

# Introduction to Children's Rights and Protection Laws

## Module 1





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# Abbreviations

CARA	Central Adoption Resource Agency
CCI	Child Care Institution
CCL	Child in Conflict with Law
CIF	Childline India Foundation
CJM	Chief Judicial Magistrate
CMM	Chief Metropolitan Magistrate
CNCP	Child in Need of Care and Protection
CPSU	Central Project Support Unit
CSO	Civil Society Organisation
CWC	Child Welfare Committee
DCPC	District Child Protection Committee
DCPU	District Child Protection Unit
DM	District Magistrate
GoI	Government of India
ICPS	Integrated Child Protection Scheme
NGO	Non-Governmental Organisation
PFMS	Public Financial Management System
JJA	Juvenile Justice Act
JJB	Juvenile Justice Board
MIS	Management Information System
MWCD	Ministry of Woman & Child Development
NCPCR	National Commission for Protection of Child Rights
NIPCCD	National Institute of Public Cooperation and Child Development
POCSO	Protection of Children from Sexual Offences Act
RTE	Right to Education Act
SAA	Specialised Adoption Agency
SAAC	State Adoption Advisory Committee
SARA	State Adoption Resource Agency
SCPC	State Child Protection Committee
SCPCR	State Commissions for Protection of Child Rights
SCPS	State Child Protection Society
SJPU	Special Juvenile Police Units
SOPs	Standard Operating Procedures
SPSU	State Project Support Unit
UNCRC	United Nations Convention for the Rights of the Child



## Introduction to Children's Rights and Protection Laws.....

### Introduction to the module

This module is an introduction to the concept and issues of child rights and child protection. It discusses the legislative provisions and child protection structures that are in place to ensure safety and protection of children in India.



The module deals with understanding who is a child, the concepts of child rights and why do children need protection. When we are talking about a child, let's understand who is a 'child'.

The United Nations Convention for the Rights of the Child (UNCRC) (Article 1) defines a 'child' as a person below the age of 18 years.

The Juvenile Justice (Care and Protection of Children) Act, 2015 [Section 2 (12)], prescribes that a 'child' means a person who has not completed 18 years of age.



### Module Objectives

By the end of the module, participants will be able to describe:

- ◆ Child rights and why do children need separate rights
- ◆ What is child protection and who are the children in need of protection
- ◆ Who is responsible for the protection of children
- ◆ Non-negotiable entitlements that every child should have
- ◆ Legal measures and systems for protection of children in India
- ◆ Delivery structures of child protection scheme

# Concepts of Child Rights and Need for Separate Child Rights



Time  
60 Minutes



## Step 1



### Objectives

At the end of the session, the participants will be able to describe:

- ◆ What are child rights?
- ◆ The approach of the child rights
- ◆ Why do children need separate rights?



### Process

**Step A:** Ask the participants that having known what is the meaning of the word 'child', it is also important to know what is meant by the term 'rights'.

Listen to their responses and discuss on the basis of the following points:

- ◆ 'Right' is a claim, which places obligations over others to respect, to protect or to fulfill. 'Child rights' can be termed as inherent rights.
- ◆ What we claim for ourselves, others also have a right to claim for themselves and everyone has corresponding obligations.
- ◆ Respecting a right means fulfilling an obligation.

In case of children's rights, parents, caregivers and duty-bearers have an obligation to respond to their needs (care, provide nurturing environment, safety, protection, other physical, emotional and mental needs).

**Step B:** Ask the participants what they understand by 'child rights'. Listen to their responses. Invite them to carry out the below activity.



**Note for the facilitator:** The activity will take about 30 minutes. The facilitator may want to carry it out or skip it based on time available. If required, the facilitator can also ask participants to describe what all a child needs to live, grow and thrive. Categorise these under the four pillars as per UNCRC. Also when participants describe and during the points brought out by them, if any one of these four pillars is not clearly brought out or not mentioned, that can be discussed further by the facilitator.





## Step 2: Activity: Understanding Child Rights through the Wants, Needs and Rights exercise



### Aim:

To make participants aware of the differences between rights, wants and needs.



### Materials required:

Wants and Needs Card sheets (4-6 sets) (see Annexure 1), flipchart, marker pens.



### Method:

Divide all the participants into four groups and ask them to assume that they have become children again. Give them half a minute to get into the role.

Give each group a set of card sheets with various wants and needs. These sheets contain 20 wants and needs. In addition, there are four blank boxes. Ask the groups to add four more wants and needs that they think they desire as children. Once all the groups have done this, tell them that the country is going through economic crisis and therefore they have to curtail their list from 24 to 16. Give them five minutes to bring the number down to 16 as they would need to discuss amongst group members and decide. Ask them to write them on a sheet of paper. Tell them that this list of 16 has to have the consensus of all group members.

Now tell them that the country is experiencing civil war and therefore they need to further reduce their list to 12 so that the government can make several cuts in expenses. Give them three more minutes for this task.

Next, ask the participants to further reduce their list to eight as the country is dealing with economic crisis and civil war as well as floods resulting in an emergency situation.

Ask groups to explain to the larger group as to how they came up with the consensus to shorten the list. Ask all the groups to display their list of eight items. Highlight the common ones from all the groups.

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**Explanation:** Help the participants understand that what they eliminated in the first round were things which were least important. In the second round, they may have eliminated some important things but perhaps some of them were not as important for all the children in the country. Finally, what they got was the list of the most important wants and needs, by and large common to all the children, which they felt were non-negotiable even in an emergency situation.

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Conclude as follows:



### Step 3

**Step C:** Now ask the groups if the eight most important and non-negotiable wants and needs (rather rights) can be clubbed together under four main groups on the basis of the purpose they meet, e.g. nutritious food, healthcare and decent shelter are necessary for survival. Similarly, playground and education are necessary for development. Help the participants categorise the eight rights under the following heads:

**Survival**

**Development**

**Protection**

**Participation**



Such categorisation will explain that sometimes it is difficult to club a particular right under any one category as it may fulfill more than one purpose. For example, decent shelter may be clubbed under survival as well as protection, because homeless children are very vulnerable to exploitation and abuse; inadequate housing not only exposes children to disease but also to exploitation and abuse. We do need to understand the interconnection of these rights along with the fact that they are unalienable.

### Definition of Child Rights

- ♦ UNCRC defines child rights as the minimum entitlements and freedoms that should be afforded to every citizen below the age of 18 regardless of race, national origin, colour, gender, language, religion, opinions, origin, wealth, birth status or ability and therefore apply to all people everywhere.
- ♦ These rights encompass freedom of children and their civil rights, family environment, necessary healthcare, education, leisure and cultural activities and special protection measures.

All children have these rights and these rights are all equally important, as well as connected to each other.

## Categories of Child Rights

The UNCRC classifies children's rights into four broad categories that suitably cover all civil, political, social, economic and cultural rights of every child:

- ♦ **Right to survival/life:** Include the child's right to life and the needs that are most basic to existence, such as nutrition, shelter, an adequate living standard, and access to medical services.



- ♦ **Right to development:** Every child has the right to development that lets the child explore and develop to her/his full potential. It includes the right to education, play, leisure, cultural activities, access to information, and freedom of thought, conscience and religion.

- ♦ **Right to protection:** Children have the right to be protected from being hurt and mistreated, physically or mentally. It ensures children are safeguarded against all forms of abuse, violence, neglect and exploitation, including special care for refugee children; safeguards for children in the criminal justice system; protection for children in employment; protection and rehabilitation for children who have suffered exploitation or abuse of any kind.



- ♦ **Right to participation:** Encompasses children's freedom to express opinions, to have a say in matters affecting their own lives, to join associations and to assemble peacefully according to their age and maturity. This means that children have the right to participate in the activities of their society, in preparation for a responsible adulthood.

Brainstorm with the participants on why the children need separate rights. Encourage them to share their views and summarise them as below.



#### Step 4: Why do children need separate rights?

Children as an agency need separate rights which may be different from the needs of adults because:

- ♦ **Children are vulnerable** and they are the least powerful section of society, economically, politically as well as physically.
- ♦ **Gender and caste based discrimination** make the girl children all the more vulnerable when they are not given proper food, not educated, married early and denied many other social rights as compared to boys of the same categories.
- ♦ **Children cannot carry their voice** to policy makers and legislators as they cannot vote and therefore make it even more incumbent on adults to carry their voice.
- ♦ **Children are often abused in different societies** and this includes beating at home and at school, trafficking, kidnapping, drug pushing, forced prostitution, being forced to beg and sexual violence.
- ♦ **Children are often not regarded as full human beings.** Girl children are often discriminated with less education, less nutritious diet, less healthcare than the male child. They are also subject to more social taboos and restrictions, which makes them more susceptible to rights violations.
- ♦ **Children need special protection** as they are vulnerable to child labour, early marriage, sexual abuse, being deprived of family care, being in conflict situations or natural disasters. In all cases, children tend to bear the brunt and therefore, special measures are needed to safeguard their rights.
- ♦ **Children do not get to participate:** Children's views and feelings about matters that affect them are seldom given serious consideration.



#### Note for the facilitator:

If time permits, carry out the activity given at the end of the session, otherwise continue as below. Refer to the balloon activity (20 minutes) in Annexure 2.

## Child Rights: Principles and Shift in Approach



### Objectives:

At the end of the session, participants will be able to describe:

- ◆ Recognitions made by UNCRC
- ◆ Principles of child rights
- ◆ Violations of the right to protection
- ◆ Shift in approach from need based to rights based

The UNCRC recognised the human rights of children and defined children as persons up to the age of 18 years. The convention establishes that state parties must ensure that all children, without discrimination in any form:

- ◆ Benefit from special protection measures and assistance
- ◆ Have access to services such as education and healthcare
- ◆ Can develop their personalities, abilities and talents to the fullest potential
- ◆ Grow up in a caring, nurturing and protective environment.
- ◆ Are informed about and participate in achieving their rights in an accessible manner.



**Step 1:** Discuss with the participants on what are the possible principles of child rights. Encourage them to participate enthusiastically and summarise as below.

### UNCRC Principles of child rights and human rights

#### Non-negotiable entitlements

Universality and non-discrimination

Indivisibility

Survival and development

Participation and best interest of the child



**Step 2:** Discuss with participants that the approach to child rights has shifted from 'needs based' to 'rights based'. Show the participants the table as below.

Shift from Needs based to	Rights based approach
<ul style="list-style-type: none"><li>◆ Welfare</li><li>◆ Some children remained excluded</li><li>◆ Institutional and residential care</li><li>◆ Custodial care in institutions</li><li>◆ Segregation and isolation</li><li>◆ Beneficiary and recipient</li><li>◆ Clear obligation</li><li>◆ Active participation</li><li>◆ Focus is on the specific immediate situation</li><li>◆ Certain groups have expertise to meet children's needs</li></ul>	<ul style="list-style-type: none"><li>◆ Development and empowerment</li><li>◆ All have same rights</li><li>◆ Non-institutional and family based alternatives</li><li>◆ Holistic development through quality child care institutions</li><li>◆ Inclusion and mainstreaming</li><li>◆ Participant and partner (his/her own development and decisions)</li><li>◆ Analysis of root cause</li><li>◆ All adults can play a role in achieving children's rights</li></ul>

**Step 2 Part A:** Ask the participants to share their opinion on how child rights are violated. Listen to their responses and divide them into further groups. Each group can discuss and present in a chart 'what mechanisms exist to prevent and respond to the respective issues'.

### Violations of the right to protection



Child sexual abuse



Child labour, bonded, on the street



Abandoned



Child marriage - cycle of deprivation



Corporal punishment, violence



Trafficking, child beggary



## Objectives:

At the end of the session, the participants will be able to describe:

- ◆ What is child protection?
- ◆ Who are the children in need of protection?



**Step 1:** Ask the participants what they understand by child protection. Listen to their responses and discuss as below.

UNICEF uses the term 'child protection' to refer to preventing and responding to violence, neglect, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices such as female genital mutilation/cutting and child marriage.

UNICEF's child protection programmes also focuses on children who are more vulnerable to these abuses, such as: when living without parental care, living with disability, in conflict with law and in armed conflict.

Violations of the child's right to protection take place in every country and are massive, under-recognised and under-reported barriers to child survival and development, in addition to being human rights violations. Children subjected to violence, exploitation, abuse and neglect are at risk of death, poor physical and mental health, HIV/AIDS infection, educational problems, displacement, homelessness and poor parenting skills later in life.

Explain that the definition is a holistic approach to child protection and consists of four major points. Write the definition up on a flipchart and underline the points or you can read the definition and go back and point out on your fingers the four major points as listed below:

**1. Identifying risks for children. What are the things that are often missed for reducing risks**

**2. Making children's rights a reality by responding to and preventing their violation**

**3. Restoring hope and a dignified living**

**4. Creating an enabling environment**



**Step 2:** Ask the participants who are the children in need of protection.

Listen to their responses and add points which got missed from their end. Also explain in the discussion why certain responses by the participants cannot be included in this list if they do not fall under the broader category of child protection.



**Note for the facilitator:** If time permits, read out the case studies below and ask the participants whether the children in the case studies need protection.

### Caselets for group work and discussion

**Caselet 1.** Narayan and Naina live in a village with their nine year old son Rajesh who is disabled. The couple thinks that their son should not go out and play with other children as he may get hurt. Their neighbours think that Rajesh should not play with their children as he may bring bad luck to them. Does Rajesh need help?

**Caselet 2.** Suresh and Sapna are both HIV positive. They have a daughter named Roshni. She is seven years old and goes to school. Children at the school have started mocking at her and teachers also make her sit on the last bench. Does Roshni need protection?

**Caselet 3.** Nandlal and Sunita live in a small village that has a primary school. Their daughter Pooja has completed class five. But the middle school is 3 kms away in another village. Her parents do not want to send her there and want her to discontinue studies. Pooja's father is now considering sending her to the nearby town with a family member who works there and has assured to find a good home for working there. However, Pooja's mother thinks it is not safe for her daughter as she has reached puberty and asks her husband to consider having her married.



**Note for the facilitator:** The facilitator should guide the participants for possibility of looking at the provisions of the Act and understand how a child in need of care and protection is defined.

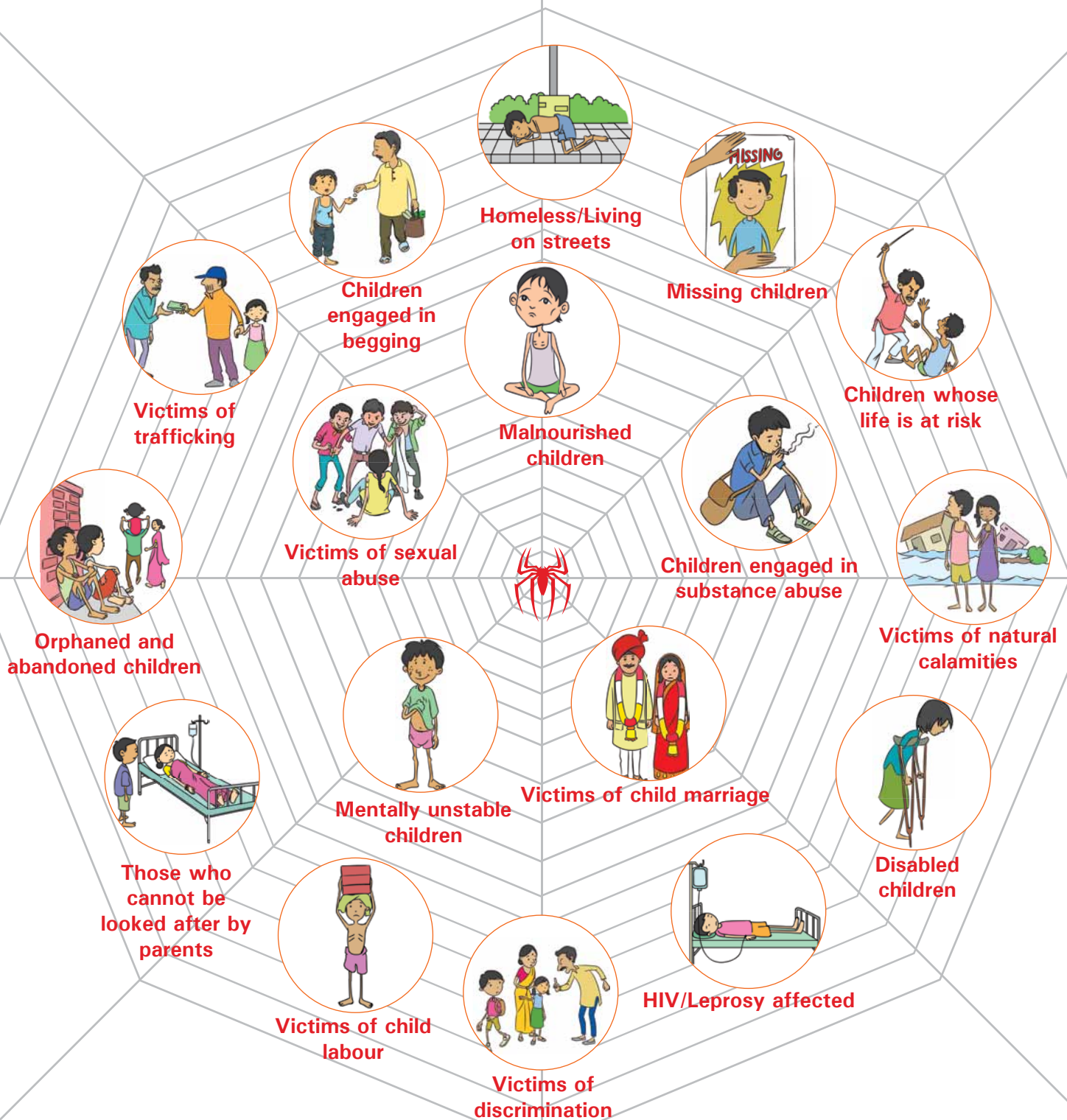


The JJ Act and the Integrated Child Protection Scheme (ICPS) consider the following two categories of children as vulnerable and in need of protection. (Facilitator can use the given link to show video on *CCL and CNCP description*): <http://haqcrc.org/our-work/training/>)

- ♦ **“Child in conflict with law” (CCL)** (Section 13) - A child who is alleged or found to have committed an offence and who has not completed 18 years of age on the date of commission of such offence
- ♦ **“Child in need of care and protection” (CNCP)** (Section 14) – A child
  - (i) who is found without any home or any ostensible means of subsistence;
  - (ii) who is found working in contravention of labour laws, is found begging, or living on the street;
  - (iii) who resides with a person (whether a guardian of the child or not) and such a person has injured, exploited, abused or neglected the child, has threatened to kill or has killed the child;
  - (iv) who is mentally ill or mentally or physically challenged;
  - (v) who has unfit or incapacitated parent or guardian;
  - (vi) who does not have parents or a caregiver;
  - (vii) who is missing or run away child;
  - (viii) who has been or is being or is likely to be sexually abused, tortured or exploited;
  - (ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking;
  - (x) who is being or is likely to be abused for unconscionable gains;
  - (xi) who is victim of or affected by any armed conflict, civil unrest or natural calamity; and
  - (xii) who is at imminent risk of marriage before attaining the age of marriage.



## Children in need of care and protection (CNCP)



## Legal Framework for Protection of Children



Time:

90 Minutes



### Objectives:

At the end of the session, the participants will be able to describe what are the fundamental rights and directive principles of protecting child rights in the Constitution of India.

### Section 3.1: International Convention

- ♦ The UNCRC that came into force on 2 September, 1990 is a comprehensive international child rights law. It incorporates the full range of human rights – civil, cultural, economic, political and social rights. These rights are spelt out in 54 articles.
- ♦ India ratified the UNCRC on 11 December, 1992, agreeing in principle to all articles and committed to protecting and ensuring children's rights enshrined in it, except with certain reservations on issues relating to child labour.



**Step 1:** Discuss with participants about various fundamental rights and directive principles to protect children as per the Constitution of India.

The Constitution of India lays down its commitment to protect children in the fundamental rights and directive principles. It enjoins upon the state to ensure that these rights are protected.

#### Fundamental Rights related to children

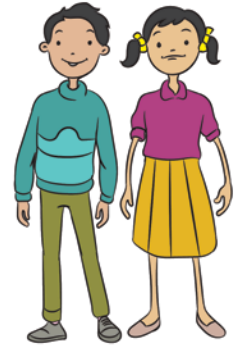
- ♦ Article 15 (3) – State should make special provisions for children
- ♦ Article 21 A – Provides for free and compulsory education to all children of the age 6-14 years
- ♦ Article 23 – Prohibits trafficking of human beings including children
- ♦ Article 24 – Directs that no child below 14 years of age can engage in hazardous occupation

#### Directive Principles related to children

- ♦ Article 39 (e) & (f) require that the state policies are directed towards securing the tender age of children
- ♦ Article 45 requires provision of early childhood care and education to all children below six years
- ♦ Article 51 A states that it is the fundamental duty of parents/guardians to provide opportunities of education to their child or ward aged 6-14 years

## Other National Policies

**The National Charter for Children, 2003** adopted on 9 February, 2004 underlined the intent to secure for every child the inherent right to be a child and enjoy a healthy and happy childhood; to address the root causes that negate the healthy growth and development of children; and to awaken the conscience of the community in the wider societal context to protect children from all forms of abuse, while strengthening the family, society and the nation.



**The National Policy for Children, 2013** was adopted by the Government of India (GoI) on 26 April, 2013. It adopts a rights-based approach to address the continuing and emerging challenges in the situation of children. It adheres to the constitutional mandate and guiding principles of UNCRC and identifies rights of children under four key priority areas, namely, Survival, Health and Nutrition, Education and Development, Protection and Participation.



**The National Plan of Action for Children, 2016** provides a roadmap that links the policy objectives to actionable strategies under the four key priority areas of Survival, Health and Nutrition, Education and Development, Protection and Participation. It aims at establishing effective coordination and convergence among all stakeholders, including Ministries and Departments of GoI and civil society organisations, to address key issues pertaining to rights of children.

## Section 3.2: Child Protection Laws in India



### Objectives

At the end of the session, participants will be able to describe what is:

- ◆ The Juvenile Justice (Care and Protection of Children) Act, 2015
- ◆ Other child protection laws and their features



**Step 1:** Ask the participants to share what they know about the JJ Act, 2015. Discuss when it came into being and when it was amended. Appreciate the participants giving correct answers and add the left out information from the following:

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

#### Introduction

The Juvenile Justice Act, 2000 was in operation for more than a decade. Though it was amended twice in 2006 and 2011, many issues arose, constraining its effective implementation. The Juvenile Justice (Care and Protection of Children) Bill, 2015 was passed by the Parliament on 22 December, 2015. The Act came into force from 15 January, 2016.

## Objectives of JJ Act, 2015

- ♦ To achieve the objectives of UNCRC, Beijing Rules and other related international instruments.
- ♦ To provide proper care, protection, development, treatment, social reintegration of CCL and CNCP.
- ♦ To specify procedural safeguards for children in conflict with law.
- ♦ To address challenges in the existing act.

## Highlights of JJ Act, 2015

- ♦ Number of chapters increased from five to 10.
- ♦ New chapters relate to general principles of care and protection of children, Juvenile Justice Board (JJB), Child Welfare Committee (CWC), adoption, other offences against children.
- ♦ Number of sections increased from 70 to 112.
- ♦ Greater clarity in the definition of CCI and Children's Court.
- ♦ Act has been divided into two major parts - CCL and CNCP.

## Key Elements of 2015 Act:

- ♦ Change in nomenclature from Juvenile to Child across the Act.
- ♦ Categorisation of offences as petty, serious and heinous.
- ♦ Timelines for inquiry by the Juvenile Justice Board (JJB).
- ♦ Special provisions for children above the age of 16 years alleged to have committed a heinous offence.
- ♦ Mandatory registration of all child care institutions and stringent penalty in case of non-compliance.
- ♦ Special focus on rehabilitation and re-integration of children through institutional care (child care institutions) and non-institutional care (adoption, foster care, sponsorship, after care).
- ♦ Separate new chapter on adoption to streamline adoption procedures for orphans, abandoned and surrendered children.
- ♦ Mandatory reporting and penalty in case of non-reporting of child who appears or claims to be abandoned, lost, orphaned or without family support.
- ♦ Several new offences against children included which are so far not adequately covered under any other law such as:
  - Sale and procurement of children for any purpose including illegal adoption.
  - Corporal punishment in institutions.
  - Use of child by militants and other adult groups.
  - Offences against disabled children.
  - Kidnapping and abduction.
  - Using a child for vending, peddling, carrying, supplying or smuggling intoxicating liquor, narcotic drugs or psychotropic substance.



## Step 2: Key Elements of 2015 Act related to Children in Conflict with Law

- ♦ Juvenile in conflict with law has been replaced with “child in conflict with law”.
- ♦ No child can be sentenced to death or life imprisonment.
- ♦ Offences have been categorised as:
  - Petty offences
  - Serious offences
  - Heinous offences



- ♦ Children in the age group of 16-18 years may be tried as ‘adults’ in cases of heinous offences after preliminary assessment by JJB.
- ♦ A preliminary assessment to be conducted by the JJB within a period of three months to assess the capacity of such child to commit and understand the consequence of the alleged offence.
- ♦ In case the Board is satisfied that the matter should be disposed of by the Board, then the Board shall follow the procedure, as far as may be, for trial in summons case under the Code of Criminal Procedure, 1973.
- ♦ When the Board after preliminary assessment comes to the conclusion that there is a need for trial of the said child as an adult, then the Board may order transfer of the trial of the case to the Children’s Court having jurisdiction to try such offences.
- ♦ Based on the preliminary assessment report from the Probation Officer, the Board shall take a decision whether to commute the inquiry to the Children’s Court or continue to deal with it.
- ♦ After preliminary assessment by the Board, the court will decide whether the child is to be tried as adult as per the provisions of the Code of Criminal Procedure, 1973 and pass appropriate orders or conduct inquiry as a Board and pass appropriate orders in accordance with the provisions of section 18 of the JJ Act.
- ♦ The Children’s Court shall ensure that the final order, with regard to CCL, shall include an individual care plan for the rehabilitation of the child.
- ♦ The Children’s Court shall ensure that the child who is found to be in conflict with law is sent to a place of safety till he attains the age of 21 years and thereafter, the person shall be transferred to a jail.





### Step 3: JJ Act, 2015: General principles<sup>1</sup> for care and protection of children

The JJ Act lays down the following general principles for the administration of its provisions:

- (i) **Presumption of innocence:** A child shall be presumed innocent of criminal intent up to 18 years.
- (ii) **Principle of dignity and worth:** All human beings shall be treated with equal dignity and rights.
- (iii) **Principle of participation:** Every child shall have a right to be heard and to participate in all processes and decisions affecting his interest.
- (iv) **Principle of best interest:** All decisions shall have the primary consideration that they are in the best interest of the child.
- (v) **Principle of family responsibility:** The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents.
- (vi) **Principle of safety:** All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system.
- (vii) **Positive measures:** All resources are to be mobilised including those of family and community, for promoting the well-being, facilitating development of identity and providing an inclusive and enabling environment, to reduce vulnerabilities of children and the need for intervention under this Act.
- (viii) **Principle of non-stigmatising semantics:** Adversarial or accusatory words are not to be used in the process pertaining to a child.
- (ix) **Non-waiver of rights:** No waiver of any of the rights of the child is permissible or valid.
- (x) **Equality and non-discrimination:** No discrimination against a child on any grounds.
- (xi) **Right to privacy and confidentiality:** Every child shall have a right to protection of his privacy and confidentiality throughout the judicial process.
- (xii) **Institutionalisation as a measure of last resort:** A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.
- (xiii) **Repatriation and restoration:** Every child in the juvenile justice system shall have the right to be re-united with his family unless such restoration and repatriation is not in his best interest.
- (xiv) **Fresh start:** All past records of any child under the Juvenile Justice system should be erased except in special circumstances.
- (xv) **Diversion:** Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.
- (xvi) **Natural justice:** Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review.

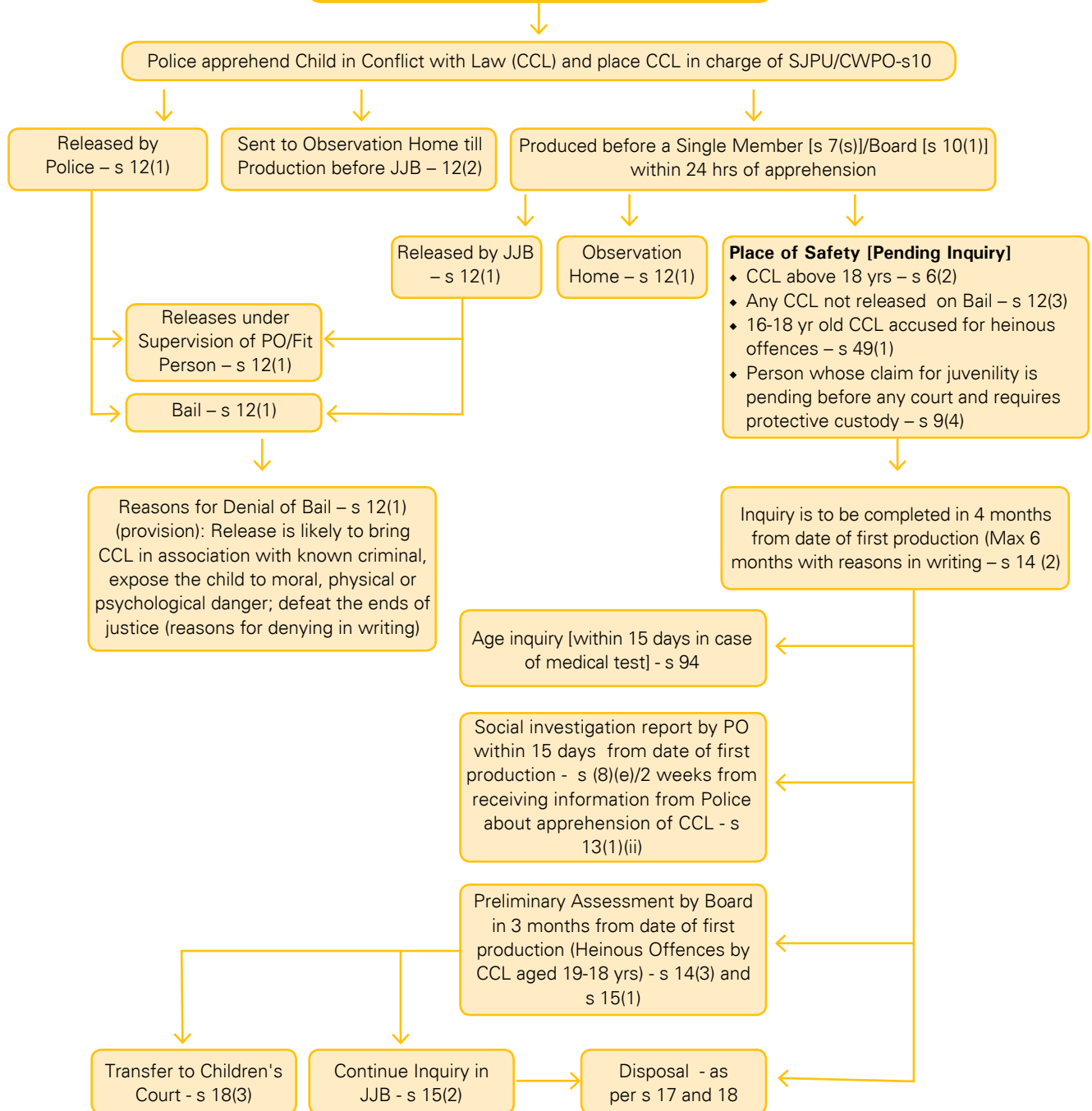


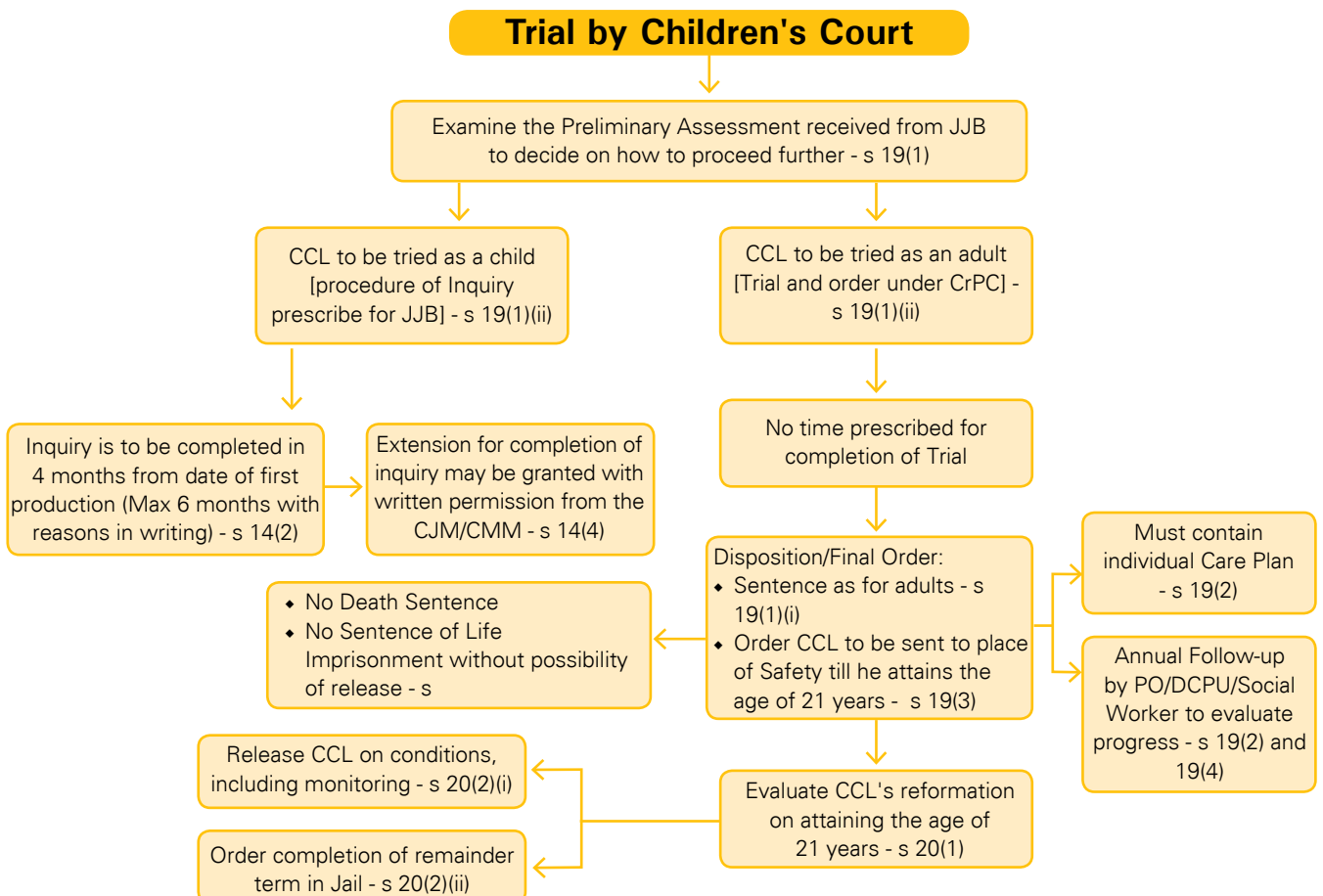
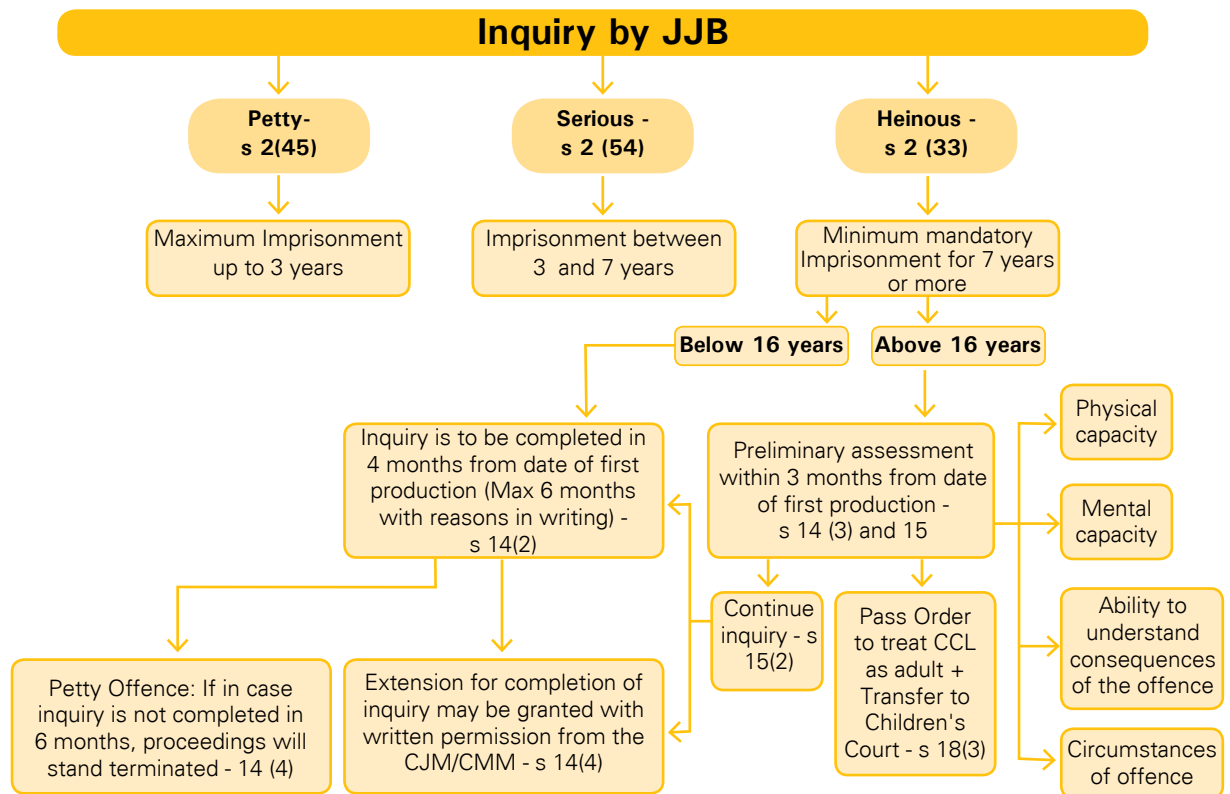
<sup>1</sup> [http://legislative.gov.in/sites/default/files/A2016-2\\_0.pdf](http://legislative.gov.in/sites/default/files/A2016-2_0.pdf)



## Step 4: Flow Chart on Child in Conflict with Law - CCL

### Offence committed by a child



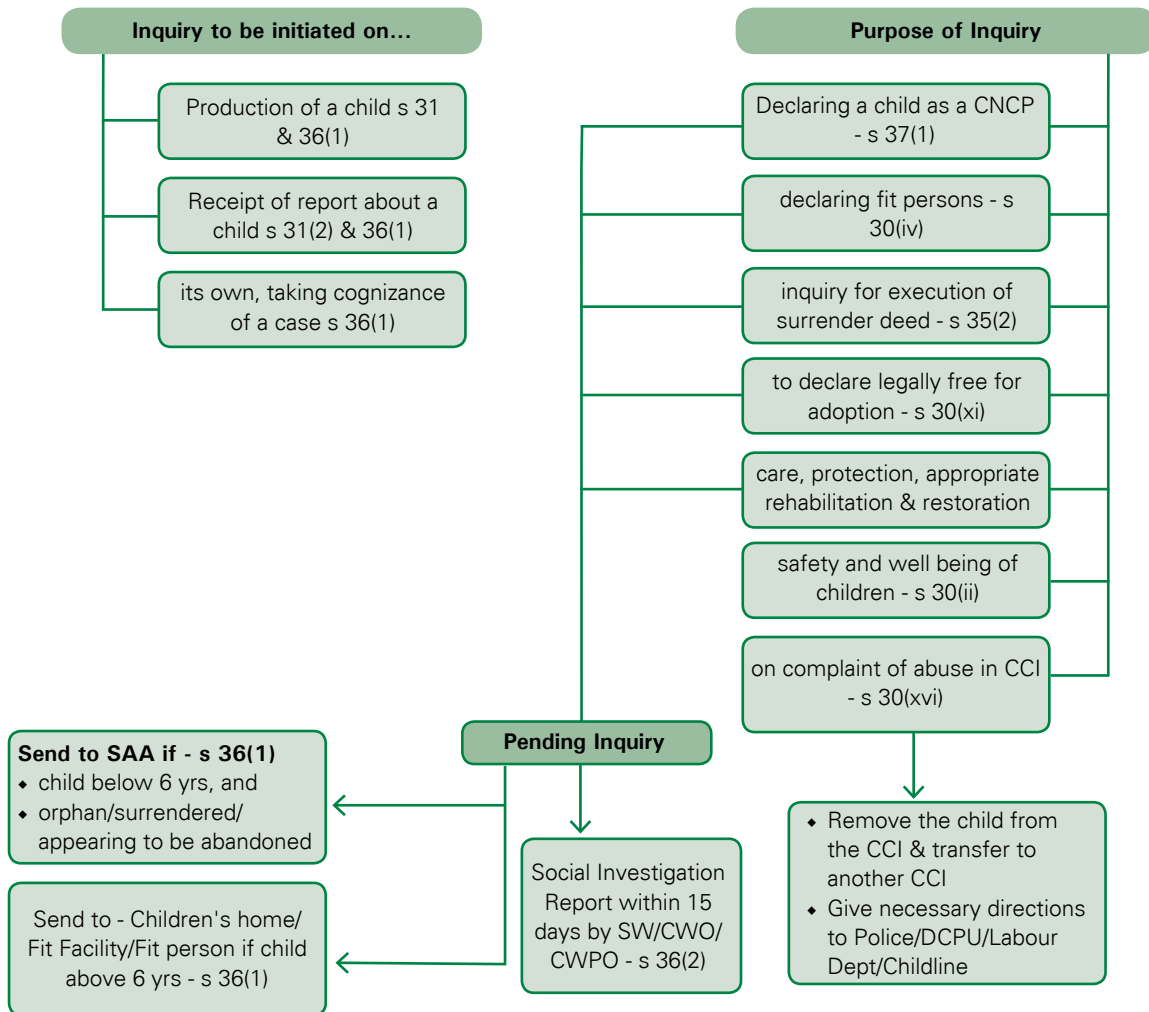




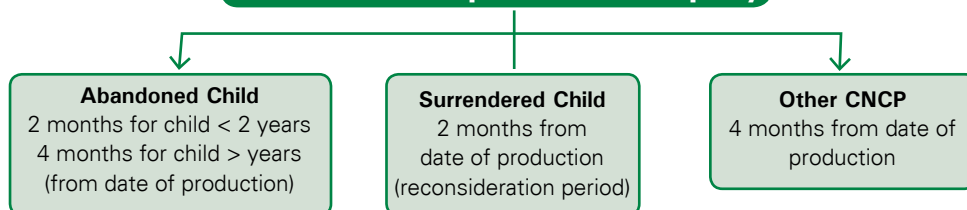
## Step 5: Children in Need of Care and Protection (CNCP)

- ♦ Child to be produced before CWC within 24 hours.
- ♦ Mandatory reporting of child found separated from guardian.
- ♦ Non-reporting will be considered as a punishable offence.
- ♦ CWC shall meet at least 20 days in a month.
- ♦ District Magistrate (DM) shall conduct a quarterly review of functioning of CWC.

### Inquiry by CWC



### Time for Completion of Inquiry





## Step 6: Institutional Care

- ♦ Mandatory registration of child care institutions (CCIs) within six months from the date of commencement of the Act. Failure of compliance will be considered as a punishable offence.
- ♦ Application of registration to be disposed within six months (otherwise it will be regarded as dereliction of duty and will invoke departmental proceedings).

### Institutional Care for CCL

- ♦ At the Observation Home for temporary reception of CCL during pendency of inquiry, the child will be segregated according to age, gender, physical and mental status and in a few cases, it would also be based on the degree of offence.
- ♦ Child who has been found to have committed an offence by JJB will be placed in Special Home.
- ♦ Place of Safety will be set up for children above the age of 18 years or children of the age group of 16-18 years who are convicted for committing a heinous offence.
- ♦ Place of Safety will have separate arrangement and facilities for children during pendency of inquiry/trial and for rehabilitation after a child is convicted.
- ♦ JJB will conduct regular inspection of jails meant for adults to check if any child is lodged in such jails and take immediate measures for transfer of such a child to the observation home(s).

### Institutional Care for CNCP

- ♦ Open shelter for children in need of community support, on short term basis for protecting them from abuse or keeping them away from life on the streets.
- ♦ CWC could recognise a facility to be a fit facility to temporarily take the responsibility of a child, after due inquiry regarding the suitability of the facility and the organisation to take care of the child.
- ♦ Special adoption agency for rehabilitation of orphaned, abandoned or surrendered children.

### Rehabilitation and Social Re-integration

- ♦ Rehabilitation and social integration of children shall be undertaken, based on the individual care plan of the child. This should be preferably through family based care, such as by restoration to family or guardian with or without supervision or sponsorship, or adoption or foster care plan.
- ♦ For CCL, the process of rehabilitation and social integration shall be undertaken in the observation homes, if the child is not released on bail or in special homes or place of safety or fit facility or with a fit person, if placed there by the order of the Board.



- ◆ CNCP who are not placed in families for any reason may be placed in an institution registered for such children under this Act or with a fit person or a fit facility, on a temporary or long-term basis. The process of rehabilitation and social integration shall be undertaken wherever the child is so placed.
- ◆ CNCP who are leaving institutional care or children in conflict with law leaving special homes or place of safety on attaining 18 years of age, may be provided financial support as specified in section 46, to help them to re-integrate in the mainstream society.

## Other Salient Provisions

1. The Central Adoption Resource Authority (CARA) will frame rules and regulations for adoption of orphaned children. Inter-country adoption is allowed when no Indian adoptive parents are available within 30 days of child being declared free for adoption.
2. Adoptive parents should be financially and physically sound. A single or divorced person may adopt a child. A single male may not adopt a girl child. Disabled children will be given priority for adoption.
3. CNCP can be allowed to be placed in foster care based on the orders of the CWC and selection of the foster family.
4. Buying and selling of a child attracts imprisonment up to five years. Giving an intoxicating or narcotic substance to a child attracts imprisonment up to seven years.
5. Establishment of facilities such as children's homes, observation homes, special homes etc. is mandatory for state governments.
6. Compulsory registration of all CCI/residential facilities for CNCP and penalty for non-registration.
7. Corporal punishment of children in child care institutions is also punishable.
8. Individual care plan is mandatory both in case of CCL and CNCP.
9. Non-disclosure of identity of juvenile offenders by media.



## Step 7: Punishment for Offences against Children

- ◆ Punishment for cruelty to children has been enhanced from six months to three years.
- ◆ Selling or buying of children will be a punishable offence with maximum imprisonment of five years.
- ◆ Corporal punishment within CCI will henceforth be a punishable offence.
- ◆ Adoption without prescribed procedures shall be punishable with imprisonment for three years, or fine of one lakh rupees or with both.





## Other Child Protection Laws and Key Features

### ♦ The Protection of Children from Sexual Offences

**Act, 2012** – An Act to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of special courts for trial of such offences and for matters connected with it.

- The SJPU or police shall, within a period of 24 hours, report the matter to the CWC and the Special Court or where no Special Court has been designated, to the Court of Session.
- Where the Special Juvenile Police Unit (SJPU) or police is satisfied that an offence has been committed against a child, it shall make arrangements to give him/her care and protection (admit the child into shelter home or at the nearest hospital).
- The statement of the child shall be recorded at the residence of the child or the place of his/her choice by a woman police officer not below the rank of sub-inspector.
- The police officer while recording the statement shall not be in uniform.
- The police officer making the investigation shall ensure that at no point of time the child comes in contact with the accused.
- No child shall be detained in police station in the night for any reason.
- The police officer shall ensure that the identity of the child is protected from the public.
- The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.
- In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.
- For speedy trial, the State Government shall designate for each district, a Court of Session to be a Special Court to try the offences. As per Rule 4(5) of the POCSO Rules, 2012, the CWC should take into account any preference or opinion expressed by the child on the matter together with the best interest of the child. Also, prior to making such determination, an inquiry should be conducted in such a way that the child is not unnecessarily exposed to injury or inconvenience. This inquiry may therefore be conducted either by the CWC itself or with the assistance of a social worker/probation officer/NGO/any other person found fit by the CWC to be appointed for this purpose. Where a support person has been appointed for the child, the same person may be engaged to conduct the inquiry under Rule 4(5) to assist the CWC in its inquiry.
- The Special Court shall try cases in camera and in the presence of the parents of the child or any other person in whom the child has trust or confidence.



- The Special Court shall ensure that the child is not re-traumatised by being repeatedly called to the court to testify.
- The Special Court shall complete the trial, as far as possible, within a period of one year from the date of taking cognisance of the offence.

## Offences listed under POCSO

- ♦ Sexual offences against children
  - Penetrative sexual assault
  - Aggravated penetrative sexual assault
  - Sexual assault
  - Aggravated sexual assault
  - Sexual harassment
  - Using child for pornographic purposes
  - Abetment of and attempt to commit offence
  - Failure to report or record a case
  - False complaint or false information.



## The Protection of Children from Sexual Offences Act, 2012

- ♦ **Penetrative sexual assault:** Under the Act, a person commits “penetrative sexual assault” if he: (i) penetrates his penis into the vagina, mouth, urethra or anus of a child, or (ii) makes a child do the same, or (iii) inserts any other object into the child’s body, or (iv) applies his mouth to a child’s body parts. The punishment for such offence is imprisonment from seven years to life, and a fine. The 2019 Amendment increases the minimum punishment from seven to 10 years. It further adds that if a person commits penetrative sexual assault on a child below the age of 16 years, he will be punishable with imprisonment from 20 years to life, with a fine.
- ♦ **Aggravated penetrative sexual assault:** The Act defines certain actions as “aggravated penetrative sexual assault”. These include cases when a police officer, a member of the armed forces, or a public servant commits penetrative sexual assault on a child. It also covers cases where the offender is a relative of the child, or if the assault injures the sexual organs of the child or the child becomes pregnant, among others. The 2019 Amendment adds two more grounds to the definition of aggravated penetrative sexual assault. These include: (i) assault resulting in death of child, and (ii) assault committed during a natural calamity, or in any similar situations of violence. Currently, the punishment for aggravated penetrative sexual assault is imprisonment from 10 years to life, and a fine. The Amendment increases the minimum punishment from 10 to 20 years, and the maximum punishment to death penalty.

- ♦ **Aggravated sexual assault:** Under the Act, “sexual assault” includes actions where a person touches the vagina, penis, anus or breast of a child with sexual intent without penetration. “Aggravated sexual assault” includes cases where the offender is a relative of the child, or if the assault injures the sexual organs of the child, among others. The Amendment adds two more offences to the definition of aggravated sexual assault. These include: (i) assault committed during a natural calamity, and (ii) administering or help in administering any hormone or any chemical substance to a child for the purpose of attaining early sexual maturity.
- ♦ **Pornographic purposes:** Under the Act, a person is guilty of using a child for pornographic purposes if he uses a child in any form of media for the purpose of sexual gratification. The Act also penalises persons who use children for pornographic purposes resulting in sexual assault. The 2019 Amendment defines child pornography as any visual depiction of sexually explicit conduct involving a child including photograph, video, digital or computer generated image indistinguishable from an actual child. In addition, the Amendment enhances the punishments for certain offences as shown in Table 1.

**Table 1: Punishment for offences for using child for pornographic purposes**

Offence	POCSO Act, 2012	2019 Amendment Act
Use of child for pornographic purposes	♦ Maximum: 5 years	♦ Minimum: 5 years
Use of child for pornographic purposes resulting in penetrative sexual assault	♦ Minimum: 10 years ♦ Maximum: life imprisonment	♦ Minimum: 10 years (in case of child below 16 years: 20 years) ♦ Maximum: life imprisonment
Use of child for pornographic purposes resulting in aggravated penetrative sexual assault	♦ Life imprisonment	♦ Minimum: 20 years ♦ Maximum: life imprisonment, or death.
Use of child for pornographic purposes resulting in sexual assault	♦ Minimum: Six years ♦ Maximum: Eight years	♦ Minimum: Three years ♦ Maximum: Five years
Use of child for pornographic purposes resulting in aggravated sexual assault	♦ Minimum: Eight years ♦ Maximum: 10 years	♦ Minimum: Five years ♦ Maximum: Seven years

**Note:** Punishment for using a child for pornographic purposes resulting in any form of sexual assault is in addition to minimum five years for use of child for pornographic purposes.

- ♦ **Storage of pornographic material:** The Act penalises storage of pornographic material for commercial purposes with a punishment of up to three years, or a fine, or both. The Bill amends this to provide that the punishment can be imprisonment between three and five years, or a fine, or both. In addition, the Bill adds two other offences for storage of pornographic material involving children. These include: (i) failing to destroy, or delete, or report pornographic material involving a child, and (ii) transmitting, displaying, distributing such material except for the purpose of reporting it.

**Sources:** Protection of Children from Sexual Offences (Amendment) Bill, 2019; Protection of Children from Sexual Offences Act, 2012; PRS.

**Note: We need more reformative/healing and preventive efforts in the system to counter crimes such as sexual assaults against children. Laws are necessary but they will not change the deep rooted gender biases, norms and discriminatory practices.**

### Step 8: The Child Labour (Prohibition And Regulation) Amendment



#### Act, 2016

- ♦ An Act to prohibit the engagement of children (below 14 years of age) in all occupations and to prohibit the engagement of adolescents (14-18 years of age) in hazardous occupations and processes and the matters connected with it.
  - A child (means a person who has not completed his 14th year of age) cannot be employed or permitted to work in any occupation or process except where a child helps his/her family or family enterprise, which is other than any hazardous occupations or processes, after his school hours or during vacations or where a child works as an artist in an audio-visual entertainment industry.
  - Any adolescent (a person between 14-18 years) cannot be employed or permitted to work in any of the hazardous occupations or processes set forth in the Schedule to the Act.
  - Whoever employs any child or any adolescent in contravention of the provisions of the Act shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years, or with fine which shall not be less than 20,000 rupees but which may extend to 50,000 rupees, or with both.



- Whoever, having been convicted of an offence under the Act commits a like offence afterwards, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years.
- ♦ **The Prohibition of Child Marriage Act, 2006**
  - An Act to provide for the prohibition of solemnisation of child marriages. Under this Act, the legal age of marriage for a boy and girl is 21 years and 18 years respectively.
- ♦ **The Immoral Traffic Prevention Act, 1956**
  - The Act intends to combat trafficking and sexual exploitation for commercial purposes.
- ♦ **The Right of Children to Free and Compulsory Education Act or Right to Education (RTE) Act** – An Act to provide for free and compulsory education to all children of 6 to 14 years and prohibition of corporal punishment.
- ♦ **The Commissions for Protection of Child Rights Act, 2005** - An Act to provide for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected with it.



## Step 9: Monitoring

National Commission for Protection of Child Rights (NCPCR) and State Commissions for Protection of Child Rights (SCPCR) are mandated to monitor the implementation of the provisions of this Act, in such manner, as may be prescribed. The Supreme Court of India and the High Courts have a committee on Juvenile Justice with appointed sitting judges who are also tasked with the monitoring of the implementation of the JJ Act primarily but also other related legislations.

## Mission Vatsalya for the Well-being of Children (erstwhile ICPS) under MWCD



Time:  
**60 Minutes**

Prior to 2009-10, there were three schemes being implemented by MWCD under child protection, namely:

- i) Programme for Juvenile Justice for Children in need of care and protection, and Children in conflict with Law;
- ii) Integrated Programme for street children; and
- iii) Scheme for assistance to homes for children (Shishu Greh).

All the three schemes were incorporated in a single centrally sponsored scheme called the Integrated Child Protection Scheme (ICPS). The ICPS was implemented by the Ministry since 2009-2010. The scheme was renamed as “Child Protection Services” Scheme in 2017. The CPS Scheme has been subsumed under Mission Vatsalya from 2021-22 onwards.

### **The Mission aims to:**

- i) Support and sustain children in difficult circumstances;
- ii) Develop context-based solutions for holistic development of children from varied backgrounds;
- iii) Provide scope for encouraging innovative solutions;
- iv) Cement convergent action.

Mission Vatsalya is a roadmap to achieve development and child protection priorities aligned with the Sustainable Development Goals (SDGs). It lays emphasis on child rights, advocacy and awareness along with strengthening of the juvenile justice care and protection system with the motto to 'leave no child behind'. The provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and the Protection of Children from Sexual Offences Act, 2012 form the basic framework for implementation of the Mission.



### **Objectives:**

At the end of the session, the participants will be able to describe the features of Mission Vatsalya.





## Step 1

### Objectives of Mission Vatsalya

- ♦ Prioritisation of children in the scheme of Administration keeping Centrality of the Child during all the activities and actions taken under the Mission.
- ♦ Best interest of the Child while designing or delivering projects and programmes and to take affirmative action to ensure right to grow in happy family environment with strong social safety net to support families.
- ♦ Ensuring Children's right to Survival, Development, Protection and Participation.
- ♦ To establish essential services and strengthen emergency outreach, noninstitutional care within the family and community, and institutional care counselling and support services at the national, regional, state and district levels.
- ♦ To ensure appropriate inter-sector response at all levels, coordinate and network with all allied systems to promote convergent efforts for seamless service delivery to children.
- ♦ To strengthen child protection at family and community level, equip families and communities to identify risks and vulnerabilities affecting children, create and promote preventive measures to protect children from situations of vulnerability, risk and abuse.
- ♦ Encourage private sector partnerships and interventions to support children within the framework of law.
- ♦ Raise public awareness, educate public about child rights, vulnerabilities and measures for protection sponsored by government and engage community at all levels as stakeholder in ensuring the best interest of children.
- ♦ Build capacities of duty holders & service providers at all levels.
- ♦ Monitor progress on objective parameters against well-defined Outputs and Outcomes, and
- ♦ Participation of Panchayats and Municipal Local Bodies at the village level and at the ward and the urban cluster level within the urban municipal ward, for sustained assessment of the issues deserving attention, implementation of appropriate interventions, regular monitoring to develop a robust social safety net for children.

### Components

- ♦ Institutional Care
- ♦ Non-Institutional Care
- ♦ Mission Vatsalya Portal
- ♦ Emergency Outreach Services

## Delivery Structure

### Central Level:

- ♦ MWCD
- ♦ Mission Vatsalya Project Approval Board (PAB)
- ♦ The Mission Vatsalya Central Project Monitoring Unit (CPMU)
- ♦ Central Adoption Resource Agency (CARA)

### State/District Level:

- ♦ State Child Protection Society
- ♦ State Adoption Resource Agency
- ♦ Specialized Adoption Agency
- ♦ District Child Protection Unit
- ♦ Child Welfare Committees
- ♦ Juvenile Justice Boards
- ♦ Special Juvenile Police Units
- ♦ State Level Monitoring Committee
- ♦ State Child Welfare and Protection Committee
- ♦ District Child Welfare and Protection Committee
- ♦ PRIs/Urban Local Bodies Committees on Social Justice/Women & Children to function as Child Welfare and Protection Committees.



## Step 2

There shall be a **State Child Welfare and Protection Committee** under the Chairpersonship of the Principal Secretary/Secretary WCD/DSJE to supervise implementation of Mission Vatsalya with the help of the State Child Protection Society (SCPS). This Committee will prepare an annual action plan including financial proposal for the state and submit to the Ministry for approval. This Committee shall closely monitor and review the working of structures, services and progress under various components of Mission Vatsalya and hold quarterly review meetings with District Child Welfare and Protection Committees for effective implementation of the scheme. The composition of the Committee shall be as under-

Sl. No.	Members	Designation
1.	Principal Secretary/Secretary, of Department of Women and Child Development	Chairperson
2.	Principal Secretary/Secretary, Home Affairs	Member
3.	Principal Secretary/Secretary, Department of Social Justice & Empowerment	Member
4.	Principal Secretary/Secretary, Department of Health & Family Welfare	Member

Sl. No.	Members	Designation
5.	Principal Secretary/Secretary, Department of Law & Justice	Member
6.	Principal Secretary/Secretary, Department of Education	Member
7.	Principal Secretary/Secretary, Youth Affairs & Sports	Member
8.	Principal Secretary/Secretary, Department of Panchayati Raj	Member
9.	Principal Secretary/Secretary, Department of Rural Development	Member
10.	Principal Secretary, Skill Development	Member
11.	Principal Secretary/Secretary, Department of Housing and Urban Affairs	Member
12.	Principal Secretary/Secretary, Department of Labour & Employment	Member
13.	Commissioner/Director WCD	Member-Secretary
14.	Any other domain expert/statutory body/departments	Co-opted member

At the District level, the District Magistrate shall chair the **District Child Welfare and Protection Committee** in every District. It shall be responsible for the effective implementation of Mission Vatsalya.

Sl. No.	Members	Designation
1.	District Magistrate	Member
2.	Superintendent of Police	Member
3.	Representative from District Legal Services Authority	Member
4.	Commissioner/Chief Executive Officer Urban Local Body	Member
5.	Chief Executive Officer Zilla Parishad/Rural Development Officer	Member
6.	District/Chief Medical Officer/Civil Surgeon	Member
7.	District Labour Officer	Member
8.	District Education Officer	Member
9.	District Sports Officer	Member
10.	District Social Welfare Officer	Member
11.	Project Officer, Integrated Tribal Development Project (ITDP)	Member
12.	District Skill Development Officer	Member
13.	District Planning Officer	Member
14.	District Program Officer (WCD)/ District Social Welfare Officer/ Child Development Project Officer HQ	Member-Secretary
15.	Any other domain expert/statutory body/departments	Co-opted member

At the village/block level, Mission Vatsalya envisages that under the existing Standing/Sub-Committee system of the local bodies, the function of child welfare and protection issues may be assigned to the existing committee of the urban local body/Panchayati Raj Institution/Gram Panchayat which deals with issues of social justice/welfare of women and children.

<b>Panchayati Raj Institution</b>	Zila Parishad Committee dealing with welfare of women and children
	Block level Committee dealing with welfare of women and children
	Gram Panchayat standing Sub- Committee on Social Justice/welfare of women and children

<b>Urban Local Body</b>	Standing Committee at the Municipal Level looking after issues of welfare of women and children
	Ward level committee dealing with welfare of women and children's issues in the area

### **Inspection and Monitoring of CCIs**

In order to ensure protection of children living in CCIs, the Ministry has pursued with State/UT Governments to conduct inspections and maintain the institutions in accordance with the vision of the JJ Model Rules, 2016. The Ministry has also advised State Governments to conduct background check of agencies managing CCIs and also ensure police verification of the staff. The Ministry has advised the States/UTs to take action for the welfare of children, in case of any eventuality while living in CCIs. The Ministry has consistently pursued with the States/UTs to ensure registration of all CCIs under the JJ Act.

### **Child Helpline**

The Child Helpline under Mission Vatsalya shall run in coordination with State and District functionaries and integrated with the Emergency Response Support System 112 (ERSS-112) helpline of MHA.

### **Child Help Desks at Railway Stations**

The MWCD has framed Standard Operating Procedures (SOPs) to be implemented with the help of Railways for rescue and rehabilitation of runaway, abandoned, kidnapped or trafficked children. Child Help Desks are set up at various railway stations for rescue and rehabilitation of children. Child Help Desks at railway stations have been increased from 62 railway stations during 2017-18 to 84 railway stations during 2018-19. Over 60,000 children have been assisted by these facilities during the current year.

### **PM CARES for Children Scheme**

The PM CARES for Children Scheme was launched by the Hon'ble Prime Minister of India on 29th May 2021. It aims to support children who have lost both the parents or legal guardian or adoptive parents or surviving parent to COVID-19 pandemic

during the period starting from 11th March 2020. For non-institutional care, financial support at the rate of Rs. 4000/- per month per child shall be provided to Children (in account with guardian) under the Mission Vatsalya Scheme. For children in institutional care, a maintenance grant @ Rs. 3000/- per month shall be given under the Mission Vatsalya Scheme, to Child Care Institutions.

### **Celebration of Hausala 2018**

The MWCD hosted the 2nd Inter-Child Care Institution Festival, “Hausala 2018”, for children residing in CCIs from 26-29 November, 2018. The event was organised around the theme of ‘child safety’ to inspire the children of CCIs so that they can reach the national stage for expressing their capabilities. Besides, the event also aimed to understand the views of children regarding their safety in various situations. During the festival, children participated in various activities like debate, painting, athletics, football and chess competition. A new competition called ‘Abhiviyakti’ to encourage free expression amongst children was introduced this year. More than 600 children from CCIs across 18 States/UTs participated in the programme.

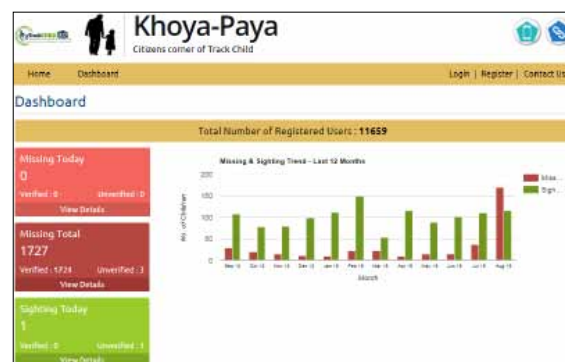
### **Mission Vatsalya Portal**

The Mission Vatsalya portal will provide a unified Digital Platform for various MIS related to children in difficult circumstances which include missing, orphaned, abandoned, and surrendered children. These vulnerable children need to be mapped with the govt. institutions/services so that their care and development can be ensured.

The four different portals under child protections services and Juvenile Justice Act –TrackChild, for Missing/Found Children; CARINGS, for the adoption of Children; ICPS portal, for monitoring the scheme and; Khoya-Paya, application for missing and sighted children shall be integrated by the NIC under one single portal.

### **Khoya-Paya Portal**

In order to bring citizen participation for protecting children, a citizen based portal Khoya-Paya was launched in June, 2015, which enables posting of information of missing or sighted children. So far, more than 9,962 users have been registered on the portal during 2018-19. Besides, more than 1,10,000 cases of missing or sighted children have been published on the portal.



### **e-Box for Children who have suffered Sexual Abuse**

Children are often unable to complain about sexual abuse. In order to provide them with a safe and anonymous mode of making a complaint, an internet based facility, Protection of Children from Sexual Offences (POCSO) e-Box, has been

provided at NCPCR website where the child or anyone on his/her behalf can file a complaint with minimal details. POCSO e-Box receives complaints from other mediums such as e-mail, POCSO e-button, etc. As soon as the complaint is filed, a trained counsellor immediately contacts the child and provides assistance to the child. The counsellor also registers a formal complaint on behalf of the child, wherever warranted. A total number of 3,213 hits have been received on helpline number since the launch of POCSO e-Box, i.e., from 26 August, 2016 till 20 December, 2018. Out of these hits, 135 cases were found to be covered under the Protection of Children from Sexual Offences Act, 2012.

### Draft Child Protection Policy

The Ministry framed the draft Child Protection Policy 2018. The policy draws upon the safeguards provided under the Constitution of India, various child-centric legislations, international treaties as well as other existing policies for the protection and well-being of children. It aims at providing a safe and conducive environment for all children through the prevention of and response to child abuse, exploitation and neglect. It provides a framework for all institutions, and organisations (including corporate and media houses), government or private sector to understand their responsibilities in relation to safeguarding/protecting children and promoting the welfare of children, individually and collectively.

### SAMVAD

The Ministry has launched Support, Advocacy and Mental health Interventions for children in Vulnerable circumstances And Distress (SAMVAD) centre under a project in collaboration with NIMHANS. Mental health of all children, especially those in distress conditions is a major concern. Not only children, but their care givers also need counselling support during the course of engagement with these children. It is proposed to facilitate counselling through engagement with apex medical health institutions in the country for building capacities in psycho-social counselling care which is necessary for both children as well as care givers. Mission Vatsalya aims to further expand the initiative by engaging with other suitable Institutions and leveraging the experience/learning's from SAMVAD and replicating similar Centres in other parts of the Country.

### **Grading of Child Care Institutions**

The State governments shall take up exercise to grade each Child Care Institution (CCI) at fixed intervals. The grading shall be done based on Infrastructure, quality of services, wellbeing of children especially in terms of health and education, restoration and rehabilitation of children, inter alia. The grading of CCIs including designing of parameters and indicators will be carried out in consultation with National Institute of Child Development and Public Cooperation (NIPCCD).

### **Supporting National Child Resource Centre at National Institute of Public cooperation and Child development**

The National Child Resource Centre within NIPCCD (Headquarters) will be strengthened for complimenting the Mission by way of providing technical inputs and facilitating academic research on issues concerning children. The purpose of Resource Centre will be to create a knowledge hub to provide technical guidance to various stakeholders under child protection system to strengthen child protection services and child welfare services.

### **Conducting a National Child Survey and development of Child Index in collaboration with Ministry of Statistics and Programme Implementation (MoSPI)**

The National Child Index and Child Survey are proposed to be designed and implemented in convergence with Ministry of Statistics and Programme Implementation (MoSPI). It is necessary to map the needs of children through a periodic Child survey, so as to ensure suitable response in terms of policy, programmes or projects. With the help of the Child Index, Mission Vatsalya Guidelines 43 performance of various Districts, States and UTs will be evaluated and specific needs/areas will be identified for designing targeted interventions.

### **Child Protection Awards**

Child Protection Awards are proposed to recognize the dedication and hard work of staff working across all areas of the child protection programs in States/UT's, by acknowledging their work, commitment and excellence and leadership of the highest standard. The Awards shall be given based on the recommendation of the State Government and UTs.

### **Research and Documentation**

All States/UTs will carry out need-based research and documentation activities at their level in order to analyse the ground level situation affecting the welfare and protection of children and applying possible solutions.

### **Publication of Newsletters**

The Ministry along with all States and UT Governments would publish newsletters bi-annually highlighting their achievements and best practices in the field of child welfare and child protection. These newsletters should emphasize the efforts that any State/UT government may have taken for convergence of the scheme with other important stakeholders. The purpose of these newsletters will be to raise



public awareness about child rights, welfare and steps being undertaken by the government to ensure well-being of the child at every stage by involving community at all levels. States/UT Governments should upload the Newsletters on the portal.

### **Engaging Volunteers**

To encourage public participation, develop synergy in efforts, promote collaborations with academic institutions/Universities from internships, exchange programmes under the Mission for fostering linkages and utilize the resources available for success of the mission, the civil society, people's groups and various volunteering organizations can be encouraged to participate in under Mission Vatsalya in a systematic and planned manner. The organizations under any Government initiative like Bharat Scout and Guide, NSS Volunteers, Nehru Yuva Kendras etc., or the NGOs, Self-Help Groups etc., which are already working for the similar objectives, may be identified.

### **Child Budgeting**

Mission Vatsalya takes cognizance of the fact that a large number of schemes are being implemented for people, irrespective of age or gender. However, since the facilities or services are created with an adult perspective, they are often unable to complement the need of children. For example, the drinking water taps in public places are mostly at a height not suitable for children. As a result, a considerable number of young beneficiaries are unintentionally deprived of the services. It is necessary to have a child sensitive orientation while building public facilities or providing common services. Under Mission Vatsalya, all the Ministries, departments and States shall be pursued to adequately invest for children under their schemes and maintain a child sensitive disposition while designing the programmes.

## Annexure 1: Picture Cards to Understand Child Rights



**Health and Medical Facilities**



**Bicycle**



**Happy Home**



**Clothes**



**Picnic and entertainment**



**Nutritious food and clean water**



**No scolding**



**Education**



**Being heard**



**Smart phone**



**Fast-food**



**Play Grounds**



**Caring Family**



**Safe Environment**



**Toys and Games**



**Ability to buy things**



**Non-discrimination**



**Participation**



**Sleeping as long as desired**



**TV and Computer**

## Annexure 2: The Balloon Activity



Time:  
**20 Minutes**



### Objective:

To introduce the topic of child protection in a fun, non-threatening manner. (This activity is good to use at the beginning of a workshop to actively engage participants and prepare them for a greater discussion on the topic.)



### Materials required

- ♦ Balloons tied to a string – enough for one quarter of the participants
- ♦ Large space that is enough for people to move around freely
- ♦ Pens

### Instructions

1. Count the number of participants and divide them to form four groups. Ask for first group of volunteers for an activity (don't give any more information than that). Step out of the room with them. They will be Group One. Distribute the balloons to them and instruct them to blow up the balloons and to tie them tightly to their wrists, ankles or any part of their body. Tell them nothing else.
2. Request another group of volunteers (same number as group 1) to step out of the room with you. Their instruction is that when the game starts, they must each stand by one person with a balloon and protect that one person only. They must not talk at all. They are Group Two.
3. Request a third group of volunteers of two or three people. Tell them that their task is to pop all the balloons as quickly as possible and they can strategise however they like. They are Group Three.
4. The remaining participants are told to watch. They are Group Four. Do not inform Group One or Two or Four what the aim of the game is. Only Group Three knows.
5. **The Game** 1. Ask everyone to re-enter the room. 2. Call the group to silence. 3. Instruct Group Two to stand by the Group One volunteers. One-on-one. 4. Call – start the game.
6. The game is finished after one to two minutes. Usually one minute is enough to pop most or all of the balloons.

## Debrief

1. Make all of the participants sit in a circle.
2. Ask the people with the balloon how they felt during the exercise. Typical comments are – did not know what was going on; frightened; attacked; frustrated; looked for help from someone bigger; did not trust the person standing next to me, etc.
3. Ask Group Two – How did you feel? Typical comments are – frustrated because I did not know what the game was; did not have time to prepare; could not protect the person well because the attackers seemed to have a plan; thought I could protect at the beginning then had no chance; helpless; did not really know what to do.
4. Ask Group Three – How did you feel? Typical answers – great; easy to pop the balloons; sneaky; they were in more control.
5. Ask Group Four – How did you feel? Typical answers are – Wanted to do something but did not know what I could do; helpless; entertained.

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**Explanation:** Whom do the four groups actually represent? Ask the participants if they can guess what each group represents.

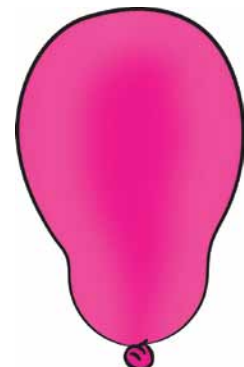
- a. Group One represents children who need protection.
  - b. Group Two represents adults who are doing their best to protect children.
  - c. Group Three represents those adults who have no regard for child rights and therefore abuse children in a variety of ways, or those who, through ignorance, allow children to become more vulnerable. Group Three can also represent negative actions that can harm children. Although the group/ organisation/ person may believe they are helping the child, through their lack of knowledge on child rights, child protection, and children's development, their ignorance may lead to negative actions, thus causing harm to children.
  - d. Group Four represents those people who just watch and do nothing. They may want to do something but do not know what to do. Or they may not think that something is so wrong.
- 

Ask participants what was needed to stop the balloons from being popped by Group Three.

Some potential responses:

### Children

Need to know what is happening. Some have skills to resist but others are more vulnerable (refer to the balloon game - some ran away and others were caught quickly). Sometimes children team up together and protect each other. All need some skills to protect themselves but they are not responsible for protection.



**Adults are Protectors**

- ◆ Need to know what was going on.
- ◆ Need to combine forces and protect as a group, not just as individuals.
- ◆ Need to know the tactics of those who intentionally abuse children or need to know how children become more vulnerable.

**Abusers**

- ◆ Need to know that their behaviour is not acceptable.

**Ignorant and Observers**

- ◆ Need to know how their actions make children more vulnerable.
- ◆ Must actively participate in protection and not just observe.
- ◆ Need to know how to recognise protection problems and how and when they should respond.
- ◆ Need to know how their inaction compromises a child's protection.--

## Annexure 3: Individual Care Plan

### MINISTRY OF WOMEN AND CHILD DEVELOPMENT

#### NOTIFICATION

New Delhi, the 21<sup>st</sup> September, 2016

**G.S.R. 898.**—In exercise of the powers conferred by the proviso to sub-section (1) of section 110 the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016), the Central Government hereby makes the following model rules, namely:-

#### CHAPTER – I

#### PRELIMINARY

**1. Short title and commencement.-** (1) These rules may be called the Juvenile Justice (Care and Protection of Children) Model Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.-** (1) In these model rules, unless the context otherwise requires,-

- (i) “Act” means the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016);
- (ii) “Authority” means the Central Adoption Resource Authority constituted under section 68 of the Act
- (iii) “Case Worker” means a representative from a registered voluntary or non-governmental organisation who shall accompany the child to the Board or the Committee and may perform such tasks as may be assigned to him by the Board or the Committee;
- (iv) “Child Adoption Resource Information and Guidance System” means an online system for facilitating and monitoring the adoption programme;
- (v) “Child Study Report” means the report which contains details about the child, such as his date of birth and social background;
- (vi) “community service” means service rendered by children in conflict with law who are above the age of fourteen years and includes activities like maintaining a park, serving the elderly, helping at a local hospital or nursing home, serving disabled children, serving as traffic volunteers etc.
- (vii) “Form” means the forms annexed to these rules;
- (viii) “Home Study Report” means a report containing details of prospective adoptive parents or foster parents, and shall include social and economic status, family background, description of home and atmosphere, and health status;
- (ix) “individual care plan” is a comprehensive development plan for a child based on age and gender specific needs and case history of the child, prepared in consultation with the child, in order to restore the child’s self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following, including but not limited to, needs of a child, namely:-
  - (a) health and nutrition needs, including any special needs;
  - (b) emotional and psychological needs;
  - (c) educational and training needs;
  - (d) leisure, creativity and play;
  - (e) protection from all kinds of abuse, neglect and maltreatment;
  - (f) restoration and follow up;
  - (g) social mainstreaming;
  - (h) life skill training.
- (x) “in country adoption” means adoption of a child by a citizen of India residing in India;



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