Criminal”. The proceedings being



pursued in Juvenile Justice Boards for indefinite time period not only adversely affect the mental health of the children, but denies them their familial love if kept in institutions, and personal freedom duly enshrined in the Constitution. It has a significant adversarial impact on the children. Petty offences are the ones wherein the prescribed punishment is less than three years. In March 2021, the Commission advised the Juvenile Justice Boards to terminate the cases being pursued beyond permissible time. Aggrieved by non-compliance, the Commission approached the High Court of Delhi and the High Court (Crl Reference: 01/2020) on 01.10.2021 was pleased to terminate all the 1900+ cases being pursued beyond the permissible time limit of 6 months. Subsequently, cases have been terminated, and the Juvenile Justice Boards have filed their compliance reports.

The Commission also brought to the attention of the Delhi High Court the issue of gap in the statute with respect to timelines of age-inquiry by the Child Welfare Committee and Juvenile Justice Boards. Currently, the Juvenile Justice (Care and Protection of Children) Act does not prescribe any timelines for completion of age inquiry to determine the age of the juvenile. Acknowledging this gap, and pursuant to intervention by the Commission, High Court has mandated the age inquiry to be completed within 04 weeks from date of first production and given another 2 weeks if the bone ossification test is required. This is a major milestone, and development in the jurisprudence of protecting children's rights as age inquiry forms the foundation of the judicial process.

### 3. Inquiry Into Non-Distribution of Dry Ration to students by North MCD



Covid-19 pandemic related lockdown deprived children not only of their education, but their mid-day meal as well. This weakened our fight against malnutrition. In accordance with Govt of India guidelines, Government of Delhi & Municipal Corporations were mandated to distribute dry ration in lieu of the mid-day meal to the children in elementary grades. Taking cognizance of the complaint about non-distribution of dry ration, the Commission issued notice to North MCD and sought an explanation in this regard. North MCD admitted on record that they had not even lifted the dry ration and therefore the question of distribution did not arise. Subsequently, the Commission has set up an inquiry on the Education Department in such negligence depriving children of their basic nutritional supplements at a time they need the most.



#### 4. Shortage of teachers in MCD Schools

Taking cognizance of the U-DISE reports published by Ministry of Education, Govt of India highlighting shortage of teachers in the schools run by the three Municipal Corporations, the Delhi Commission For Protection of Child Rights (DCPCR) has issued a notice to the three civic bodies and sought details of teacher posts lying vacant. The U-DISE reports are published annually by the Govt of India. According to the 2019-20, almost half of all primary schools run by municipal corporations do not meet the Right to Education Act 2009 requirements on pupil-teacher ratios. The PTR refers to the number of students for each teacher, arrived at by dividing the total number of teachers to each student.



#### 5. Contradiction between Delhi Police Standing Order & Juvenile Justice Act

The Commission took suo-motu cognizance of the contradiction between Juvenile Justice (Care and Protection of Children) Act 2015 and Order No. 252/2019 issued by Delhi Police laying down guidelines for finding missing children. Rule 92(5) of the Juvenile Justice (Care and Protection of Children) Model Rule 2016 states that the case of a missing child shall be transferred to the Anti Human Trafficking Unit if the child remains missing. However, the Standing Order issued by the Commissioner of Police flagrantly violates the statutory rules. Para XIII of Standing Order 252/2019 states that cases of missing children between the age group of 3 to 8 years, who could not be traced within a period of 4 months should be transferred to AHTU automatically. The statute makes no distinction on the basis of the age of the child but the Standing Order does and therefore violates Rule 92(5) of the Juvenile Justice (Care and Protection of Children) Model Rule 2016. Accordingly, the Commission advised Delhi Police to suitably amend the Standing Order in accordance with statutory provisions. The order has been amended now.



## 6. Prioritising the Cause of Children in Adult Jail

On 10th March, 2022, the Commission conducted a visit to the young offenders jail and raised the question of pendency of adjudication of juvenile claims, wrongful lodging of children as adults in the jails, and related processes. Accordingly, the Commission has written to the District Judges & Magistrates requesting to adjudicate the juvenile claims of 19 persons who may be children i.e. below 18 years. The Commission has also written to the Juvenile Justice Committee of High Court of Delhi requesting its kind intervention to sensitise the magistrates about the order of the High Court in Criminal Reference 01/2020 regarding timelines of age determination.



## 7. Habeas Corpus Challenging Illegal Detention of the Juvenile



DCPCR moved a Habeas Corpus petition in the High Court of Delhi on behalf of a 16 year old child who was not being released despite having been granted bail by Juvenile Justice Board 3 weeks prior to that. This constituted illegal detention of the juvenile. Therefore, the Commission filed Habeas Corpus and sought intervention of the High Court. The High Court ordered the release of the child the same day.



## Letter of appreciation from Director (WCD), GNCTD

**Dr. Rashmi Singh, IAS**  
Director (WCD)



महिला एवं बाल विकास विभाग  
राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार,  
प्रथम तल आई एस बी टी भवन  
कश्मीरी गेट, दिल्ली-110006  
Department of Women &  
Child Development  
Govt. of NCT of Delhi  
1st Floor ISBT Building  
Kashmere Gate, Delhi-110006  
Ph. No. 011-23862652

D. O. No. PS/Dir(WCD)/Misc. 2021/06

Dated: 24/03/2021

Dear Mr. Anurag



I received the wonderfully curated DCPCR Performance Report vide your letter dated 26th February, 2021. It did take a while to read the entire report and assimilate the information about the wonderful outreach that DCPCR has been doing despite the raging pandemic that forced the country to come to a grinding halt.

Johann Wolfgang von Goethe once said, "There are only two lasting bequests we can hope to give our children. One of these is roots, the other, wings." DCPCR's Performance Report edifies this philosophy perfectly. What are we but a reflection of the wants and needs of our future generations who are going to inherit our deeds and thoughts as their legacy. This becomes more important when viewed from the perspective of children coming from weaker economic strata. The data shared about Grievance Redressal is astounding and encouraging at the same time, It illuminates the dedication and devotion with which the personnel at DCPCR are involved.

It is heartening to note that the Commission is studying the policies of the Government minutely and is coming up with suitable suggestions so as to make the entire policy-making process dynamic and tuned to the dynamics of an ever-evolving society.

The reforms that the incumbent Government has ushered in the K-12 segment of education has indeed revolutionized the state-run and aided schools and has been recognized globally and today these schools are at par with private institutions. This has brought about a paradigm shift in this sector. DCPCR's role as the key repository of these schemes and policies and the in-depth research and documentation is indeed praiseworthy.

The Commission's ongoing projects and initiatives are indicative of strong resolve to reach out to the community, especially those who need a helping hand. I am glad to see that the various initiatives as highlighted in the booklet are targeted and focused to provide holistic support to children.

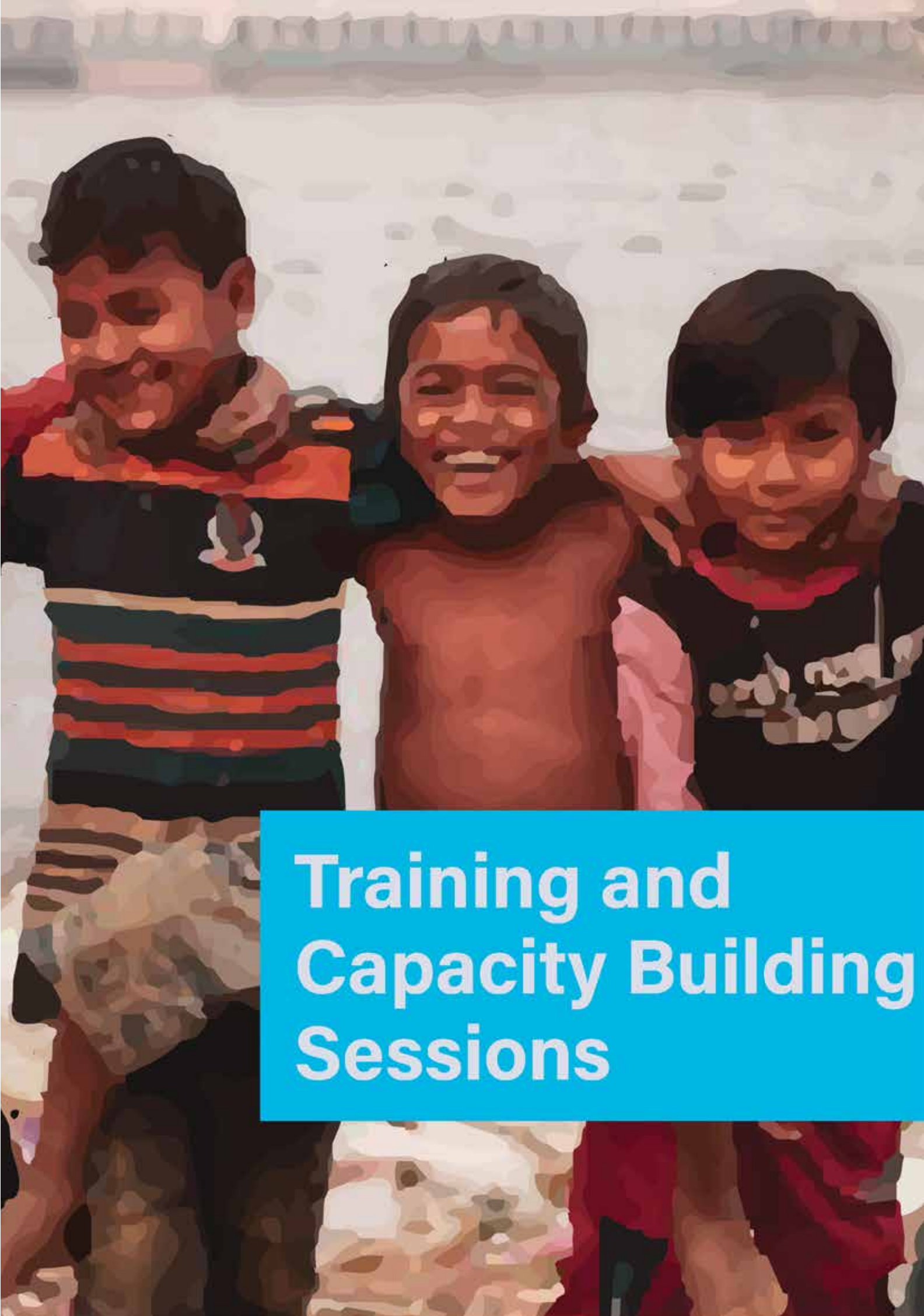
I wish DCPCR all success in its future endeavours and keenly look forward towards receiving the next instalment of the progress made.

*With regards,*

Dr. Rashmi Singh

Mr. Anurag Kundu  
Chairperson,  
Delhi Commission for Protection of Child Rights  
Govt. of NCT of Delhi





# Training and Capacity Building Sessions

## 1. Training on Social Investigation Report (SIR)



The Commission in collaboration with HAQ - Centre for Child Rights and Counsel to Secure Justice (CSJ) conducted a capacity building workshop on Social Investigation Report in accordance with the Juvenile Justice (Care & Protection of Children) Act, 2015, for Children in Need of Care and Protection (CNCP). The training was organised for the Welfare Officers, Probation Officers, Protection Officers and support persons of the district child protection unit and different NGOs including ChildLine.

The training entailed a discussion on the requisite provisions with respect to SIRs for CNCP and CCL cases. As a part of the training, the participants analysed various types of CNCP and CCL SIR case studies and strengthened their SIR writing skills. The participants received detailed feedback on the SIRs from the facilitators and an open discussion was conducted on SIR best practices and challenges faced by the participants on a day-to-day basis.

## 2. Training program for CWCs, JJBs and DCPOs



The Delhi Commission for Protection of Child Rights (DCPCR) and Department of Women and Child Development (WCD), Govt of NCT of Delhi jointly organised training programmes for the newly appointed members of Child Welfare Committees (CWC) and Juvenile Justice Boards (JJB) and District Child Protection Officers (DCPO) on 08.03.2021 and then again on 05.08.2021

The training focused on Juvenile Justice Act, 2015, POCSO Act, 2012 and various Supreme Court and High Court judgments that highlight the gaps in the law and cast additional duties on the CWCs/JJBs. The training also included components of robust management of Children Homes and rehabilitative measures for children in vulnerable situations.

Hon'ble Justice (retired) Madan B. Lokur, Hon'ble Minister of Women & Child Development Rajendra Pal Gautam, Hon'ble Justice Rajiv Shakhder (Chairperson, Juvenile Justice Committee, High Court of Delhi), and Hon'ble Justice (retired) R.K. Gauba were key guests on different days of the training.



The training sessions were taken by Ms. Bharti Ali (Co-director, HAQ: Centre for Child Rights), Ms. Nimisha Srivastava (Program Director, Counsel to Secure Justice), and Mr. Anant Asthana (Advocate). Ms. Enakshi Ganguly and several former CWC Chairpersons/Members and JJB Members also shared their experiences.

### 3. Training Program for DANICS Probationers on Child Rights



Continuing its efforts to build systemic capacity on the issues related to children and bringing focus on child centric governance, the Commission organised one-day training on child rights for the 58th and 59th batch of 30 DANICS probationary officers. The training was organised in collaboration with the Union Territory Civil Services Institute. These officers will play critical role as Sub-Divisional Magistrates, and District Magistrates in conducting rescue operations for child labour issues, review the functioning of Child Welfare Committees and act as grievance redressal authority in certain matters among other things. The training session was facilitated by Sh. Anurag Kundu (Chairperson, DCPCR), Ms. Bharti Ali (Co-Founder, HAQ Centre for Child Rights) and Sh. Anant Asthana (Eminent Child Rights Advocate).

The training focused on the functioning of various institutions such as Child Welfare Committees, role of district administration especially SDMs and DCPUs (District Child Protection Units). It also helped probationers in building legal understanding of child rights laws such as the Juvenile Justice (Care and Protection of Children) Act 2015, Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 etc. Rigorous discussions were held on topics such as the rescue and rehabilitation operations for vulnerable child labourers, process of age determination, powers of CWC and SDMs etc.

The probationers also had a chance to learn from the experiences of Chief Guest Sh. Vijay Kumar Dev, Chief Secretary, GNCTD; Guest of Honour Sh. Bhupinder S Bhalla, Additional Chief Secretary, GNCTD and Dr. S. B Deepak Kumar, Secretary Services cum Director UTCS, GNCTD.



#### 4. Counselling support to children in De-addiction centres



Lockdown had generated serious anxiety, boredom and stress issues in children; much more for children in de-addiction centres. To compound it further, the regular counselling services have been discontinued in the pandemic.

Hence, the Commission collaborated with NGO Protsahan to initiate a 3 month counselling program wherein trained counsellors engage with children in value based story-telling sessions and group therapy. Counsellors in the de-addiction centres were also trained on the approaches to support children.

#### 5. Orientation of Master Trainers, Teacher Convenors and Head of Schools (HoS) regarding Parent Outreach Program



The Commission in collaboration with Directorate of Education, GNCTD has been organising regular training cum orientation programs for Master Trainers (MT) and Teacher Convenors (TC) who are part of the Parent Outreach Program. Master Trainers are School Management Committee (SMC) members who are selected for training the parent volunteers called 'School Mitras'. There are approximately 1000 such MTs and TCs who underwent training.

Training focused on how to build rapport with the parents, training parents to keep students engaged during the summer vacation and ensure that students participate in 'Summer Camps' and other activities.

Additionally, HoSs were oriented on how to effectively use the Parent Samvaad portal ([parentsamvaad.delhi.gov.in](http://parentsamvaad.delhi.gov.in)) such as completing school profile, filing grievances etc. It further involved orienting HoSs on filling students' phone number, class, section and student ID on Edudel portal.



## 6. Training of various stakeholders on Poshan Tracker.



The Commission in collaboration with the Department of Women and Child Development organised regular training programs for District Officers (DOs), Child Development and Protection Officers (CDPOs), Block Coordinators, Poshan Consultants etc.

The training focused on overall usage of poshan tracker, data filling in mobile applications, using data for improving governance etc. The training programs also involved district wise performance review, progress and removing bottlenecks in growth monitoring across Delhi.

## 7. Orientation of DDEs / HoS on Early Warning System



The Commission in collaboration with Directorate of Education, GNCTD organised orientation for all Deputy Director of Education (DDEs) and Head of Schools (HoS) in April 2022 on Early Warning System that aims to bring long absentee students back to school.

The digitally marked student attendance is a critical component of the early warning system. School principals were asked to ensure complete accuracy and consistency in marking students attendance as gaps have been observed in the same. Further, they were asked to update the contact information of students in an expedited manner.



A young boy with dark hair and a bright smile is the central focus. He is wearing a blue and white plaid shirt. He is holding a white cup with colorful patterns (blue, yellow, and red) in his hands. The background is slightly blurred, showing other people, including one in a white shirt and another in a red and white plaid shirt. The overall image has a high-contrast, stylized appearance.

# Civic Engagement

## 1. Legal Adoption Process



In the year 2021, the Commission saw the spike in cases of trafficking of infants who lost one/both parents to COVID-19 pandemic on the pretext of adoption. In order to communicate the legal and appropriate process of adoption, the Commission published advertisements in the national and local daily to spread awareness about the legality of the adoption process through CARA.

 दिल्ली सरकार  
गुप्त की शक्ति

Delhi Commission For Protection of Child Rights (DCPCR)  
Government of Delhi

**Children can be adopted only through a legal process**

Have you seen children's adoption offers on social media?

Have you received WhatsApp forward with phone numbers for adopting children?

**Beware! These are illegal and fraudulent**

 To adopt children, register online on the CARINGS portal of Central Adoption Resource Authority (CARA: <http://cara.nic.in/>)

Juvenile Justice Act prescribes upto three years imprisonment for those involved in illegal activities related to adoption

If you see anyone offering children for adoption, report to  
Police 112, or  
DCPCR @+91 93115 51393  
or ChildLine 1098

If you know any orphan child, please report to  
DCPCR @+91 93115 51393  
or ChildLine 1098

Your call would help us provide assistance to the child

Issued in public interest:  
Delhi Commission For Protection of Child Rights (DCPCR),  
Government of Delhi

 दिल्ली सरकार  
गुप्त की शक्ति

दिल्ली सरकार बाल अधिकार संरक्षण आयोग (DCPCR)  
दिल्ली सरकार

**बच्चे सिर्फ एक कानूनी प्रक्रिया के जरिये ही गोद लिये जा सकते हैं**

क्या आपको सोशल मीडिया पर किसी ने बच्चा गोद लेने की पेशकश की है?

क्या आपने कमी फोन नंबर के साथ बच्चों को गोद लेने के लिए व्हाट्सएप फॉरवर्ड प्राप्त किया है?

**सावधान! ये अवैध और फर्जी हैं**

 बच्चा गोद लेने के लिए, केंद्रीय वक्ता ग्रहण संस्थान प्राधिकरण (CARA: <http://cara.nic.in/>) के कैरिंग्स पोर्टल पर ऑनलाइन पंजीकरण करें

जुवेनाइल जस्टिस एक्ट में गोद लेने से जुड़ी गैरकानूनी गतिविधियों में शामिल लोगों को तीन साल तक की कैद की सजा का प्रावधान है

यदि आपको सामने बच्चों को गोद लेने की पेशकश करने वाला कोई नामला आता है, तो पुलिस को 112 या DCPCR @+91 93115 51393 या चाइल्डलाइन 1098 पर रिपोर्ट करें

यदि आपको कोई भी अनाथ बच्चा मिले तो कृपया DCPCR @+91 93115 51393 या चाइल्डलाइन 1098 को सूचित करें

आपकी कॉल हमें बच्चे को सहायता प्रदान करने में मदद करेगी

जारी में जारी  
दिल्ली सरकार बाल अधिकार संरक्षण आयोग (DCPCR),  
दिल्ली सरकार



## 2. Community Awareness Programme on the Provisions of POCSO Act as well as online safety



The Constitution of India envisages a life lived with dignity and bereft of exploitation. It is in this context that rendering a life with dignity and free from abuse, especially to the children who form the backbone of the future of any country becomes crucial. The best way to ensure this is to spread awareness about personal safety and legal provisions providing such a safe environment. Therefore, the Commission in collaboration with Ashadeep Foundation held an awareness program for children on 18th January 2022 about the provisions of POCSO Act and the important helpline number in any adversity. The Commission organised various arts based and playful activities such as role play, movie screening, and poster making for children to make them aware about their legal rights. Through these activities, children were taught the importance of speaking up when they feel unsafe and how and whom to report if any such incident takes place.

## 3. Awareness Sessions on POCSO for Adolescent Girls and Anganwadi Workers



The Commission in collaboration with Ashadeep Foundation held an awareness program for adolescent girls and anganwadi workers on 19th February 2022 on their legal rights under POCSO Act. Anganwadi Workers are India's primary tool against Child malnutrition, infant mortality, lack of child education, community health problems and for curbing preventative diseases in the rural communities. Girls from the community and anganwadi workers were familiarised with different provisions and features of the Act which included mandatory reporting, victim compensation, child friendly procedures.

## 4. Sensitisation Program on Gender Equality



It is high time to see gender as a spectrum instead of two sets of opposing ideals. Achieving Gender Equality requires the engagement of women and men, girls and boys. Gender Equality is not only a fundamental human right but a necessary foundation for a peaceful, prosperous and sustainable world. Hence, on International Women's



day i.e 08th March 2022, the Commission held a session with the parents, young children and highlighted the importance of gender equality and how it can be achieved.

## 5. Community Awareness Programme on Child Safety

To protect the interests of stakeholders it is imperative that their concerns be appreciated and addressed. In light of this, the Commission in collaboration with



NGO Chetna organised Stakeholders Consultation, on Street to School Project was put forth by the efforts of CHETNA NGO to discuss issues related to child education, child protection and safety. Representatives from DCPUs, CWCs members and various school administrative authorities were invited to offer their valuable inputs with respect to ensuring a safe and secure

environment for children. Children and their parents were also encouraged to highlight issues that they face, thereby attempting to bridge the gap between the system and individuals. The programme was organised with a vision to promote mutual dialogue.

## 6. Community Awareness Programme on Prevention of Child Begging

On the occasion of Children's Day (14th November 2021), the Commission in collaboration with Vidya Foundation and Salaam Baalak



Trust organised a series of awareness programmes including social media campaigns, street plays, posters on transport vehicles and public interactions at child begging hotspots across Delhi NCT. Through this campaign, the Commission aimed at encouraging reporting of child begging instances to

DCPCR to help these children instead of extending financial support to them. The Campaign resulted in 7 times increase in child begging complaints on DCPCR helpline post the awareness campaign.





**Delhi Commission For Protection Of Child Rights (DCPCR)**  
Government of NCT of Delhi