

# STANDARD OPERATING PROCEDURE for care and protection of CHILDREN IN STREET SITUATIONS





# **STANDARD OPERATING PROCEDURE** **for care and protection of** **CHILDREN IN STREET SITUATIONS**



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## FOREWORD

Children in street situations are a common sight in India, due to many push factors. Sometimes to escape from difficult situations in their home and families, children run away and come to live on the streets on their own; in some cases the abandoned, orphaned or abducted children are forced to live and work on the street. Whereas in some cases, the children live in the street with their families also. All these children grow up on the margins of society without protection, care and support deprived of proper basic amenities such as accommodation, education, health care, food, drinking water, security, recreation etc.

It is needless to emphasize that these children are vulnerable to exploitation and abuse. Being victims of extreme deprivation and abuse, quite a few of them get exposed to the world of crime early and become children in conflict with law. The loss of safe childhood and opportunities for our children in street situations is a cause of major concern to all of us, as which may not be specifically addressed in policies relating to children.

The National Commission for Protection of Child Rights (NCPCR) is committed to the universality and inviolability of child rights and protection of children and has taken several steps in this direction. The 'Standard Operating Procedures for Care, Protection and Rehabilitation of Children in Street Situation in India', is a unique endeavour to streamline the processes and interventions regarding street children, based on the prevailing legal and policy framework. The SOP includes a common framework for minimum standards of care and protection of street children, access of such children to quality care and protection, access to foster care and sponsorship as per their requirements. The SOP includes measures to ensure that no child is forced to live on the street.

The situation is urgent as not many children, on their own are able to come out of this ratchet of deprivation and chronic poverty which for the nation translates into heavy cost; due to loss of so many productive citizens. Hence it is imperative that all of us as concerned citizens to get together to ensure a safe childhood, with equal opportunities for our children.

I congratulate 'Save the Children' for taking the initiative in developing this SOP with NCPCR. I am sure that the SOP will prove valuable to all those organizations, institutions and individuals who intend to work with some of the most vulnerable children who live on the streets of our country.

  
(Stuti Kacker)

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# PREAMBLE

***“The children of the world are innocent, vulnerable and dependent. They are also curious, active and full of hope. Their childhood should be one of joy and peace, of playing, learning and growing. Their future should be shaped in harmony and cooperation. Their lives should mature, as they broaden their perspective and gain new experiences”<sup>1</sup>.***

The Constitution of India in Article 15(3) stipulates for the State to make special provisions for children. Article 39 of Part IV of the Constitution calls upon the State to direct its policy towards securing (among other things): that the tender age of children is not abused and they are not forced by economic necessity to enter avocations unsuited to their age or strength; and that children are given opportunities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against moral and material abandonment.

The UN Convention on the Rights of the Child (UNCRC), adopted by the UN General Assembly in 1989, represents universal recognition of the rights of the children. While the UNCRC makes no particular reference to children in street situations, all its provisions are applicable to them, as are its Optional Protocols.

The Juvenile Justice (Care and Protection of Children) Act, 2015 enacted in furtherance of India’s accession to the UNCRC, is the fundamental law dealing with children in need of care and protection by catering to their needs through care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children.

The National Plan of Action for Children, 2016 of the Ministry of Women and Child Development, succeeds the Plan of Action adopted in 2005. The NPAC 2016 takes into account the current priorities for children in India. It is an initiative to further strengthen and activate the implementation and monitoring of national constitutional and policy commitments and the UN Convention on the Rights of the Child. The focus of the NPAC is to reach and serve to the “Last Child First”, such as, those who are most vulnerable due to gender, socio-cultural and economic or geographic exclusion, including other vulnerable children – ***Children in Street Situations***, children of migrant workers, sex workers and those suffering from HIV/AIDS or other diseases.

Children are our most valuable and vulnerable resource. A life on the street constitutes one

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<sup>1</sup> World Declaration on the Survival, Protection and Development of Children: World Summit for Children. 30 September 2001.

of the most serious violations of the rights of children, violating their right to education, good health and their right to proper development. The continuous perpetration of the phenomenon of Children in Street Situations is of major concern to the Ministry of Women and Child Development, Government of India and the National Commission for Protection of Child Rights.

The 'Standard Operating Procedures for Care, Protection and Rehabilitation of Children in Street Situations', is a unique endeavour to streamline the processes and interventions regarding Children in Street Situations, based on the prevailing legal and policy framework.



# LIST OF ACRONYMS

BPL	Below Poverty Line
CBO	Community Based Organization
CCI	Child Care Institution
CWC	Child Welfare Committee
CWPO	Child Welfare Police Officer
DCPC	District Child Protection Committee
DCPU	District Child Protection Unit
DLSA	District Legal Services Authority
DM	District Magistrate
DWCD	Department of Women and Child Development
FIR	First Information Report
GRP	Government Railway Police
ICDS	Integrated Child Development Scheme
Revised ICPS	Integrated Child Protection Scheme
JJ Act	Juvenile Justice (Care & Protection of Children) Act, 2015
JJB	Juvenile Justice Board
NCPCR	National Commission for Protection of Child Rights
NFE	Non-Formal Education
NGO	Non-Governmental Organization
NIPCCD	National Institute of Public Cooperation and Child Development
NOSP	National Open School Programme
PMKVY	Pradhan Mantri Kaushal Vikas Yojana
PMMY	Pradhan Mantri Mudra Yojana
PO	Probation Officer
RPF	Railway Protection Force
RTE Act	Right of Children to Free and Compulsory Education Act, 2009
SAA	Specialized Adoption Agency
SCPCR	State Commission for Protection of Child Rights
SJPU	Special Juvenile Police Unit
SOP	Standard Operating Procedure
SSA	Sarva Shiksha Abhiyan

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# TABLE OF CONTENTS

<b>Foreword</b> .....	3
<b>Preamble</b> .....	5
<b>List of Acronyms</b> .....	7
<b>Acknowledgements</b> .....	8
<b>Section 1:</b> Introduction and background .....	11
<b>Section 2:</b> Recognizing and categorizing children in street situations .....	12
<b>Section 3:</b> Children in street situations in India .....	15
<b>Section 4:</b> Rescue and production of children in street situations for care and protection .....	19
<b>Section 5:</b> Operating procedure of CWC, w.r.t. children in street situations.....	24
<b>Section 6:</b> Rehabilitation of street connected children .....	33
<b>Section 7:</b> Convergence and networking by CWC w.r.t children in street situations .....	38
<b>Section 8:</b> Monitoring, review and convergence .....	42
<b>Section 9:</b> Expected role of Departments/Commissions for SOP implementation .....	45
<b>Section 10:</b> Role and responsibility of key functionaries under the JJ Act, 2015, w.r.t. children in street situations .....	48



Photo Credit: CJ Clarke/Save the Children

## Section: 1

# INTRODUCTION AND BACKGROUND

Street Children or ‘children in street situations’ are a ubiquitous part of every big and small city in India. The term “street child”, used by the United Nations Commission on Human Rights in 1994, was developed in the 1980s to describe “any girl or boy [...] for whom the street (in the broadest sense of the word, including unoccupied dwellings, wasteland, etc.) has become his or her habitual abode and/or source of livelihood, and who is inadequately protected, supervised or directed by responsible adults”<sup>2</sup>. Today, the term “Children in Street Situations” is understood as a socially constructed category that, in practice, does not constitute a homogeneous population, making the term difficult to use for research, policymaking and intervention design. The United Nations Committee on the Rights of the Child (UNCRC) is currently undertaking a comprehensive review of how the Convention on the Rights of the Child can be applied more specifically in the case of children living on the street through its ‘*General Comment on Children in Street Situations*’.

This ‘SOP for Care, Protection and Rehabilitation of Children in Street Situations in India’, uses the term “children in street situations” instead of “street children” to denote children living and/or working on the street.

Deprived of adequate and appropriate adult protection, education and health-care, Children in Street Situations survive precariously and often bravely in the unsafe environment of city streets. They subsist at the bottom of the social hierarchy in the country and are among the most vulnerable of all children. All Children in Street Situations are child workers, mostly in the non-formal sector, and

mostly outside the purview of formal education and public health services.

Children in Street Situations are not specifically addressed in most policies that pertain to children, such as, protection, education, health, water, sanitation, and urban development and welfare policies in general. Little is known with certainty about the full numbers of Children in Street Situations are an extremely mobile group, part of the floating population and very hard to reach.

Children in Street Situations, typically suffer from many denials and vulnerabilities: these include deprivation of responsible adult protection and care; coercion to work to eat each day; work in unhealthy occupations on streets like rag-picking, begging and others; subject to physical abuse and sexual exploitation; abysmally poor sanitary conditions; inadequate nutrition from begging, foraging for food; a range of psycho-social stresses; exposure to drug and substance abuse; and no access to medical care or education.

The problems faced by Children in Street Situations are ‘multi-dimensional’ and complex and thus, provide no simple answers. Lack of coordination and convergence of various programmes/ services that apply to them was one of the stumbling blocks. The revised Integrated Child Protection Scheme (Revised ICPS) contains provisions for being implemented as a Government – Civil Society Partnership under the overarching direction and responsibility of the Central and State Governments. The Scheme is working closely with all stakeholders including government departments, the voluntary sector, community groups, academia and, most importantly, families and children to create protective environment for children in the country.

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<sup>2</sup><http://www.ohchr.org/Documents/Issues/Children/Study/OHCHRBrochureStreetChildren.pdf>



## Section: 2

# RECOGNIZING AND CATEGORIZING CHILDREN IN STREET SITUATIONS

The Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the JJ Act, 2015) through its definitions provides indicators that are relevant to defining and recognizing the 'Child in Need of Care and Protection'.

**Following are the four categories of children considered as children in street situations.**

### 1. Abandoned or Orphan Child -

- **“Abandoned child”** means a child deserted by his biological or adoptive parents or guardians, who has been declared as abandoned by the Committee after due inquiry [Section 2 (1) of JJ Act, 2015].  
**“Guardian”** in relation to a child, means his natural guardian or any other person having, in the opinion of the Committee or, as the case may be, the Board, the actual charge of the child, and recognized by the Committee or, as the case may be, the Board as a guardian in the course of proceedings. [Section 2 (31) of JJ Act, 2015].
- **“Orphan”** means a child [Section 2 (42) of JJ Act, 2015]-
  - who is without biological or adoptive parents or legal guardian; or
  - whose legal guardian is not willing to take, or capable of taking care of the child.<sup>3</sup>
- **Abandoned Child with Disability:** A large number of children are abandoned by parents due to physical or mental disability of

the child. Many such children are often found in street situations, which exacerbates their vulnerabilities much more than other Children in Street Situations. Immediately upon production of such children before the CWC, especially in cases where their parents are not known, the CWC should preferably get them admitted to CCI or special homes for the differently abled children. In addition, such children should be provided with full care and protection as mandated under the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

### 2. Missing or Runaway Child<sup>3</sup> on the Street -

shall be understood to mean, a child living on the street -

- **Voluntarily not in contact with family:** No contact with parent(s), siblings, relatives, or guardians; irrespective of whether the child knows their whereabouts.
- **Involuntarily not in contact with family:** The child who has no contact with parents shall be understood to mean, a child who is lost/ separated from the family, whether the separation was accidental or incidental, and who lives and works on the street.

### 3. Street ‘Connected’ Child/ Community Child on the Street -

Shall be understood to mean, a child living and/or working with parent(s), siblings, relatives, or guardians (including ‘disguised

<sup>3</sup> Refer Section 2 (14) (vii) of JJ Act, 2015



guardians'), on the street. The child's life is intimately 'connected' to the street – as the parent(s), siblings, relatives, or guardians may also be living on the streets/ pavements or are slum/ hutment dwellers – wherein economic and social conditions compels them to send children to work and/or live on the streets. Such children often return home (in the slums/ hutments) at night after work or to the parent(s), siblings, relatives, or guardians who also live on the streets/ pavements.

#### 4. Child begging on the street

'Child begging on the street' has been included as a separate category for

**the purposes of this SOP considering that a large number of children are found begging on the streets.** "Child begging on the street" shall be understood to mean a child - "who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street" (Section 2 (14) (ii) of JJ Act, 2015). "Begging" means any child soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretence or exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal (Section 2 (8) of JJ Act, 2015).

Examples of Children in Street Situation

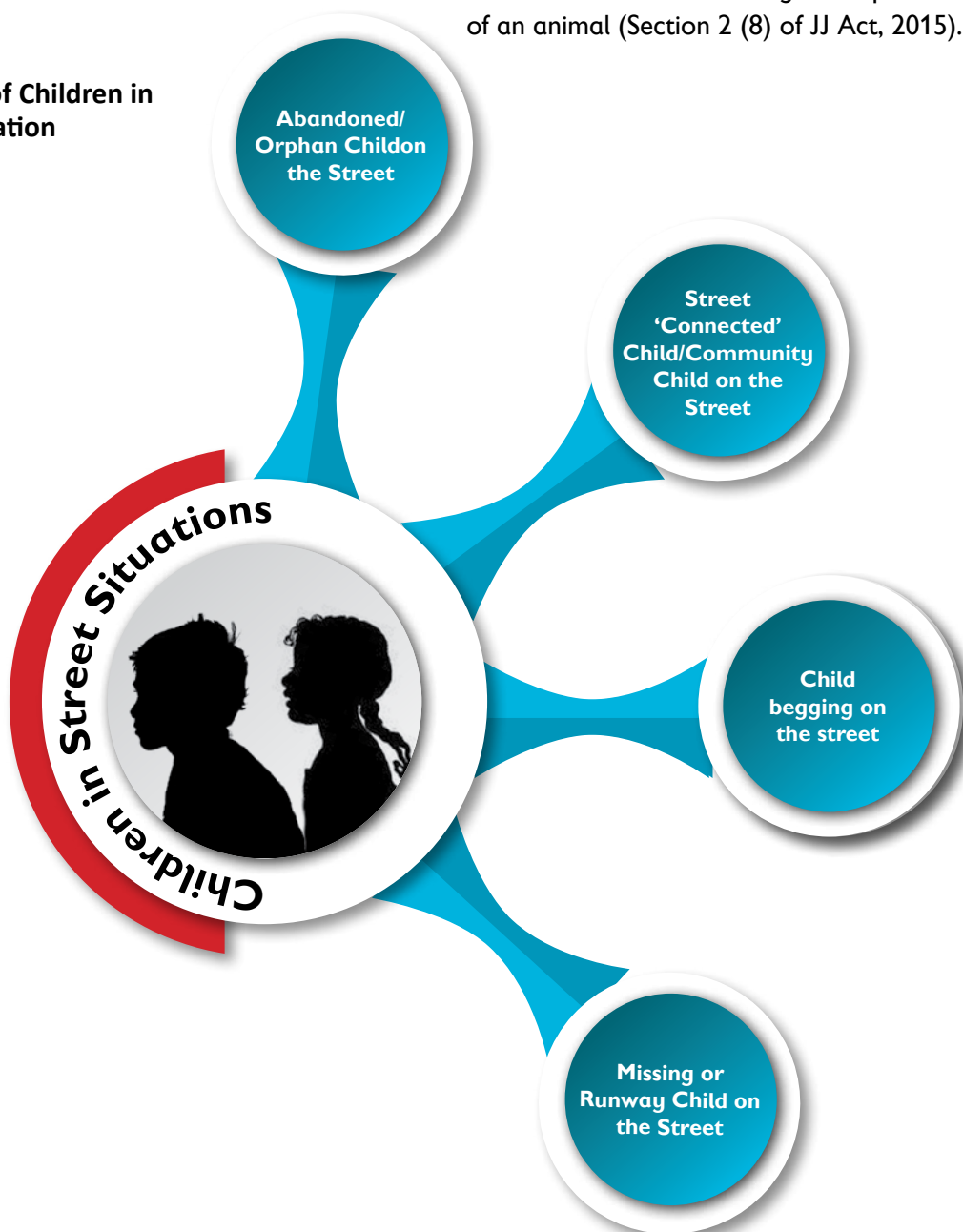




Photo Credit: CJ Clarke/Save the Children

Child begging on the street may be of the following categories:-

- Orphan or abandoned child
- Missing or runaway child
- Street connected or community child
- Employed or used by anyone for begging (Section 76 of JJ Act, 2015).

Within the four broad categories of Children in Street Situations mentioned above, there are various types of children (the list provided below is indicative and not exhaustive) found on the streets, such as those who are -

- begging (at red light signals, near temples/ dargahs/ other religious shrines or places of worship);
- rag pickers;
- working in small eateries, tea-stalls, other road side stalls, repair shops, construction sites, in markets, etc.;
- shoe-shine boys;
- vendors (selling flowers, newspapers, fruits and other items on the roads/ at red light signals);
- children performing entertainment on the streets;
- wiping automobile windscreens;
- living and working with families on streets/ pavements/ bus stands/ railway stations/ under fly-overs, etc.;
- living with families in slums/ hutments and working on streets; living with families at construction sites;
- children of women in prostitution/ children living in red light areas loitering on the streets;
- loitering on the beach/ living on the beach (with or without families) in tourist hot-spots;
- mentally ill or mentally or physically challenged.

Defining and identifying Children in Street Situations appropriately is crucial to provide them with different sets of interventions and services, as per their circumstances and vulnerabilities. For example, those with parents/ guardians on the streets will need a different approach and those who have no contact with families or are abandoned or orphans - will require a diverse approach and a distinct set of services.

## Section: 3

# CHILDREN IN STREET SITUATIONS IN INDIA

India is urbanising fast, the decade growth rate of urbanization has increased to 31.16% according to the 2011 census and by 2030, it is expected that India's urban population will grow to 40.76%. India's Sub-Group report on Child Protection (for the 11th plan) clearly states that "street children are a 'common sight' in urban India, and that in spite of the relative high visibility of street children, there is very little information available". Many civil society organisations have come up with research studies that reflect the challenges that children encounter being on the streets.

### Problem Statement

Children in Street Situations are among the most vulnerable groups in India, having limited access to adult supervision, protection, education, health-care. They are mostly visible in the cities, near traffic signals, railway platforms, religious places, shopping areas, near bus and auto stands, under flyovers, bridges or on road pavements.

- Everyday, they struggle for survival, for food, water, clothing, shelter, medicine and protection. On many nights, they are forced to sleep empty-stomach, even as hunger drives them to consistently move from one place to another in search of food.
- The struggle for survival compels them to start earning at an early age. Many Children in Street Situations engage in occupations such rag-picking, street vending, working as domestic helps, begging etc. They are often exploited by employers and the police which is what makes them an extremely vulnerable group. The risk of falling in the hands of criminals and getting engaged in petty crimes are common. Living in the open spaces, they are at a higher risk of being abused, exploited and neglected.
- Many Children in Street Situations are out-of-school and spend most of their time working in inhuman environments. There is a significant gap in mechanisms that provide mainstream education and comprehensive residential care to these children.
- The Children in Street Situations are often described as 'hidden' or 'invisible' due to lack of identity, recognition or social status that can make them count.
- A rapidly urbanizing India requires continuous understanding of the issues related to Children in Street Situations to ensure that no child lives in abject poverty or at margins of society.
- Crime Against Children in India: A total of 89,423 cases of crimes against children were reported in the country during 2014 as compared to 58,224 cases during 2013, showing an increase of 53.6%. The crime rate i.e. incidence of crimes committed against children per one lakh population of children (up to 18 years of age) was observed as 20.1 at all India level during 2014.
- All children in street situations, whether those living with or without parents are extremely vulnerable to crimes of sexual abuse and violence committed against them. The perpetrator could be an adult or even another street child (under 18 years of age). It shall be the duty of 'any person' who has apprehension that an offence under Protection of Children from Sexual Offences Act, 2012 (POCSO, 2012) is likely to be



committed or has knowledge that such an offence has been committed, shall make a report to - the Special Juvenile Police Unit; or the local police [Section 19 (1) POCSO Act, 2012]. Children alleged to have committed offences under POCSO Act against another street child, will be dealt with as a 'child in conflict with law' under the provisions of the JJ Act, 2015.

## Key issues and challenges of children in street situations

- Majority of Children in Street Situations are from the category of “children of street living families”.
- Almost one in every four children on street are in the age group of 0-6 years.
- Higher number of girl children on street live with their families, whereas higher number of children on the move are boys.
- The proportion of older girls (those in 16-18 years age group) in the street child population is comparatively low., which suggests various factors drive girls out of streets as they grow older.
- In terms of education, one of the most important parameters of human development, street connected children come across as highly deprived. Around 2 in every third street connected children are out of school and the proportion of children working but not studying is high.
- Rag picking is the most commonly cited livelihood option of street connected children. Other survival strategy are begging, hawking/ street-vending and working at roadside stalls.
- The choice of livelihood option is also gendered. A higher proportion of girls vis-à-vis boys work in domestic duties (for example, sibling care), begging and as child domestic workers. On the other hand, boys are more often involved in street-vending.
- The commonly cited places to sleep are *Katchi Abadi* home (makeshift communities/ temporary settlements), home in a slum, or roadside due to lack of shelter homes.
- Big metropolitan cities have higher presence of street connected children from other states, whereas in the smaller cities street connected children are mostly from the same state.
- Search for employment, slum displacement, poverty of the household, are important triggers of migration of children to the city; whereas some of the reasons why a child leaves the house are “family breakdown, divorce, step parenting, domestic violence, beating, rebuke, lack of community support, breakdown of support networks, lack of parental education about child care and development, conflict in family and stress management skills by the parents; assorted family problems including abuse, desire for consumer goods, the lure of the city”, etc. lead children to the streets.
- The maximum spending of their earnings by Children in Street Situations is on food.
- Most street connected children work for 5-8 hours on an average on a working day. Long working hours, drudgery and exhaustion are the reasons for children to get attracted to drugs. A substantial proportion of children spend a part of their earnings on drugs and intoxicants.
- Injury and illness are common among the street connected children. Diarrhoea/ loose motions, viral fever, food poisoning are common illness caused and aggravated by consumption of unsafe drinking water, lack of personal hygiene and open defecation.
- The street connected children have access to Government health facilities and mostly they visit the railway hospital or government hospital.
- Most street connected children depend on public sources of water. This includes tap water, hand pumps, wells, parks, bus stands, water sources at railway stations, etc.
- Most of the street connected children are vulnerable to emotional, physical and sexual abuse due to lack of secure shelter and adult care. It has often been seen that because of a lack of permanent shelter and (that) the

number of Children in Street Situations is not recorded in any national survey, Children in Street Situations are often called the 'hidden children'. Being hidden, they are at a higher risk to being abused, exploited and neglected.

- Emergency outreach service is not available on all railway platforms and within the city, so many street connected children are never contacted.
- Most of the children do not have any identification documents, which would have enabled them to demand services and schemes offered by the government.
- Children in Street Situations often lack the support of their families. Hence from a very young age they support themselves by working to earn an income. This keeps them away from regular and structured education.
- They live in Unhygienic conditions, which results in them suffering from chronic health problems like asthma and dysentery. Being on the street also gives them easy access to drugs, alcohol and tobacco, hence substance abuse is also a major problem that such children are prone to.
- Children in Street Situations are often more vulnerable to sexual and reproductive health problems, sexually transmitted diseases, HIV/AIDS, unwanted pregnancies and unsafe abortions. It has been seen that sexual and reproductive health problems affect both girls and boys.
- Children in Street Situations have a number of psychological problems, due to insecurity and continued anxiety, violation, maladjusted behaviour throughout their lives.

## **Rationale and Objective of the SOP**

Taking into consideration the ever increasing numbers of children in street situations and the various reports highlighting the challenges and recommendations in dealing with them, there was a felt need for a comprehensive SOP to outline a framework of intervention services that may be applied to a street child as a 'child in need of care

and protection'. The SOP does not deal with 'child in conflict with law', as the processes under the juvenile justice law for children who have alleged to commit offences, are different. Although there cannot be any watertight compartmentalization of 'child in need of care and protection' and 'child in conflict with law', especially with respect to Children in Street Situations; nonetheless, the processes, which will be set in motion with respect to these two categories will be different. Hence, this SOP is focused on a street child as a 'child in need of care and protection' under the juvenile justice law.

The SOP neither seeks to advocate a one-size-fits-all-approach, nor seeks to present a standardized model of intervention with Children in Street Situations; since it acknowledges that Children in Street Situations are not a homogenous group. The SOP seeks to identify the step-by-step processes that should be set in motion when interventions are made with respect to different categories of children in street situations. This SOP does not present standardized prescriptions, but PROCESSES that should be set in motion once a child has been reported as a street child.

The SOP does not prescribe and recommend new institutions, frameworks, infrastructures or systems whilst dealing with Children in Street Situations; but is practically grounded on the available legal system and policy framework. It seeks to create a convergence of the various functionaries, institutions/ agencies, and the multifarious government schemes and policies; for a more holistic approach in providing care, protection and rehabilitation of Children in Street Situations.

The NCPCR in association with the Ministry of Railways, Government of India, has released and operationalized a 'Standard Operating Procedure for Railways to Ensure Care and Protection of Children in Contact with the Railways' in March 2015. The current SOP deals with Children in Street Situations and geographical expanses, and provides for their holistic treatment from care to rehabilitation. Both the SOPs can be supplemented and complemented with each other, during various interventions with children in street situations.

All the functionaries under the JJ Act, 2015, can use both the SOPs together and as complementary to each other. This SOP is a step-by-step guideline for all stakeholders dealing with Children in Street Situations, and primarily the Child Welfare Committee upon whom the JJ Act, 2015 places the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection (Section 27).

## Methodology of Drafting of the SOP

The SOP has been developed from existing best practices of the government and non-government organizations working with Children in Street Situations across India. The drafting process has been steered and informed by the rich and varied experience of the four regional consultations held in February 2016 in Hyderabad, Patna, Lucknow, and Mumbai.

The participants at these regional consultations covered representatives from the National Commission for Protection of Child Rights (hereinafter referred to as the NCPCR), the State Commissions for Protection of Child Rights (hereinafter referred to as the SCPCR),

Department of Women and Child Development (hereinafter referred to as the DWCD), Child Welfare Committees (hereinafter referred to as the CWC), District Child Protection Units (hereinafter referred to as the DCPU), Child Care Institutions (hereinafter referred to as the CCIs), Non-Governmental Organizations (hereinafter referred to as the NGOs), Juvenile Justice Boards (JJBs), police officials, officials from the Home Department of States, Railway Police, Child Labour Commission members, State Legal Services Authority, National Institute of Public Cooperation and Child Development, (NIPCCD), UNICEF and Children in Street Situations themselves.

A special consultation with Children in Street Situations was held in March 2016 at NCPCR, wherein they were mainly invited to discuss the challenges they had faced during the time they lived on the streets, their expectations from governmental and non-governmental authorities, and the steps that should be taken to provide more effective care, protection and rehabilitation. The drafting process of the SOP thus, ensured a more holistic and meaningful child participation at every stage.



Photo Credit: CJ Clarke/Save the Children



## Section: 4

# RESCUE AND PRODUCTION OF CHILDREN IN STREET SITUATIONS FOR CARE AND PROTECTION

### Production before Child Welfare Committee: First Point of Contact w.r.t. Children in Street Situations

Children on street are children in need of care and protection, for whom the government has established helpline number 1098 operated and managed by Childline that has been the assigned the role and responsibility to rescue and produce such children before the CWC and provide care and protection to the child as per CWC order. The Government has established a district wise District Child Protection Unit (under Revised ICPS) to coordinate with all stakeholders and provide necessary support for care and protection of Children in Street Situations. The DCPU

is also assigned the role to monitor care and protection services supported by the Government, hence the DCPU can be contacted by any person related to care and protection of children in street situations.

**The first contact point will be Childline through its helpline number 1098. In many districts the DCPU also publishes its helpline/contact number, which can be alternatively contacted for care, protection, rescue, rehabilitation and restoration of Children in Street Situations.**

The matrix below lists the hotspots, where most children in street situations may be found and contacted. This list is indicative and not exhaustive.

First Contact Point for care, protection, rescue, rehabilitation and restoration of Children in Street Situations		
Hotspot	Contact person- First	Alternate Contact
Railway stations	GRP at Railway Station	Station Manager/DCPU
Bus stands	Child Welfare Officer of Local Police Station	Special Juvenile Police Unit (SJPU)/DCPU
Streets/ pavements/ footpaths	Child Welfare Officer of Local Police Station	SJPU/DCPU
Temples/ Dargah/ other religious shrines or places of worship	Management of the place to report	Child Welfare Officer (CWO) of Local Police Station /DCPU
Red light signals/ under fly over bridges, Slums/ hutments	CWO of Local Police Station	SJPU/DCPU
Outside shops/ malls	CWO of Local Police Station	Labour Inspector of the area/ DCPU

## First Contact Point for care, protection, rescue, rehabilitation and restoration of Children in Street Situations

Hotspot	Contact person- First	Alternate Contact
Construction sites	Labour Inspector	CWO of Local Police Station/ DCPU
Working in small shops/ market areas	Labour Inspector	CWO of local police station/ DCPU
Red light areas	CWO of local police station	SJPU/ DCPU
Hospitals/ dispensaries (when they seek treatment)	Hospital Administrator on duty	CWO of Local Police Station/ DCPU
Beaches/ and similar tourist 'hot spots'	CWO of Local Police Station/ Tourist police	SJPU/ DCPU
Other places	CWO of Local Police Station	SJPU/ DCPU
In case child in need of care and protection inside any premise/house	CWO of local police station	District Level Anti Human Trafficking Unit of Police/ DCPU

The JJ Act, 2015 mandates that children who are in need of care and protection (which includes children in street situations) shall be produced before the CWC without any loss of time but within a period of twenty-four hours, excluding the time necessary for the journey [Section 31 (1)]. Mandatory reporting regarding a child found separated from guardian is stipulated under the Act [Section 32 (1)]. If information regarding a child that is abandoned or lost or who appears or claims to be an orphan is not given within twenty-four hours, excluding the time necessary for the journey, then such act shall be regarded as an offence (Section 33).

It is extremely significant to report every child to the CWC for purposes of registering and documenting the child for intervention and services within the eco-system created by the JJ Act, 2015.

If the number of children rescued is more and transportation/ movement is a problem, CWC may reach out (instead of waiting for the children to be reported to them) to the children so as to ensure their suitable placement

## Prevention, Care and Protection of Children in Street Situations

### Contact Point for creating preventive environment w.r.t. Children in Street Situations

- **Certified Insurance Agent:** The children on street are in need of identity, safety and security. To ensure they are contacted

through someone else for ensuring their identity, safety and security, the innovative approach of 'Agent for Change' may be adopted. The Certified Insurance Agent (Certified by Insurance Regulatory Authority of India) will identify and link the children on street with Health Insurance. In this process the Insurance Agent will first produce the child to the CWC. The CWC will attest the address verification (address will be CWC

office, or if any address of child is available), the CWC will also verify and attest the age of child for health insurance purpose. The Insurance Agent will thereafter conduct health insurance of the child, and in case there is no nominee available for the child, CWC will be the custodian till such time the child does not nominate someone else. The Insurance Agent and CWC will coordinate to ensure all children produced before the CWCs (and who are not registered for Aadhar card ) can get an Aadhar registration.

- **Postal System:** The Postman in the urban area will be the second contact point for child. Each postman of the local post office will also cover and develop a list of all street and working children in the area. The list will be shared with the CWCs and a special session will be organized by the Post office in a month with Aadhar authority to register all children in the area with the Aadhar card. The Aadhar card number will be considered as the address of a child. Each Post office will issue a postbox number for the children in need of care and protection, in which children can receive letter or any other communication. The last 4 digits of Aadhar Card and post box number will help postman to reach the child in the area. The post man will also conduct a monthly session with the children for a day to promote savings by children, and any child interested in opening an account in the post office shall be facilitated by the postman towards opening and operating the account.

The post man will be provided incentive for identification, registering with the Aadhar authority and linking financial savings with the post office. Top ten post offices, Aadhar Authority and top 20 postman and CWC will be identified every year for the contribution and letter of appreciation will be provided by the NCPCR.

- Financial inclusion of Children in Street Situations – Financial Inclusion, broadly defined, refers to universal access to a wide range of financial services at a reasonable cost. These include not only banking products but also other financial services such as insurance and equity products<sup>4</sup>. Financial inclusion of children in street situations will develop a practice of savings among them, as working children are more likely to spend their income on non-essential items to reduce the chance of their money being stolen or lost or store it in a way that increases their risk of exploitation, such as with their employer. Further, by bringing children in street situations within the parameters of formal banking sector; financial inclusion protects their earnings in exigent circumstances.

- Opening of Bank Accounts in the Names of Minors<sup>5</sup> - As per RBI Guidelines, minors above the age of 10 years may be allowed to open and operate savings bank accounts independently, if they so desire. The Certified Insurance Agent or the Post Office which will provide other services to Children in Street Situations (as outlined above) will assist the child above 10 years of age, to open a bank account in his/ her name.

For further financial inclusion, youth in after-care after the age of eighteen years shall be provided assistance to obtain loans/ micro credit under the Pradhan Mantri Mudra Yojana (PMMY) and other loan granting schemes.

- Aadhar card for Children in Street Situations – The Certified Insurance Agent, the NGO, government home or any point of access providing services to children in street situations, will assist the child in obtaining Aadhar card. In case of children in Child Care Institutions, the Superintendent will be ‘Introducer’<sup>6</sup>.

<sup>4</sup> The Committee on Financial Sector Reforms, Reserve Bank of India

<sup>5</sup> RBI/2013-14/581, DBOD.No.Leg.BC.108/09.07.005/2013-14, dated: 06 May 2014

<sup>6</sup> Reference – NCPCR Letter No. 9901/01/2016/Misc., dated: 31 May 2016

- **National Service Scheme (NSS):** The NSS was started with an ambition to tap the youth potential and nation building and capacity building of youth to contribute effectively for social issues. The NSS volunteers will work as a contact point for children in street situations. The college/ educational institution will work with the NSS volunteers to identify the key hotspots in the city and allot the volunteers to contribute their time to work as a contact point for Children in Street Situations.

Each NSS volunteers will participate in mapping of Hot Spots in the city under the supervision of NSS coordinator/convener at college/ institution. The college/ institution will nominate the NSS volunteer in shortlisted hotspot to contribute as a contact point for the Children in Street Situations. The NSS volunteers will develop a list of Children in Street Situations from the selected hotspot, and submit the list to the CWC. Special camps will be organized in coordination with CWC and Aadhar authority to provide Aadhar card to these children.

The NSS volunteers will present the Children in Street Situations to CWC in case they are engage in begging, any cases of abuse is reported. The NSS volunteers will facilitate the care and protection of children in street situation in collaboration with the CWC.

The NSS volunteers from each institution will run a campaign in collaboration with their institution, CWC, DCPU and local NGOs to generate awareness on the issue of children in street situation during children day week.

- **Nehru Yuva Kendra:** NYKS is the largest grassroots level youth organization. It channelizes the power of youth on the principles of voluntarism, self-help and

community participation. NYKS has targeted to identify areas of harnessing youth power for development by forming Youth Clubs, which are village level voluntary action groups of youth at the grassroots level to involve them in nation building activities. The NYKS youth club may support in care and protection of Children in Street Situations at small places.

- Each NYKS youth club in its relevant geography will help in rescue of children on street without adult care and produce them to the CWC for their care and protection.
- The NYKS youth club will spread awareness through its activity on the emergency services for Children in Street Situations.
- The NYKS with the Aadhar authority will organize camps for registering Children in Street Situations under the Aadhar card to ensure they have access to social security schemes.
- **Elderly and Responsible citizens:** The DCPU shall sensitize elderly and responsible citizens in the city to provide care and protection to Children in Street Situations. The senior citizen who visit parks and local areas on regular basis are mostly aware about the local situation and can support effectively in reporting about Children in Street Situations to Childline and Child Welfare Committee.

## Presenting Children before Child Welfare Committee

The matrix given below provides details about the role of different functionaries and persons who are/ may be responsible to produce a child found in street situation before the Child Welfare Committee. The child should be presented to the CWC within 24 hours after rescue. The list is indicative and not exhaustive –

Stakeholders	
1. Childline Services	9. Special Juvenile Police Unit
2. District Child Protection Unit	10. Child Welfare Police Officer/ any other police official
3. Probation Officer	11. Outreach workers of NGOs running Day-Care Centres/ Night Shelters/ Open Shelters
4. Community Based NGOs in the slums/ hutments	12. Authorities under the Child Labour (Prohibition and Regulation) Act, 1986
5. Authorities under the Bonded Labour Act, 1976	13. Labour Inspector appointed under any labour law
6. District Child Labour Task Force	14. Any public servant
7. Any public spirited citizen	15. Any nurse, doctor or management of a nursing home, hospital or maternity home
8. By the child himself/ herself.	16. Particularly at the railway station – Government Railways Police, Railway Protection Force, Train Ticket Examiner, Ticket Collector, coolie/ porters, vendors at the station, outreach workers of NGOs, passengers/ persons accompanying passengers, taxi/ auto rickshaw and cycle rickshaw drivers, all other service providers at the station or on train, and public spirited citizens <sup>7</sup>

<sup>7</sup> For more details, reference may be made to SOP for Railways to Ensure Care and Protection of Children in Contact with the Railways, NCPCR and Ministry of Railways, Government of India, 2015.

## Section: 5

# OPERATING PROCEDURE OF CWC, W.R.T. CHILDREN IN STREET SITUATIONS

### Preliminary Operating Procedure of CWC, w.r.t. children in street situations

- **Step 1:** Child is reported to the CWC.
- **Step 2:** CWC to make preliminary inquiry from the child and/or from the individual/ agency producing the child regarding the place and the circumstances under which the child was found/ contacted, and the whereabouts of the family<sup>8</sup>. Completing the Social Investigation report within 15 days from the day child was produced before the CWC
- **Step 3:** CWC to speak to the child (depending on the age of the child) to ascertain the wishes of the child – for instance, whether the child wants to go back to the family, in keeping the best interest of the child in mind.
- **Step 4:** CWC to pass an interim order for short-term care, to send the child to the nearest CCI or or fit person, till the family is contacted.
- **Step 5:** When the family of the child is found, and upon consideration of Social Investigation Report submitted by CWO and taking into account the child's wishes in case the child is sufficiently mature to take a view, the CWC shall order restoration of the child with family after following due process. The inquiry must be completed within four months or within such shorter period as may be fixed by the CWC.
- **Step 6:** If the child does not want to go back to the family, CWC to obtain a report from DCPU/ SJPU/ social worker/ NGO to assess each individual case, interview and counsel the child.
- **Step 7:** After counseling the child and ascertaining the child's wish, CWC to pass order for long term residential care in Children Home or Shelter Home or CCIs.
- **Step 8:** If the CWC comes to the conclusion that the child is 'missing child', CWC will pass directions for the child to be registered as missing on the Khoya-Paya portal<sup>9</sup> or the Track Child portal at the National Tracking System for Missing and Vulnerable Children<sup>10</sup>.
- **Step 9:** If the CWC comes to the conclusion that the child is 'missing child', FIR to be registered in the local police station to enable tracking and recovery of the child by the parents.
- **Step 10:** When the parents of the 'missing' child are found, CWC to order restoration of the child with family after following due process.

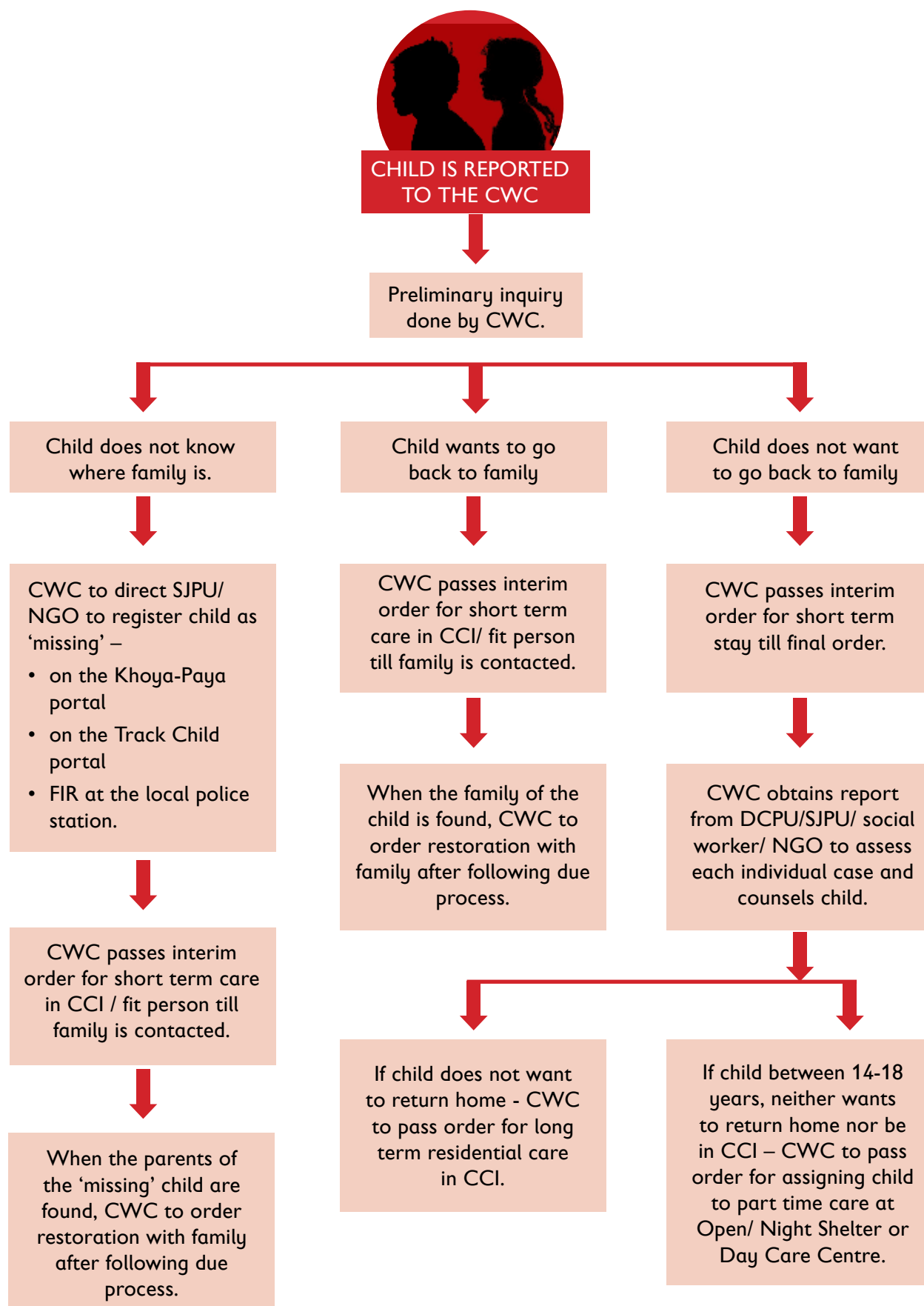
<sup>8</sup> The term 'family' here will broadly be understood to mean – parent(s) or relatives or guardians.

<sup>9</sup> <http://khoyapaya.gov.in/mpp/dosAndDonts#nav>

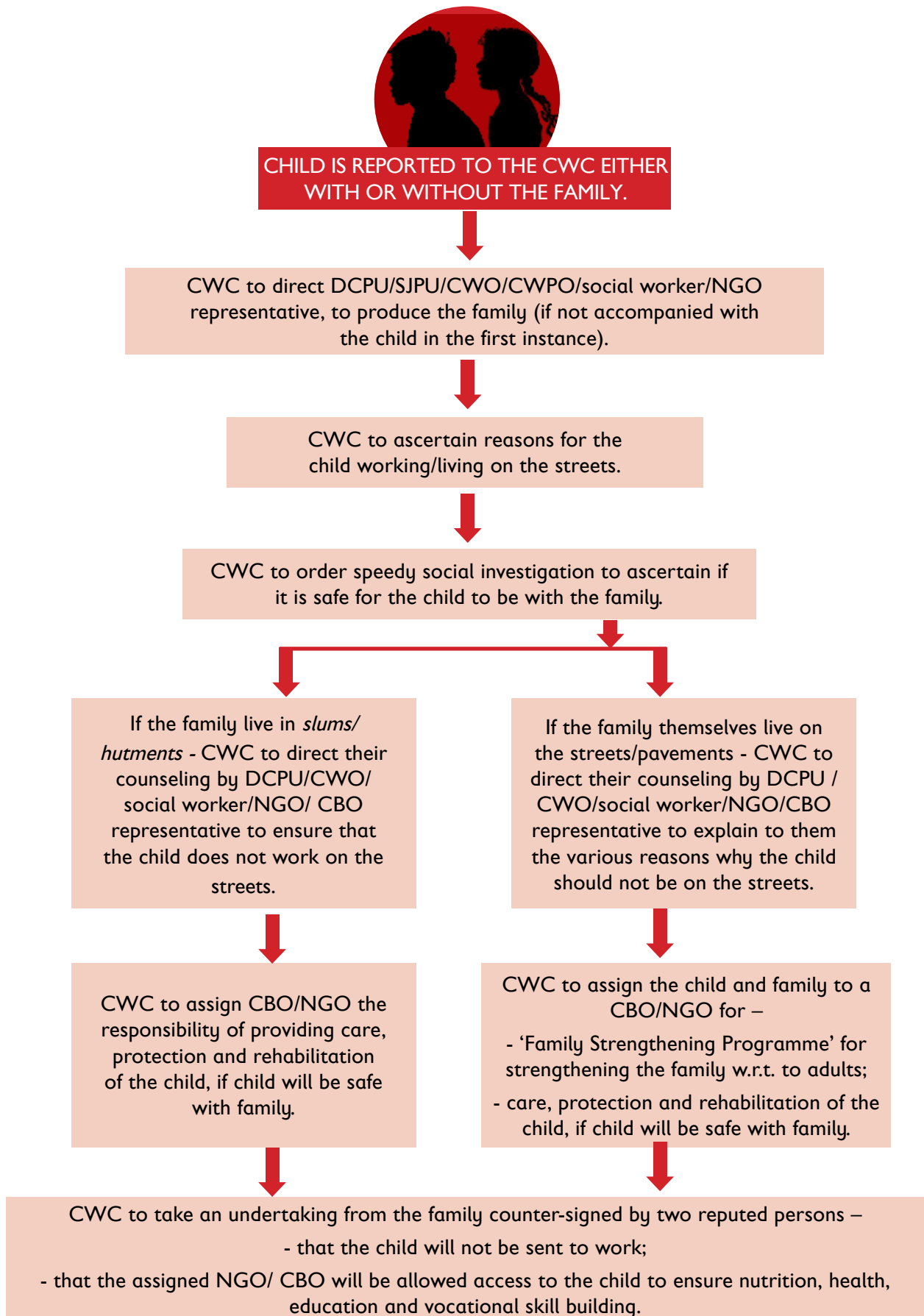
<sup>10</sup> <http://trackthemissingchild.gov.in/trackchild/index.php>



## Flowchart - Preliminary Procedures/ Steps to be followed by CWCs w.r.t Children in Street Situations who are Abandoned / Orphaned or Runaway / Missing Child



## Flowchart - Preliminary Procedures/ Steps to be followed by CWCs w.r.t Street 'Connected' Child / Community Child on the Street



## Steps by CWC after Social investigation Report is received by CWC w.r.t Child produced before the CWC from street situations.

### 5. Steps by CWCs for CHILDREN IN street SITUATIONS: MATRIX FOR ALL 4 CATEGORY

Steps by CWCs for Children in Street Situations, who are abandoned or orphaned or are without parents or guardians	Steps by CWCs for Children in Street Situations who are Missing or Runaway
Category 1	Category 2
<p><b>Step 1:</b> After the social investigation report and the police report, if the CWC comes to the conclusion that the <i>child does not have parent(s)/ relatives/ guardians</i> or is abandoned or orphaned, the CWC can make any of the following orders under the various provisions of JJ Act, 2015 and the Rules framed thereunder:</p> <p><b><u>a) Declaration of the child legally free for adoption as per procedure under the provisions of JJ Act, 2015 and Rules -</u></b></p> <ul style="list-style-type: none"> <li>● All children below six years of age, who are orphan, surrendered or appear to be abandoned shall be placed in a Specialized Adoption Agency, where available (Section 36 (1) of JJ Act, 2015).</li> </ul> <p><b><u>b) Directing placement of a child in foster care, with a guardian or a fit person as per procedure under the provisions of JJ Act, 2015 and Rules-</u></b></p> <p><b>Step 1:</b> For children above six years of age, after an inquiry, consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, the CWC may pass any of the following orders, namely -</p> <ul style="list-style-type: none"> <li>● Placing the child in foster care</li> <li>● Placing the child with a guardian</li> <li>● Placing the child with a fit person</li> </ul> <p><b>Step 2:</b> The CWC may, while placing a child under foster care or under a guardian or fit person, at the time of restoration, direct such foster family, guardian or fit person to enter into an undertaking providing for care, well-being and protection of the child.</p>	<p><b>Step 1:</b> In instances, <i>where the child has family and their whereabouts are known</i>, the CWC shall seek the following documents before deciding on the restoration –</p> <ul style="list-style-type: none"> <li>● Documents produced by the parents/ guardians/ fit person;</li> <li>● The report of the police and/or the report of the SJPU/ CWPO/ Probation Officer/ social worker recommending restoration of the child to the parents/ guardians/ fit person; and</li> <li>● CWC should make its own assessment of whether the parents/ guardians/ fit person are fit to look after the child by verifying birth certificate/ school certificate (if available)/ family photographs/ report from local authorities of the parent's city/ village.</li> </ul> <p><b>Step 2:</b> The CWC shall order restoration of a child to the parents/ guardian/ fit person, as the case may be, only after determining their suitability to take care of the child.</p> <p><b>Step 3:</b> The CWC may order counseling of the parents/ guardian/ fit person, by DCPU/ CWO/ social worker/ representation of institution/ NGO taking care of the child before handing over the child.</p>

## 5. Steps by CWCs for CHILDREN IN street SITUATIONS: MATRIX FOR ALL 4 CATEGORY

Steps by CWCs for Children in Street Situations, who are abandoned or orphaned or are without parents or guardians	Steps by CWCs for Children in Street Situations who are Missing or Runaway
Category 1	Category 2
<p><b><u>c) Placement of a child in full time institutional support</u></b></p> <p><b>Step 1:</b> For children between the ages of six to eighteen years, the CWC may after an inquiry, consideration of Social Investigation submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, may order placement of the child in a "Child Care Institution" (Children Home or a fit facility or Open Shelter or Day-Care Centre or Night Shelter).</p> <p><b>Step 2:</b> CWC will select the registered institution based on the child's age, gender, disability and needs and keeping in mind the available capacity of the institution.</p> <p><b>Step 3:</b> The CCI will be directed to ensure the child's rights to food and nutrition, health, education, skill development, identity, and rehabilitation.</p> <p><b><u>d) Assigning of a child for part time care with Open Shelter/ Day-Care Centre/ Night Shelter</u></b></p> <p><b>Step 1:</b> For children between the ages of fourteen to eighteen years, the CWC may order after an inquiry, consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, may order assigning of the child for part time care with Open Shelter/ Day-Care Centre/ Night Shelter.</p> <p><b>Step 2:</b> The agency/ organization running the Open Shelter/ Day-Care Centre/ Night Shelter will be directed to ensure the child's rights to food and nutrition, health, education, skill development, identity, and rehabilitation.</p>	<p><b>Step 4:</b> The CWC may, while placing a child under the care of a parent, guardian or fit person at the time of restoration, direct such parent, guardian or fit person to enter into an undertaking providing for care, well-being and protection of the child.</p> <p><b>Step 5:</b> The CWC may after seek a report from DCPU/ social worker/ NGOs to ascertain if the family and child is at risk and provide necessary support services in the form of sponsorship for child's education, health, nutrition and other developmental needs.</p>

## 5. Steps by CWCs for CHILDREN IN street SITUATIONS: MATRIX FOR ALL 4 CATEGORY

Street Connected or Community Child. With Parents or Without Parents	Child begging on the street
Category 3	Category 4
<p><b>Step 1:</b> After an inquiry, consideration of Social Investigation Report (SIR) submitted by Child Welfare Officer, counseling and taking into account the parents' wishes, counseling and taking into account the child's wishes in case the child is sufficiently mature to take a view - the CWC may order assigning of the child for part time care with an Open Shelter/ Day-Care Centre/ Night Shelter.</p> <p><b>Step 2:</b> The agency/ organization running the Open Shelter/ Day-Care Centre/ Night Shelter will be directed to ensure the child's rights to food and nutrition, health, education, skill development, identity, and rehabilitation.</p> <p><b>Step 3:</b> In all instances when the child is allowed to be with the family, CWC shall take an undertaking from the family counter-signed by two reputed persons - that the child will not be sent to work - and that the assigned agency/ organization running the Open Shelter/ Day-Care Centre/ Night Shelter will be allowed access to the child to ensure provision of food/ nutrition, health, education and skill training and development.</p> <p><b>Step 4:</b> The CWC may also order a 'Family Strengthening Programme' to be carried out by an NGO/ CBO. If possible, the NGO/ CBO to which the child is assigned, may be directed to develop a comprehensive 'Family Strengthening Programme' to ensure that the child is retained with the family and does not again leave home to be on the streets. This also ensures a preventive approach towards ensuring that the child remains within the family environment. A list of the measures that may be taken are indicated as hereunder (the list is indicative and not exhaustive)-</p> <ul style="list-style-type: none"> <li>• Counseling of family for taking responsibility of the child and ensuring that child does not leave home again.</li> <li>• Bring the family under a sponsorship programme, which may provide supplementary support to families, to meet medical, nutritional, educational and other needs of the children, with a view to improving their quality of life (Section 45 (4) of JJ Act, 2015).</li> <li>• Identification of Below Poverty Line (BPL) families for help in making of BPL cards and availing due quota of rations under the scheme.</li> </ul>	<p><b>Step 1:</b> After an inquiry and consideration of SIR submitted by Child Welfare Officer, if child found to be Orphan or Abandoned child, the child will be considered as 'Abandoned or Orphaned Child' and action will be taken as suggested in Category 1 of this matrix.</p> <p><b>Step 2:</b> If SIR report found that child begging on the street is a missing or runaway child, the action by CWC will be taken as suggested in Category 2 of this matrix.</p> <p><b>Step 3:</b> In case SIR found Child begging on the street and is connected and living with the parents/ guardian/ caretaker or connected with the parents/ guardian/ care taker. In such situation CWC shall decide if Parents are fit for ensuring care and protection of child and take appropriate action.</p> <p><b>Step 4:</b> The CWC shall order to file an FIR in such incidence for further investigation as per Section 9, Sub Section 76, Clause (1) of Juvenile Justice (Care and Protection of Children) Act, 2015.</p> <p><b>Step 5:</b> In case SIR found that Child begging on the street was forced by someone for begging. CWC shall order to lodge an FIR and investigate the matter for penalizing the offender.</p>



## 5. Steps by CWCs for CHILDREN IN street SITUATIONS: MATRIX FOR ALL 4 CATEGORY

Street Connected or Community Child. With Parents or Without Parents	Child begging on the street
Category 3	Category 4
<ul style="list-style-type: none"> <li>• Help in accessing the Public Distribution System.</li> <li>• Help in making the Antyodaya card, and availing the special grain quotas under Antyodaya Anna Yojana at subsidized prices.</li> <li>• Linking the child and family to the children in street situations or <i>Anganwadis</i> to address the needs of children under the age of six years.</li> <li>• Helping the family avail of the lump sum cash assistance under the National Family Benefit Scheme to BPL families on the death of a primary breadwinner.</li> <li>• Assisting the family in enrolling in the Mahatma Gandhi National Rural Employment Guarantee (MNREGA) scheme and obtaining work.</li> <li>• Assisting the family in making a Health Card under the - <i>Rashtriya Swasthya Bima Yojana</i> (RSBY), a Health Insurance Scheme for BPL families, providing financial protection against catastrophic health costs and improving access to health care.</li> <li>• Assisting the family members in joining Mahila Mandals, Self-Help Groups, Youth Clubs, or some other association, as may be relevant and appropriate.</li> <li>• Any other scheme formulated for children released under the provisions of the Bonded Labour Act, 1976.</li> <li>• Any other scheme formulated by the State Governments/ Union Territories.</li> <li>• Ensure follow up and support system for the family and child at home through by Village Child Protection Committee / District Child Protection Committee.</li> </ul>	<p><b>Step 6:</b> The CWC may send the child for long term care and protection, if found the child to be less than 6 years of age, the process of adoption should be initiated as per the CARA guideline.</p> <p><b>Step 7:</b> If child is found to be more than 6 years of age, long term care and protection, foster care, group foster care option shall be explored by the CWC.</p>

## Steps to be followed by CWCs before Family reintegration w.r.t. Children in Street Situations

**Step 1:** Child is reported to the CWC either with or without the family<sup>11</sup>.

**Step 2:** CWC to make preliminary inquiry from the child and/or from the individual/ agency producing the child regarding the place and the circumstances under which the child was found/ contacted.

**Step 3:** CWC to direct DCPU/ SJPU/ CWO/ CWPO/ social worker/ NGO representative - to produce the family (if not accompanied with the child in the first instance), based on the information provided by the child.

**Step 4:** CWC to ascertain reasons from the family for the child working or living on the streets.

**Step 5:** CWC to order speedy social investigation of the child's family and circumstances to ascertain if it is safe for the child to be with the family. Removal of child from the custody of the family should not be automatically ordered, unless there are grave circumstances to do so.

**Step 6:** If the family lives in slums/ hutments, CWC to direct their counseling by DCPU/ CWO

/social worker/ NGO/ CBO representative to ensure that the child does not work on the streets.

**Step 7:** CWC to assign a CBO/ NGO the task of providing appropriate care, protection and rehabilitation of the child, if the child will be safe with the family.

**Step 7:** If the family themselves live on the streets/ pavements, CWC to direct their counseling by DCPU/ CWO/ social worker/ NGO/ CBO representative to explain to them the various reasons why the child should not be on the streets.

**Step 8:** CWC to assign the child and family to a CBO/ NGO for 'Family Strengthening Programme for ensuring proper intervention and services with respect to the child and strengthening of the family with respect to the adults.

**Step 9:** In all instances when the child is allowed to be with the family, CWC shall take an undertaking from the family counter-signed by two reputed persons - that the child will not be sent to work, and that the assigned NGO/ CBO will be allowed access to the child to ensure nutrition, health, education and vocational skill development.

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<sup>11</sup> The term 'family' here will broadly be understood to mean – parent(s) or relatives or guardians.



Photo Credit: Prashanth Vishwanathan/ Save the Children

## Section: 6

# REHABILITATION OF STREET CONNECTED CHILDREN

### Social Rehabilitation

- Children in the juvenile justice system shall have the right to be re-united with their families at the earliest, unless such restoration and repatriation is not in their best interest.
- The process of rehabilitation and social integration of children under the JJ Act, 2015 and the Rules<sup>12</sup> framed thereunder, shall be undertaken, based on the individual care plan of the child, preferably through family based care such as by restoration to family or guardian with or without supervision or sponsorship, or adoption or foster care.
- The common practice is that the child is sent back to the family or extended family without ascertaining the wishes of the child or against the best interest of the child. The Destination State (where the child is found) often tries to send the child back to the Source State (where the child is originally from) without much effort in assessing the family situation. Repatriation should be purely voluntary and in best interest of the child.

### Rehabilitation of Street Connected Children

**Step 1:** In instances, where the child has family and their whereabouts are known, the CWC shall seek the following documents before deciding on the reintegration and rehabilitation process –

<sup>12</sup> The drafting of the Rules under the JJ Act, 2015 is currently under process as on the date of publication of this SOP.

- Documents produced by the parents/ guardians/ fit person;
- The report of the police and/or the report of the SJPU/ CWPO/ Probation Officer/ social worker recommending restoration of the child to the parents/ guardians/ fit person; and
- CWC should make its own assessment of whether the parents/ guardians/ fit person are fit to look after the child by verifying birth certificate/ school certificate (if available)/ family photographs/ report from local authorities of the parents/ city/ village.

**Step 2:** The CWC shall order restoration of a child to the parents/ guardian/ fit person, as the case may be, only after determining their suitability to take care of the child.

**Step 3:** The CWC may order counseling of the parents/ guardian/ fit person, by DCPU/ CWO/ social worker/ representation of institution/ NGO taking care of the child before handing over the child.

**Step 4:** The CWC may, while placing a child under the care of a parent, guardian or fit person at the time of restoration, direct such parent, guardian or fit person to enter into an undertaking providing for care, well-being and protection of the child.

**Step 5:** The CWC may after seek a report from DCPU/ social worker/ NGOs to ascertain if the family and child is at risk and provide necessary support services in the form of sponsorship for child's education, health, nutrition and other developmental needs.

- “Sponsorship” means provision of supplementary support, financial or otherwise, to the families to meet the medical, educational and developmental needs of the child (Section (58) of the JJ Act, 2015).

## Reintegration and Rehabilitation of Abandoned or Orphaned Child

**Step 1:** After the social investigation report and the police report, if the CWC comes to the conclusion that the child does not have parent(s)/ relatives/ guardians or is abandoned or orphaned, the CWC can make any of the following orders under the various provisions of JJ Act, 2015 and the Rules framed thereunder –

### a) Declaration of the child legally free for adoption as per procedure under the provisions of JJ Act, 2015 and Rules -

- “Adoption” means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child (Section 2 (2) of JJ Act, 2015).
- All children below six years of age, who are orphan, surrendered or appear to be abandoned shall be placed in a Specialized Adoption Agency, where available (Section 36 (1) of JJ Act, 2015).

### b) Directing placement of a child in foster care, with a guardian or a fit person as per procedure under the provisions of JJ Act, 2015 and Rules -

**Step 1:** For children above six years of age, after an inquiry, consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child’s wishes in case the child is sufficiently mature to take a view, the CWC may pass any of the following orders, namely -

#### A Placing the child in foster care -

- “Foster care” means placement of a child, by the CWC for the purpose of alternate

care in the domestic environment of a family, other than the child’s biological family, that has been selected, qualified, approved and supervised for providing such care (Section 2 (29) of JJ Act, 2015).

- “Foster family” means a family found suitable by the District Child Protection Unit to keep children in foster care (Section 2 (30) of JJ Act, 2015).
- The selection of the foster family shall be based on family’s ability, intent, capacity and prior experience of taking care of children.
- Foster care shall be carried out under the supervision of a Probation Officer or case-worker or social worker, as the case may be, and the period of foster care shall depend on the need of the child.
- Senior citizens (couples) who are found suitable by the District Child Protection Unit to keep children in foster care (Section 2 (30) of JJ Act, 2015), should be encouraged to take in Children in Street Situations in their families.

#### B. Placing the child with a guardian –

- “Guardian” in relation to a child, means his natural guardian or any other person having, in the opinion of the CWC, the actual charge of the child, and recognized by the CWC, as a guardian (Section 2 (31) of JJ Act, 2015).
- Restoration of the child to the guardian may be ordered with or without supervision of Child Welfare Officer or designated social worker.

#### C. Placing the child with a fit person –

- “Fit person” means any person, prepared to own the responsibility of a child, for a specific purpose, and such person is identified after inquiry made in this behalf and recognized as fit for the said purpose, by the CWC, to receive and take care of the child (Section 2 (28) of JJ Act, 2015).

**Step 2:** The CWC may, while placing a child under foster care or under a guardian or fit person, at the time of restoration, direct such



foster family, guardian or fit person to enter into an undertaking providing for care, well-being and protection of the child.

**Step 3:** The CWC shall direct for submission of timely progress reports from the foster family, guardian or fit person with respect to the child.

#### **D. Placement of a child in full time institutional support –**

**Step 1:** For children between the ages of six to eighteen years, the CWC may after an inquiry, consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, may order placement of the child in a "Child Care Institution" (Children Home or a fit facility or Open Shelter or Day-Care Centre or Night Shelter).

**Step 2:** CWC will select the registered institution based on the child's age, gender, disability and needs and keeping in mind the available capacity of the institution.

**Step 3:** The CCI will be directed to ensure the child's rights to food and nutrition, health, education, skill development, identity, and rehabilitation.

#### **E. Assigning of a child for part time care with Open Shelter/ Day-Care Centre/ Night Shelter**

**Step 1:** For children between the ages of fourteen to eighteen years, the CWC may order after an inquiry, consideration of Social Investigation Report submitted by Child Welfare Officer and taking into account the child's wishes in case the child is sufficiently mature to take a view, may order assigning of the child for part time care with Open Shelter/ Day-Care Centre/ Night Shelter.

**Step 2:** The agency/ organization running the Open Shelter/ Day-Care Centre/ Night Shelter will be directed to ensure the child's rights to food and nutrition, health, education, skill development, identity, and rehabilitation.

## **Reintegration and Rehabilitation of Street 'Connected' Child / Community Child on the Street**

**Step 1:** After an inquiry, consideration of Social Investigation Report submitted by Child Welfare Officer, counseling and taking into account the parents wishes, counseling and taking into account the child's wishes in case the child is sufficiently mature to take a view - the CWC may order assigning of the child for part time care with an Open Shelter/ Day-Care Centre/ Night Shelter.

**Step 2:** The agency/ organization running the Open Shelter/ Day-Care Centre/ Night Shelter will be directed to ensure the child's rights to food and nutrition, health, education, skill development, identity, and rehabilitation.

**Step 3:** In all instances when the child is allowed to be with the family, CWC shall take an undertaking from the family counter-signed by two reputed persons - that the child will not be sent to work - and that the assigned agency/ organization running the Open Shelter/ Day-Care Centre/ Night Shelter will be allowed access to the child to ensure provision of food/ nutrition, health, education and skill training and development.

**Step 4:** The CWC may also order a 'Family Strengthening Programme' to be carried out by an NGO/ CBO. If possible, the NGO/ CBO to which the child is assigned, may be directed to develop a comprehensive 'Family Strengthening Programme' to ensure that the child is retained with the family and does not again leave home to be on the streets. This also ensures a preventive approach towards ensuring that the child remains within the family environment. A list of the measures that may be taken are indicated as hereunder (the list is indicative and not exhaustive) -

- Counselling of family for taking responsibility of the child and ensuring that child does not leave home again.
- Bring the family under a sponsorship programme, which may provide

supplementary support to families, to meet medical, nutritional, educational and other needs of the children, with a view to improving their quality of life (Section 45 (4) of JJ Act, 2015).

- Identification of Below Poverty Line (BPL) families for help in making of BPL cards and availing due quota of rations under the scheme.
- Help in accessing the Public Distribution System.
- Help in making the Antyodaya card, and availing the special grain quotas under Antyodaya Anna Yojana at subsidized prices.
- Linking the child and family to the children in street situations or *Anganwadis* to address the needs of children under the age of six years.
- Helping the family avail of the lump sum cash assistance under the National Family Benefit Scheme to BPL families on the death of a primary breadwinner.
- Assisting the family in enrolling in the Mahatma Gandhi National Rural Employment Guarantee (MNREGA) scheme and obtaining work.
- Assisting the family in availing of house under the Indira Awaas Yojana as per entitlement rules.
- Assisting the family in making a Health Card under the - *Rashtriya Swasthya Bima Yojana* (RSBY), a Health Insurance Scheme for BPL families, providing financial protection against catastrophic health costs and improving access to health care.
- Assisting the family members in joining Mahila Mandals, Self-Help Groups, Youth Clubs, or some other association, as may be relevant and appropriate.
- Any other scheme formulated for children released under the provisions of the Bonded Labour Act, 1976.
- Any other scheme formulated by the State Governments/ Union Territories.

- Ensure follow up and support system for the family and child at home through by Village Child Protection Committee / District Child Protection Committee.

## Steps for After Care & Re-Integration into Society w.r.t. Children in Street Situations

The JJ Act, 2015 makes special provisions for after care of children leaving a child care institution on completion of eighteen years of age. “Aftercare” means making provision of support, financial or otherwise, to persons, who have completed the age of eighteen years but have not completed the age of twenty-one years, and have left any institutional care to join the mainstream of the society (Section 2 (5) of JJ Act, 2015).

Such children may be provided with financial support in order to facilitate their re-integration into the mainstream of the society (Section 46 of JJ Act, 2015).

Reintegration into society also includes the victims of sexual assault/ abuse who are often not accepted by family and society due to stigma.

Aftercare is mostly seen as an extension of institutional care. However, in the case of Children in Street Situations, it needs to be organized in a different way, given the fact that the entry in the setting may be late. As young people, they may need to settle down with the extension of shelter facility, combined with vocational rehabilitation.

The CWC may direct the DCPU along with the CCI with the objective to facilitate transition of children on completion of eighteen years of age from an institution-based life to mainstream society for social re-integration -

**Step 1:** Placing of the child in ‘group foster care’ -

- “Group foster care” means a family like care facility for children in need of care and protection who are without parental care, aiming on providing personalized care and fostering a sense of belonging and identity,

through family like and community based solutions (Section 2 (32) of the JJ Act, 2015).

**Step 2:** Directing the CCI towards –

- Forming a structure and format of the group foster home with the participation of the youth.
- Encouraging the youth to learn a vocation or gain employment and contribute towards the rent as well as the running of the home.
- Linking the youth with the various government schemes implemented by the District Committees under the Ministry of Skill Development and Entrepreneurship and other employment based programmes for skill building and development.

- Assisting those aspiring to set up entrepreneurial activities with obtaining bank loans/ micro credit under the Pradhan Mantri Mudra Loan Bank Yojana (PMMY) and other loan schemes, through drafting applications, and providing necessary professional advice and training.
- Inspiring the youth to gradually sustain themselves without any support and move out of the group home to stay in a place of their own after saving sufficient amount through their earnings.

Step 3: In furtherance of Steps 1 and 2 above, any special provision that may be required to be made for girls for their social re-integration.



Photo Credit: CJ Clarke/Save the Children

## Section: 7

# CONVERGENCE AND NETWORKING BY CWC W.R.T CHILDREN IN STREET SITUATIONS

During the entire process, from care up to rehabilitation and reintegration of the street child, various functionaries perform their duties at different stages. Some of these stakeholders, such as, the line government departments and the non-governmental stakeholders - are within the purview of the juvenile justice system and some are outside. The CWC can direct all the line government departments and the non-governmental stakeholders and call upon District Women and Child Development Officer (or by

whatever designation the department is called in the States) to facilitate the coordination with other state departments and civil society.

Correspondingly, all the stakeholders, both governmental and non-governmental can call upon the CWC for assistance and guidance with respect to performance of their various functions with respect to children in street situations. Thus, the relationship between the CWC and other stakeholders can be represented as –



No.	CWC	Convergence and Networking relation
1	CWC - Police Coordination	<p>(SJPU/designated CWPO/DCPU/Railway Police/Anti Human Trafficking Units/ police)</p> <ul style="list-style-type: none"> <li>• Filing First Information Report (FIR) or a complaint</li> <li>• Rescue of a child</li> <li>• Recovery of child / recovery of child's property</li> <li>• Tracing of family</li> <li>• Verification of documents</li> <li>• Escorting child (to hospital/ for tracing of family/ intra-state or inter-state restoration with family)</li> <li>• Co-ordination in court cases where offences have been committed against the child, and the child is the victim</li> <li>• Training and sensitization of police officials at all levels, regarding their behaviour and interaction, as the 'first responders' with Children in Street Situations.</li> </ul>
2	CWC – NGO Coordination for -	<ul style="list-style-type: none"> <li>• Filing FIR or a complaint</li> <li>• Assistance with tracing of family</li> <li>• Social investigation</li> </ul>



No.	CWC	Convergence and Networking relation
		<ul style="list-style-type: none"> <li>• Placement of the child for short term or long term care</li> <li>• Professional services (psycho-social counseling and services, education/ vocational training, legal counseling and legal aid, after care and monitoring)</li> <li>• Assist police with inter-state or intra state transfer of child</li> <li>• Procuring identification documents for the child</li> <li>• Assisting families towards ‘Family Strengthening Programme’</li> <li>• Setting up several Contact Points/ Childline Points at ‘hot-spot’ areas (a place of significant activity and presence of Children in Street Situations), with easy access to these Points</li> <li>• Creating awareness about the Contact Points/ Childline Points through dissemination of information at bus stands, market places, and other ‘hot spot’ areas.</li> </ul>
3	CWC - Department of Health Coordination for –	<ul style="list-style-type: none"> <li>• Medical examination</li> <li>• Age verification,</li> <li>• Hospitalization and special treatment (where required)</li> <li>• Creation of separate de-addiction centres for children, that are child-friendly in their approach</li> <li>• Providing psychologists/ counsellors for professional counselling services (when required by CWC or NGOs).</li> </ul>
4	CWC – Department of Education Coordination for –	<ul style="list-style-type: none"> <li>• Enrolling the child in formal education in schools under the Right to Free and Compulsory Education Act, 2009</li> <li>• Deputing teachers to identify out-of-school children on the streets for enrolment under formal education or assigning the children to Day-Care Centres/ Night Shelters/ Open Shelters/ NGOs for Non-Formal Education, bridge courses or remedial classes, as applicable</li> <li>• Involving teachers in providing remedial classes in the school to children enrolled in formal education</li> <li>• Allowing Day-Care Centres/ Night Shelters/ Open Shelters to function in a specific portion of schools, wherever possible</li> <li>• Allowing the Children in Street Situations in the vicinity of schools and referred by NGOs, access to mid-day meal scheme, wherever possible.</li> </ul>
5	CWC – Department of Labour Coordination for –	<ul style="list-style-type: none"> <li>• Rescuing of children and production before the CWC by Labour Inspector appointed under any labour law; authorities under the Child Labour (Prohibition and Regulation) Act, 1986; and authorities under the Bonded Labour Act, 1976</li> <li>• District Child Labour Task Force</li> <li>• Rescuing of children and production before the CWC by Inspector under the Shops and Establishments Acts.</li> </ul>



No.	CWC	Convergence and Networking relation
6	CWC - District Committees (under the Ministry of Skill Development and Entrepreneurship) – NGO – CCI - Coordination for -	<ul style="list-style-type: none"> <li>• Assisting and guidance in skill training and development of children between the ages of sixteen to eighteen years</li> <li>• Assisting and guidance in skill training and development of youth in after-care after the age of eighteen years</li> <li>• Assisting and guidance in job placements by matching skills and interest by exploring possibilities under the Pradhan Mantri Kaushal Vikas Yojana (PMKVY) / National Skill Development Mission, to take up outcome based skill training</li> <li>• Assisting youth in after-care after the age of eighteen years to obtain loans/ micro credit under the Pradhan Mantri Mudra Yojana (PMMY) and other loan granting schemes.</li> </ul>
7	CWC – District Legal Services Authority (DLSA) Coordination for –	<ul style="list-style-type: none"> <li>• Aid and assistance to the child for legal aid, where offences have been committed against the child under the JJ Act, 2015 or the POCSO Act,, 2012, or any other law</li> <li>• Provision of legal counselling</li> <li>• Assisting the child to receive compensation under the Central Victim Compensation Fund scheme, where ever applicable</li> <li>• Assisting the child to receive compensation under the Victim Compensation Scheme under the provisions of Section 357A of Criminal Procedure Code, 1973, where ever applicable (even where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or dependents may make an application to the State or the District Legal Services Authority for award of compensation)</li> <li>• Follow up of cases in courts.</li> </ul>
8	CWC – Government Railways Police (GRP)/ Railway Protection Force (RPF)/ SP Railways/ CWC (Railway) <sup>13</sup> for –	<ul style="list-style-type: none"> <li>• Setting up Children Assistance Centres/ Child Assistance Booth/ Child Help Desks at every railway station</li> <li>• Allocating 'Indian Railways Child Protection Centre' (IRCPC) for children in need of care and protection at the station</li> <li>• Holding regular monthly meetings between CWC, GRP, RPF and Childline</li> <li>• Ensuring the production of children found at railways stations by GRP before CWC</li> <li>• Creating awareness about Children Assistance Centres/ Child Assistance Booth/ Child Help Desks through dissemination of information at, and around the railway stations.</li> </ul>
9	CWC - Department of Social Welfare for –	<ul style="list-style-type: none"> <li>• Assisting with placement of children who are mentally ill or mentally or physically challenged in appropriate CCIs for full time residential care</li> <li>• Ensuring availability of appropriate treatment of the child</li> <li>• Ensuring availability of professional counselling as appropriate</li> <li>• Assisting with the education, skill development and training as per potential and capabilities of the child.</li> </ul>

<sup>13</sup> Source - Standard Operating Procedure for Railways to Ensure Care and Protection of Children in Contact with the Railways, NCPCR and Ministry of Railways, Government of India, 2015



Photo Credit: CJ Clarke/Save the Children

No.	CWC	Convergence and Networking relation
10	CWC- Department of Women and Child Development Coordination for –	<ul style="list-style-type: none"> <li>• All issues pertaining to Children in Street Situations</li> <li>• Setting up more <i>Anganwadis</i> under the children in street situations in slums/ hutments</li> <li>• Exploring possibilities of the Public Private Partnership (PPP) Model for creating better and increased infrastructure (CCI) for long term and full time institutional care of Children in Street Situations.</li> </ul>
11	CWC – Urban Local Bodies Coordination for –	<ul style="list-style-type: none"> <li>• Directing the urban local bodies (municipal corporations in urban areas and panchayats in rural areas) to provide basic amenities like water, sanitation and Anganwadi facilities (through the children in street situations) to all families living on pavements</li> <li>• Setting up Night Shelters for the urban homeless, which includes Children in Street Situations (either with or without families on the streets), as per the Supreme Court directives in the Right to Food case<sup>14</sup></li> <li>• Linking with the Smart Cities Mission so as to safety and security of children<sup>15</sup>.</li> </ul>
12	CWC - Media Coordination for -	<ul style="list-style-type: none"> <li>• Sensitizing the general public about issues related to Children in Street Situations, in order to eradicate the stigma associated with them</li> <li>• Dissemination and telecasting of photographs of missing/ lost children for tracing their families</li> <li>• Sharing good practices, success stories, and the committed work done by civil society towards rehabilitation and reintegration into society.</li> </ul>

<sup>14</sup> PUCL vs. Union of India and Others, Writ Petition (Civil) 196 of 2001

<sup>15</sup> <http://smartcities.gov.in>

## Section: 8

# MONITORING, REVIEW AND CONVERGENCE AT DIFFERENT LEVELS

### Monitoring, Review and Convergence at National Level

The Ministry of Women and Child Development (MWCD) will be requested to give directions to the State Governments to ensure the constitution of a Task Force headed by the Department of Women and Child Development. Further MWCD shall monitor and issue relevant policy guidelines from time to time. Being the nodal ministry to implement the Integrated Child Protection Scheme (Revised ICPS), MWCD shall ensure that the street and working children are benefitted under the Open Shelters for children in need in urban and semi-urban areas who lack shelter and access to basic services like sanitation, safe drinking water, education, health care, recreational facilities, etc.

National Commission for Protection of Child Rights (NCPCR): NCPCR has been constituted under the Commissions for Protection of Child Rights Act, 2005. Being the apex body on child rights in the country, its mandate is to protect, promote and defend child rights, besides monitoring implementation of the provisions of the Right to Education (RTE) Act, 2009; the Protection of Children from Sexual Offences (POCSO) Act, 2012; and the Juvenile Justice (Care and Protection of Children) Act, 2015 at the national level. NCPCR shall evolve Action Plan for generating awareness on issues and concerns of Children in Street Situations, and ensure their inclusion and access to safe shelter, formal education, healthcare, leisure, and sports.

### Monitoring, Review and Convergence at State Level

The Department of Women and Child Development (DWCD) shall constitute a Task

Force for care and protection of Children in Street Situations. The Task Force may be headed by the Principal Secretary in charge of DWCD with representation from the following:

- The State Education Department;
- State Project Director, Sarva Siksha Abhiyan (SSA);
- Police Officers in-Charge of Child Protection and Welfare;
- Representative from State Child Protection Society;
- Divisional Railway Managers;
- Representative (s) from local Municipal Corporation (s);
- Representation from Health Department;
- Representation from Labour and Resource Department;
- Representative from Child Line India Foundation (CIF);
- Prominent NGOs working in the city in the field of Children in Street Situations.

The Committee to be responsible for:

- Ensuring that the objectives of Revised ICPS are fulfilled and the activities for Children in Street Situation are appropriately implemented;
- Bringing to the knowledge of SCPCR, any shortcomings in the implementation of Revised ICPS;
- Ensuring that children living in Street Situation are provided Aadhar Card;
- Ensuring that Children in Street Situation are enrolled in schools.
- The State Task Force shall ensure proper convergence of Revised ICPS (for financial



resources), authorities under the JJ Act, 2015 (for all services and protection) and of relevant authorities under POCSO Act, 2012 (for prevention, protection and prosecution of sexual crimes against Children in Street Situations).

The Revised ICPS mandates the provision of preventive, statutory and care and rehabilitation services to children in begging, and street and working children; and the provision of open shelters for Children in Street Situations in urban and semi-urban areas. Financial grants to States are provided under Revised ICPS, which therefore, automatically includes financial provisions for the above two activities regarding Children in Street Situations. State Governments will have to bear NO ADDITIONAL FINANCIAL IMPLICATIONS in implementing this SOP in providing all required services to children in street situations.

#### **State Child Protection Society (SCPS):**

SCPS under the overall administrative control and supervision of the State Principal Secretary, Department of women and Child Development in the State Government/UT Administration shall ensure the following:

- Effective implementation of Revised ICPS and all other child protection policies and programs at the State/UT by facilitating formulation of the State Child Protection Policy and State Plan of Action for Children.
- Maintain database at state level on the basis of inputs from the DCPUs.
- All statutory bodies like State Commission for Protection of Child Rights (SCPCR), Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs) and Special Juvenile Police Units (SJPU) are in place and functional.
- Mandatory licensing of all voluntary/charitable organizations housing children under the Juvenile Justice Act, 2015.
- Facilitate inter-sectoral convergence with allied departments like home, health, labour, education, State AIDS Control Society, social welfare/women and child development, youth services among others.
- Take all administrative decisions pertaining to the implementation of the Revised ICPS and related fund disbursement.

#### **Department of Sports**

Sports authorities at the district level should coordinate with the Department of Women and Child Development and other local sports federations for involving Children in Street Situations in sports related activities.

#### **Monitoring, Review and Convergence at District Level**

The District Magistrate has been given the responsibility and authority under the JJ Act, 2015 to conduct a quarterly review of the functioning of the Child Welfare Committee [Section 27(8)].

During the quarterly review of functioning of the CWC –

- The DM should direct CWC to provide a report on the disposal and pendency of cases related to Children in Street Situations, children in need of care and protection and the challenges in working with other stakeholders.
- The DM should direct other line government departments and the non-governmental stakeholders (as many as are required) to attend the meeting to bring about a convergence of efforts and to find solutions to bottlenecks as brought out by the CWC.
- When there are issues of coordination and convergence of efforts, line government departments and the non-governmental stakeholders may also independently approach the DM, to work out solutions with the involvement of the CWC.
- The DM may designate a nodal government officer to liaise and coordinate on a regular basis, with the CWC and other line government departments and the non-governmental stakeholders, to find solutions to the gaps and challenges in the convergence and networking of the various agencies.

#### **District Child Protection Unit:**

District Child Protection Unit (DCPU) shall function under the overall administrative control and supervision of the District Magistrate of the concerned district, wherein the District Child Protection Officer (DCPO) shall function as the head of the DCPU. The DCPU will ensure the following:

- coordinate and supervise implementation of the Revised ICPS and all other child protection activities at district level,
- monitoring and supervision of all institutions/ agencies/ projects/programs/NGOs and shall report to SCPS at the State level,
- report to SARA on matters relating non-institutional care program at district level,
- coordinate developing of an Annual District Child Protection Plan, resource directory of child related services and child tracking system at the district level,
- coordinate and network with all the line departments/officers at district level
- lead the Home Management Committee of every institution in the district and recommend suitable institutions for release of grants from the SCPS, and
- conduct a monthly review meeting with all stakeholders including representatives of community and local bodies as well as media.



Photo Credit: CJ Clarke/Save the Children



## Section: 9

# EXPECTED ROLE OF DEPARTMENTS/COMMISSIONS FOR IMPLEMENTATION OF SOP AT STATE LEVEL

### State Commission for Protection of Child Rights

The State Commission for Protection of Child Rights constituted under the Commissions for Protection of Child Rights Act, 2005; shall monitor the implementation of the provisions of the JJ Act, 2015 within the State.

### Department of Women and Child Development/ Urban Local Bodies/ NGOs –

- A more structured approach is required towards the setting up of sufficient numbers of Day-Care Centres/ Night Shelters in all cities, either independently or in co-ordination with the open shelters being operated under Revised ICPS, which has the potential to reach out to large numbers of children in street situations.
- These Centres/ Shelters maybe run by local governments or NGOs, but both need to be adequately funded towards the creation of infrastructure and running costs, by Central and State government grants.
- The Municipal authorities within cities should provide basic amenities like water, sanitation and *Aanganwadi* facilities (through the children in street situations) to all families living on pavements and in de-notified slums so that health and hygiene conditions of these families can be improved.
- Children in Street Situations between three to six years of age should be enrolled in the *Anganwadis* (through the children in street situations) for providing cooked meals. Disabled children, and children of migrant

workers should be special focus of attention for such linking with the *Anganwadis*.

Implementation of nutritional support to children should be done as per the National Food Security Act, 2013. In the case of Children in Street Situations in the age group of six months to six years, age appropriate meal, free of charge, through the local *Anganwadi* should be provided, so as to meet the nutritional standards specified in the Act. In the case of Children in Street Situations, within the age group of six to fourteen years, one mid-day meal, which is provided in schools, should include them from close by areas near the vicinity of the schools.

### Department of Education –

- The SSA should provide sufficient funds for urban residential hostels for Children in Street Situations, and ensure setting up of Residential Special Training Centres, especially oriented to the needs of Children in Street Situations.
- The SSA should adopt common terminology for its annual survey of out-of-school children; as in some States the survey uses the term ‘child labour’, in others they are called ‘drop outs’; whereas in reality these children may be living/ working on the streets.
- NGOs/ other agencies providing part time care to Children in Street Situations in Day-Care Centres/ Drop-in-Centres may explore the possibility of providing meals through the Mid-day Meal Scheme for urban Children in Street Situations by sharing spaces in existing schools, that provide mid-day meals to school children.

## Department of Labour

- Focus child labour eradication programmes not only in the organized sectors, but also on street based occupations (vending, begging, rag picking, work in roadside stalls and hotels), involving Children in Street Situations.
- Mass rescue operations should not be the norm. Detailed and comprehensive planning should be undertaken in consultation and coordination with the police, CWC, and other NGOs with respect to – accommodation, food, health emergencies, and other aspects related to repatriation with families and/ or rehabilitation of the rescued children.

## Department of Health

- The District Health Department should establish separate and specialized de-addiction treatment centres/ facilities for Children in Street Situations addicted to drugs, alcohol and substance abuse, especially in Government Hospitals/ Medical colleges<sup>16</sup>. Presently, Children in Street Situations are referred to the government run de-addiction centres for adults, as there are no specialized de-addiction centres for children.
- The CWC should initiate the availability of de-addiction treatment for those in the CCIs within the environs of the institutions by coordinating with the District Health Department<sup>17</sup>.
- The Department of Health and/ or Social Work Departments along with the Preventive

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<sup>16</sup> The National Policy for Drug Demand Reduction, 2014 provides for establishing separate and specialised de-addiction treatment centres/ facilities for drug dependent children, especially in Government Hospitals/ Medical colleges. It also provides for initiating and sustaining the availability of treatment for those in the Juvenile Justice Systems including Juvenile Homes and Children Homes by issuing suitable directions to such Institutes.

<sup>17</sup> Ibid.

Social Medicine Departments within Municipal or Government Hospitals should make special efforts to reach out to children on the streets through regular outreach and health camps at various locations where such children may be found.

- Special efforts should be made with respect to health and hygiene issues pertaining to girls in street situations. Girls who have attained the age of puberty could be periodically counseled. A system of distributing sanitary napkins, awareness about reproductive health and sexuality, and regular check-ups could be carried out in these health camps.

## Home Department/ Law Enforcement Officials –

- Whilst conducting various rescue operations of missing children (such as, Operation Muskan, Operation Smile, etc.), detailed and comprehensive planning should be undertaken by the police in consultation and coordination with the CWC, and NGOs, with respect to – accommodation, food, health emergencies, and other aspects related to repatriation with families and/ or rehabilitation of the rescued children.
- Forced and compulsory repatriation and restoration of children with families should not be undertaken without proper planning. In all instances the CWC should be involved along with other functionaries under the JJ Act, 2015 to ascertain the wishes of the child, and only after proper assessment of the home as a ‘safe place’ for the child.
- Training and sensitization for front line police officials, being the ‘first responders’ to Children in Street Situations to treat them with sensitivity and dignity.
- Special training of all police officers of the Special Juvenile Police Units, especially at induction as Child Welfare Police Officer, to enable them to perform their functions more effectively.



Photo Credit: CJ Clarke/Save the Children

- Associating and incorporating the village chowkidars, civil defence wardens, Block Level Child Protection Committee, Village Level Child Protection Committee (where ever available) with Community Policing – towards reporting of Children in Street Situations and vulnerable families.

### **Department of Women and Child Development/ State or District Child Protection Unit/ National Institute of Public Cooperation and Child Development –**

- Ensure induction training and sensitization of all members of the CWC within two months from the date of notification of the Committee (Section 27 (1) of JJ Act, 2015) on issues related to child psychology, child welfare, child rights, national and international standards for juvenile justice.
- Periodic training of the officers of the Central Government, State Government and other concerned persons on matters related to the implementation of the JJ Act, 2015 (Section 108 (b) of JJ Act, 2015).
- Ensure training and sensitization of caregivers and staff of CCIs, NGOs and all personnel who work and interact with Children in Street Situations.

### **Department of Women and Child Development / Railways/ NGOs -**

- Setting up several Contact Points/ Childline Points at ‘hot-spot’ areas (a place of significant activity and presence of Children in Street Situations), with easy access to these Points
- Creating awareness about the Contact Points/ Childline Points through dissemination of information (posters, banners, phone numbers) at bus stands, market places, places of worship, and other ‘hot spot’ areas.
- CWC should nominate few NGOs to be reception centres along with GRP/ RPF, to ensure all children are contacted when they arrive at railway stations.



## Section: 10

# ROLE AND RESPONSIBILITY OF KEY FUNCTIONARIES under the Juvenile Justice Act, 2015, w.r.t. Children in Street Situations

**National Commission for Protection of Child Rights:** The National Commission for Protection of Child Rights (NCPCR) constituted under the Commissions for Protection of Child Rights Act, 2005, will be responsible for monitoring the implementation of the provisions of the JJ Act, 2015 [Section 109 (1)].

**State Commissions for Protection of Child Rights:** The State Commission for Protection of Child Rights (SCPCR) constituted under the Commissions for Protection of Child Rights Act, 2005, will be responsible for monitoring the implementation of the provisions of the JJ Act, 2015 [Section 109 (1)].

**Child Welfare Committee:** The Child Welfare Committee (hereinafter referred to as the CWC) is a statutory body appointed as a competent authority for all children in need of care and protection by the JJ Act, 2015. The CWC shall be the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection, as well as to provide for their basic needs and protection [Section 29 (1)].

**District Child Protection Unit:** The District Child Protection Unit (hereinafter referred to as the DCPU) is a Child Protection Unit for a District, established by the State Government (Section 106 of the JJ Act, 2015), which is the focal point to ensure the implementation of the Act and other child protection measures in the district [Section 2 (26)]. It performs several functions as prescribed under the JJ Act, 2015

with respect to children in need of care and protection.

**Child Welfare Police Officer:** The JJ Act, 2015 mandates that in every police station, at least one officer, not below the rank of assistant sub-inspector, with aptitude, appropriate training and orientation may be designated as the Child Welfare Police Officer (hereinafter referred to as the CWPO) to exclusively deal with children either as victims or perpetrators, in co-ordination with the police, voluntary and non-governmental organizations [Section 107 (1)].

**Special Juvenile Police Unit:** The JJ Act, 2015 provides for Special Juvenile Police Unit (hereinafter referred to as the SJPU), which means a unit of the police force of a district or city or, any other police unit like railway police, dealing with children and designated as such for handling children [Section 2 (55)]. The SJPU in each district and city, shall be headed by a police officer not below the rank of a Deputy Superintendent of Police or above and two social workers having experience of working in the field of child welfare, of whom one shall be a woman [Section 107 (2)]. The SJPU also includes Railway Police dealing with children [Section 107 (4)].

**Child Care Institution:** Child Care Institution (hereinafter referred to as CCI) is defined to mean Children Home, Open Shelter, Observation Home, Special Home, place of safety, Specialized Adoption Agency and a fit facility recognized under the JJ Act, 2015 for providing care and protection to children, who are in need of such services [Section 2 (21)]. The JJ Act, 2015

prescribes for mandatory registration of all institutions, whether run by State Government or by NGOs, which are meant, either wholly or partially, for housing children in need of care and protection, under the Act, within a period of six months from the date of commencement of the Act, regardless of whether they receive grants from the Central Government the State Government or not. CCIs having valid registration under the earlier JJ Act, 2000; shall be deemed to be registered under the new law of 2015 (Section 41).

**District Magistrate:** The District Magistrate (hereinafter referred to as the DM) shall conduct a quarterly review of the functioning of the CWC [Section 27 (8)]. The DM shall be the grievances redressal authority for the CWC and anyone connected with the child, may file a petition before the DM, who shall consider and pass appropriate orders [Section 27 (10)]. The

CWC is mandated to submit a quarterly report on the nature of disposal of cases and pendency of cases to the DM [Section 36 (4)]; whereupon the DM shall direct the CWC to take necessary remedial measures to address the pendency and send a report of such reviews to the State Government [Section 36 (5)].

**Childline Services:** Childline services are the twenty-four hours emergency outreach service for children in crisis which links them to emergency or long-term care and rehabilitation service under the JJ Act, 2015 [Section 2 (25)]. In case of a complaint of abuse of a child in any CCI, the CWC after conducting an inquiry can give directions to Childline services and other authorities under the JJ Act, 2015 [Section 30 (xvi)]. Any child in need of care and protection may be produced before the CWC by the Childline service along with other authorities as outlined in the JJ Act, 2015 [Section 31 (1)].





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