KERALA INSTITUTE OF LOCAL ADMINISTRATION (KILA)
Mulamgunnathkavu P.O. Thrissur - 680581

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STRENGTHENING CHILD FRIENDLY
LOCAL GOVERNANCE IN KERALA

Child Welfare and Protection Committee (CWPC)

Handbook

Kerala Institute of Local Administration
Thrissur

Strengthening Child Friendly
Local Governance in Kerala

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Strengthening Child Friendly Local Governance in Kerala
Child Welfare and Protection Committee (CWPC): Handbook

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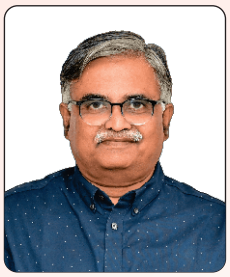
FOREWORD



It is with great pleasure and a sense of commitment that I extend my warm greetings to all the readers and users of the handbooks and modules being released in April 2024. These resources have been meticulously prepared as part of the "Strengthening Child-Friendly Local Governance in Kerala" project, supported by UNICEF.

Children are not just the future custodians of our society. They are a vital part of our present one and their well-being is a shared responsibility that extends beyond individual households to encompass the broader realms of government and society. The state of Kerala, known for its pioneering initiatives in local governance, has once again taken a significant stride in ensuring the protection and welfare of children by establishing the Child Welfare and Protection Committee (CWPC) at various levels of the local self-governments including at the ward level.

Apart from legal frameworks that safeguard children's rights, these handbooks and modules also address the various roles and responsibilities of entities such as the Child Advisory Board (CAB), Child Resource Center (CRC), and Child Welfare and Protection Committee (CWPC) and allied mechanisms within the LSG, its constituent bodies, other departments, and institutions along with that of the diverse stakeholders. They also include frameworks for training sessions, plan of action, case studies, formats for data collection and vulnerability assessments, integration possibilities, scope of work apart from child-related aspects such as child psychology, role of gender, etc.

As we release these resources, I urge all stakeholders, including elected representatives and local self-governments, to embrace the spirit of decentralization and collaborate effectively in making our local governance child-friendly. I express my gratitude to UNICEF for their valuable support and wholeheartedly commend the

dedicated efforts of the team from different departments and agencies in Kerala in developing these essential tools to advance the cause of child-friendly local governance. Together, let us build a future where every child in Kerala grows up in a safe, nurturing, and empowering environment.

Sincerely

Dr. Joy Elamon
Director General, KILA

PREFACE

The establishment of Child Welfare and Protection Committees (CWPCs) at every level including the wards is a pivotal step towards creating child-friendly local self-governments. Therefore, the Child Welfare and Protection Committee Handbook is a crucial initiative by the Kerala Institute of Local Administration (KILA) with the aim of "Strengthening Child-Friendly Local Governance in Kerala", a project supported by UNICEF. It is an integral part of the series of handbooks and training modules being released by KILA in April 2024 in this regard.

This handbook serves as a comprehensive guide for the members of CWPCs in three-tier panchayats, providing insights into the committee's structure, duties, and the essential role it plays at different levels of governance – from the ward level to the district level. It not only delineates the responsibilities of committee members but also establishes a Code of Conduct, directives for meetings, guidelines for functioning, and insights into aspects such as tenure, exemption, referral systems, mechanisms for monitoring activities and reporting and the vital training of CWPC members.

The inclusion of appendices covering important rules, legislations, and articles such as the Juvenile Justice Act, POCSO Act 2012, and Child Labor Prohibition Act 2016, reflects the commitment to legal frameworks that safeguard children's rights. Additionally, the handbook sheds light on the broader Child Protection Systems and Services, including the Juvenile Justice Board, Child Welfare Committee, District Child Protection Unit, Special Juvenile Police Unit, and various aspects of adoption, foster care, sponsorship, and child care institutions.

The integration of Vulnerability Mapping, case studies, and a commitment to training members underscores the practical approach of this handbook, ensuring that CWPCs are well-equipped to address the multifaceted challenges related to child welfare.

Through a comprehensive approach, it is hoped that this handbook will not only educate the readers on the legal frameworks and principles governing child welfare but also sensitize them to the vitality of entities such as the Child Advisory Board

(CAB), Child Resource Center (CRC), and Child Welfare and Protection Committee (CWPC) and allied mechanisms within the LSG, its constituent bodies, other departments, and institutions in collectively strive towards a unified goal of child-friendly local governance.

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Child Welfare and Protection Committee (CWPC)

Introduction

Although the primary responsibility for ensuring the welfare of children rests with parents, the role of government and society in its implementation is crucial. In the draft document of the Integrated Child Protection Scheme, aimed at protecting the rights of children from the bottom up, it is suggested that states should form and implement the necessary Child Welfare and Protection Committees. Our state has consistently been at the forefront of devising and implementing innovative methods in local governance. It has set an example by decentralizing governance, devolving funds, responsibilities, and duties to local self governments through People's Plan Campaign. In this context, the state is also committed to effectively protecting child rights by forming the Child Welfare and Protection Committee. Our local self-governing bodies can certainly implement a mechanism to prevent violence against children, check child rights denials, and intervene effectively. The government has issued two orders regarding the formation of Child Welfare and Protection Committees in the state (G.O. (MS) No. 68/2012 /SJD dated 9-11-2012 and G.O. (RT) No. 44/2012 SJD dated 3.7. 2017). Child Welfare and Protection Committees should work by adopting the standards and approach laid down in the Integrated Child Protection Scheme (section 'Monitoring' in the ICPS Guidelines) and drawing on the state's experience of decentralized planning. This handbook has been prepared as a working aid for the members of Child Welfare and Protection Committees in local self governments.

There are Child Welfare and Protection Committees (CWPC) in the Local Self-Government bodies, functioning from the Local Self-Government to the Ward level. These committees have two crucial responsibilities. First, they determine actions to create an environment where no problems against children arise. Second, they refer problems that do arise against children to the relevant authorities promptly and follow up on them. Mechanisms like Child Advisory Board (CAB), Child Resource Center (CRC), and Child Welfare and Protection Committee (CWPC), which work towards making a local self-government body child-friendly, along with the allied mechanisms within the LSG, its constituent bodies, other

departments, and institutions, all aim for the same goal. These systems, each working towards a common objective, must integrate and converge their activities for smooth functioning. CWPCs have a crucial role to play in facilitating this integration.

Mission Vatsalya

Mission Vatsalya, formerly known as the Integrated Child Protection Scheme, is a program developed by the Women and Child Development Ministry at the Centre to streamline various child protection schemes and systems implemented by the government under one umbrella. The project's objective is to implement the Juvenile Justice Act 2015 and related laws up to the panchayat level. To facilitate this implementation, State Child Protection Societies at the state level and District Child Protection Societies at the district level have been established.

District Child Welfare and Protection Committees are formed to oversee activities at the district level, and based on this, Block/Panchayat Protection Committees, under the leadership of local self-government bodies, coordinate activities in their respective areas. The Block level committee convener is the Child Development Program Officer, and the Panchayat level committee convener is the ICDS Supervisor.

The project is designed for children up to 18 years of age, including those in conflict with the law, victims and witnesses, victims of violence, differently-abled children, street children, those suffering due to parental incapacity, completely orphaned children, children subject to child marriage, and those addicted to drugs. The project collects details of children in need of special attention and care, and for each child, an Individual Care Plan is prepared. The project prioritizes rehabilitation methods such as family sponsorship, adoption, relative guardianship, and foster care, with childcare facilities considered only as a last resort for children.

Child Rights

Who is a Child?

Although the age of a child is defined differently in many laws, the United Nations Convention on the Rights of the Child (UNCRC), 1989 defines a child as anyone between the ages of 0 and 18.

The UNCRC outlines four fundamental rights that every country must ensure for a safe childhood, encompassing:

1. Survival
2. Development
3. Protection
4. Participation

Since India ratified this convention in 1992, the country is committed to ensuring these rights for the children of our country.

1. Right To Survival

This section mainly covers the right to life, right to good nutrition, right to adequate living conditions for growth, right to lead a healthy life, right to identity and nationality, and the right to be able to access and understand the most advanced things.

2. Right To Development

Right to development includes rights to education, social security, care, development, leisure, recreation and opportunity to participate in cultural activities.

3. Right To Protection

The scope of this right, which is much debated nowadays, mainly includes protection from exploitation, abuse, neglect, inhuman treatment, disaster, war, emergency etc.

4. Right To Participation

In addition to freedom of expression, the right to participation also includes providing children with the knowledge they need, having their views considered, freedom in religious matters, and the opportunity to gain more life experiences.

Child Welfare and Protection Committee (CWPC)

Child Welfare and Protection Committees (CWPCs) are established at district, block, municipality, municipal corporation and panchayat levels, comprising individuals and officials dedicated to ensuring the rights, welfare, and safety of children in local self-governing bodies and creating suitable conditions for them. This committee bears the responsibility of addressing issues related to child safety, taking appropriate actions, and reporting the same. By forming and implementing the Child Welfare and Protection Committee (CWPC), it becomes possible to prevent violence against children, address the denial of child rights, and intervene effectively.

A Child Welfare and Protection Committee (CWPC) should be constituted in local self-government bodies at various levels: 1) Ward 2) Gram Panchayat/ Municipality/ Municipal Corporation 3) Block Panchayat 4) District. These committees should function as community-based organizations with representation from elected officials, officials, children, and community members at all levels.

Intended outcomes

1. Create awareness and sensitize society about child rights, promoting appropriate behavioral changes in parents and society regarding child safety and care.
2. Investigate and report violations of child rights.
3. Disseminate knowledge about government programs and schemes for children in society.
4. Prepare a list of vulnerable children in the community (vulnerability mapping) and formulate a child protection plan, integrating it into the local government plan.
5. Monitor programs for children in local government bodies.
6. Ensure that social conditions and public spaces in the local government area are child-friendly.
7. Balanidhi – Provide assistance in fundraising.
8. Collaborate with CRCs to assist in planning for children by preparing annual child status studies.
9. Assist CRCs in data collection in the areas of child protection and development.
10. Ensure that all institutions take appropriate measures to ensure child safety.
11. Ensure legal protection and support for children.
12. Foster awareness among children about their duties and responsibilities towards society.

Structure and Duties

Child Welfare and Protection Committees should be formed at various levels as per the structure given below.

Ward / Division Level

The Ward Level Child Welfare and Protection Committee shall be constituted and function as per the structure given below.

Sl No	Members	Authority
1	Member/Councillor	Chairperson
2	Anganwadi worker	Convenor
3	Asha Worker	Member
4	ADS Chairperson	Member
5	SC/ST Promoter	Member
6	4 children (Bala Panchayat/Bala Sabha representatives may be appropriate) out of which at least 2 should be girls.	Member
7	Junior Health Inspector/Junior Public Health Nurse in charge of ward	Member
8	CBO representative (Sports, Library and Residence Association), one representative each	Member
9	A teacher and PTA representative from every school within the ward	Member
10	Two volunteers (at least one should be a woman) with experience working in the field of children.	Member
11	CBM representatives	Member
12	Police / Excise Representative	Member
13	Counselling expert	Member

- If there is more than one Anganwadi in a ward, the respective ward member/councillor can decide which Anganwadi worker should be the convener.
- If there are more than one SC/ST promoters, each of them should be nominated by the ward member/councillor.
- Children's Gram Sabha should elect four members from among the children working in the Bala Panchayat or Bala Sabha.
- CBOs should be given a letter with all the representatives nominated in writing.
- A teacher must be nominated by the Principal from every Private/Unaided/Aided School. A person nominated by the PTA should also be considered.

- Ward Member/Community Councilor should nominate two persons with experience in this field.
- The Excise/Police Officer working in the respective ward should be nominated by the Higher authority in the respective department.
- Ward Member/Councilor should nominate a person with Community Counsellor/School Counselor/Counsel expertise.

Responsibilities of CWPC

1. Help CRCs ensure the conduct of children's Gram Sabhas and facilitate discussion and submission of children's projects to the ward-level committee.
2. Prepare Child Rights (S, D, P, P) Status Study Report at the ward level.
3. Assist CRCs in the preparation of the Panchayat/Municipality/Corporation annual plan by preparing a status study report on child safety.
4. If problems and complaints like discrimination against children and inappropriate behaviour are noticed, conduct a preliminary investigation and assign the convener for further action.
5. Organize children's groups for children to present their problems at the ward level and provide necessary support systems for the same.
6. Refer children who need foster care services to the District Child Protection Unit.
7. Prepare plans based on the status study report to determine the schemes and funds available at the ward level for child protection.
8. Evaluate the follow-up of decisions from the previous meeting at each meeting.
9. Collect the report every month, record the decisions taken and propose further action before the Panchayat/Municipality/Corporation.
10. In collaboration with the Legal Services Authority, implement awareness programs and art programs involving children, in areas where child marriages are more reported.
11. Establish complaint boxes in collaboration with the PTA of all schools and resolve the complaints received through Child Welfare and Protection Committees at various levels.
12. Ensure that gender desks are formed in all schools.

13. Install Safe Touch and Secret Touch indication boards in all schools and public places.
14. Check areas infamous for anti-social activities, areas where there may be sale of prohibited products like tobacco, alcohol and drugs on school premises. If there is a tendency for school children to drop out/cut classes, bring the issue to the attention of the authorities and take remedial measures. For this, help can be sought from the concerned department officials.
15. Ward committee to identify and counsel CCL, CNCP, differently-abled kids, LGBTQIA+, children of prisoners, children of guest workers in homes with chronic problems of alcoholism, children with experiences of domestic violence, family quarrels etc. Ensure follow-up assistance for such children.
16. If any problems related to child safety are noticed, timely action should be taken considering the seriousness of the problem.
17. The ward-level committee should meet within the 15th of every month and if no remedy can be found within ten days or as soon as possible, then it should be brought to the attention of Panchayat/Municipality/Corporation level committees and the report should be forwarded for further action.
18. Ensure availability of funds for ward-level committee activities through CSR, sponsorship etc.
19. Carry out regular follow-ups on behalf of and for children in cases of complaints and referrals at various levels.
20. Establish constant contact with the children's homes.
21. Provide necessary assistance to collect details of children and maintain them in panchayat level child register
22. Ensure that local mechanisms are in place to protect children's rights.
23. Organize awareness activities on good parenting, good childcare practices and other child-related issues.
24. Provide handholding support to decisions taken at the Gram Panchayat/ Municipality/Municipal Corporation level and programs envisaged by the Local Self-Government level Child Advisory Board (CAB), Child Resource Center (CRC) and Child Welfare and Protection Committee (CWPC) at ward levels.

Gram Panchayat Level- Current Structure

Sl. No	Members	Authorit
1	Panchayat President	CP
2	Welfare Standing Committee Chairperson	VCP
3	ICDS Supervisor	Member Secretary
4	Children's representative(2 people)	Members
5	A representative of the District Child Protection Unit	Members
6	Anganwadi Teacher (Nominee of District Women and Child Development Officer)	Members
7	Teachers nominated by the Deputy Education Officer (one from each school)	Members
8	Junior Public Health Nurse (District Mass Media Officer Nominee)	Members
9	2 social workers	Members

Proposed Structure

Sl No	Members	Authority
1	Panchayat President	CP
2	Welfare Standing Committee Chairperson	VCP
3	Health and Education Standing Committee, Chairperson	VCP
4	ICDS Supervisor	Convenor
5	Panchayat Secretary	Members
6	A representative of the District Child Protection Unit	Members
7	2 social workers (one should be female)	Members
8	Representative of child related system/movement/ NGO nominated by Gram Panchayat administration	Members
9	ST promoter	Members
10	SC Promoter	Members
11	Excise Inspector	Members
12	Kudumbashree CDS Chairperson	Members
13	School counselor	Members
14	A teacher	Members
15	2 Child Welfare Police Officers (CWPO) (One Woman Officer)	Members

16	Health Inspector	Members
17	PTA representatives from all schools covered by the panchayat (including BUDS school, special school)	Members
18	2 Bala Balika Panchayat representatives (at least one should be a girl child)	Members

1. The names of representatives must be obtained in writing. An officer will remain a member of the committee till transfer/pension.
2. When selecting NGO representatives, they should be NGO representatives with previous or current experience working with children. Representatives must be nominated in writing. If there is more than one NGO, the Local Self-Government Governing Body can decide who should be a representative.
3. Two Social Workers should be appointed by the Local Self-Government Committee. While selecting them, the work experience, skill and interest in the field should be considered. One of the two must be a woman.
4. The Local Self-Government may appoint one from among the SC/ST promoters.
5. If there is more than one school counsellor in the area, the LSG may elect one.
6. A teacher may be appointed by the Panchayat Governing Body.
7. Two PTA representatives from all schools and Buds Schools to be determined by the Local Self-Government
8. The committee should consist of two children from among representatives of the Bala Panchayat. One of them must be a girl.

Duties and Functions

1. Conduct child rights awareness in all regions.
2. Create awareness about the ongoing projects related to children of various departments.
3. Display toll-free helpline numbers in public places.
4. Collect data from various field-level workers.
5. Evaluate various projects and ideas for children recommended by the Ward Committee and submit project recommendations to the Panchayat Committee according to the needs of the children. Also, ensure that the projects are reaching the intended beneficiaries.

6. Establish help desks and gender desks in all schools.
7. Utilize the help of child-related systems including School Counselors, NSS, NCC
8. Panchayat Child Resource Center is functioning as a Help Desk. Utilize its services.
9. Ensure the availability of benefits from social security schemes.
10. Involve children from marginalized areas in more activities and make them a part of youth clubs, school parliament, Bala Sabha, NCC, NSS and SPC systems and ensure their participation. Also, sensitize parents of such children.
11. Carry out awareness activities related to sex education, gender justice, adult education etc. in collaboration with CRC.
12. Create awareness in collaboration with CRC on child marriage
13. Identify the hot spots in the panchayat and forward the information to the authorities.
14. Teachers should identify children who do not come to school under suspicious circumstances and forward the information to the Help Desk or Child Welfare and Protection Committee.
15. The Child Welfare and Protection Committee with the help of the Local Self-Government Department should take steps to identify the shops selling intoxicants near educational institutions and cancel their licenses.
16. Organize research and studies in collaboration with CRC and prepare study reports identifying the needs and financial resources of children.
17. Plan activities to make Panchayat disabled-friendly in collaboration with CRC.
18. Ensure the rights of children of guest workers.
19. Take necessary steps to formulate schemes for children in the annual plan according to needs and allocate funds.
20. Understand child/children-related issues, take information, receive complaints and follow up till resolution in further action.
21. Actions need to be taken to constitute the Ward Committee.

Municipality Level CWPC- Current Structure

Sl No	Members	Authority
1	Municipal Chairperson	CP
2	Standing Committee Chairperson (Welfare)	VCP
3	Child Development Project Officer	Convenor
4	Medical Officer	Members
5	Deputy Director of Education / Representative	Members
6	Deputy Superintendent of Police	Members
7	Municipal Secretary	Members
8	Assistant Labor Officer	Members
9	District Scheduled Caste Development Officer / Representative	Members
10	District Scheduled Caste Development Officer / Representative	Members
11	Kudumbashree Representative	Members
12	District Child Protection Officer / Representative	Members

Proposed Structure

Sl No	Members	Authority
1	Municipal Chairperson	CP
2	Standing Committee Chairperson (Welfare)	VCP
3	Standing Committee Chairperson (Health and Education)	VCP
4	Child Development Project Officer	Convenor
5	Municipal Secretary	Members
6	Medical Officer	Members
7	District Education Officer	Members
8	SJPU	Members
9	Assistant Labor Officer	Members
10	TEO	Members
11	SCDO	Members
12	CDS Chairperson	Members
13	District Child Protection Officer (DCPO)	Members
14	Excise Representative (Circle Inspector/Department Nominee of rank not below)	Members
15	2 representatives of children (at least one should be a girl child)	Members
16	2 social workers working in the field of child rights – one of whom should be a woman	Members
17	One person as NGO representative decided by the committee	Members

1. Two children may be decided by the Municipal Governing Body. One of them must be a girl.
2. The municipal governing body may appoint two volunteers who have experience working in the field of children and are interested in continuing to work.
3. A representative from the NGO working in this field may be nominated by the Municipal Governing Body.

Duties

1. Create awareness about child rights protection laws, duties of Child Welfare and Protection Committee members, how to detect and report child rights violations, etc. with the help of CRC.
2. Assist the CRCs in taking necessary steps to formulate schemes for children as per their needs and allocate funds in the annual plan.
3. Take steps to identify children in need of care and protection and ensure that those in need of institutional care and those in need of rehabilitation are provided the same.
4. Ensure that all eligible children are provided with all the benefits of social security schemes.
5. Identify vulnerable children and take necessary steps to include families of such children on priority in project implementation (housing, sanitation, transportation, social security schemes).
6. The committee should ensure that all children's births are registered and birth certificates are available.
7. In collaboration with the Legal Services Authority, implement awareness programs and other initiatives involving children in areas where child marriages are reported, together with CRC.
8. Children from marginalized areas where child marriages are more reported should be made part of the Adolescent Centers (AG) Club, School Parliament, Bala Sabha, NCC, NSS and Student Police Cadet systems and their active participation in these bodies must be ensured.
9. With the cooperation of the PTA, establish complaint boxes in all schools and resolve the complaints received through CWPCs at various levels.
10. In collaboration with CRC, educate children about various forms of sexual exploitation.

11. Discuss violence against children in public places and public transport systems and take necessary steps to identify and punish the culprits with the police department.
12. Install Safe Touch and Secret Touch boards in all schools and public places.
13. Motivate parents and the public to ensure at least 85% attendance of every child in schools.
14. Develop plans to create awareness among plantation owners, merchant associations, parents, guest workers, their children and the general public in areas where child labour is most commonly reported.
15. Formulate plans with police and excise departments to eradicate cybercrime and the use and misuse of cell phones.
16. Prohibit the sale of tobacco products and other intoxicants in the vicinity of all schools.
17. Take measures like inspection and awareness to protect children from trafficking and exploitation, child labour and child marriage in tribal areas bordering other states.
18. Ensure that the children of guest workers are not violated and also ensure their welfare.
19. Perform other similar functions appropriate to ensure child rights.
20. Create awareness about the activities of various agencies or institutions undertaking child rights/child welfare activities and the services provided therein.
21. Prepare reports on the activities of various level protection committees every quarter and submit reports to the district-level committee.

Corporation Level- Proposed Structure

Sl No	Members	Authority
1	Corporation Mayor	CP
2	Standing Committee Chairperson (Welfare)	VCP
3	Chairperson of Standing Committee – Education	VCP
4	Corporation Secretary	Members
5	Child Development Project Officer (CDPO) as decided by the Committee	Convenor
6	Corporation Medical Officer	Members
7	District Social Justice Officer	Members
8	DEO	Members
9	Deputy Superintendent of Police (District Crime Records Bureau)	Members
10	Deputy Labor Officer	Members
11	District Scheduled Caste Development Officer	Members
12	District Scheduled Tribe Development Officer	Members
13	Child Helpline Coordinator	Members
14	DCPO	Members
15	ADMC recommended by DMC	Members
16	RTO Representative	Members
17	2 Children's representatives persons nominated by the committee	Members
18	2 social workers with expertise in the field of child rights	Members
19	CDS Chairperson	Members
20	NGO Representative	Members

1. The Corporation Council may appoint two children's representatives (one must be a girl).
2. The Council may appoint two volunteers with experience in the field of children (one must be female).

Duties

1. Prepare a Child Safety and Security Status Study Report at the Local Self-Government level by ascertaining the needs of children and their financial resources.
2. Map the vulnerable children at risk of rights violations and prepare projects for them.

3. Create awareness among children and people to create public awareness against violence against children
4. Make a preliminary inquiry into reports/complaints regarding discrimination, misbehaviour, violence etc. faced by children and give it to the concerned authorities to take action (within the stipulated time) and give a copy to the District Child Welfare Committee.
5. Bring to the attention of the District Child Welfare and Protection Committee the issues, challenges and achievements related to child protection.
6. Discuss the child protection status, needs, gaps and proposals in this area with the local-level working groups.
7. Record the details of children who drop out of school, missing children etc. and add them to the Missing Child site and report to the District Child Safety Committee.
8. Forward the cases requiring referral service to District Child Safety Samiti.
9. Take action to prevent practices harmful to children.
10. Encourage group activities of children at the ward level and school level.
11. Plan and supervise programs for children.
12. Strive to mobilize human and financial resources for solving children's problems locally.
13. Take measures for the welfare of children in need of special care and children who do not conform to the law (CCL).
14. Intervene and sensitize society to solve the problems of child trafficking, child labour, child marriage, and children of migrant workers.
15. Strongly discourage foeticide, corporal punishment and child marriage as they violate the rights of children.
16. Make interventions through the District Child Protection Unit to make foster care available to children who need it.
17. Promote the activities of Anganwadis, Clubs for girls, Bala Sabhas etc.
18. Ensure that all members of the committee follow the guidelines prescribed by the Juvenile Justice Act concerning child protection.
19. In the areas where child marriages are more reported, with the help of the Legal Services Authority, implement awareness programs and programs involving children with the help of CRC.
20. Establish complaint boxes in all schools with the cooperation of the PTA and resolve the complaints received through Child Welfare and Protection Committees at various levels.
21. Place boards in all schools and public places containing information about Safe

Touch and Secret Touch, child emergency numbers and grievance redressal mechanisms.

22. Prepare and carry out activities in collaboration with CRC to nurture a socially responsible young generation capable of asserting their rights and responsibilities.
23. Bring to the attention of the Block/District Protection Committee about children needing foster care.

(***Khoya-paya portal helps parents to register and report missing child details online. Parents can also search for missing child details by registering on it. A dashboard is also available to find information about missing and found children **.)

Block Level - Proposed Structure

Sl No	Members	Authority
1	Block Panchayat President	CP
2	Chairperson Standing Committee (Welfare)	VCP
3	Standing Committee Chairperson (Health and Education)	VCP
4	Block Panchayat Secretary	Members
5	Child Development Programme Officer (Block Panchayat Committee decides if there is more than one CDPO)	Convenor
6	Representative of the District Child Protection Unit	Members
7	Assistant Education Officer	Members
8	Chairpersons of Panchayat Level Child Welfare Committees	Members
9	2 Social workers working in the field of child rights (person nominated by Block Panchayat administration)/ experts (one of whom is female)	Members
10	Medical Officer / H.S.	Members
11	Police Representative (DYSP/Designated Person)	Members
12	Excise Representative (Circle Inspector/Department Nominee of rank not below)	Members
13	Kudumbashree Block Coordinator (SD)	Members
14	Tribal Extension Officer	Members
15	SCDO	Members
16	2 child representatives (one should be a girl) as decided by BCWPC	Members

Duties

1. Prepare status study reports of children at the block level.
2. Conduct a preliminary inquiry into issues and complaints of discrimination against children and misbehaviour and assign the convener for follow-up.
3. Provide assistance to Panchayat Samitis for child safety needs assessment.
4. Organize children's groups in rural areas to present their problems to children and provide the necessary support system for the same.
5. Encourage Panchayat Samitis to meet regularly and discuss issues and report on the same.
6. Provide training to Panchayat Samiti members on child safety programs and schemes.
7. Review the work progress of Panchayat and Block level schemes for children and give necessary direction.
8. Refer children requiring foster care services to the District Child Protection Unit.
9. Prepare a status study report on child safety and provide input for the preparation of the block-level annual plan.
10. Prepare plans based on the status study report to identify the schemes and funds available at the block level for child protection.
11. Collect the report of Gram Panchayat Samithis every quarter and give it to the district-level committees.
12. In areas where child marriages are more reported, implement awareness programs and other programs involving children in collaboration with the Legal Services Authority.
13. Establish complaint boxes in collaboration with PTA in all schools and resolve the complaints received through Child Welfare and Protection Committees at various levels.
14. Install Safe Touch and Secret Touch boards in all schools and public spaces.
15. Provide necessary assistance to the functioning of Panchayat CWPCs.

District Level - Proposed Sturcture

Sl No	Members	Authority
1	District Collector	CP
2	District Child Protection Officer	Convenor
3	District Medical Officer (General, Ayurveda, Homeopathy)	Members
4	District Labor Officer	Member
5	District Education Officer	Member
6	Juvenile Justice Board, Child Welfare Committee (one representative each)	Member
7	District Police Chief CP / SP	Member
8	Joint Director (Department of Local Self-Government)	Member
9	District Scheduled Castes Development Officer /PO-ITDP	Member
10	District Scheduled Tribe Development Officer	Member
11	District Social Justice Department Officer	Member
12	Deputy Excise Commissioner	Member
13	District Planning Officer	Member
14	District NSS, NCC, SPC Nodal Officer	Members
15	District Road Transport Officer	Members
16	Representatives of NGO/Special Institution (working in the field of children nominated by the Collector)	Members
17	DWCO/ Nominee by D.W.CO	Member
18	A representative of KELSA	Member
19	District Panchayat Secretary	Member
20	Corporation Secretary	Member
21	District Sports Officer	Member
22	District Skill Development Officer	Member
23	DPO ICDS	Member
24	DCPO	Member
25	Kudumbashree District Mission Coordinator	Members
26	2 District Child Parliamentary Representative (One should be a girl)	Members
27	District School Counselor Representative (District Child Protection Officer Nominee)	Members

Duties

1. Lead the formation of Ward, Panchayat, Municipality, Corporation and Block level committees.
2. Provide training to the members of the above committees.

3. Prepare District Report by collating the reports of other Committees.
4. Prepare and maintain the database regarding the above committees.
5. Monitor the progress regarding the implementation of projects for children.
6. Prepare a status study on children by collating the reports from DCPU.
7. Organize awareness programs to prevent child rights violations.
8. Formulate the District Child Protection Plan on the basis of the Child Status Study Report and include it in the Annual Plan of the District Panchayat.
9. Encourage donations to the Children's Fund.
10. In areas where child marriages are more reported, in collaboration with the Legal Services Authority, implement awareness programs involving parents and other programs involving children.
11. Establish complaint boxes in collaboration with the PTA of all schools and ensure that the complaints received through it are discussed and resolved by the Child Welfare and Protection Committee at various levels.
12. Install Safe Touch and Secret Touch boards in all schools and public spaces.
13. Establish a child help desk in all schools and make information about various departmental schemes available through the help desk.
14. Provide necessary assistance and training for the functioning of Block CWPC and Panchayat CWPC.

Code of Conduct for Committee Members

To be followed at all times	Never to be allowed
Respect and listen to children and support them in participating in activities and undertaking activities. Children should be treated with compassion.	Do not hit or cause any physical or mental harm to children or abuse children for any reason.
Children should be treated with respect. Use courteous and respectful language in all interactions with children. Anticipate potentially dangerous situations and make efforts to control and mitigate potential risks to ensure the safety of children.	Children should not be subjected to physical or sexual exploitation under any circumstances.
While performing responsibilities and duties, it is crucial that the members reject any wrong behaviors or inappropriate actions observed in society.	Prevent children from developing relationships that could expose them to abuse or exploitation.

Discuss the significance of children's perspectives and encourage them to express themselves.	Avoid interacting with children in a way that creates difficulties for them.
Empower children to engage in conversations about what is deemed acceptable or unacceptable regarding their rights and to solve problems	Refrain from giving instructions or advice in a language that is tinged with hate or obscenity. Use clear and polite language.
Address children's fears and concerns with caution and care.	Refrain from displaying inappropriate body language towards the child.
In the case of children suffering from anxiety and fear, take necessary safety precautions to ensure their well-being.	Encourage them to handle things independently when they can.
Effective and appropriate participation in investigative procedures involving children should be based on prioritizing the principle of protecting the best interests of children. Maintain privacy and confidentiality.	Avoid engaging in activities that hinder the motivation of a child. Oppose any illegal, unsafe or inappropriate activities.
Give due importance to children's views and perspectives.	Refrain from doing anything that is humiliating, belittling, degrading, or emotionally hurtful to the child. Do not exploit the child's helpless condition.
Work together with parents and guardians to ensure children's safety and well-being. Maintain a neutral behavior and approach.	Do not show excessive interest, discrimination or consideration towards any child.
Respect for privacy must be paramount in addressing issues. The decisions of the committee should not be influenced by personal acquaintances, kinship, or relationships between individuals involved.	Do not be involved in child marriage, corporal punishment, child labor, or sex-selective abortion. Report relevant information to the authorities without delay. Ensure there is no discrimination based on caste, religion, class, gender, or party politics.

General Guidelines

CWPC meetings at various levels

The District Child Welfare and Protection Committee (DCWPC) meeting must be held at least once in three months at a venue decided by the Chairperson. Block Level Committee (BLC)/ Panchayat/ Municipality/ a Corporation level meeting should be organized once in two months. Also a ward level meeting should be held every month.

- District Child Welfare and Protection Committee shall meet at least once in three months, block level committee once in two months and Ward, Panchayat, Municipality and Corporation level committees shall meet at least once in a month.
- An emergency meeting may be convened with the permission of the Chairperson if a matter of an urgent nature comes to attention.
- Urgent matters not included in the agenda may be brought up in the meeting by any person with the permission of the chairperson.
- Special meetings may be called by the Vice Chairperson or the Convener in the absence of the Chairperson.
- All members must attend all meetings of the Child Welfare and Protection Committee.
- Decisions will be based on the majority.
- In the event of a tie, the Chairperson has the power to call for voting.
- Ensure that the minutes of every meeting are accurately recorded.

Functioning of Committee Members

Chairperson

- Preside over CWPC meetings.
- Ensure timely preparation of reports, minutes etc. as well as reporting to higher authorities.
- Present the activities to the Panchayat Administrative Committee.
- Ward-level committee chairperson, panchayat-level committee chairperson must submit their report to the block-level committee and block-, municipality- and corporation-level committee chairperson must submit their report to the District Child Welfare and Protection Committee (DCWPC). The District Child Welfare Committee should submit the district report to the District Magistrate.

- Authorize the minutes.
- Intervene and avoid obstacles in the implementation of decisions
- Ensure that meetings are held on time
- Ensure that decisions taken in meetings are implemented correctly.
- Consult the convenor on matters related to the conduct of the meeting before the meeting.
- Strengthen CWPC's relationship with CAB and CRC
- Discuss the issues found here in the planning committee to avoid recurrence.

Convenor

- Ensure that the meetings are held on time.
- Provide advance notice of each meeting to all members, including a copy of the proposed agenda, in consultation with the Chairperson.
- Prepare attendance records and minutes of each meeting. Get it signed and authorized by the Chairperson.
- Submit reports to the concerned departments through the Chairperson to solve the urgent problems faced by the children.
- Perform duties as assigned in the absence of the Chairperson.
- Compile and maintain a complaint file for the grievances and problems referred to the committee.
- Report to the Committee the information and follow-up on members who have been absent from the last three meetings.
- Communicate decisions taken in the District Child Welfare and Protection Committee to the Block Level CWPC members and decisions taken in the Block Level CWPC to the Panchayat-level C.P.C. members.
- Safeguard the privacy of children during meetings and other procedures.
- Take follow-up action on government notifications in consultation with the Chairperson.

Children's representative

- Present children's achievements, challenges faced, major concerns and issues in the CWPC.
- Provide project recommendations to the committee for the protection of children and implementation of their various needs.
- Accurately represent children's perspectives in decisions.

Vice Chairperson

- Perform the duties of a Chairperson in their absence..
- Discuss grievances received in the respective Standing Committees and Working Groups to create a problem-free environment.

Members

- Attend meetings punctually.
- Carry out further actions as per the decision of the meeting.
- Ensure the services and direction of their respective departments contribute to efficient operations.
- Exercise collective responsibility and authority for the work of CWPC.
- Assist in making appropriate decisions.
- Share and fulfill responsibilities.

Tenure and Exemption

- The tenure of the committees shall align with that of the local self-government bodies. However, a new CWPC must be formed within one month after the new governing body assumes power.
- A member of the CWPC may resign from the position they hold, at any time. The concerned Local Self-Government must be informed of the resignation. The vacancy shall be filled by appointing a new member at the Governing Body meeting.
- The CWPC can issue a show cause notice to a member who misses three consecutive meetings through a resolution passed by 3/4th of the total members present.
- The CWPC shall have the power to expel or suspend a member on the following grounds by a written resolution passed by 3/4th of the total members:
- If convicted by any court
- If found incapable of performing duties due to lack of mental health.
- Any vacancy in the Committee should be filled within one month from the date of the resignation or removal of a member.
- As per the Government Order relating to the formation of CWPC, a written letter must be issued to the concerned Local Self-Government to fill up the vacancies.
- In the absence of the Chairperson, the duties shall be delegated to the Vice Chairperson.
- All members of the Child Welfare and Protection Committee at all levels are bound by confidentiality.

When dealing with legal issues

CWPCs must carefully manage interventions in child protection-related incidents.

- The Child Welfare and Protection Committee (CWPC) shall not interfere in, conduct proceedings or organize discussions in matters currently dealt with by the Court/Judiciary/Child Welfare Committee (CWC)/ Juvenile Justice Board (JJB).
- Any such incident should be immediately reported to the District Child Welfare Officer through the convenor.

Referral system

The District Child Welfare and Protection Committees should primarily intervene to resolve child protection issues in their area of jurisdiction and refer unresolved issues to the Chairperson/Convener in writing as follows.

1. Written complaints received in CWPC may be recorded as such. Complaints deposited in the complaint box should be tagged with a specified day and date and resolved promptly. Complaints may also be filed through WhatsApp and e-mail. There should not be any difficulties with respect to filing complaints.
2. The status of a complaint received should be investigated confidentially especially if received through a complaint box, WhatsApp or email. Look into whether they are the ones who filed the complaint and whether the complaint still persists.
3. Complaints of an urgent nature should be referred for further action in consultation with the Chairperson. For decisions requiring committee discussion, the date for an urgent meeting should be fixed in consultation with the chairperson.
4. Every complaint received should be recorded in the register and a copy should be kept in the file and further action and follow up should be updated in that file. The date of receipt, time of receipt, method of receipt and number should be noted while making entry in the register.
5. Minutes of every meeting should be accurately recorded. Grievances referred should also be recorded in the minutes.
6. Arrangements should be made to provide legal aid/advice to the child.
7. A system should be made to provide moral support to the child and the family
8. After referral, there should be a system to assess and inform the child and parents accordingly. Appropriate intervention should be taken in case of any adverse action/procedure.

Issues	Referral Authority/Dept	Intimation done by
Education	Assistant Education Officer (AEO)/ District Education Officer(DEO)	DCPU
Health	Medical Officer (PHC/CHC)	DCPU
Issues with travel and transportation	RTO	DCPU
In need of Foster care	CWC	DCPU
Child labour	ALO	DCPU
Child marriage	DCPO	DCPU
Child trafficking	SHO	DCPU
Sexual assaults aimed at children	SHO	DCPU
Alcohol related issues	Deputy Excise Commissioner	DCPU
Issues in need of immediate attention	DCPU	

Monitoring of activities

- Panchayat level Child Welfare and Protection Committees should report to the Block Level Child Welfare and Protection Committee (BCWPC) and Block Level Child Welfare and Protection Committees to the District CWPC.
- Municipality/Corporation/Block Child Welfare Committees should report to District Child Welfare and Protection Committee (DCWPC) on a monthly basis.
- District Child Protection Officer (DCPO) (or person nominated by DCPO) should conduct a monitoring visit to Panchayat/Municipality/Corporation/Block to discuss and support the Child Protection Plan.
- District Child Welfare and Protection Committee (DCWPC) will maintain records along with an updated contact list of Panchayat/Municipality/ Corporation/Block level CWPCs and their plan.
- The report received from the Child Welfare and Protection Committee will be referred to the District Child Protection Unit (DCPU) for further action and timely services. If necessary, services from recognized voluntary organizations can be taken.
- Annual evaluation of Child Welfare and Protection Committees will be conducted under the leadership of DCWPC to track progress.
- A report should be submitted to the higher committee as and when it meets on a monthly basis.

- The report should include the unique programs conducted at each level and their implementation. This will help in monitoring the activities.

Reporting

- Block/Municipality/Corporation level Child Welfare and Protection Committees should submit quarterly progress reports to the District Child Welfare and Protection Committee (DCWPC) at regular intervals.
- Include the complaints received, nature of the complaint, actions taken, and support required, in the reports.
- Panchayat level committees should submit quarterly progress reports to the Block Level Child Welfare and Protection Committee (BLCWPC).
- The District Child Protection Officer (DCPO) should submit a quarterly report to the Office of Integrated Child Protection Scheme (SCPS).
- The report should be submitted to the higher committee as soon as the meeting is held.

Documents to keep with the Committee:

1. Minutes Book
2. Complaint/Issue Register
3. Complaint/Problem File
4. Meeting attendance Register
5. Reference register

Training of Child Welfare and Protection Committees / Members

Members of the District Child Welfare and Protection Committees will undergo training on the rights of children and the responsibility of the self governments in protecting them.

Role, responsibility and other matters of CWPC will be organized directly or through the State Child Protection Society/District Child Protection Unit. Training and orientation should be organized regularly (at least once a year or as required) in collaboration with KILA, local agencies and the state government's training cell.

Vulnerability Mapping

(Situation Analysis Survey of Children with Special Protection Needs)

Collection of data on children and families living in various vulnerable situations is the responsibility of state governments under the Juvenile Justice Act 2016 and the

Integrated Child Protection Scheme Guidelines. The Child Protection Model Protocol (Shafiq Committee Report) has included a suggestion that various government departments/systems should be coordinated to identify and collect information on children living in difficult situations. Based on this, a special survey (Vulnerability mapping) (situation analysis survey of children in need of special protection) was implemented in 2018.

This activity should be carried out by the officials of the Women and Child Development Department in coordination with various departments under the leadership of the local self-governing systems. Data collection should be done by ensuring representation of Kudumbashree, Health Department and Police under the leadership of ward representatives at each Anganwadi level. The findings of these activities will also help the Panchayat Level Child Welfare Committees to plan their activities.

Based on the recommendations of the Child Protection Model Protocol (Shafiq Committee Report) to implement Vulnerability Mapping, questionnaires and guidelines for data collection have been prepared in collaboration with experts. Through this information gathering process, children and families living in various distressed situations in the community can be identified and provided with the protection they need along with follow-up programs tailored to their needs.

APPENDIX 1

Important Legislations/Rules/Articles

Constitution of India

It is the duty of every citizen to understand the rights of children and help children in times of need. Our Constitution has been framed recognizing the vulnerability of children and their right to be protected. Below are the important articles in our country's constitution which provide for the protection of children.

Articles and explanation

Article 14 - Equality and equal protection of the law
Article 15 - Protection against discrimination
Article 15(3)- Special provisions for women and children
Article 19 - Freedom
Article 21 - Right to life
Article 21A Free and compulsory education from 6 to 14 years of age
Article 23 - Protection from child labor and child begging
Article 24 - Prohibition of child labor below 14 years of age
Article 39e- Protection from occupations unsuited to this age and ability
Article 39F - Good condition and protection from exploitation and destitution
Article 45 – Early care and education of children under 6 years of age.
Article 51 A (K) - Duty of the parent or guardian to provide opportunities for education to his child, as the case may be, between the age of 6 and 14 years

Indian Penal Code (IPC)

A new amendment to the Indian Penal Code prescribes harsher punishments for violence against children. Rape of girls under the age of 12 has been made a crime punishable by death.

Section	Offense	Punishment
376(3)	Rape of girls below 16 years of age	Imprisonment for not less than 20 years with fine
376(AB)	Rape of girls below 12 years of age	Death penalty or imprisonment for life and fine
376(DA)	Girls below 16 years of age, gang-raped	Life imprisonment and fine for each member of the gang
376(DB)	Girls below 12 years of age, gang-raped	Each member of the gang shall be punished with death or imprisonment for life and fine

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

Articles 14, 15, 19, 21, 23, and 24 of the Constitution of India prescribe laws, regulations and mechanisms for the safe childhood of children. India signed the United Nations Convention on the Rights of the Child in 1992 to ensure the universal rights of children. It is India's duty to provide a safe childhood to every child in the country. It is in this context that the Parliament formulated and implemented a Comprehensive policy for ensuring safe childhood, drawing inspiration from the existing laws relating to children.

Section 2(12) of this Act defines a child as any person between 0 and 18 years of age. Children are also divided into two categories, Child in Conflict with Law(CCL) and Child in Need of Care and Protection (CNCP). The Act defines children in two ways in order to provide the most appropriate service to the child.

1. Children in Conflict with Law (CCL)

Children in conflict with the law are defined as children who are alleged to have committed a crime.

2. Children in Need of Care and Protection (CNCP)

Children who need attention and care are child laborers, children as beggars, HIV AIDS affected children, physically and sexually abused children, drug-addicted children, abandoned children etc.

Apart from classifying children into two categories, this Act also ensures the necessary mechanisms for their protection and rehabilitation. The Act proposes the use of Juvenile Justice Boards for non-compliant children and Welfare Committees for children in need of care in all districts. The Juvenile Justice Act also prescribes the establishment of a Special Junior Police Unit, Children's Homes, Observation Homes, Special Homes etc. for the safety of children for adoption, foster care and sponsorship.

Protection of Children from Sexual Offenses Act, 2012 [POCSO Act, 2012]

Violence against children is constantly increasing even as parents realize that children are the wealth of the country and parents pay more attention to their child's growth and development and the government implements various programs for children. This is due in part to the inadequacy and lack of awareness of comprehensive legal systems to deal effectively with it. It is in this context that the government enacted a new comprehensive law in 2012 after examining and evaluating the existing laws and including changes.

It is also the government's responsibility as the governance structure mandates special provisions for children and India is a signatory to the Convention on the Rights of the Child.

Definition

This Act is intended to protect children from crimes like sexual assault, sexual harassment, obscenity and to establish special courts for the trial of such crimes and other related matters.

Relevance

Encouraging and coercing a child to engage in unlawful sexual acts. Exploitation of children for prostitution and other illegal sexual activities. Such a law was enacted by the government to effectively prevent situations of making obscene material and exploiting children.

Sexual Offenses against Children

The Act categorizes and prescribes procedures and punishments for sexual offenses against children.

Section	Offense	Punishment
3,4	Penetrative Sexual Assault	Imprisonment for a term which may not be less than seven years and which may extend to life, to both terms and to fine
5,6	Aggravated penetrative sexual assault	Imprisonment for a term not less than ten years and which may extend to death sentence and to fine
7,9	Sexual assault	Imprisonment for a term which may extend to five years and to both terms with all punishment and fine
9,10	Aggravated sexual assault	Imprisonment for a term of not less than five years and which may extend to seven years, in addition to a fine
11,12	Sexual harassment	Imprisonment for a term of not less than three years and to a term which may extend to five years and to fine
13,14	Using a child for obscene purposes	Imprisonment for a term which may extend to five years and to fine
15	If obscene material involving a child is collected	Punishable with imprisonment for a term which may extend to three years and with fine
21	Failure to report or record the crime	Liable to imprisonment for a term which may extend to six months and shall be liable to fine
23	If the media reports disclose the child's name, address, photograph, family information, school, neighborhood or other information that would help identify the child	Punishable with imprisonment for a term not less than six months and which may extend to one year, or with fine, or with both

Crime reporting

19. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), whe has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,

(a) the Special Juvenile Police Unit; or

(b) the local police.

(2) Every report given under sub-section (1) shall be-

(a) ascribed an entry number and recorded in writing;

(b) be read over to the informant;

(c) shall be entered in a book to be kept by the Police Unit.

The content should be written in simple language that the child can understand.

Procedures for recording statement

Section	Description
24	The statement of the child shall be recorded by a woman police officer not below the rank of inspector at the child's home or place of usual residence or at a place of interest to the child as far as possible.
25	The child's speech should be recorded in the same way that the child's entire statement is recorded CRPC164
26	The statement should be recorded in the same manner as the child would have said in the presence of the child's guardians or a person whom the child trusts or a friend.
27	A woman doctor should conduct the examination in case of a rape victim
28	The State Government in consultation with the Chief Justice of the High Court shall, by Gazette notification, appoint a Sessions Court in each district as a Special Court to try offenses under this Act.
34	If the offense is committed by a child, the procedure to be followed and the method of determination of age by the Special Court (Juvenile Justice Act) shall be in accordance with the Care and Protection provisions in JJ Act .
37	The trial should be held in secret in the presence of the child's guardians or another person whom the child has full confidence in

We should be able to enforce the law by keeping the child's best interest and well-being paramount at every stage to protect the right of children for their proper development and privacy by maintaining the confidentiality of legal proceedings related to children. Through this, we can also participate in the process of preparing our children for the future by ensuring healthy, physical, mental, physical and social development.

Child and Adolescent Labour (Prohibition and Regulation) Act, 2016

What is child labour?

Child labor is any form of physical, social, emotional, or mental harm to children under the age of 18 that robs them of their childhood and deprives them of their schooling. According to the International Labor Organization, 168 million children are victims of child labor worldwide.

Are all those employed under the age of 18 child labourers?

Under the Child Labor Prohibition Act 1986, child labor is the employment of children below the age of 14 years. These include circuses, workshops, hotels, tea shops and roadside street food and drink vendors.

The Child Labor Prevention Act 2016 also protects adolescents between 14 and 18 years of age from child labour. Adolescents are also protected in 18 types of occupations under Schedule A and 65 industrial processes under Schedule B prescribed under the Act.

There is also the Juvenile Justice Act, 2015 to protect children between the ages of 14 and 18. According to this, the violation of the rights of children under 18 years of age and forcing them to do work falls under the category of exploitation against children.

Problems faced by children in child labour

- Destruction of child rights.
- Children lose confidence.
- Losing education.
- Physical and mental torture.
- Chronic diseases
- Low wages.
- Hard work.
- Sexual harassment.

How to be sure if a child is in child labour?

If you suspect that a child is involved in child labour, inform the district labor office, the District Child Protection Unit, the nearest police station or the child line.

The child is produced before the Child Welfare Committee and if found to be a child after medical examination, steps can be taken for rehabilitation. The District Child Protection Unit will ensure the necessary rehabilitation activities to bring the child back to his own family. Rehabilitation shall be in the best interest of the child.

What to do if child labor is noticed?

If children are found working in industrial establishments, hotels, small-scale industries or other places in any part, the information should be reported to the District Child Protection Unit, Child Welfare Committee, District Labor Officer, Childline workers or the nearest police station (112).

The identity of the informant will not be disclosed. Information would be kept strictly confidential.

Laws to Combat Child Labour

Under the Child Labor Prohibition Amendment Act, of 2016, child labor is punishable by imprisonment for 6 months to 2 years. Also, a fine ranging from 20000 (twenty thousand) to 50000 (fifty thousand) rupees can be levied.

Under the Juvenile Justice Act, 2015, child abusers are punishable with imprisonment of up to 5 years and a fine of up to 100,000 (one lakh) rupees.

The Bonded Labor System Abolition Act of 1976 is also in place. According to this, it is an offense punishable with a fine of up to 2000 (two thousand) rupees and imprisonment for 3 years.

Supreme Court Judgement On Child Labour

Hon'ble Supreme Court of India has issued various directions to the State Govemments from time to time. Some of these directions are:

- completion of survey of children working in hazardous employments;
- payment of compensation amounting to Rs.20,000/- by the offending employer for every child employed in contravention of the provisions of the Act;
- giving alternative employment to an adult member of the child withdrawn from the hazardous occupations or payment of an amount of Rs.5,000/- for each child employed in hazardous employment by the appropriate Government;
- payment of interest on the corpus of Rs.25,000/- (Rs.20,000/- by the employer and Rs.5,000/- by the appropriate Government) to the family of the child withdrawn from work;
- provision of education in a suitable institution for the child withdrawn from work;
- constitution of the Child Labour Rehabilitation-cum-Welfare Fund;
- constitution of a separate cell in the Labour Department of the appropriate Govemment for the purpose of monitoring.

Provision of Child & Adolescent Labour Rehabilitation Fund:

In order to give the statutory back up for the rehabilitation Fund, the Government has

made a provision in the Child Labour (Prohibition of Regulation) Amendment Act, 2016 for constitution of Child & Adolescent Labour Rehabilitation Fund at district level to ensure that child and adolescent is not only rescued but his future is secured by the amount collected in fund for his welfare and education. The amount of fine realized from the employer of the child or adolescent shall be credited in the rehabilitation Fund and an amount of fifteen thousand will also be credited by the appropriate Government for each of the child and adolescents rescued from the work

Right to Education Act (RTE), 2009

A landmark legislation that made education a fundamental right for children aged 6-14 in India. It aims to bridge the educational gap and ensure quality elementary education for all.

Section 3	Guarantees free and compulsory education to children aged 6-14.
Section 11(1)	Prohibits schools from discriminating during admissions.
Section 12(1)(c)	Mandates private schools to reserve seats for disadvantaged groups.
Section 17	Makes it the government's responsibility to provide free and compulsory education.

Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985

This act strictly regulates narcotic drugs and psychotropic substances to prevent their illegal use and protect people, especially children, from the harmful effects of drug abuse.

Section 8	Prohibits various activities related to illegal drugs.
Section 20	Specifically addresses offenses related to cannabis, a drug particularly risky for young people.
Section 27	Criminalizes the consumption of any illegal narcotic drug or psychotropic substance.

Laws Related to Cyber Space

India has multiple laws that address online safety, particularly for children. These laws aim to combat online child sexual abuse and exploitation.

The Information Technology Act (2000): Deals with cybercrimes, including online child pornography and "grooming" for sexual purposes.

The Protection of Children from Sexual Offences Act (POCSO Act) (2012): Specifically addresses child sexual abuse, including online pornography and its distribution.

The Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita (BNS), enacted in December 2023, is India's current criminal code, replacing the older Indian Penal Code (IPC). This new law addresses modern crimes like cybercrime and organized crime that weren't covered in the IPC.

It prioritizes protecting children by introducing harsher punishments for crimes against them.

While the BNS itself is in effect, full rollout will be from 1st July, 2023. Complementary laws like the Bharatiya Nagarik Suraksha Sanhita (BNSS) and the Bharatiya Sakshya Bill, which will define procedures for handling BNS cases, are also set to be in effect from July.

Section 93 – 99 of Chapter V of BNS deals with offences against children. These sections would be replacing 317,318,366A,369,372, 373 (IPC).

New offences introduced

Section 95 - Hiring, employing or engaging a child to commit an offence. - Whoever hires, employs or engages any child to commit an offence shall be punished with imprisonment of either description which shall not be less than three years but which may extend to ten years, and with fine; and if the offence be committed shall also be punished with the punishment provided for that offence as if the offence has been committed by such person himself.

Explanation - Hiring, employing, engaging or using a child for sexual exploitation or pornography is covered within the meaning of this section

Changes

IPC Offence	BNS Offence
S. 376 Punishment for Rape 376(3)	**S. 65 Punishment for rape in certain cases.** 65(1) Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine: Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: Provided further that any fine imposed under this sub-section shall be paid to the victim
S. 376AB. Punishment for rape on woman under twelve years of age	65(2) Whoever, commits rape on a woman under twelve years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death: Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim: Provided further that any fine imposed under this sub-section shall be paid to the victim

Minor Girl Replaced with Child	
S. 366A. Procuration of minor girl. - Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.	**S. 96. Procuration of child** Whoever, by any means whatsoever, induces any child to go from any place or to do any act with intent that such child may be, or knowing that it is likely that such child will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine
Punishment Enhanced	
S. 373. Buying minor for purposes of prostitution, etc.-Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.	**S. 99. Buying child for purposes of prostitution, etc. -** Whoever buys, hires or otherwise obtains possession of any child with intent that such child shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to fourteen years, and shall also be liable to fine.
Age Differential Removed	
S. 361. Kidnapping from lawful guardianship.- Whoever takes or entices any minor under sixteen years of age if a male, or under eighteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the	**S. 137. Kidnapping.-** (1)(b) whoever takes or entices any child or any person of unsound mind, out of the keeping of the lawful guardian of such child or person of unsound mind, without the consent of such guardian, is

consent of such guardian, is said to kidnap such minor or person from lawful guardianship.	said to kidnap such child or person from lawful guardianship.

Crime and Punishment

91	Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.
93	Whoever being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both. Explanation.—This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.
94	Whoever, by secretly burying or otherwise disposing of the dead body of a child whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
95	Whoever hires, employs or engages any child to commit an offence shall be punished with imprisonment of either description which shall not be less than three years but which may extend to ten years, and with fine; and if the offence be committed shall also be punished with the punishment provided for that offence as if the offence has been committed by such person himself. Explanation.—Hiring, employing, engaging or using a child for sexual exploitation or pornography is covered within the meaning of this section.
97	Whoever kidnaps or abducts any child under the age of ten years with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
98	Selling child for purposes of prostitution, etc.
99	Buying child for purposes of prostitution, etc.

APPENDIX 2

Child Protection systems and services

Juvenile Justice Board

According to section 4 to 26 of the Juvenile Justice Act, 2015, the Juvenile Justice Board is the system that deals with the affairs of children who cannot comply with the law. In this three-member system, the Chairperson is the Judicial First Class Magistrate of the respective district. There should be at least one woman representation in this bench with two social workers as members.

Children who are unable to conform with the law must be produced before the Juvenile Justice Board within 24 hours of being booked. The Juvenile Justice Board under Section 4(1) of the Juvenile Justice Act has full power to entertain and dispose of the cases of such children. The Board can order the case to be transferred to the Children's Court if the Preliminary Assessment finds that the child is over 16 years of age and has committed a very serious offense.

Crime and Punishment

The Juvenile Justice Act 2015 prescribed punishments for various offenses related to children as listed below.

Section	Nature of crime	Punishment
33	If any child is found abandoned or lost and not reported	Imprisonment up to six months and fine
42	Regarding institutions that house children and have not obtained government registration under the Juvenile Justice Act	Imprisonment up to one year and fine not less than one lakh
74	Release information about victims of crime or child perpetrators	Imprisonment up to six months and fine up to Rs 2 lakh
75	Assault, harass or neglect children thereby causing mental and physical stress to children.	Imprisonment up to three years and fine up to one lakh rupees
76	Using children for begging	Imprisonment up to five years and fine up to 1 lakh
77	Providing drugs or alcohol to children	Imprisonment for up to seven years and fine up to Rs 1 lakh
78	Using a child for the sale, distribution or smuggling of alcohol or drugs	Rigorous imprisonment up to seven years and fine up to one lakh rupees
79	Forced labor and economic exploitation	Imprisonment of up to five years and fine of up to one lakh rupees
80	Illegal adoption	Imprisonment for up to three years and a fine of Rs 1 lakh
81	If children are sold or bought	Imprisonment for up to five years and a fine of Rs 1 lakh
82	Excessive punishment	Imprisonment up to three months and fine
83	Abusing children to create ruckus.	Imprisonment up to one year and a fine of up to five lakhs

Child Welfare Committee

A system called Child Welfare Committee (CWC) is in place to adjudicate the cases involving children in need of care and protection. The Child Welfare Committee comprises a Chairperson and 4 members.

The chairperson members are required to possess experience and expertise in the field of child rights protection. At least one of the members must be a woman. The Child Welfare Committee is vested with the powers of a First Class Judicial Magistrate. Any child in need of care and protection may be brought before the Committee or any of its members.

Duties and Responsibilities of Child Welfare Committee:

1. Report and address children appearing before the Committee
2. Make decisions concerning the presented children and their issues.
3. Voluntarily undertake and resolve matters relating to child protection.
4. Investigate cases posing challenges to child protection.
5. Ensure care, protection and shelter for the presented children.
6. If necessary, conduct a medical examination and verify the age of the children appearing before the committee.
7. Rehabilitate children, locate missing children and reunite them with their families.
8. Maintain written records of the committee's proceedings and decisions for each child.
9. Ensure a child-friendly environment in the committee.
10. Examine the legal system of foster care for childless parents and make children available.
11. Issue certificate under the relevant acts.
12. Visit institutions where children are housed and provide guidelines for smooth functioning of those institutions.
13. Work in coordination with other government departments and institutions to ensure the protection of children.
14. Prepare and maintain a list of addresses of child welfare institutions like voluntary organizations, hospitals, counseling centers etc. in the respective districts. If there is a complaint on the issue of foster care adoption w.r.t. the decisions taken by the Child Welfare Committee, the complaint can be filed with the District Collector, and with the district court on other issues.

Adoption

Adoption means taking a child into custody with all legal rights. This child will have the right to everything like the right of inheritance. Adoption is lifelong. A child can be registered for adoption at www.cara.nic.in.

Adoption is the act of permanently separating a child from the birth parents and giving the child all the legal rights, powers and responsibilities (J J Act 2005) of the adoptive parents.

Adoption Procedures

Who can adopt?

Anyone can adopt, regardless of marital status including childless couples and parents with children of their own. Details are available at www.cara.nic.in

How to adopt

Applicants residing in India and willing to adopt should register with CARINGS online at www.cara.nic. They should take a printout of the receipt slip and keep it. The following documents should be uploaded to the site within 30 days of registration.

1. Pan Card
2. Income Certificate (Annual Income Minimum Rs. 2,50,000)
3. Marriage certificate
4. Birth certificate
5. Proof of address
6. Medical certificate
7. Family photo

Applicants should approach the District Child Protection Unit with the registered slip. A team headed by the District Child Protection Officer conducts a study of the applicants and uploads the report on the CARINGS website.

Referral matching

As per the applicant's preference, the photograph, child study report and medical examination report of up to three children can be viewed online. If interested, applicants should reserve within 48 hours of preferring the child. Otherwise it will go

back in the seniority list. Applicants must appear before the adoption committee of the child care institution or the approved adoption center where the child resides within 20 days of reserving the child. The adoption committee will review the applicant's records and create an opportunity to meet the child in person. Applicants should sign the child study report and medical examination report in the presence of social worker or authorities of the institution if the applicant likes the child.

Pre-adoption foster care

A pre-adoption foster care agreement must be signed by both the institution and the applicant within 10 days of the applicant's acceptance of the child. Applicants can then take the child to their home.

Legal proceedings

If the child is adopted, the applicant must file a case with the family court within ten (10) days from that date and the legal process must be completed within two months.

Further investigations

The specialized adoption agency must conduct follow-up visits every six months for a period of two years from the time the child is accepted into pre-adoption foster care.

Illegal adoption is a crime.

Under the Juvenile Justice Act, 2015, institutions and individuals who transfer children through illegal means are punishable with imprisonment of up to three years, a fine of one lakh rupees, or both.

Foster Care

Foster care is the temporary placement of children who cannot be kept in their own family or be adopted by another family. The child welfare committee provides for the fostering of the children.

Sponsorship

Sponsorship is financial assistance given to provide better living conditions to children who are experiencing extreme difficulties. This helps the child to stay with the family. Funding is provided through the District Child Protection Unit.

Special Juvenile Police Unit

The Juvenile Justice Act stipulates that a special police unit should be set up in every district to handle complaints related to children who are unable to conform to the law. It is known as the Special Juvenile Police Unit. The unit is staffed by specially trained personnel to interact with children.

CHILD CARE INSTITUTIONS

Children's Home

A facility for temporary accommodation of children in need of special care and attention

Observation Home

House for temporary protection of children in conflict with the law.

Special home

These are provisions for the temporary protection of children who cannot conform with the law. Special homes are operating in Thiruvananthapuram and Kozhikode.

Place of Safety

A special housing facility for children who have committed serious crimes, Place of Safety is present in Thrissur, Kerala.

Shelter home

Shelter homes are facilities to temporarily protect children in emergency situations with the approval of the government.

Open Shelter Home

The open shelters shall function as a community based facility for children in need of residential support, on short-term basis, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets.

APPENDIX 3

Vulnerability Mapping Format

Name of the Local Self-Government .....

Year..... . Date .....

Vulnerability Mapping of Children at Risk

S. No.	Subjects	Number	
		Male	Female
1	Children cared for in families-orphanages within the LSGI jurisdiction		
2	Children in pre-matric hostels		
3	Children who are reported missing		
4	Children subjected to punishment for not conforming to the law		
5	Children under the supervision of the Child Welfare Committee		
6	Those who have been part of reported POCSO cases		
7	Children who are in dire straits without access to care		
8	Adopted children		
9	Foster Care - Children under the protection of sponsorship		
10	Children seriously injured in road accidents		
11	Children affected by natural disasters		
12	Orphaned children (whose father or mother passed away)		
13	Children in HIV-affected families		
14	Children of inter-state migrant workers		
15	Children with disabilities		
16	Bedridden children who cannot attend school		
17	Children found engaged in child labour		
18	Children married before legal age		
19	Children of unmarried mothers		
20	Children subjected to corporal punishment/physical abuse		
21	Children subjected to mental abuse		
22	Children subjected to sexual assault		

23	Children exposed to domestic violence		
24	Children in poor living conditions		
25	Children of divorcees		
26	Children of remarried couples		
27	Children of Scheduled Caste Sheltered Families		
28	Children of Scheduled Tribe Sheltered Families		
29	Children of dependent families		
30	Children in one-room households		
31	Children in unelectrified households		
32	Children living in areas without access to potable water		
33	Children in households without clean toilets		
34	Children in homeless families		
35	Children subjected to inappropriate behavior in public places		
36	Children in families with palliative patients		
37	Children of incarcerated persons (those in jail)		
38	Children exposed to drugs/cybercrime		
	Total		

Vulnerability mapping data collection

The following methods can be used to collect vulnerability map details.

1. The Kerala Women and Child Development Department may suggest that the Vulnerability Map data collected through Anganwadis be made available to the Chairman of the Child Welfare and Protection Committee through the Supervisor.
2. Supervisor may be directed to collect Vulnerability Map data in prescribed format during April-May during Anganwadi annual survey.

APPENDIX 4

Case studies

1. Physical vulnerability

Ananya's mother, a member of an ordinary family, was called to school by her class teacher. Ananya was studying in class 5. The mother was called to the school to be informed about her daughter's learning lag. The teacher told her mother that Ananya is always sleepy in the class and does not pay attention to the teaching and is not interested in learning at all. The teacher noticed that the marks in the previous exams were also decreasing. The mother also told the teacher that she noticed that her daughter was losing body weight and was feeling tired. The teacher said that the child might be anemic and instructed to see a doctor.

2. Emotional and psychological vulnerability

Twelve year old Akhil is a member of a poor family. Father is a laborer and mother is a housewife. Akhil also has a younger sister. Akhil's parents do not have enough time or money to take care of their children. Akhil is neglected in many ways at home and is not getting enough love and attention. Akhil also has difficulty paying attention in studies, gets angry with other children in class and bullies younger children. The head teacher called Akhil's parents and informed about increasing complaints on his tendency to stay away from participating in group activities and harassing other children.

3. Social Vulnerability

Eight-year-old Azmi, who has lost her parents, now lives with her elderly grandmother. The financially backward grandmother is unable to take proper care of Azmi. Chronic diseases have also made life difficult for the grandmother. Both people live in an insecure house. They are in a situation where they do not get enough food and clothing. Azmi doesn't go to school properly due to various reasons and is backward in studies as well. A local man has acquired a small piece of land belonging to Azmi's grandmother by dishonest means. Even though the locals tried to keep Azmi away from home but the grandmother does not agree.

4. Educational Vulnerability

8 year old Adarsh is not able to concentrate on studies, has difficulty reading, writing and calculating along with difficulty concentrating in class. At present he is not paying attention during class and is also disturbing other children. Adarsh prefers to be alone. The teachers noticed that there were pictures always drawn in the textbooks. Adarsh is always sitting in the class, carefree and without showing any expression, even if he is being scolded. Now, ever the teachers are slowly ignoring him.

5. Environmental Vulnerability

15 year old Hari lives in a hilly area. Hari has a father, mother and two sisters. Agriculture is the sole source of income for the family below the poverty line. Their village is known for various kinds of natural calamities and wild animal encroachment. Hari's family has experienced the hardships of landslides, drought and wild animal encroachment. There is a situation in their village where the school often has to be closed due to various calamities. Due to calamities, many families in that village catch diseases often. Harry and his sisters' education is often discontinued.

6. Technological Vulnerability

Angel is a twelve year old girl. Her father gifted her a mobile phone for her last birthday. She is very active on social media. Thus, she began the habit of spending hours a day on the phone. Angel, who was a topper in her studies, is now not paying any attention in class. She suffers from lack of sleep as she uses her phone till late at night. She is only interested in making new friends online and texting and calling these friends all the time. She doesn't have any time to talk to family members.

7. Financial Vulnerability

9-year-old Raja, his younger sister, mother, father and grandmother live in a slum in the city. Raja belongs to an economically backward family. His father supports the family by driving an auto for daily wages. His mother cannot go to work because she is sick. His father is unable to take care of the family due to frequent drinking. Raja rarely goes to school because there is no one to care about him. During the day, Raja is often seen loitering nearby.