



UNDERSTANDING CHILD RIGHTS

NCPCR's Handbook for Media Professionals

National Commission for Protection of Child Rights (NCPCR)

in association
with

Centre for Media Studies (CMS)

New Delhi

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Preface

Children constitute 39 per cent of our population. The Constitution of India has made special provisions for the well being of children. The Directive Principles of State Policy also directs States to ensure that children are given opportunities to develop and not abused. However, when the rights of children are threatened, the role of Government, Child Rights' organisations and the Media becomes paramount.

Media as the fourth pillar of Democracy has the onus of highlighting and bringing forth any violation of rights of children for the concerned authority to take due action. From exposing the plight of children in difficult circumstances to reporting day-to-day incidents of abuse and exploitation, Media has an extremely significant responsibility in safeguarding the rights of our children. It is important of the Media to be informed about various measures and mechanisms, including legislations, treaties, schemes, programmes etc, already in place in India, for protection of children.

To inform and assist media persons about the various Child Laws in the country, enacted to protect Child Rights, I am pleased to present this comprehensive compilation titled 'Understanding Child Rights - Handbook for Media Professionals' brought out by the National Commission for Protection of Child Rights (NCPCR) in collaboration with Centre for Media Studies (CMS), New Delhi. It is simple user- friendly compilation for easy referencing.

I hope this Media Handbook will find this Handbook useful and put into good use for developing the Rights perspective while reporting children's issues in the interest of the children of our country.

The Commission welcomes suggestions for further improving this Handbook.

(Stuti Kacker)
Chairperson, NCPCR

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Abbreviations

ASDI	Accidents and Suicide Deaths in India
AWC	Anganwadi Centre
CARA	Central Adoption Resource Agency
CCL	Child in Conflict with Law
CNCP	Child in Need of Care and Protection
CRC	Convention on the Rights of the Child
CRPC	Code of Criminal Procedure
CWC	Child Welfare Committee
CWO	Child Welfare Officer
CWPO	Child Welfare Police Officer
DCRB	District Crime Records Bureau
DISE	District Information System for Education
DLSA	District Legal Services Authority
ECCE	Early Childhood Care and Education
ICDS	Integrated Child Development Scheme
IMR	Infant Mortality Rate
ILO	International Labour Organization
IPC	Indian Penal Code
ITA	Information Technology Act
JJ Act	Juvenile Justice (Care and Protection) Act, 2015
JJB	Juvenile Justice Board
LSA	Legal Services Authority
MoHFW	Ministry of Health and Family Welfare
MHRD	Ministry of Human Resource Development
MMR	Maternal Mortality Rate
MWCD	Ministry of Women and Child Development
NNP	National Nutrition Policy
NCERT	National Council of Education Research & Training
NCLP	National Child Labour Policy
NCTE	National Council for Teachers Education
NPE	National Policy on Education
NCPCR	National Commission for Protection of Child Rights
NFHS	National Family Health Survey
NHRC	National Human Rights Commission
NPC	National Policy for Children
NPAC	National Plan of Action for Children
NCLP	National Child Labour Project



PCPNDT	Pre-Conception and Pre-Natal Diagnostic Techniques
POCSO Act	Protection of Children from Sexual Offences Act, 2012
RSOC	Rapid Survey of Children (MWCD)
RTE Act	Right of Children to Free and Compulsory Education Act, 2009
SCPCR	State Commissions for Protection of Child Rights
SAA	Specialized Adoption Agency
SJPU	Special Juvenile Police Unit
SRS	Sample Registration System (Census of India)
SSA	Sarva Shiksha Abhiyan
UNCRC	United Nations Convention on the Rights of the Child



A brief overview of Children in India

According to Census 2011, out of a population of 1.2 billion in India, 472 million (39 per cent) are under 18 years of age. Majority of India's children (73 per cent) live in rural areas. According to WCD Ministry's, National Plan of Action for Children, 2016, approximately 27.5 percent of children belong to marginalised and disadvantaged communities. Children who live in poverty are prone to malnutrition, health issues, migration, trafficking and many other deprivations which threaten their right to survival, development, protection and meaningful participation.

The Constitution of India guarantees Fundamental Rights to all children in the country and empowers the State to make special provisions for children. The Directive Principles of State Policy specifically guides the State for securing children, from a tender age, from abuse and ensuring that children are given opportunities and facilities to develop in a healthy manner with freedom and dignity. The State is responsible for ensuring that childhood is protected from exploitation, and against moral and material abandonment.

The Government has acknowledged its commitment and has worked for the welfare of children through laws, policies, plans, schemes and programmes. The adoption of National Policy for Children (NPC) in 1974 was one such initiative which was later updated and adopted as National Policy for Children 2013. The National Policy for Children outlined the vision of the country for its children and made a commitment to take necessary measures to achieve it. The Policy also identified 4 key priority areas for focused attention i.e. survival; development; protection; and participation.

Several significant measures were taken since implementation of NPC in 1974, such as the implementation of the Integrated Child Development Services Scheme (ICDS) in 1975 to address the need for early childhood care, implementation of immunization programmes and for providing supplementary nutrition for children from 0-6 years.

With 1.34 million Anganwadi centres covering more than 84 million children in the country, the country's education programme reaches out to 230 million children in the 6-14 years age group in over 14 lakh schools with 77 lakh school teachers. It also covers the largest mid-day meal programme in schools reaching over 100 million children from the vulnerable communities under the Sarva Shiksha Abhiyan (SSA).

Government of India has now developed National Plan of Action for Children, 2016 which is based on the principles embedded in the National Policy for Children, 2013 and provides a roadmap



that links the policy objective to actionable programmes. It is an expression of constitutional and policy commitments made for children in India. The National Plan of Action has been linked to the Sustainable Development Goals (SDGs), 2030.

The continuous efforts of the government have resulted in reduction of IMR from 78.5 to 39 per 1000 live births,² since 1992 to 2014; MMR has come down to 167 per 100,000 live births³ from 398 in 1997-98; Institutional deliveries have increased from 26.1% to 78.7%⁴ and coverage of fully immunised children increased from 35.4% to 65.3% from 1992-93 to 2013-14;⁵ literacy rate has increased from 52.21% in 1991 to 74.04% in 2011,¹ child labour has reduced from 112.85 lakh in 1991 to 43.5 lakh in 2011.¹

With the implementation of all the programmes and schemes, while there are gainful achievements in some areas, in a large country with diversity in economic attainment, political and institutional histories and cultural specificities, the quality of services is not consistent and there are challenges. Still a large number of children are vulnerable and marginalized and are in need of care and protection. They are in Child Care institutions or live on streets, have no identity, no health support and suffer from malnutrition. Children are trafficked, work as migrant labour away from their homes and are subject to abuse, torture and gross exploitation. Some of these children also find themselves in conflict with the law. Child marriages, child trafficking and discrimination of girls also remain crucial challenges.

In the changing context of today, there are issues of trafficking, sale of children, corporal punishment and child pornography. Apart from this, there is an alarming increase in the cases of crime against children during the last few years which are mainly attributed to sexual abuse and kidnapping and abduction.

Source: 1. Census 2011; 2. SRS 2013; 3. SRS 2011-13; 4. RSOC 2013-14; 5. RSOC 2012-13; 22 (Constitution of India; Article 39)



SECTION I

Instruments Protecting Child Rights

For the protection of children's rights, a large number of conventions, treaties, laws and charters have been enacted at the National and International level. This Section outlines the relevant legal frameworks.

International Instrument

1.1 United Nations Convention on the Rights of the Child (UNCRC)

The Convention on the Rights of the Child (CRC) adopted by the UN General Assembly in 1989 is the widely accepted UN instrument ratified by most of the developed as well as developing countries, including India. The Convention prescribes standards to be followed by all State parties in securing the best interest of the child and outlines the fundamental rights of children. Countries that ratify the Convention agree to be legally bound by its provisions. They report regularly to an expert Committee on the Rights of the Child on the steps they have taken to comply with the provisions of the Convention.

According to the UNCRC, the child rights are minimum entitlements and freedoms that should be afforded to all persons below the age of 18 regardless of race, colour, gender, language, religion, opinions, origins, wealth, birth status or ability and therefore apply to all people everywhere. The UNCRC has 54 Articles each of which entails a different type of right such as:

- **Survival rights**
- **Developmental rights**
- **Protection rights**
- **Participation rights**

Article 16: of the convention states that:

i) No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honor and reputation.

ii) The child has the right to the protection of the Law against such interference or attacks.

Article 40: of the convention states that the privacy of a child accused of infringing penal Law should be protected at all stages of the proceedings.

In 2005, the Government of India accepted the two Optional Protocols to the UNCRC, addressing the involvement of children in armed conflict and the sale of children, child prostitution and child pornography. India is strengthening its national policy and measures to protect children from these dangerous forms of violence and exploitation.

For further details, visit:

<http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>



National Instruments

1.2 Constitution of India

The Constitution of India recognises the vulnerability of children and their right to protection. Following the doctrine of protective discrimination, it guarantees in Article 15 special attention to children through necessary and special laws and policies that safeguard their rights.

The Right to Equality, Protection of Life and Personal Liberty and the Right against Exploitation are enshrined in Articles 14, 15, 15(3), 19(1) (a), 21, 21(A), 23, 24, 39(e), 39(f) and 45 of the Constitution and reiterate India's commitment to the protection, safety, security and well-being of all its people, including children. Here is what the relevant Articles say:

Article 14: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15: The State shall not discriminate against any citizen on grounds of only religion, race, caste, sex, and place of birth or any of them.

Article 15(3): Nothing in this Article shall prevent the State from making any special provision for women and children.

Article 19(1) (a): All citizens shall have the Right to Freedom of Speech and Expression.

Article 21: Protection of Life and Personal Liberty: no person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 21 (a): Free and compulsory education for all children from the age of 6 to 14 years.

Article 23: Prohibition of traffic in human beings and forced labour: Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 24: Prohibition of employment of children in factories etc.- No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 39: The State shall, in particular, direct its policy towards securing:

- (e) That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength;
- (f) 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.

Article 45: The State shall endeavour to provide early childhood care and education to children below the age of six years.

1.3 Other Major Legislations

a) Commissions for the Protection of Child Rights (Child Rights Act, 2005)

The Act provides for the constitution of a National as well as State Commissions for Protection of Child Rights (NCPDR and SCPDRs) in every State and Union Territory. The functions and powers of the National and State Commissions are to:

- Examine and review the legal safeguards provided by or under any law for the protection of child rights and recommend measures for their effective implementation
- Prepare and present reports to the Central Government on the working of these safeguards
- Inquire into violations of child rights and recommend initiation of proceedings where necessary
- Undertake periodic review of policies, programmes and other activities related to child rights with reference to treaties and other international instruments
- Spread awareness about child rights among various sections of society
- Establish Children's Courts for speedy trial of offences against children or of violation of child rights
- Get State governments and UT administrations to appoint a Special Public Prosecutor for every Children's Court

National Commission for Protection of Child Rights (NCPDR)

NCPDR was set up in March 2007 in New Delhi. The Commission's mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and also the UN Convention on the Rights of the Child. NCPDR emphasises the principle of universality and inviolability of child rights and recognises the tone of urgency in all the child-related policies of the country.

The Functions of NCPDR are:

- a) Examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;
- b) Present to the Central Government, annually and at such other intervals, as the Commission may deem fit, reports upon the working of those safeguards;
- c) Inquire into violations of child rights and recommend initiation of proceedings in such cases;
- d) Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;
- e) Look into the matters relating to children in need of special care and protection including children in distress, marginalised and disadvantaged children, children in conflict with law, juveniles, children without family and children of prisoners and recommend appropriate remedial measures;
- f) Study treaties and other international instruments and undertake periodical review of existing policies, programs and other activities on child rights and make recommendations for their effective implementation in the best interest of children;
- g) Undertake and promote research in the field of child rights;



- h) Spread child rights literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights through publications, the media, seminars and other available means;
- i) Inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government any State Government or any other authority, including any institution run by a social organisation; where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;
- j) Inquire into complaints and take *suo-motu* notice of matters relating to,
 - i. Deprivation and violation of child rights;
 - ii. Non-implementation of laws providing for protection and development of children;
 - iii. Non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and to provide relief to such children, or take up the issues arising out of such matters with appropriate authorities; and
- k) Such other functions as it may consider necessary for the promotion of child rights and any other matter incidental to the above functions.

Additional functions as per NCPCR Rules, 2006:

- a) Analyse existing law, policy and practice to assess compliance with Convention on the Rights of the Child, undertake inquiries and produce reports on any aspect of policy or practice affecting children and comment on proposed new legislation from a child rights perspective;
- b) Present to the Central Government annually and at such other intervals as the Commission may deem fit, reports upon the working of those safeguards;
- c) Undertake formal investigations where concern has been expressed either by children themselves or by concerned person on their behalf;
- d) Ensure that the work of the Commission is directly informed by the views of children in order to reflect priorities and perspective;
- e) Promote, respect and serious consideration of the views of children in its work and in that of all Government Departments and Organizations dealing with child;
- f) Produce and disseminate information about child rights;
- g) Compile and analyze data on children;
- h) Promote the incorporation of child rights into the school curriculum, teachers training and training of personnel dealing with children.

Filing Complaint with NCPCR on any Child Right Violations

One of the core mandates of the Commission is to inquire into complaints of violations of child rights. The Commission is also required to take *suo moto* cognizance of serious cases of violation of child rights and to examine factors that inhibit the enjoyment of rights of children.

i) *Through Online Complaint Management System - eBaalNidan*

The online complaint management system, e-BaalNidan is specially developed by the Commission for filing grievances, relating to violation of child rights. Any individual or organisation can, free of cost, file a complaint online.

<http://www.ebaalnidan.nic.in/Welcome.aspx?ReturnUrl=%2f>

ii) *Through POCSO e-box*



It is an easy, direct and confidential medium for reporting any case of sexual assault under Protection of Children from Sexual Offences (POCSO) Act, 2012. It is displayed prominently in the home page of the NCPCR website, where the user has to simply press a button called POSCO e-box.

<http://ncpcr.gov.in/index2.php>

iii) *Other ways*

Complaints can also be filed personally by being present at the Commission's office, through a phone call, through post and through email.

b) Juvenile Justice (Care and Protection of Children) Act, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 is a comprehensive legislation that has replaced the Juvenile Justice (Care and Protection of Children) Act, 2000. It provides for strengthened provisions for both Children in Need of Care and Protection (CICP) and Children in Conflict with Law (CICL) by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under the Act.

Several new offences committed against children, which, are so far not adequately covered under any other law, are included in the Act. These include sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions, use of children by militant groups, offences against disabled children and, kidnapping and abduction of children.

The Act provides clarity in powers, function and responsibilities of Juvenile Justice Board (JJB) and Child Welfare Committee (CWC). The Juvenile Justice Board is given the option to transfer cases of heinous offences by child offenders to a Children's Court (Court of Session) after conducting preliminary assessment to determine if they should be tried as adults.

Apart from the Juvenile Justice (Care and Protection of Children) Act, 2015 the Juvenile Justice (Care and Protection) Act, 2000 also contains an important provision under section 21 which prohibits publication of name etc. of Juvenile in Conflict with Law or Children in need of Care and Protection involved in any proceedings under the Act.

Table 1.1 Authorities under JJ Act, 2015

Authorities/Agencies/Institutions/Functionaries under JJ Act at different levels		
Details	Level at which it is to be set up	Authority Responsible for their establishment
Boards		
Central Advisory Board	National	Union Ministry of Women and Child Development
State Advisory Board	State	State Government through Selection Committee
District/City Advisory Board	District	State Government
Juvenile Justice Board (JJB)	District	State Government on recommendation made by Selection Committee
Committee		
Selection Committee	State	State Government
Inspection Committee wrt Children Home's only	State	State Government
Inspection Committee wrt Children Home's only	District	State Government on recommendation made by Selection Committee
Child Welfare Committee (CNCP)	District	State Government on recommendation made by Selection Committee
Children's Committee	In every Institution	Officer-in-charge of the institution
Management Committee	In every Institution	District Child Protection Unit (UCPU) or District Magistrate/Collector where there is no DCPU
Authorities/Units/Organizations/Agencies		
State Level Aid Services Authority	State	State Government
State Child Protection Unit (SCPU)	State	State Government
District Child Protection Unit (DCPU)	District	State Government
Special Juvenile Police Unit (SIPU)	District	State Government
Homes/Institutional Care Facilities		
Children's Homes (CNCP)	District	State Government
Shelter Homes (CNCP)	District	State Government
Specialized Adoption Agencies	District	State Government



(CNCP)		
After Care Organization (CCL+CNCP)	District	State Government
Observation Homes (CCL)	District	State Government
Special Homes (CCL)	District	State Government
Place of Safety (CCL)	District	State Government
Functionaries		
Chief Judicial Magistrate	District	High Court of that State
Probation Officer	District	State Government
Welfare Officer	District	State Government
Juvenile Welfare Officer	In every police station	DCP/SP
Two Social Workers in SJPU	District	State Government
		<i>*Note: State Government means the concerned Department of the State Government dealing with child protection. In some states it is the Department of Women and Child Development/Welfare and in some others it is the Department of Social Welfare/Social Justice</i>

The Juvenile Justice Act has established the Child Welfare Committee (CWC) as the competent authority to deal with Children in Need of Care and Protection (CNCP), and the Juvenile Justice Board as the final authority to dispose of the cases for Children in Conflict with Law (CCL).

Figure 1.2 Processes for dealing with Child in Conflict with Law (CCL) under JJ Act, 2015

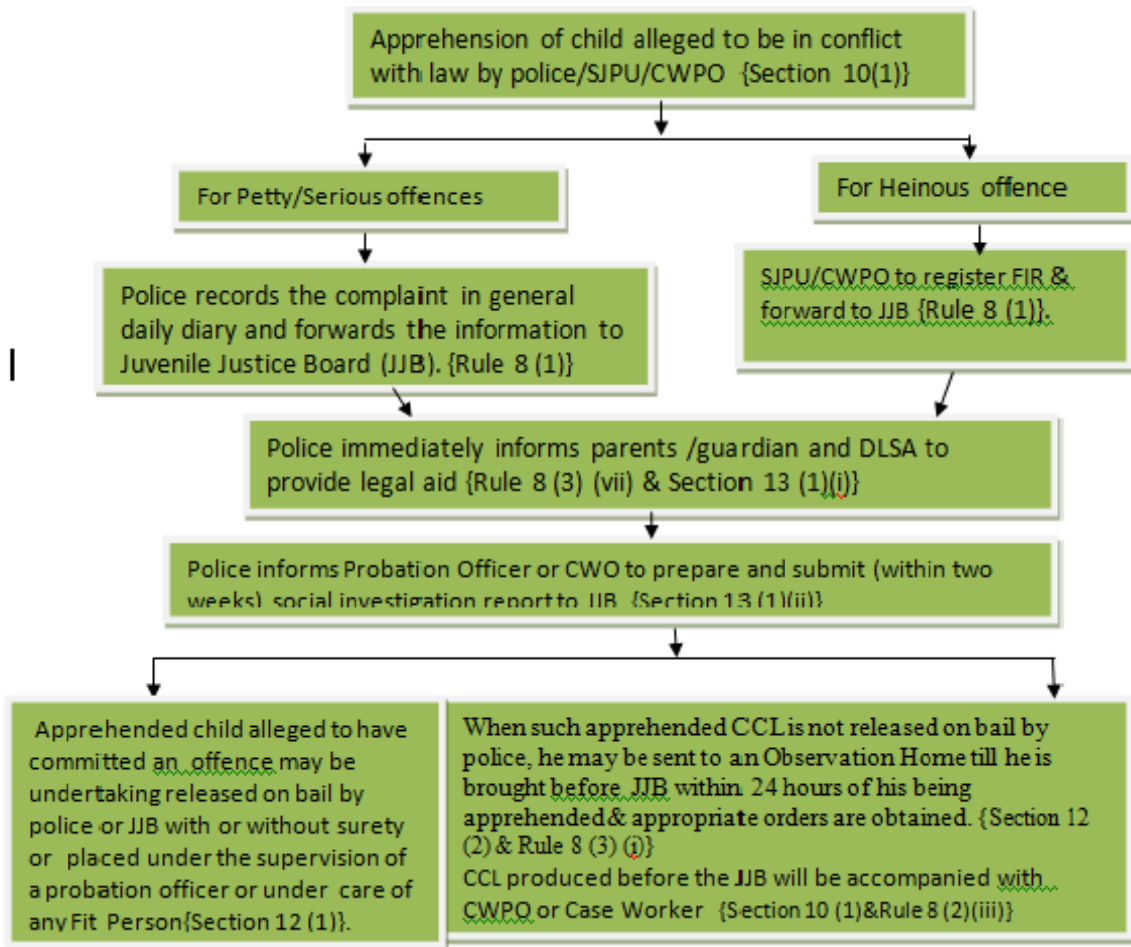


Table 1.2 Procedure at Police Stations for CCL

DOs (Section 10 & Rule 8)	Don't (Section 10 & Rule 8)
<ul style="list-style-type: none"> ▪ Child to be taken to Child Friendly Corner/room. ▪ Child should be produced before JJB within 24 hours. ▪ CWPO should be in plain clothes and not in uniform. ▪ Use of any coercion or force on the child is prohibited. ▪ Inform the child promptly and directly of the charges levelled against him through his parent or guardian. ▪ Copy of FIR should be provided to child or copy of the police report should be given to the parent or guardian. ▪ Provide appropriate medical assistance, assistance of interpreter or a special educator, or any other assistance which the child may require. ▪ Inform the District Legal Services Authority (DLSA) for providing free legal aid to the child. 	<ul style="list-style-type: none"> ▪ No FIR is to be registered against a CCL except in a heinous offence or committed jointly with adult. ▪ Child should not to be kept in Police Station or lock up or adult Jail. ▪ Child will not be hand cuffed/chained/fettered. ▪ Child shall not be asked to sign any statement. ▪ Child shall not be compelled to accept his guilt. ▪ No joint proceedings of child in conflict with law along with a person who is not a child (Section 23)



Central Adoption Resource Authority' (CARA)

Central Adoption Resource Authority (CARA) is a statutory body of Ministry of Women & Child Development, Government of India constituted under Section 68 of the JJ Act, 2015. It functions as the nodal body for adoption of Indian children and is mandated to monitor and regulate in-country and inter-country adoptions. CARA is designated as the Central Authority to deal with inter-country adoptions in accordance with the provisions of the Hague Convention on Inter-country Adoption, 1993, ratified by Government of India in 2003. CARA primarily deals with adoption of orphan, abandoned and surrendered children through its associated/recognised adoption agencies.

c) Protection of Children from Sexual Offences (POCSO) Act, 2012

The POCSO Act, 2012 strengthens the legal provisions for the protection of children from sexual abuse and exploitation. For the first time, a special law has been passed to address the issue of sexual offences against children. Sexual offences are currently covered under different sections of IPC. The IPC does not provide for all types of sexual offences against children and, more importantly, does not distinguish between adult and child victims.

The POCSO Act, 2012 defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from the offences of sexual assault, sexual harassment and pornography.

The Act identifies five sexual offences against children - penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment, and using a child for pornographic purposes. Abetment of or an attempt to commit these offences is also punishable under the Act. These offences are gender neutral vis-à-vis the perpetrator as well as the victim. The Act requires the State Governments to designate the Sessions Court in each district as a Special Court to try offences under the Act. If, however, a Children's Court under the Commissions for Protection of Child Rights Act, 2005 or Special Court for a similar purpose has been notified in a district, then that court will try offences under this Act.

Under Section 44 of the Protection of Children from Sexual Offences (POCSO) Act and Rule 6 of POCSO Rules, 2012, the National and State Commissions for Protection of Child Rights have been further empowered:

- a) To monitor the implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012;
- b) To monitor the designation of Special Courts by State Governments;
- c) To monitor the appointment of Public Prosecutors by State Governments;
- d) To monitor the formulation of the guidelines described in section 39 of the Act by the State Governments, for the use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child, and to monitor the application of these guidelines;
- e) To monitor the designing and implementation of modules for training police personnel and other concerned persons, including officers of the Central and State Governments, for the effective discharge of their functions under the Act;

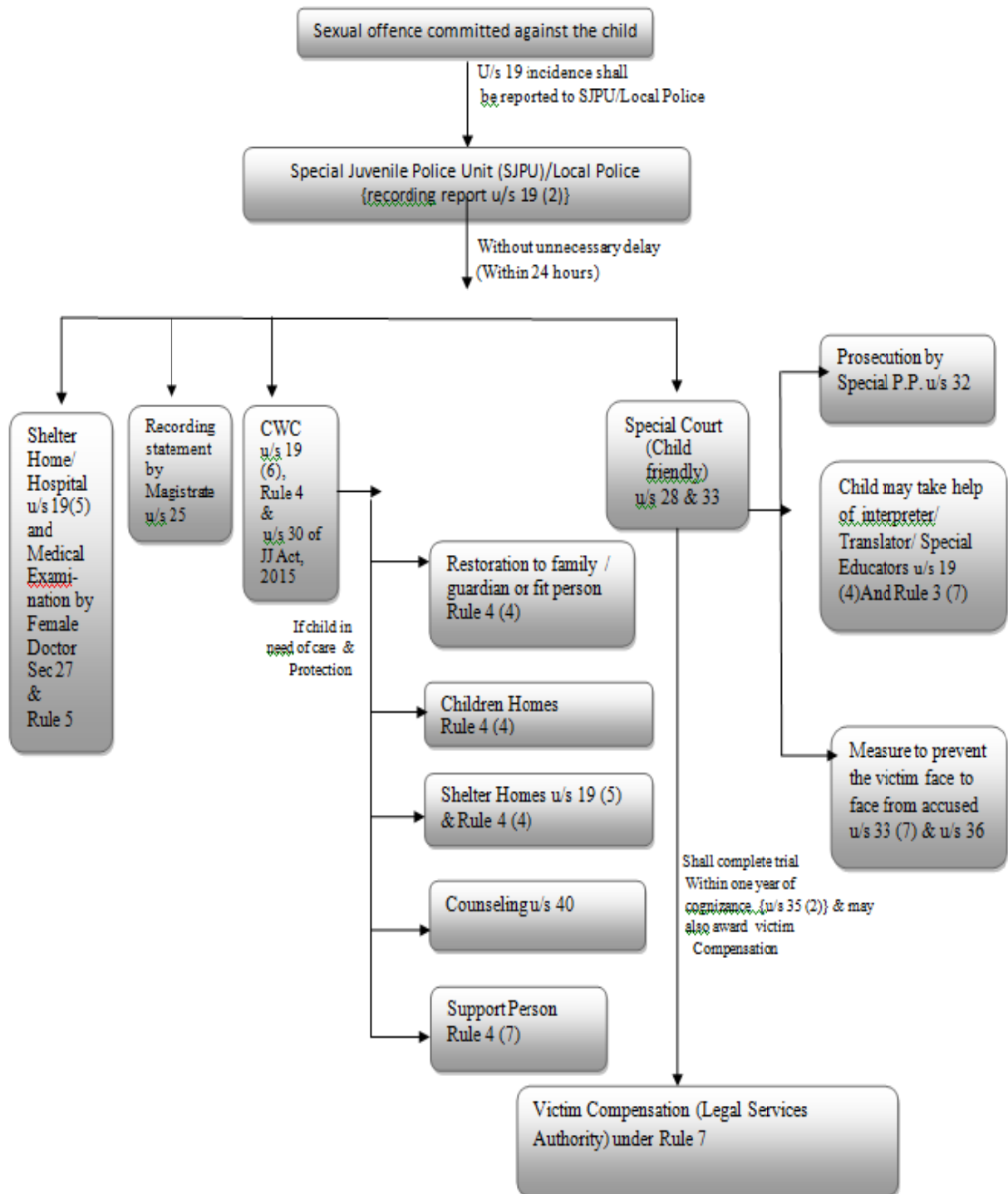


- f) To monitor and support the Central Government and State Governments for the dissemination of information relating to the provisions of the Act through media including the television, radio and print media at regular intervals, so as to make the general public, children as well as their parents and guardians aware of the provisions of the Act;
- g) To call for a report on any specific case of child sexual abuse falling within the jurisdiction of a CWC;
- h) To collect information and data on its own or from the relevant agencies regarding reported cases of sexual abuse and their disposal under the processes established under the Act, including information on the following:-
 - i. Number and details of offences reported under the Act;
 - ii. Whether the procedures prescribed under the Act and rules were followed, including those regarding timeframes;
 - iii. Details of arrangements for care and protection of victims of offences under this Act, including arrangements for emergency medical care and medical examination; and,
 - iv. Details regarding assessment of the need for care and protection of a child by the concerned CWC in any specific case.
- i) To assess the implementation of the provisions of the Act and to include a report in a separate chapter in its Annual Report to the Parliament.

Table 1.3 Key authorities under the POCSO Act, 2012

POLICE/ Special Juvenile Police Unit	<ul style="list-style-type: none"> Record information Preliminary assessment Report case within 24 hours Produce before CWC within 24 hours, if required Adhere to the medical needs of the child Keeping parent/guardian informed
CWC	<ul style="list-style-type: none"> Placement of child, if required Provide support person
District Child Protection Unit	<ul style="list-style-type: none"> Maintain register and make it available to authorities. Make payments for services of interpreters/translators.
Magistrate	<ul style="list-style-type: none"> Record Statement
Special Court/Judge	<ul style="list-style-type: none"> Conduct in-camera trial Ensure child-friendly atmosphere Respect dignity of child Maintain anonymity of child Record evidence of child within 30 days Complete trial within 1 year
Special Public Prosecutor	<ul style="list-style-type: none"> Prosecution of cases exclusively under The Act
Support Person	<ul style="list-style-type: none"> Maintain confidentiality Keeping parent/guardian informed Inform child of his/her role in the judicial process
Central Government	<ul style="list-style-type: none"> Provide publicity to The Act Impart training to authorities Framing rules and guidelines. Pass orders to remove difficulties that may arise in giving effect to the provisions of the Act, i.e 13 November 2014.
State Government	<ul style="list-style-type: none"> Designate a court as special court Appoint special public prosecutor Provide publicity to the Act Impart training to authorities Framing rules and guidelines
National Commission for Protection of Child Rights/ State Commission for Protection of Child Rights	<ul style="list-style-type: none"> Monitor implementation of the Act Calling for reports from the CWC on specific cases. Reporting on the implementation of the Act by way of separate chapter in its annual report.

Figure 1.3 Processes under the POCSO Act, 2012





d) Right of Children to Free and Compulsory Education Act (RTE Act), 2009

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, means that every child has a right to full-time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

The RTE Act came into effect on 1st April 2010. The title of the RTE Act incorporates the words 'free and compulsory'. 'Free education' means that no child, other than a child who has been admitted by his or her parents to a school which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. 'Compulsory education' casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age groups. With this, India has moved forward to a rights based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in Article 21A of the Constitution, in accordance with the provisions of the RTE Act. Other important provisions of the RTE Act are as follows:

Section 11 of RTE Act allows the government to make necessary arrangement for providing free pre-school to children above the age of three years with a view to prepare them for elementary education.

Section 17 calls for Protection of Children against Corporal Punishment in Schools and Institutions.

Section 12 (1) (c) mandates a minimum of 25% free seats for children belonging to weaker sections and disadvantaged groups (EWS) in all private unaided primary schools.

The RTE Act provides a broad outline for a redress mechanism including the local authorities and Quasi Judiciary bodies/Human rights institutions (given below). The media is an empowered participant in the implementation of the Act, ensuring the rightful delivery of the provisions in place.

Section 31 calls for monitoring the child's right to education:

(1) The National Commission for Protection of Child Rights constituted under section 3, or, as the case may be, the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), shall, in addition to the functions assigned to them under that Act, also perform the following functions, namely:--

- a) examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation;
- b) inquire into complaints relating to child's right to free and compulsory education; and
- c) take necessary steps as provided under sections 15 and 24 of the said Commissions for Protection of Child Rights Act.

(2) The said Commissions shall, while inquiring into any matters relating to child's right to free and compulsory education under clause (c) of sub-section (1), have the same powers as assigned to them respectively under sections 14 and 24 of the Commissions for Protection of Child Rights Act.

(3) Where the State Commission for Protection of Child Rights has not been constituted in a State, the appropriate Government may, for the purpose of performing the functions specified in clauses



(a) to (c) of sub-section (1), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

Section 32 caters to redressal of grievances:

(1) Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to the local authority having jurisdiction.

(2) After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.

(3) Any person aggrieved by the decision of the local authority may prefer an appeal to the State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be.

(4) The appeal preferred under sub-section (3) shall be decided by State Commission for Protection of Child Rights or the authority prescribed under sub-section (3) of section 31, as the case may be, as provided under clause (c) of sub-section (1) of section 31.

Table 1.4 Authorities Under RTE Act, 2009

	Authorities under RTE Act,2009	Relevant Section/s
Central Government	MHRD	Section 6,7,8,11,35
State Government	State Education Department	Section 6,7,8,9,11, 35
Local Authority	Municipal Corporation or Municipal Council or Zila Parishad or Nagar Panchayat or Panchayat or other authority or body having administrative control over school	Section 2(h)
Monitoring Authority	NCPCR/SCPCR	Section 31 and 32
School Management Committee SMC	Government , Government aided and Specified category schools must Constitute SMC, (Private schools are exempted)	Section 21 and rule 3 and 4
National Advisory Council	Minister, MHRD – ex-officio Chairperson and 14 other Members	Section 33 and rule 29 and 30
State Advisory Council	Minister in-charge of School Education of the State and 14 other Members	Section 34 and Rule 31
Academic Authority	NCERT and NCTE (notification dated 5/4/2010)	Section 29(1)

e) The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (as amended w.e.f 01.09.2016)

In July 2016, the Parliament passed the Child Labour (Prohibition and Regulation) Amendment Act, 2016. This Act amends the Child Labour (Prohibition and Regulation) Act, 1986 by widening its scope against child labour and provides for stricter punishments for violations. Later, in



2017, all the clauses under this Act were brought into The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

This Act prohibits the engagement of children in all occupations, except in the family enterprise or as an artist in the audio-visual entertainment industry, and prohibits the engagement of adolescents in hazardous occupations and processes. It has increased the penalties for employing children and recognizes child labour as a cognizable offence.

For further details, visit:

<http://lawmin.nic.in/ld/P-ACT/1986/A1986-61A.pdf>

f) The Prohibition of Child Marriage Act, 2006

The Child Marriage Restraint Act, 1929 has been repealed by The Prohibition of Child Marriage Act, 2006. The major provisions of the new Act include:

- Every child marriage shall be voidable at the option of the contracting party who was a child at the time of the marriage.
- The Court while granting a decree of nullity shall make an order directing the parties, parents and guardians to return the money, valuables, ornaments and other gifts received.
- The Court may also make an interim or final order directing the male contracting party to the child marriage or parents or guardian to pay maintenance to the female contracting party to the marriage and for her residence until her remarriage.
- The Court shall make an appropriate order for the custody and the maintenance of the children of child marriages.
- Notwithstanding that a child marriage has been annulled, every child of such marriage shall be deemed to be a legitimate child for all purposes.
- Child marriages to be void in certain circumstances such as minor being sold for the purpose of marriage, minor after being married is sold or trafficked or used for immoral purposes, etc.
- Enhancement in punishments for male adults marrying a child and persons performing, abetting, promoting, attending, etc. a child marriage with imprisonment up to two years and a fine up to one lakh rupees.
- States to appoint Child Marriage Prohibition Officers whose duties include prevention of solemnization of child marriages, collection of evidence for effective prosecution, creating awareness and sensitisation of the community, etc.

For further details, visit:

<http://ncw.nic.in/acts/pcma2006.pdf>

g) Immoral Traffic (Prevention) Act, 1956

The Act was passed by the Parliament to comply with the United Nations Declaration on the Suppression of Trafficking, 1950. The Act intends to combat trafficking and sexual exploitation for commercial purposes. Several sections under this Act prescribe the procedure to be followed with respect to children. These are:

Section 4: Punishment for living on the earnings of prostitution

Section 5: Procuring, inducing or taking persons for the sake of prostitution

Section 6: Detaining a person in premises where prostitution is carried on

Section 7: Prostitution in or in the vicinity of public place



Section 17: Intermediate custody, of persons removed under Section 15 or rescued under Section 16

Section 18: Closure of brothel and eviction of offenders from the premises

h) Indian Penal Code, 1860 and Code of Criminal Procedure, 1973

The Indian Penal Code (IPC) which was drafted in 1860 is the main and comprehensive criminal code of India that covers all substantive aspects of criminal law.

Sec. 228-A of the Indian Penal Code makes disclosure of identity of victim of certain offences punishable with up to 2 years imprisonment or fine or both. Both Section 228-A IPC and Section 327(3) Code of Criminal Procedure specify similar bars on publication of court proceedings dealing with sexual exploitation of a child.

Sec. 228-A gives an exception of disclosing the identity 'where the victim is dead or minor or of unsound mind, by or with the authorisation in writing of the next of kin of the victim'.

In the case of Sakshi v. Union of India, the Supreme Court passed directions that must be adhered to while conducting trial of child sexual abuse or rape. They were as follows:

- Special arrangements such as a screen must be made so as to ensure that the victim or witness do not see the body or face of the accused.
- The questions for cross examination must be framed and given to the Presiding Officer of the Court who must then put them to the victim or witness in a language that is clear and not embarrassing.
- Adequate breaks must be given to the victims of child abuse or rape while they give their testimony in court.

For further details, see:

Indian Penal Code (45 of 1860) and Code of Criminal Procedure, 1973 published by Universal Law Publishing Co., New Delhi

i) Young Person (Harmful Publications) Act, 1956

This Act prevents the dissemination of certain harmful publications in the form of any book, magazine, pamphlet, leaflet, newspaper or other publication which consists of stories that encourage or incite the commission of offences such as acts of violence or cruelty by young persons.

j) Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act & Rules (PCPNDT Act), 1994

This is an Act for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders, chromosomal abnormalities or certain congenital malformations or sex-linked disorders, and for the prevention of misuse of such techniques for the purpose of pre-natal sex determination leading to female feticide and for matters connected therewith or incidental thereto.

For further details, visit:

http://www.ncpcr.gov.in/view_file.php?fid=434

k) Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992



The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 and its 2003 Amendment by The Food Safety and Standards Act, 2006 provide for the regulation of production, supply and distribution of infant milk substitutes, feeding bottles and infant foods with a view to the protection and promotion of breast-feeding and ensuring the proper use of infant foods and for matters connected therewith or incidental thereto.

This Act states that no person should advertise, promote or mislead people to believe that infant food, feeding bottles and infant milk substitutes are an acceptable replacement of mother's milk. No person can distribute or supply infant food, feeding bottles and infant milk substitutes, or contact any expecting mother or mother of an infant, or offer inducement in an attempt to sell or promote infant food, feeding bottles and infant milk substitutes.

All products being sold or distributed have to meet the standards of the Prevention of Food Adulteration Act, 1954, or the Bureau of Indian Standards or in the absence of a standard then that specified by the Central Government.

1.4 National Policies for Protection of Child Rights in India

The Fundamental Rights and Directive Principles of the Indian Constitution provide the framework for child rights. Several national policies have been framed to implement the commitment to child rights. The major policies formulated in the country to ensure realisation of child rights and improvement in their status include:

a) National Policy for Children (NPC), 2013

The National Policy for Children 2013 reiterates India's commitment to safeguard, inform, include, support and empower all children within its territory and jurisdiction, both in their individual situation and as a national asset. The State is committed to take affirmative measures – legislative, policy or otherwise – to promote and safeguard the right of all children to live and grow with equity, dignity, security and freedom, especially those marginalised or disadvantaged; to ensure that all children have equal opportunities; and that no custom, tradition, cultural or religious practice is allowed to violate or restrict or prevent children from enjoying their rights.

The Policy has identified four key priority areas: survival, health and nutrition; education and development; protection and participation, for focused attention.

For further details, visit:

http://wcd.nic.in/sites/default/files/npcenglish08072013_0.pdf

b) National Plan of Action for Children (NPAC), 2016

The National Plan of Action for Children 2016 succeeds the Plan of Action adopted in 2005. The NPAC 2016 takes into account the current priorities for children in India. It is an initiative to further strengthen and activate the implementation and monitoring of national constitutional and policy commitments and the UN Convention on the Rights of the Child.

In alignment with the NPC 2013, it affirms the State's responsibility to ensure equitable access to comprehensive and essential, preventive, promotive, curative and rehabilitative health care, of the highest standard for all children before, during and after birth and throughout the period of their growth & development. The plan takes due note of the importance of strengthening the ability of communities and families to support children and to ensure their overall survival, well-being, protection and development. The focus of the NPAC is to reach and serve the "Last Child First".

For further details, visit:

http://wcd.nic.in/sites/default/files/National%20Plan%20of%20Action_0.pdf



c) National Policy on Education, 1986

The National Policy on Education-1986 was modified in 1992. It is a comprehensive framework to guide the development of education in the country. The principles included in the NPE-1986 are also included in the new policy with some modifications.

Important provisions relating to Children's education are as follows:

- Emphasis on retention of children in the schools at primary level. The cause of the dropout of the children from the school should be strategically handled by making plans. The network of Non-Formal education in the country to be introduced and also the education should be made compulsory up to the age of 14.
- Greater attention to the backward classes, physically challenged and minority child for their development.
- Provision of resources like infrastructure, computers, libraries. Accommodation for students will be made available especially for girl students. Teachers will have the rights to teach, learn and research.

For further details, visit:

http://www.ncert.nic.in/oth_anoun/npe86.pdf

d) National Policy on Health 2017

The National Health Policy (NHP) was originally endorsed by the Parliament in 1983 and updated in 2002. Further, over a period of time the context of the Policy had changed in many ways which required a new Health Policy responsible to the contextual changes. Thus, the National Health Policy, 2017 was built on the progress made since the last NHP, 2002 and introduced in the country.

The primary aim of the NHP, 2017, is to inform, clarify, strengthen and prioritize the role of the Government in shaping health systems in all its dimensions- investments in health, organization of healthcare services, prevention of diseases and promotion of good health through cross sectoral actions, access to technologies, developing human resources, encouraging medical pluralism, building knowledge base, developing better financial protection strategies, strengthening regulation and health assurance.

The policy envisages as its goal, the attainment of the highest possible level of health and well being for all at all ages, through a preventive and promotive health care orientation in all developmental policies, and universal access to good quality health care services without anyone having to face financial hardship as a consequence. This would be achieved through increasing access, improving quality and lowering the cost of healthcare delivery.

For further details, visit:

https://www.nhp.gov.in/NHPfiles/national_health_policy_2017.pdf

**e) National Nutrition Policy (NNP), 1993**

In 1993, there were already a number of mechanisms in place to address the issue of malnutrition and under-nutrition such as the Integrated Child Development Services (ICDS), Special Nutrition Programme, and Wheat Based Nutrition Programme etc. The National Nutrition Policy (NNP), 1993 outlines a few additional provisions to ensure proper nutrition of all populations.

Adolescent girls and expecting mothers need to be taken into the purview of programmes. Food provided under the programmes needs to fortify against nutrient loss, low-cost nutritious food needs to be produced for poorer families, and programmes should attempt to address and prevent nutrient deficiencies, especially among women, expecting and nursing mothers and children.

For further details, visit:

http://wcd.nic.in/sites/default/files/nnp_0.pdf

f) National Policy on Child Labour (NCLP), 1987

India formulated a National Policy on Child Labour in 1987. This Policy seeks to adopt a gradual and sequential approach with a focus on rehabilitation of children working in hazardous occupations. It envisioned strict enforcement of Indian laws on child labour combined with development programs to address the root causes of child labour such as poverty. In 1988, this led to the National Child Labour Project (NCLP) initiative. This legal and development initiative continues, with current Central Government funding, targeted solely to eliminate child labour in India. Despite these efforts, child labour remains a major challenge for India.

For further details, visit:

<http://ncpcr.gov.in/showfile.php?lid=129>

g) National ECCE Policy 2013

The Government of India approved the National Early Childhood Care and Education (ECCE) Policy in 2013. The Policy framework also includes the National Curriculum Framework and Quality Standards for ECCE. The Policy caters to all children under 6 years of age and commits to universal access to quality early childhood education. As per Census 2011, India is home to 158.7 million children under six years of age who will be impacted by the National ECCE Policy. The Ministry of Women and Child Development is the nodal Ministry for ECCE.

For further details, visit:

http://icds-wcd.nic.in/schemes/ECCE/ecce_01102013_eng.pdf

1.5 National Programmes and Schemes regarding protection of Child Rights in India

The ministries of the Government of India have come up with various useful schemes from time to time. These schemes could be either Central, State specific or in joint collaboration between the Centre and the States. They are listed below:

Table 1.5 Programmes and Schemes relevant to children in India

Scheme	Ministry	Beneficiary	Age
Integrated Child Development Services	MWCD	Children (0-6 yrs.) Pregnant and Lactating women	0-6 yrs.
Janani Shishu Suraksha Karyakaram	MoHFW	Infants	Till 30 days after birth
MAA (Mothers Absolute Affection) to promote breast feeding)	MoHFW	Children	0-2 yrs.



Mission Indradhanush	MoHFW	Children	Below 2 yrs.
Universal Immunization Programme (UIP)	MoHFW	All children & pregnant women	Up to 16 yrs.
Sukanya Samridhi Yojana (Girl Child Prosperity Scheme)	MWCD	Girl Child	Below 10 yrs.
Balika Samridhi Yojana (BSY)	MWCD	Girl Child	0-18 yrs.
Conditional Cash Transfer (CCT) programs (Dhanlakshmi, ladli, ABAD, etc)	MWCD	Girl Child	0-18 years
Early Childhood Education for 3-6 Age Group Under the Programme of Universalisation of Elementary Education	MWCD	Pre-primary schoolers	3-6 yrs.
Rajiv Gandhi National Crèche Scheme for the Children of Working Mothers	MWCD	Children (0 months to 6 yrs.) of poor working women	6 months to 6 yrs.
National Creche Fund	MWCD	Children	0-5 yrs.
Shishu Greha Scheme	MWCD	Destitute Children	0-6 yrs.
Wheat Based Nutrition Programme (WBNP)	MWCD	Malnutrition children of pre-school age, pregnant lactating women	0-6 yrs.
National Adolescent Health Strategy	MoHFW	Adolescents	10-19 yrs.
Nutrition Programme for Adolescent Girls (NPAG)	MWCD	Adolescent Girls	11-19 yrs.
Kishori Shakti Yojana (KSY)	MWCD	Adolescent Girls	11-18 yrs.
Rashtriya Kishor Swasthya Karyakram	MoHFW	Adolescents	10-19 yrs.
Mid Day Meal Scheme	MHRD	School children	Class I to VIII
Incentives to Girls at Secondary Stage	MHRD	Girl Child	14-18 yrs.
Adolescence Education Programme	MHRD	Adolescents	10-19 years
Saksham or Rajiv Gandhi Scheme for Empowerment of Adolescents	MWCD	Adolescent boys and girls	11-18 yrs. Sub-divided into: 11-14 yrs. 15-18 yrs.
National Child Labour Projects (NCLP)	Ministry of Labour and Employment	Child labour	5-8 yrs. 9-14 yrs.
Scheme for Welfare of Working Children in Need of Care and Protection	MWCD	Children in Street Situations	Up to 18 yrs.
Integrated Child Protection Scheme	MWCD	Children in need of care and protection and children in conflict as defined under the JJ Act and with children who come in contact with the law, either as victim or as a witness or due to any other circumstance.	0-18 yrs.
Pilot Project to Combat Trafficking of Women and Children for Commercial Sexual Exploitation in Destination Areas	MWCD	Girl Child and Women	Girl child up to 18 yrs.
Beti Bachao Beti Padhao	MWCD, MHRD, MoHFW	Girl Child	Up to 18 years
Childline	MWCD	Toll-free helpline 1098 for children in distress	Up to 18 years

SECTION II

Media and Children

2.1 Children's Issues in Media

Mass media, whether it is news or entertainment media (print, broadcast or internet) is an extremely important and powerful agency to create public awareness and opinion on child rights issues apart from, promoting and ensuring that children are able to access their entitlements. Media also exerts the required pressure on the Government to discharge its responsibilities towards this vulnerable group of citizens. Depiction of children and their issues in media bring to the fore the actual reality about children.

However, news Media is often criticized for its lack of adequate, balanced and sensitive coverage on child-related issues. Research studies have found that most of the news media coverage about child right issues has been largely event-related and episodic with limited exploration of some of the urgent long-term concerns such as malnutrition, child labour, child marriage, access to education, high level of IMR, MMR, children's entitlements and violence against children. Even in popular entertainment formats like serials, reality shows, and talent shows, children are used more for depicting their cuteness and vulnerabilities, to draw audiences. The trend of using children in such television shows has raised a number of issues related to their rights, labour laws violations, the ethics of using children to boost ratings, the psychological impact on children participating in such shows. In fact, shows designed specifically for children are also sometimes not child-appropriate.

Reporting of Baby Falak

In January 2012, a badly battered two-year-old infant was admitted to the All India Institute of Medical Sciences (AIIMS), New Delhi Trauma Centre by a 15-year-old adolescent girl. The adolescent girl was later found to be the infant's sister who had battered the baby to stop her from crying. The infant's heart-rending struggle to live was covered by the media around the country. However, the coverage raised a lot of questions about the manner in which the Media accessed and disclosed confidential information and photographs of these two children. This case also raised significant questions, for the first time, about the role and responsibilities of different stakeholders in disclosing information about children involved in such cases—be it the Police, the doctors, hospital authorities, the Child Welfare Committee, Judiciary, Government Departments, civil society groups, counselors, etc. Shockingly, TV cameramen were allowed by the hospital authorities to film Baby Falak in the ICU!

2.2 Influence of Media Content on Children

Various studies and review of literature worldwide indicate that the Media has a disturbing potential to strongly influence many aspects of children's healthy development, including weight status, sexual initiation, aggressive feelings and beliefs, consumerism, social isolation and self-image. For example, children learn and imitate the behavior of individuals they observe, specifically when the individual is rewarded for aggressive acts. Children who constantly witnessed their favorite TV "heroes" being praised for beating up or killing the "bad guy" would, in turn, incorporate aggressive acts into their own repertoire of behaviors for use in situations characterised by conflict. Some social scientists even argue that television programming has negative effects on children by promoting aggressive behavior.

A research study has shown that teenagers who watch lots of sexual content on TV are more likely to initiate intercourse or participate in other sexual activities earlier than peers who don't watch sexually explicit shows.

Children who watched many hours of violence on television when they were in elementary school, tended to show higher levels of aggressive behavior when they became teenagers and are more likely to be arrested and prosecuted for criminal acts as adults.

Further, health experts have long linked excessive TV watching to obesity. Children who consistently spend more than four hours per day watching TV are more likely to be overweight. While watching TV, children are inactive and tend to snack. They're also bombarded with advertisements that encourage them to eat unhealthy foods like potato chips and empty-calorie soft drinks that often become preferred snack foods.

Children's media consumption patterns in our country indicate that they are spending majority of their time watching programs like serials, movies, reality shows, films, songs, etc and not just children's programs. Television has become a major socialisation factor and dominates the lives of children in urban and rural areas not just in India but around the globe.

Children get a high portion of violent content from electronic media, particularly television and video games, and now smartphones. Many a time, violence is presented in a rewarding context. A study suggests that media violence is one of the contributing factors of aggressive behaviors among children. Cartoons, films and other tele_serials have characters that influence the behavior of children.

On the contrary, media also has potential for affecting children positively. Ways to optimize the role of Media in our society needs to be further explored, taking advantage of their reach and acceptability while minimizing their negative effects. Media can reach children with positive messaging while respecting their rights.

2.3 Role of Media in Protecting Child Rights

Media professionals (Journalists, Photographers, TV Program Producers and Content Writers for TV and Internet) are champions of human rights. They act as the eyes, ears and voices of the public, drawing attention to abuse of power and human rights, often at considerable personal risk. Through their work they can encourage governments and civil society organisations to effect changes that will improve the quality of people's lives. The way in which the Media represents, or even ignores, children's issues, can influence decisions taken on their behalf, and how the rest of the society regards them.

While the debate is often raised about the impact of news on society, it is the non-news and particularly the so called "entertainment" broadcast that has a much deeper impact on the society primarily because of the aspect and the manners in which it touches lives. In fact, all programmes, be it advertising, reality shows, TV serials, or content on the internet needs to be sensitive about the condition of children in our country and their rights. Care needs to be taken to ensure that programs should not be misleading, cause offence, or lead to harm, particularly to the vulnerable children.

Media professionals frequently expose the plight of children caught up in circumstances beyond their control, or abused or exploited by adults. However, it is equally important to consider the 'children's angle' in more conventional news coverage or even in a television serial. A good way of testing the value of changes in the law or policy, for example, is to consider the extent to which children will benefit or suffer as a consequence.

Content writers need to remind themselves that under the Right to Freedom of Expression, when reporting on children's issues, freedom has to be tempered with caution as they hold a child's life in their hands. Stories should be informative and not sensational. Children need to be treated as important subjects for the Media, and never be taken advantage of their vulnerability.

Media professionals who understand the consequence of their reporting/writing/programs, appreciate the vulnerability of children, and believe in honest and accurate reporting and respect the rights of the children are truly champions of child rights. Media has an important role to raise important socio-economic issues related to children. There are codes and guidelines that can be useful in developing content which is also sensitive to children in our country. These are given in the next section of this handbook.

2.4 Role of Other Stakeholders

Media needs to understand that key stakeholders such as hospitals and the police have responsibilities in protecting child rights. This is critical for ensuring correct representation and also making each stakeholder accountable.

Police

In the Code of Criminal Procedure, 1973, there are certain provisions dealing with children in conflict with law such as:

Section 27: Any offence not punishable with death or imprisonment for life, committed by any person who at the date when he appears or is brought before the court is under the age of sixteen years, may be tried by the court of a chief judicial magistrate, or by any court specially powered under the Children Act 1960 or any other law for the time being in force providing for the treatment, training and rehabilitation of youthful offenders.

Thus, the State has the duty of according proper care and protection to children at all times, as it is on their physical and mental wellbeing that the future of the nation depends. A child produced before the court charged with bailable or non-bailable offence, is to be released on bail with or without sureties. The court shall not release him, if the release is likely to bring him into association with any ill-reputed criminal or may expose him to moral danger. Such a child must be committed to a remand home. The officer in charge should inform the parents or the guardian to be present when the child is produced before the juvenile court. The officer in charge should also inform the Probation Officer.

According to Sec.10 of JJ Act, 2015, (Chapter IV: Procedure in relation to Children in Conflict with Law)

(1) As soon as a child alleged to be in conflict with law is apprehended by the police, such child shall be placed under the charge of the special juvenile police unit or the designated child welfare police officer, who shall produce the child before the Juvenile Justice Board without any loss of time but within a period of twenty-four hours of apprehending the child excluding the time necessary for the journey, from the place where such child was apprehended: Provided that in no case, a child alleged to be in conflict with law shall be placed in a police lockup or lodged in a jail.

(2) As per JJ (Care and Protection of Children) Model Rules, 2016, Rule 8 (3) :

The Police officer apprehending a child alleged to be in conflict with law shall:

- i. Not send the child to a police lock up and not delay the child being transferred to the Child Welfare Police Officer from the nearest police station. The Police officer may under sub-section (2) of section 12 of the Act send the person apprehended to an observation home only for such period till he is produced before the Board i.e. within twenty four hours of his being apprehended and appropriate orders are obtained as per rule 9 of these rules;



- ii. Not hand-cuff, chain or otherwise fetter a child and shall not use any coercion or force on the child;
- iii. Inform the child promptly and directly of the charges leveled against him through his parent or guardian and if a First Information Report is registered, copy of the same shall be made available to the child or copy of the police report shall be given to the parent or guardian;
- iv. Provide appropriate medical assistance, assistance of interpreter or a special educator, or any other assistance which the child may require, as the case may be;
- v. Not compel the child to confess his guilt and he shall be interviewed only at the Special Juvenile Police Unit or at a child-friendly premise or at a child friendly corner in the police station, which does not give the feel of a police station or of being under custodial interrogation. The parent or guardian, may be present during the interview of the child by the police;

Hospitals

A.1. It shall be the duty of hospital or medical facility, where a child may be referred, admitted for treatment or being treated or which conducts any other medical examination/tests or provides any service to child, to ensure that no detail pertaining to identity and infringement upon privacy of such child is made available to the Media, unless ordered to do so by the Juvenile Justice Board or Child Welfare Committee concerned or any other Court.

A.2. Inquiry Committee: Every hospital shall have an Inquiry Committee in place to inquire about cases of lapses regarding to breach of privacy or confidentiality of children's identity. Inquiry Committee shall examine the reasons behind such lapse and shall recommend appropriate action against those responsible for such lapses, as per law.

SECTION III

Reporting Child Rights Issues: Relevant Codes and Guidelines

Different aspects of child rights are protected by laws in the country. In this respect, various codes and guidelines have been formulated by different authorities in the country which helps Media in reporting child rights issues in proper perspective. Some relevant Codes and Guidelines are given below:

3.1 Press Council of India Act, 1978

As recommended under Section 13(2) (b) of the Act, the Press Council of India has laid out the Norms of Journalistic Conduct. The 2010 edition of Norms of Journalistic Conduct updates the norms evolved since 1996 on the basis of adjudications and other pronouncements.

Right to Privacy:

6(i) The Press shall not intrude or invade the privacy of an individual, unless outweighed by genuine overriding public interest, not being a prurient or morbid curiosity. So, however, that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by the Press and the media, among others. Special caution is essential in reports likely to stigmatise women.

Explanation: Things concerning a person's home, family, religion, health, sexuality, personal life and private affairs are covered by the concept of PRIVACY excepting where any of these impinges upon the public or public interest.

Caution against Identification:

6 (ii) While reporting crime involving rape, abduction or kidnap of women/females or sexual assault on children, or raising doubts and questions touching the chastity, personal character and privacy of women, the names, photographs of the victims or other particulars leading to their identity shall not be published.

6 (iii) Minor children and infants who are the offspring of sexual abuse or 'forcible marriage' or illicit sexual union shall not be identified or photographed.

Ensure Sensitivity on Child-Related Stories:

The identity of children infected and affected by HIV should not be revealed. Nor should their photographs be shown. This includes orphans and children living in orphanages, juvenile homes etc.

For further details, visit:

<http://presscouncil.nic.in/OldWebsite/NORMS-2010.pdf>

3.2 The Cable Television Networks (Regulation) Act, 1995 and its Rules, 1994

The Programme Code and Advertising Code as per Rule 6 and 7 provide that no program or advertisement which denigrates children should be carried in cable service. This Act is applicable for all broadcasters and these codes are mandatory to all programs aired by them.

For further details, visit:

<http://www.trai.gov.in/sites/default/files/CableTelevisionNetworksRules1994.pdf>

3.3 Information and Technology Act (ITA), 2000 for Children

Section 67: Punishment for publishing or transmitting obscene material in electronic form-

Whoever publishes or transmits or causes to be published or transmitted in the electronic form, any material which is lascivious or appeals to the prurient interest or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees.

67A. Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form –

Whoever publishes or transmits or causes to be published or transmitted in the electronic form any material which contains sexually explicit act or conduct shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.

Sections 67 B: Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc in electronic form

Whoever -

- (a) Publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct or
- (b) Creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner or
- (c) Cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource or
- (d) Facilitates abusing children online or
- (e) Records in any electronic form own abuse or that of others pertaining to sexually explicit act with children, shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with a fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.

Provided that provisions of section 67, section 67A and this section does not extend to any book, pamphlet, paper, writing, drawing, painting representation or figure in electronic form– (i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting representation or figure is the interest of science, literature, art or learning or other objects of general concern; or (ii) which is kept or used for bonafide heritage or religious purposes. Explanation – For the purposes of this section, “children” means a person who has not completed the age of 18 years.

For further details, visit:

<http://lawmin.nic.in/ld/P-ACT/2000/The%20Information%20Technology%20Act,%202000.pdf>



3.4 Juvenile Justice Act (Care and Protection) Act, 2015

Chapter IX – Other Offences against Children

Section 74: (1) No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published:

Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child.

- (2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.
- (3) Any person contravening the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both.

Section 75: Whoever, having the actual charge of, or control over, a child, assaults, abandons, abuses, exposes or willfully neglects the child or causes or procures the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause such child unnecessary mental or physical suffering, shall be punishable with imprisonment for a term which may extend to three years or with fine of one lakh rupees or with both:

Provided that in case it is found that such abandonment of the child by the biological parents is due to circumstances beyond their control, it shall be presumed that such abandonment is not wilful and the penal provisions of this section shall not apply in such cases:

Provided further that if such offence is committed by any person employed by or managing an organisation, which is entrusted with the care and protection of the child, he shall be punished with rigorous imprisonment which may extend up to five years, and fine which may extend up to five lakh rupees:

Provided also that on account of the aforesaid cruelty, if the child is physically incapacitated or develops a mental illness or is rendered mentally unfit to perform regular tasks or has risk to life or limb, such person shall be punishable with rigorous imprisonment, not less than three years but which may be extended up to ten years and shall also be liable to fine of five lakh rupees.

Section 76: (1) Whoever employs or uses any child for the purpose of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees:

Provided that, if for the purpose of begging, the person amputates or maims the child, he shall be punishable with rigorous imprisonment for a term not less than seven years which may extend up to ten years, and shall also be liable to fine of five lakh rupees.

- (2) Whoever, having the actual charge of, or control over the child, abets the commission of an offence under sub-section (1) shall be punishable with the same punishment as provided for in sub-section (1) and such person shall be considered to be unfit under sub-clause (v) of clause (14) of section 2.

Provided that the said child, shall not be considered a child in conflict with law under any circumstances, and shall be removed from the charge or control of such guardian or custodian and produced before the Committee for appropriate rehabilitation.



Section 77: Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, except on the order of a duly qualified medical practitioner, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees.

Section 78: Whoever uses a child, for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance, shall be liable for rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine up to one lakh rupees.

For further details, visit:

http://wcd.nic.in/sites/default/files/JJ%20Act%2C%202015%20_0.pdf

3.5 Protection of Children against Sexual Offences (POCSO)Act, 2012

Chapter V, Section 20: Obligation of media, studio and photographic facilities to report cases:

Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on, coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be.

Chapter V, Section 21: Punishment for failure to report or record a case:

- (1) Any person, who fails to report the commission of an offence under sub-section (1) of section 19 or section 20 or who fails to record such offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.
- (2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.
- (3) The provisions of sub-section (1) shall not apply to a child under this Act.

Chapter V, Section 23: Procedure for Media

- (1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, which may have the effect of lowering his reputation or infringing upon his privacy.
- (2) No reports in any media shall disclose, the identity of a child including his name, address, photograph, family details, school, neighborhood or any other particulars which may lead to disclosure of identity of the child. Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.
- (3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.
- (4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but which may extend to one year or with fine or with both.

<http://wcd.nic.in/sites/default/files/protectionbill.pdf>

3.6 Indian Penal Code, 1860 and Code of Criminal Procedure, 1973

Section 228A: Disclosure of identity of the victim of certain offences, etc.

- (1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section 376, section 376A, section 376B, section 376C or section 376D is alleged or found to have been committed (hereafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.
- (2) Nothing in sub-section (1) extends to any printing or publication of the name or any matter which may make known the identity of the victim if such printing or publication is—
 - (a) by or under the order in writing of the officer-in-charge of the police station or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or
 - (b) by, or with the authorisation in writing of, the victim; or
 - (c) where the victim is dead or minor or of unsound mind, by, or with the authorization in writing of, the next of kin of the victim:

Provided that no such authorization shall be given by the next of kin to anybody other than the chairman or the secretary, by whatever name called, of any recognized welfare institution or organisation.

Explanation: For the purposes of this sub-section, “recognised welfare institution or organisation” means a social welfare institution or organisation recognised in this behalf by the Central or State Government.

- (3) Whoever prints or publishes any matter in relation to any proceeding before a court with respect to an offence referred to in sub-section (1) without the previous permission of such court shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Explanation: The printing or publication of the judgment of any High Court or the Supreme Court does not amount to an offence within the meaning of this section.

Section 327(3) of Cr.PC

This section also bars publishing the name of the victim without the permission of the court where such proceedings are held in camera.

3.7 The Code for Self-Regulation in Advertising by the Advertising Standards Council of India (ASCI)

The purpose of the Code is to control the content of advertisements, not to hamper the sale of products which may be found offensive, for whatever reason, by some people. Provided, therefore, that advertisements for such products are not themselves offensive, there will normally be no ground for objection to them in terms of this Code.

The Code’s rules form the basis for judgment whenever there may be conflicting views about the acceptability of an advertisement, whether it is challenged from within or from outside the advertising business. Both the general public and an advertiser’s competitors have an equal right to expect the content of advertisements to be presented fairly, intelligibly and responsibly. The Code applies to advertisers, advertising agencies and the Media.

Chapter III of the Code (Against Harmful Products/Situations) points out the following:

To safeguard against the indiscriminate use of advertising in situations or of the promotion of products which are regarded as hazardous or harmful to society or to individuals, particularly minors, to a degree or of a type which is unacceptable to society at large.

Advertisements addressed to minors shall not contain anything, whether in illustration or otherwise, which might result in their physical, mental or moral harm or which exploits their vulnerability.

For example, Advertisements:

- (a) Should not encourage minors to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels or the like.
- (b) Should not feature dangerous or hazardous acts which are likely to encourage minors to emulate such acts in a manner which could cause harm or injury.
- (c) Should not show minors using or playing with matches or any inflammable or explosive substance; or playing with or using sharp knives, guns or mechanical or electrical appliances, the careless use of which could lead to their suffering cuts, burns, shocks or other injury.
- (d) Should not feature minors for tobacco or alcohol-based products.
- (e) Should not feature personalities from the field of sports and entertainment for products which, by law, require a health warning in their advertising or packaging.

For further details, visit:

https://ascionline.org/images/pdf/code_book.pdf

3.8 Guidelines of Media Reporting on Children approved by the Hon'ble High Court of Delhi

In a writ petition filed in the Hon'ble High Court of Delhi in the year 2012 regarding reporting of children issues in Media, the Hon'ble Court observed, "Media coverage on matters relating to children may have long-term consequences on their overall development (physical, mental, psychological, emotional, moral, social, economic etc.), life and dignity; and lack of care by Media in this regard may entail real risk of children facing harm, stigma, disqualification, retribution etc. The privacy, dignity, physical and emotional development of children are of the utmost importance, which are to be preserved and protected at all times, while reporting/broadcasting/publication of news/programs/documentaries etc. on and for children." The Hon'ble Court directed NCPCR to set up an expert committee to develop a guideline for media reporting on children. Subsequently, the report prepared by the committee was approved by the Hon'ble Court.

"The guidelines mentioned below are proposed to secure and protect the rights of children and to set out the minimum parameters of responsibility to be borne by print and electronic media (hereinafter referred to as 'Media') in relation to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children."

1. Meaning of terms used:

1.1 "Child" or "children" shall mean a person(s) who has/have not completed 18 years of age;

1.2 "Media" shall include, but not be limited to, any newspaper, magazine, newsheet or electronic media.



2. Principles:

- 2.1 Involvement of children in news/programs/documentaries etc. must evidently be editorially justified including from a child rights' perspective.
- 2.2 Media shall ensure that child victims of rape, other sexual offences, trafficking, drug/substance abuse, elopement, organised crimes, and children used in armed conflicts, children in Conflict with Law and child witnesses etc. are automatically guaranteed anonymity for life.
- 2.3 Media must ensure that due consideration is given to a child's right to privacy and to prevent the child from being exposed to anxiety, distress, trauma, social stigma, risk to life & safety and further suffering in relation to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children.
- 2.4 Media shall ensure that a child's identity is not revealed in any manner, including but not limited to, disclosure of personal information, photograph, school/institution/locality and information of the family including their residential/official address.
- 2.5 Media shall not sensationalize issues or stories, especially those relating to children, and should be conscious of the pernicious consequences of disclosing/highlighting information in a sensational form and the harm it may cause to children.
- 2.6 Interviewing a child by the media:
This shall be governed by the following principles:
 - a) That the interview is in the child's best interest.
 - b) That the interview does not aggravate the child's situation further.
 - c) That the manner and content of the interview doesn't affect/interfere with the child's right to privacy.
 - d) That if the interview is in the child's best interest, the same shall be done under supervision and consent of the child's parent(s) or legal guardian, or in the alternative, the competent authorities for the child.
 - e) That while interviewing a child, his/her consent may be obtained, depending upon his/her age and maturity.
 - f) Frequent interviewing of a child must be avoided.
 - g) The child's refusal to be interviewed must be honored.
 - h) Before interviewing the child he/she must be duly informed about the purpose and manner of the interview.
 - i) The child and/or his/her parents/guardian or any person having control over him/her shall not be coerced or enticed in any manner including financial or other inducement to secure consent for the interview.
- 2.7 Media must verify the credentials and authority of individuals/organizations whose consent is sought on behalf of the child.
- 2.8 Media shall not give any financial or other inducement to the child or parent /guardian or others in relation to reporting / broadcasting / publication of news /programs / documentaries etc. on and for children.
- 2.9 Media must balance its responsibility to protect children from unsuitable content with the right to freedom of expression and the right to know.
- 2.10 To protect the identity of the child media shall ensure that any visual showing the face of the child must be completely blurred in cases where privacy /anonymity is required as illustrated in Principle 2.2 above.



- 2.11 Media shall orient/ sensitise its editorial personnel, including editors/ editorial team/ reporters /correspondents / producers / photographers etc. about laws, rules, regulations and guidelines related to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children.
- 2.12 The media shall proactively promote the children's right to information and freedom of expression.
- 2.13 Publicity:
The Department of Information and Public Relations of all State Governments and U.T. Administrations, the Directorate of Field Publicity, Directorate of Advertising and Visual Publicity (DAVP) of Ministry of Information and Broadcasting, Prasar Bharati (AIR & DD), Self-Regulatory Bodies etc. shall give due publicity at appropriate intervals to the laws, rules, regulations and guidelines (including the proposed one) related to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children.
- 2.14 Monitoring: The compliance with the applicable laws, rules, regulations and guidelines (including the proposed one) related to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children shall be monitored by the following:
- The self-regulatory bodies.
 - The regulatory mechanisms of Ministry of Information & Broadcasting, such as Electronic Media Monitoring Center (EMMC) and Inter-Ministerial Committee (IMC).
 - Press Council of India through their respective procedures.
- 2.15 Status Report:
NCPCR/SCPCRs shall file a report in this Hon'ble Court on yearly basis regarding the compliance level of the applicable laws, rules, regulations and guidelines (including the proposed one) by all concerned.

3.9 Guidelines by News Broadcasters Association (NBA)

The News Broadcasters Association (NBA) has established commonly accepted content guidelines as a way of practicing self-regulation. The purpose is to define editorial principles which are consistent with the tenets of the freedom of speech articulated in the Constitution of India and the common sensibilities of television viewers.

The purpose of these principles of self-regulation is to serve as an affirmative declaration of understanding of, and compliance with, the basic values and objectives that news channels enshrine. It is also to empower the profession of television journalism by an abiding set of values and ensure that balanced and comprehensive journalism flourishes.

Section-2 of Principles of Self-Regulation highlights the following:

News channels will ensure that they do not show, without morphing, nudity of the male or female form. Channels will also not show explicit images of sexual activity or sexual perversions or acts of sexual violence like rape or molestation, show pornography or the use of sexually suggestive language. (As a qualifier however, channels are not expected to be moralistic or prudish, and this self regulation is aimed not at moral policing, but rather at ensuring that overtly regressive and explicit acts and visuals do not slip into broadcasts).

1. Reporting on crime and safeguards to ensure crime and violence are not glorified

Television news has greater reach, and more immediate impact than other forms of media, and this makes it all the more necessary that channels exercise restraint to ensure that any report or



visuals broadcast do not induce, glorify, incite, or positively depict violence and its perpetrators, regardless of ideology or context. Specific care must be taken not to broadcast visuals that can be prejudicial or inflammatory. Equally, in the reporting of violence (whether collective or individual) the act of violence must not be glamorized, because it may have a misleading or desensitizing impact on viewers. News channels will ensure that such reconstructions will not cross boundaries of good taste and sensibility. This includes taking adequate precaution while showing any visual instance of pain, fear or suffering, and visuals or details of methods of suicide and self harm of any kind and will not cross boundaries of good taste and decency.

2. Depiction of violence or intimidation against women and children

News channels will ensure that no woman or juvenile, who is a victim of sexual violence, aggression, trauma or has been a witness to the same is shown on television without due effort taken to conceal the identity. In reporting all cases of sexual assault, or instances where the personal character or privacy of women are concerned, their names, pictures and other details will not be broadcast/ divulged. Similarly, the identity of victims of child abuse and juvenile delinquents will not be revealed, and their pictures will be morphed to conceal their identity.

For further details, visit:

<http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CI/5.%20Indian%20News%20Broadcasters%20Association%20of%20India.pdf>

3.10 Guidelines by Indian Broadcasting Foundation (IBF)

In the absence of an independent and autonomous regulatory body, the Indian Broadcasting Foundation (IBF) has adopted Self-Regulation Guidelines so that it functions as an independent, autonomous organisation in order to provide an enabling environment to facilitate creativity, promote viewpoint diversity and the plurality of ideas.

The guidelines enshrine in themselves a commitment from all signatories to a periodic review to align them to evolving social mores, scientific developments, legal precedents and constitutional obligations. The principles as outlined in the following sections, while not being exhaustive and professing to address every situation that a broadcaster may face, are designed to achieve and help the broadcaster make necessary judgment. While making any such judgment, the broadcaster shall abide by the relevant laws of India as applicable to television broadcasting.

When it comes to children as audience, IBF recommends the programmes specifically under Category G and Category R as shown below:

Table 3.1 Categorisation of programmes for child audience

<p>Audio – Visual Presentation: The audio visuals presentation of any content will be given in a responsible and aesthetic manner, subject to the condition that the following shall not be included in respective categories below:</p>	
<p>Category “G” Programmes for unrestricted viewing and/or under Parental Guidance</p>	<p>Category “R” Programmes which may not be suitable for Children & Young viewers</p>
<p>a) Excessively explicit or gruesome crime or violence.</p> <p>b) Excessively explicit portrayal of eccentric or abnormal violence or dangerous behavior.</p> <p>c) Close-ups or prolonged shots of dismembered or disfigured limbs or bodies.</p> <p>d) Depict images of dead or seriously wounded people or gruesome and gory scenes while showing violent events, natural calamities or accidents.</p> <p>e) Depict explicit cruelty or violence towards animals, or whose production may subject animals to excessive pain, fear or suffering.</p> <p>f) Show details of methods of suicide or self harm</p>	<p>a) Prolonged or frequent close-up shots of gruesome crime or violence.</p> <p>b) Prolonged or frequent portrayal of explicit eccentric or abnormal violence or dangerous behavior.</p> <p>c) Prolonged close-up shots of blood and gore or dismembered or disfigured limbs or bodies.</p> <p>d) Excessive depiction images of dead or seriously wounded people or gruesome and gory scenes while showing violent events, natural calamities or accidents,</p> <p>e) Prolonged or frequent depiction of simulated explicit cruelty or violence towards animals, or whose productive may subject animals to excessive pain, fear or suffering.</p>

For further details, visit:

<http://www.ibfindia.com/sites/default/files/pdf/Self%20Regulatory%20Guidelines%20for%20non-news%20%26%20current%20affairs%20programmes.pdf>

3.11 Guidelines to Regulate Participation of Children in TV Serials, Reality Shows and Advertisements by NCPCR

A working Group was set up under the National Commission for the Protection of Child Rights in January 2008 for the purpose of safeguarding the rights of children participating in Teleserials, Advertisements, etc. The Committee under the Chair of Smt. Sandhya Bajaj (Member, NCPCR) included representatives of the Government, broadcasting channels, producers, child psychologists and non-government organizations.

The committee concluded that the priority issues that need to be addressed are as under:

- A. Content of programmes involving children
- B. Defining age-related norms for the participation of children in TV/Reality shows
- C. Child protection and supervision
- D. Ensuring the physical, mental and emotional conditions and safety of children
- E. Terms and Conditions for Parental/Guardian Consent
- F. Ensuring education of child participants



G. Payment for children

H. Setting up of regulatory and monitoring mechanisms

For further details, visit:

http://www.ncpcr.gov.in/view_file.php?fid=378

In addition to this guideline, NCPCR has also come out with other guidelines pertaining to children such as

- Guidelines for regulating private play schools for the children between 3-6 years of age.

For further details, visit:

<http://ncpcr.gov.in/index1.php?lang=1&level=0&linkid=14&lid=261>

- FSSAI Guidelines on Junk Food Consumption in Schools

For details, visit:

<http://old.fssai.gov.in/Portals/0/Pdf/32%20'No%20junk%20food%20on%20Chandigarh%20schools'%20premises.pdf>

- Uniform criteria to define out-of-school children

For details, visit:

<http://ncpcr.gov.in/showfile.php?lang=1&level=1&&sublinkid=886&lid=1223>

3.12 Principles for ethical reporting on children by UNICEF

1. Guidelines for interviewing children.

- 1.1. Do no harm to any child; avoid questions, attitudes or comments that are judgmental, insensitive to cultural values, that place a child in danger or expose a child to humiliation, or that reactivate a child's pain and grief from traumatic events.
- 1.2. Do not discriminate in choosing children to interview because of sex, race, age, religion, status, educational background or physical abilities.
- 1.3. No staging: Do not ask children to tell a story or take an action that is not part of their own history.
- 1.4. Ensure that the child or guardian knows they are talking with a reporter. Explain the purpose of the interview and its intended use.
- 1.5. Obtain permission from the child and his or her guardian for all interviews, videotaping and, when possible, for documentary photographs. When possible and appropriate, this permission should be in writing. Permission must be obtained in circumstances that ensure that the child and guardian are not coerced in any way and that they understand that they are part of a story that might be disseminated locally and globally. This is usually only ensured if the permission is obtained in the child's language and if the decision is made in consultation with an adult the child trusts.
- 1.6. Pay attention to where and how the child is interviewed. Limit the number of interviewers and photographers. Try to make certain that children are comfortable and able to tell their story without outside pressure, including from the interviewer. In film, video and radio interviews, consider what the choice of visual or audio background might imply about the child and her or his life story. Ensure that the child would not be endangered or adversely affected by showing their home, community or general whereabouts.



2. Guidelines for reporting on children

2.1 Do not further stigmatize any child; avoid categorizations or descriptions that expose a child to negative reprisals-including additional physical or psychological harm, or to lifelong abuse, discrimination or rejection by their local communities.

2.2 Always provide an accurate context for the child's story or image.

2.3 Always change the name and obscure the visual identity of any child who is identified as:

- a. A victim of sexual abuse or exploitation,
- b. A perpetrator of physical or sexual abuse,
- c. HIV positive, or living with AIDS, unless the child, a parent or a guardian gives fully informed consent,
- d. Charged or convicted of a crime.

2.4 In certain circumstances of risk or potential risk of harm or retribution, change the name and obscure the visual identity of any child who is identified as:

- a. A current or former child combatant,
- b. An asylum seeker, a refugee or an internal displaced person.

2.5 In certain cases, using a child's identity – their name and /or recognizable image- is in the child's best interests. However, when the child's identity is used, they must still be protected against harm and supported through any stigmatization or reprisals.

Some examples of these special cases are:

- a. When a child initiates contact with the reporter, wanting to exercise their right to freedom of expression and their right to have their opinion heard.
- b. When a child is part of a sustained programme of activism or social mobilization and wants to be so identified.
- c. When a child is engaged in a psychological programme and claiming their name and identity is part of their healthy development.

2.6 Confirm the accuracy of what the child has to say, either with other children or an adult, preferably with both.

2.7 When in doubt about whether a child is at risk, report on the general situation for children rather than on an individual child, no matter how newsworthy the story.

For further details, visit:

https://www.unicef.org/esaro/5440_guidelines_interview.html

A SUMMARY OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD



ARTICLE 1 (definition of the child)
Everyone under the age of 18 has all the rights in the Convention.

ARTICLE 2 (non-discrimination)
The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

ARTICLE 3 (best interests of the child)
The best interests of the child must be a top priority in all decisions and actions that affect children.

ARTICLE 4 (implementation of the Convention)
Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights.

ARTICLE 5 (parental guidance and a child's evolving capacities)
Governments must respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that they fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices.

ARTICLE 6 (life, survival and development)
Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.

ARTICLE 7 (birth registration, name, nationality, care)
Every child has the right to be registered at birth, to have a name and nationality, and, as far as possible, to know and be cared for by their parents.

ARTICLE 8 (protection and preservation of identity)
Every child has the right to an identity. Governments must respect and protect that right, and prevent the child's name, nationality or family relationships from being changed unlawfully.

ARTICLE 9 (separation from parents)
Children must not be separated from their parents against their will unless it is in their best interests (for example, if a parent is hurting or neglecting a child). Children whose parents have separated have the right to stay in contact with both parents, unless this could cause them harm.

ARTICLE 10 (family reunification)
Governments must respond quickly and sympathetically if a child or their parents apply to live together in the same country. If a child's parents live apart in different countries, the child has the right to visit and keep in contact with both of them.

ARTICLE 11 (abduction and non-return of children)
Governments must do everything they can to stop children being taken out of their own country illegally by their parents or other relatives, or being prevented from returning home.

ARTICLE 12 (respect for the views of the child)
Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. This right applies at all times, for example during immigration proceedings, housing decisions or the child's day-to-day home life.

ARTICLE 13 (freedom of expression)
Every child must be free to express their thoughts and opinions and to access all kinds of information, as long as it is within the law.

ARTICLE 14 (freedom of thought, belief and religion)
Every child has the right to think and believe what they choose and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights and responsibilities of parents to guide their child as they grow up.

ARTICLE 15 (freedom of association)
Every child has the right to meet with other children and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

ARTICLE 16 (right to privacy)
Every child has the right to privacy. The law should protect the child's private, family and home life, including protecting children from unlawful attacks that harm their reputation.

ARTICLE 17 (access to information from the media)
Every child has the right to reliable information from a variety of sources, and governments should encourage the media to provide information that children can understand. Governments must help protect children from materials that could harm them.

ARTICLE 18 (parental responsibilities and state assistance)
Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help they need to raise their children.

ARTICLE 19 (protection from violence, abuse and neglect)
Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

ARTICLE 20 (children unable to live with their family)
If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. This includes making sure the child is provided with alternative care that is continuous and respects the child's culture, language and religion.

ARTICLE 21 (adoption)
Governments must oversee the process of adoption to make sure it is safe, lawful and that it promotes children's best interests. Children should only be adopted outside of their country if they cannot be placed with a family in their own country.

ARTICLE 22 (refugee children)
If a child is seeking refuge or has refugee status, governments must provide them with appropriate protection and assistance to help them enjoy all the rights in the Convention. Governments must help refugee children who are separated from their parents to be reunited with them.

ARTICLE 23 (children with a disability)
A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

ARTICLE 24 (health and health services)
Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food, and a clean environment and education on health and well-being so that children can stay healthy. Richer countries must help poorer countries achieve this.

ARTICLE 25 (review of treatment in care)
If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.

ARTICLE 26 (social security)
Every child has the right to benefit from social security. Governments must provide social security, including financial support and other benefits, to families in need of assistance.

ARTICLE 27 (adequate standard of living)
Every child has the right to a standard of living that is good enough to meet their physical and social needs and support their development. Governments must help families who cannot afford to provide this.

ARTICLE 28 (right to education)
Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this.

ARTICLE 29 (goals of education)
Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

ARTICLE 30 (children from minority or indigenous groups)
Every child has the right to learn and use the language, customs and religion of their family, whether or not these are shared by the majority of the people in the country where they live.

ARTICLE 31 (leisure, play and culture)
Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

ARTICLE 32 (child labour)
Governments must protect children from economic exploitation and work that is dangerous or might harm their health, development or education. Governments must set a minimum age for children to work and ensure that work conditions are safe and appropriate.

ARTICLE 33 (drug abuse)
Governments must protect children from the illegal use of drugs and from being involved in the production or distribution of drugs.

ARTICLE 34 (sexual exploitation)
Governments must protect children from all forms of sexual abuse and exploitation.

ARTICLE 35 (abduction, sale and trafficking)
Governments must protect children from being abducted, sold or moved illegally to a different place in or outside their country for the purpose of exploitation.

ARTICLE 36 (other forms of exploitation)
Governments must protect children from all other forms of exploitation, for example the exploitation of children for political activities, by the media or for medical research.

ARTICLE 37 (inhumane treatment and detention)
Children must not be tortured, sentenced to the death penalty or suffer other cruel or degrading treatment or punishment. Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. They must be treated with respect and care, and be able to keep in contact with their family. Children must not be put in prison with adults.

ARTICLE 38 (war and armed conflicts)
Governments must not allow children under the age of 18 to take part in war or join the armed forces. Governments must do everything they can to protect and care for children affected by war and armed conflicts.

ARTICLE 39 (recovery from trauma and reintegration)
Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.

ARTICLE 40 (juvenile justice)
A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to legal assistance and a fair trial that takes account of their age. Governments must set a minimum age for children to be tried in a criminal court and manage a justice system that enables children who have been in conflict with the law to reintegrate into society.

ARTICLE 41 (respect for higher national standards)
If a country has laws and standards that go further than the present Convention, then the country must keep these laws.

ARTICLE 42 (knowledge of rights)
Governments must actively work to make sure children and adults know about the Convention.

The Convention has 54 articles in total. Articles 43–54 are about how adults and governments must work together to make sure all children can enjoy all their rights, including:

ARTICLE 45
Unicef can provide expert advice and assistance on children's rights.

OPTIONAL PROTOCOLS
There are three agreements, called Optional Protocols, that strengthen the Convention and add further unique rights for children. They are optional because governments that ratify the Convention can decide whether or not to sign up to these Optional Protocols. They are: the Optional Protocol on the sale of children, child prostitution and child pornography, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on a complaints mechanism for children (called Communications Procedure).

For more information go to unicef.org/uk/crc/optional



National Agencies Protecting Children

- National Human Rights Commission (NHRC) | www.nhrc.nic.in
- National Commission for the Protection of Child Rights (NCPCR) | www.ncpcr.gov.in
- Ministry of Women and Child Development | www.wcd.nic.in
- Ministry of Labour and Employment and Related Bodies | www.labour.gov.in
- Ministry of Social Justice and Empowerment | www.socialjustice.nic.in
- Ministry of Human Resource Development | www.mhrd.gov.in
- Ministry of Health and Family Welfare | www.mohfw.nic.in
- Central Adoption Resource Authority (CARA) | www.cara.nic.in
- Central Social Welfare Board | www.cswb.gov.in



Acts Related to Children

- Commissions for Protection of Child Rights Act, 2005 and Rules 2006
- Juvenile Justice (Care and Protection of Children) Act, 2015 and Rules 2016
- Protection of Children from Sexual Offences Act, 2012 and Rules, 2012
- Right of Children to Free and Compulsory Education Act, 2009 and Rules, 2010
- The Child Labour (Prohibition and Regulation) Amendment Act, 2016
- Immoral Traffic (Prevention) Act, 1986
- The Prohibition of Child Marriage Act, 2006
- Young Persons (Harmful Publications) Act, 1956
- Medical termination of Pregnancy Act, 1971
- Pre-Conception and Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Amendment Act, 2003
- National Food Security Act, 2013
- Convention on the Rights of the Child, CRC, 1989



SCPCR Offices

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1	Andaman & Nicobar islands Commission for Protection of Child Rights	Tel: 03192-232799 Email: directorsw4@gmail.com
2	Andhra Pradesh State Commission for Protection of Child Rights	Email: scpcrandhrapradesh@gmail.com scpcrap@googlegroups.com Tel:9642891480
3	Arunachal Pradesh State Commission for Protection of Child Rights	womenofarunachal@rediffmail.com Email: apsewitanagar@gmail.com
4	Assam State Commission for Protection of Child Rights	Tel:0361-2638654 Email: ascpcr@rediffmail.com
5	Bihar State Commission for Protection of Child Rights	Tel:0612-2211718/2215288 Email: scpcr.bihar@gmail.com
6	Chandigarh Commission for Protection of Child Rights	Tel:9815125784 Email: chairpersonccpcr@gmail.com
7	Chhattisgarh Commission for Protection of Child Rights	Tel:0771-2420093/94 Tel:0771-2420093/94 Email: cgscpcr@gmail.com
8	Commission for Protection of Child Rights- Dadra and Nagar Haveli	ICPCSCounsellor-0260-2632027 Tel:0260-223088 Email: sw_dnh@nic.in
9	Daman & Diu Commission for Protection of Child Rights	Email: sotp-dmn-dd@nic.in
10	Delhi Commission for Protection of Child Rights (DCPCR)	Tel:011-23862685/91 Email: dcpcr@hotmail.com
11	Goa Commission for Protection of Child Rights (GCPCR)	Tel:0832-2421870 Email: gscfpocr@yahoo.in
12	Gujarat State Commission for Protection of Child Rights	Tel:079-23255669 Email: gscpcr@gmail.com
13	Haryana Commission for Protection of Child Rights	Tel:0172-2560349 Email: scpcrhrv@gmail.com
14	Himachal Pradesh Commission for Protection of Child Rights	Tel: - 0177-2645178 Email: shyamadogra@yahoo.com
15	Jharkhand State Commission for Protection of Child Rights	jscpcr@gmail.com Tel:0651-2223544/45/46 Email: cp.jscpcr@gmail.com
16	Karnataka State Commission for Protection of Child Rights (KCPCR)	Tel:080-22115291/92 Email: kscpcr@gmail.com
17	Kerala State Commission for Protection of Child Rights	Tel:0471-2326603 Email: childrights.cpcr@kerala.gov.in



18	Lakshadweep State Commission for Protection of Child Rights	8547009639 Tel:04896-262204 Email: lak-cdpo@nic.in
19	Madhya Pradesh State Commission for Protection of Child Rights	Tel:0755-2559900/03/34/05 Email: mpcpcr@gmail.com
20	Maharashtra Commission for Protection of Child Rights (MCPCR)	Tel:022-22027050 Email: mscpcr@gmail.com
21	Manipur Commission for Protection of Child Rights	Tel:9436021772/9862027330 Email: mcpcrmanipur@gmail.com
22	Meghalaya State Commission for Protection of Child Rights	Tel:0364-2500175 Email: mscpcrcp@gmail.com
23	Mizoram State Commission for Protection of Child Rights	Tel: 2323224 Email:
24	Nagaland State Commission for protection of Child Rights (NSCPCR)	Email: meilapongener@yahoo.co.in
25	Odisha State Commission for Protection of Child Rights (OSCPCR)	oscpcr.od@nic.in Tel:0674-2394041 Email: oscpcr2012@gmail.com
26	Puducherry Commission for Protection of Child Rights	Tel:0413-2244964/2242621 Email: socwel.pon@nic.in
27	Punjab State Commission for Protection of Child Rights	Tel:0172-2740811 Email:
28	Rajasthan State Commission for Protection of Child Rights (RSCPCR)	Tel:0141-2709319/2713602/2708980 Email: rscpcr.jaipur@gmail.com
29	Sikkim Commission for Protection of Child Rights (SCPCR)	Tel:03592-203217 Email: yousa.lachenpa@gmail.com
30	Tamil Nadu Commission for Protection of Child Rights (TNCPCR)	Tel:044-26426421/26427022/26421359 Email: scpcrtn@gmail.com
31	Telangana State Commission for Protection of Child Rights	Tel:040-23733665 Email:
32	Tripura Commission for Protection of Child Rights	Tel:0381-2329150 Email: rgangulytcpcr@gmail.com
33	Uttar Pradesh Commission for Protection of Child Rights	Tel:0522-2308538 Email: upbalaayog@gmail.com
34	Uttrakhand Commission for Protection of Child Rights (UCPCR)	Tel:0135-2775813-16/2775909 Email: scpcr.uk@gmail.com
35	West Bengal Commission for Protection of Child Rights	Tel:033-23560381 Email: wbspcr@gmail.com