

**DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)**

**Phone 23385616,23384828, Fax 23070379
<http://www.wcddel.in>**

**REPORT OF THE WORKSHOP HELD ON 29.01.2015 AT
DELHI SECRETARIAT ON ISSUES RELATED TO
CHILDREN COMING IN THE AMBIT OF JUVENILE
JUSTICE (CARE & PROTECTION OF CHILDREN) ACT,
2000**

The Department of Women and Child Development Government of NCT of Delhi had organized a one day long Workshop at the Main Auditorium, Delhi Secretariat to discuss the issues related to the children coming in the ambit of Juvenile Justice (Care and Protection) Act 2000.

DATE : 29.01.2015 VENUE : MAIN AUDITORIUM, DELHI SECRETARIAT, DELHI

ISSUES

1. Standard Operating procedures on restoration, Operation Milap and Track the Missing Children Website
2. Discussion on working processes of CWC and to work out the modalities for adopting a Uniform pattern of referring the child to any Government and NGO run Institutions.
3. Streamlining the process of Licensing to make it more efficient.
4. Adoption of Child Protection Policy.

PARTICIPANTS

1. Chairperson & Members of Child Welfare Committees
2. Officials, Delhi Police
3. Member, DCPCR
4. Superintendents of Govt. run Institutions
5. Managers of NGO's running Child Care Institutions
6. District Child Protection Officers
7. Officers, Integrated Child Protection Unit

During the inaugural session, Director, WCD explained the aim and objective of the workshop informed that the Deptt. has organised this workshop to bring together all the Stakeholders in the implementation of Juvenile Justice System with respect to the decisions taken for rehabilitation/restoration/ long term stay of children in need of care and protection. The opinion of all the stakeholders is required to reach on a conclusion regarding evolving a uniform pattern of referring the children and to reduce inconsistencies in the orders issued by the Child Welfare Committees. It also aims to ensure and to take commitment from the CWC & CCI for 100% Data entry of found children in Track the Missing Website so as to enable the Police in matching the found & missing children.

SESSION – I

Standard Operating Procedures for Restoration of “Found” Children For Child Welfare Committees 2014 :

- The Deptt. of Women & Child Development has come out with an SOP for Restoration of Found Children for Child Welfare Committees.

- It was observed that there was a great vacuum in the implementation of the restoration efforts made by the Child Welfare Committees & instead the focus was on placing the children for long term care in the institutions.
- Most of the Child Welfare Committees and the children homes run by NGOs have the tendency to put the children in Child Care Institution for long care and do not want to transfer the children to their respective states. The Child Welfare Committees in Delhi have the opinion the Child Welfare Committees in other States are not performing their mandate as per the Act and therefore the children, until their parents are traced are generally not sent to their respect State children homes. This aspect is a serious violation of the provisions of the Juvenile Justice Act and Rules and therefore the focus should be on restoring the child to their native state rather than to keep them in children homes in Delhi for long duration.
- The discussion was also made regarding procedure & efforts to be followed by the Child Welfare Committees with regards to Children belonging to Foreign Countries, Children With Special Needs, Children Rescued From Child Labour, Children Rescued From Immoral Traffic.

ACTIONABLE POINTS:

- If child is in the Institution, the Superintendent has to make home spot visit without taking order of CWC within same District/City.
- After completing admission process family has to be contacted within 24 hrs. It is also important to do spot visit within 2 days for children reporting residence in Delhi.

- In case of children belonging to other states, if the parents are not contacted within a week's time the procedure for transfer of children to their native place after prolonged interviews with the child should be initiated.
- For children belonging to foreign country, the orders for restoration have to be initiated through the embassy concerned by the Welfare Officer within a week's time. The procedure has to be completed within 4 months.
- It is important to maintain short term plan for children with special needs.
- The issue of uploading the data of all children in www.tracethemissingchild.nic.in was discussed. All the Child Welfare Committees, Supdt. of Govt. run Institution & NGOs were directed to enter the data of all children in the aforesaid website within 24 hrs of admission of the children. The process for the uploading and issue of password & User Id from NIC should be initiated by all concerned on priority.
- It was suggested that the CCIs and Child Welfare Committees should take the list of Nodal officers of different hospital from the CPU to comply with.
- Inspector Mr. Bhatia from Crime branch Delhi Police talked about the Operation Milap which is implemented in every State. He said that they have already reunited 46 children with their families. The name of the NGOs was announced from where the children are reunited. He said that the interviewing the children by Welfare Officer with keen understanding

of child psychology is very important. This is the only way from which one can extract the information from the children.

(All action to be initiated with the underlying principle of “best interest of the child”).

SESSION –II

To work out the modalities and to adopt a Uniform pattern of referring the child to any Govt. & NGO run Institutions.

This session focused on the decisions taken by the Child Welfare Committees with regards to placing the children in long term care in Govt. run Institution & NGOs run Child Care Institutions. The procedure of Inquiry by Child Welfare Committee under rule 28 of Delhi Juvenile Justice (Care & Protection of Children) Rules,2006 was discussed in detail:- .

Points of Discussion/ Actionable Points:

- 1. The Child Welfare Committees should give liberty to the NGO w.r.t. their internal management and policy relating to the nature of the children preferred on the basis of religion, linguistic background, ethnicity, area parameters and age. This aspect was discussed in light of the following:-**
 - Many Children’s Home have been established with the purpose of fulfilling a specific mandate such as long term, education of children, care of children with terminal diseases etc. On many occasions, Child Welfare Committees

send rescued children to such children's homes.

- The Juvenile Justice (Care & Protection of Children) Act, 2000 is neither prohibiting nor enforcing any CCI to run an institution catering to a particular kind of children on basis of their mandate, age, sex, religion, community, etc.
- A Children's Home which receives rescued children from labour raid or from trafficking etc. require staff training and a set up which is specifically oriented to such children's needs.
- Long stay homes have specific mandates which would require a different kind of staff skills, and concentrate on overall development of a child staying with them up till 18 yrs. of age.

2. The rescued children under Child Labour Prohibition and Regulation Act may be housed in shelter homes for temporary stay during pendency of inquiry. This aspect was discussed in light of the following:-

- The children housed in Shelter Home during the pendency of inquiry with the reason that the stability and environment of the institution of long term care get disturbed when the unwilling child is housed.
- When the rescued children are restored back to their families it also makes an impact on the children housed for long term care.
- There should a homogenous group of children so that they are well

adjusted amongst themselves.

- Segregation in the existing facilities of children homes is the option if the Child Welfare Committee has less choice of the facility of shelter home, however it is not the solution.

3. Housing of Juvenile in Conflict with Law declared Children in Need of Care and Protection & Child Bagger/Street Children in Child Care Institution.

This aspect was discussed in light of the following:-

- Recently few cases have come across wherein the Juvenile Justice Board has referred the cases of children/juvenile who were changed into cases of children in need of care and protection from juvenile in conflict with law.
- However such children were engaged in one or other petty crimes due to socio economy factor.
- A practical problem arises where the child shows maladjustment and Child Welfare Committee to refer such children to Child Care Institutions in discussion with superintendents.

4. To encourage NGOs to come up with setting up of Child Care Institution and all the stakeholders Govt. shall support in running the Institution as per the aforesaid act. This aspect was discussed in light of the following:-

- The Committee must encourage and welcome any organization running Child Care Institution. These organizations should be viewed as partners to the govt. for meeting the social responsibility of giving protection to children in need of care and protection.
- The organization may be trained to adopt and function as per the norms prescribed in the Juvenile Justice (Care & Protection of Children) Act, 2000.
- For the first minute, the children must be produced before the CWC even though the organization may need some time to develop the required facilities to complete Licensing formalities.
- Closing of institution / transferring of all children from any unlicensed CCI without giving fair chance to the organization should be encouraged.

SESSION-III

PROCEDURE OF RECOGNITION / REGISTRATION OF CHILD CARE INSTITUTION

This session focused on the rule position with respect to the procedure of recognition and registration of Child Care Institutions and the problems faced in the issue of the recognition certificate by the Deptt. The Juvenile Justice (Care & Protection of Children) Act, 2000 provides for mandatory certification / recognition/ registration of all child care institutions run by voluntary organizations giving institutional & non-institutional care & services to children in need of care & protection.

Points of Discussion/Actionable point:

- Timely submission of application & reports by concerned authorities. Identification of unregistered CCI in coordination with other stake holders like police, DCPU, NHRC, DLASA etc.
- Guidance/handholding of unregistered CCI to bring in the system with an objective to improve infrastructure and services regarding counselling, education, vocational training, rehabilitation and repatriation.
- Children in unregistered CCI are also CNCP during processing of registration and CWC to exercise power to transfer /rescue children for their welfare.
- Liasoning with other Child Welfare Committees to prevent influx of children from other states being either orphan or abandoned, surrendered, having parents who are unfit or incapacitated to exercise control over the child or having single parent.
- Non-compliance of provisions of JJ Act & Rules by NGOs.

SESSION –IV

CHILD PROTECTION POLICY FOR CHILD CARE INSTITUTIONS UNDER THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000

The Department of WCD, Delhi recognizes that the institutions which house children whether governmental or NGO run, have the duty to recognize and put into place procedures and mechanisms to prevent child abuse, detect it at the earliest and have Standard Operating Procedures to deal with the same in case any such incident occurs. The Department initiated the work on developing Child Protection Policy and Awareness Generation Modules on the prevention of child sexual abuse almost six months back in a partnership mode with representation

from the legal, academia, government and NGO sectors.

It was informed that the Child Protection Policy once approved shall be applicable to all child care institution in Delhi and shall be adopted formally by the Govt. of Delhi. It would be the guiding document for all institutions (both govt. and NGO run Homes) that deal with children in need of care and protection.

The policy was discussed in detail, sharing the guiding principles and key components with the larger group of audience. It was informed that the draft Child Protection Policy has two parts:

- a. Procedures to be put into place to prevent abuse of children
- b. Standard Operating Procedures for reporting any incident of sexual abuse including reporting timelines, procedures and formats.

Brief about the various components of the draft Child Protection Policy:

1. The draft policy, which has a safety checklist comprising of DO's and Don'ts for Homes, places the onus of child protection on the Home Superintendent and other staff members who need to maintain zero tolerance policy towards child abuse and ensure that all child safety violations are documented. The policy focuses not only on sexual assault cases, but on the overall physical, emotional and personal safety of the child.
2. A direct one way phone line, 1098 accessible to all children in the institution will be placed in the Central lobby, providing children an outlet to

complaint.

3. CCTV cameras to be installed in all institutions in non privacy areas.
4. A complaint / suggestion box would be kept for children within the institution. The suggestion/ complaint box may be opened on a monthly basis in the presence of the Management Committee and a member of the Children's Committee.
5. As per the provisions in the Juvenile Justice Act, three committees should be constituted. Emergency meeting may be called in serious matters reported by the children / staff.
6. The policy also has a format for reporting child abuse and a specified format for grievance redressal. Inspection formats of the Homes whether used by officers / managers or judges would include columns which will check whether basic safeguards to prevent child abuse are in place in the institution.
7. The Superintendents of all Homes whether state run or NGO run would be responsible to ensure training of all staff within three months of their joining (standardized training module by the Dept. of WCD) and ensure briefing of staff within 24 hours of joining and signed certificates to be submitted by the Superintendents in this regard.
8. A board on the institution's child protection policy to be put up in prominent places with IEC posters on the issue in the institutions.

It was informed that the existing version of the Child Protection Policy has already gone through a round of discussion and feedback received from various stakeholders has been incorporated. The final draft of the Protection Policy document comprising of suggestions emerging from the day's proceedings will be put up for an approval of the competent authority. Once approved, the Protection Policy will be implemented in the all child care institutions in Delhi (both govt. and NGO run Homes) that deal with children in need of care and protection.

Suggestions:

- It was suggested that there should be a uniform child protection policy for all Child Care Institutions housing children in need of care and protection.
- There should be regular awareness sessions for the institutionalized children, house fathers and house mothers of the Institution.
- Once approved and implemented the Child Protection Policy should be reviewed on a bi-annual basis for improvisation/s.

Vote of thanks was extended by the Additional Director (CPU/Admn.) Department of Women & Child Development, Govt. of NCT of Delhi at the end of the workshop.
