

CHILD PROTECTION HANDBOOK FOR CIVIL SOCIETY ORGANISATIONS (CSOS) & OTHER KEY STAKEHOLDERS



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CIVIL SOCIETY ORGANISATIONS (CSOs)
& OTHER KEY STAKEHOLDERS**

Printed & Published by:

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Supported By

BMZ (German Federal Ministry for
Economic Cooperation and Development),
World Vision Germany,
World Vision India

Publication Period : October, 2021

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Abbreviations

1. **CCIs** - Child Care Institutions
 2. **CCL**-Children in Conflict with Law
 3. **CNCP**- Children in Need of Care and Protection
 4. **CWC**- Child Welfare Committee
 5. **DCPU**- District Child Protection Unit
 6. **JJ Act, 2015**- Juvenile Justice (Care and Protection of Children) Act, 2015
 7. **JJ Model Rules, 2016** - Juvenile Justice (Care and Protection of Children) Model Rules, 2016
 8. **NGOs** – Non-Governmental Organization
 9. **POCSO** - Protection of Children from Sexual Offences Act, 2012
 10. **Model Rules 2020**- Protection of Children from Sexual Offences Rules 2020
 12. **SJPU**- Special Juvenile Police Unit
 13. **CWPO** - Child Welfare Police Officer
 14. **FIR** - First Information Report
 15. **ICDS** - Integrated Child Development Scheme
 16. **ICPS** - Integrated Child Protection Scheme
 17. **NGO** - Non-Governmental Organization
 18. **RTE Act** - Right of Children to Free and Compulsory Education Act, 2009
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Preface

This Handbook is a guide for Civil Society Organizations (CSOs) and other stakeholders associated with the care and protection of children. The Handbook adopts a systems-based approach to sensitize, inform, and empower persons in the position of trust and authority to ensure that children are protected from sexual abuse and exploitation.

The safety of children is paramount consideration and the CSOs and other stakeholders have the duty and responsibility to ensure safety and protection of all children at the community level. CSOs and other stakeholders have to take all possible preventive actions in order to make the community a safe space for children and to ensure identification of potential risk/danger and reporting of any instances of child sexual abuse and exploitation. This includes setting up protocols for child safety, institutional mechanisms for disclosure, reporting, and supporting victims and families and so on.

CSOs and other stakeholders need to be aware of various laws, legislations, guidelines and protocols established for continuing care and protection of children.

The BMZ (The Federal Ministry of Economic Cooperation and Development {Germany}), World Vision Germany and World Vision India in collaboration with PECUC (The People's Cultural Centre) Secretariat of NACG-EVAC initiated a project for **"Child Protection Workforce Capacity Building to End Child Sexual Abuse in India"** in the four districts of Delhi and six districts of Odisha. It aims at reaching different stakeholders like Children, Parents and caregivers, formal and informal Child Protection (CP) stakeholders; Civil Society Organizations through capacity building and advocacy to demonstrates behaviours that provide a protective environment for all girls and boys, especially the most vulnerable.

This handbook aims to increase the understanding of Civil Society Organizations and other stakeholders about various stakeholders and their roles in ensuring safety of children.

We are thankful for the technical support of CRACR & PD for developing this valuable handbook for the Civil Society Organizations and other stakeholders.

We are very much thankful for the support of World Vision Germany, World Vision India and German Federal Ministry for Economic Development and Cooperation (BMZ) administered by Engagement Global (EG).



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CHILD PROTECTION HANDBOOK FOR CIVIL SOCIETY ORGANISATIONS (CSOs) & OTHER KEY STAKEHOLDERS

Who is a Child?

According to international law, a 'child' means every human being below the age of 18 years. This is a universally accepted definition of a child and comes from the United Nations Convention on the Rights of the Child (UNCRC), an international legal instrument accepted and ratified by most of the countries.

What is UNCRC?

The **United Nations Convention on the Rights of the child (UNCRC)** is a legally-binding international agreement setting out the **civil, political, economic, social and cultural rights** of every child, regardless of their race, religion or abilities. It consists of **54 articles** that set out children's rights and how governments should work together to make them **available to all children**.

The UNCRC was adopted by General Assembly of the UN on 20th November, and was ratified by India on 11th December, 1992.

UNCRC is based on four basic principles as given under:

- a. Non-discrimination.
- b. Best interests of the Children.
- c. The right to survival and development.
- d. The views of the child are paramount consideration.

Under the terms of the convention, governments are required to **meet children's basic needs** and help them **reach their full potential**. Central to this is the acknowledgment that every child has basic fundamental rights. These include:

a) Survival rights

Survival rights include a child's right to life and essential needs like nutrition, shelter, living standards and medical services. (Articles 23 and 24) include access to Medical care, nutrition, protection from harmful habits (including drugs) and safe working environments under the right to health. These articles also mention access to special care and support for the special needs of the children.

b) Development rights

A child's development rights include right to education, play and leisure, access to cultural activities, information, as well as freedom of thought, conscience and religion. Right to education is paramount in this regard as it helps children maintain discipline and enhance life skills while finding a safe and healthy environment to nurture their physiological

development. This environment can only be achieved with the inclusion of freedom from violence, abuse or neglect.

c) Protection rights

These rights exist as safeguard against child abuse, neglect and exploitation. They also include care for refugee children, a child-friendly justice system as well as rehabilitation of child victims of abuse. Those who have lost their families must be cared for by people who respect their ethnic group, religion, culture and language. They also must be protected from ill-treatment, and sexual or physical violence, including violence as a means of discipline. This also considers the sale of children along with prostitution and pornography of children. Children must be protected from armed conflict, and governments must protect children from participating in armed struggle. Children also must be protected from working in difficult or dangerous conditions that compromise their health, or access to education or play. The justice system must not permit death or life sentences, as well as sentences with adult prisoners.

d) Participation rights

These rights address a child's freedom to express opinions and speak on matters affecting their own lives. They also must be free to join associations and assemble peacefully. As they mature, the children must be permitted to participate in social activities. They deserve the right to express their opinion freely without any fear of contempt and have their voices heard when adults are deciding on their behalf.

Rights of the children under Constitution of India:

A **Constitution** is a set of rules and regulations guiding the administration of a country. The **constitution of India** is the framework for political principles, procedures and powers of the government. It is also the longest **constitution** in the world with 395 articles and 12 schedules.

Constitutional guarantees few rights that are meant specifically for children that includes:

- ❖ Right to free and compulsory elementary education for all children in the 6–14 years age group (Article 21 A)
- ❖ Right to be protected from any hazardous employment till the age of 14 years (Article 24)
- ❖ Right to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength (Article 39(e))
- ❖ Right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment (Article 39 (f))

- ❖ Right to early childhood care and education to all children until they complete the age of six years (Article 45)

Besides, Children also have rights as equal citizens of India, just as any other adult male or female:

- ❖ Right to equality (Article 14)
- ❖ Right against discrimination (Article 15)
- ❖ Right to personal liberty and due process of law (Article 21)
- ❖ Right to being protected from being trafficked and forced into bonded labour (Article 23)
- ❖ Right of minorities for protection of their interests (Article 29)
- ❖ Right of weaker sections of the people to be protected from social injustice and all forms of exploitation (Article 46)
- ❖ Right to nutrition and standard of living and improved public health (Article 47)

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

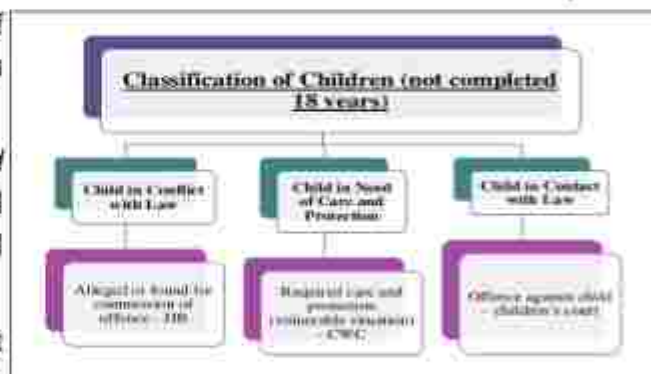
The first Juvenile Justice Act was enacted in India in the year 1986. Again, it was amended in the name of Juvenile Justice (Care and Protection of Children) Act in the year 2000 which was further amended in the year 2006. The new Juvenile Justice (Care and Protection of Children) Act came into force in the year 2015.

The Juvenile Justice Act (Care and Protection of Children) Act, 2015 is designed for the care, protection, development and rehabilitation of children in conflict with the law and children in need of care and protection under the age of 18 years by adopting a child-friendly approach and keeping in mind the best interests of the child.

Principles to be followed under JJ Act while dealing with the child victim of sexual abuse:

- (i) *Principle of presumption of innocence:* Any child shall be presumed to be an innocent of any *mala fide* or criminal intent up to the age of 18 years.
- (ii) *Principle of dignity and worth:* All children shall be treated with equal dignity and rights.
- (iii) *Principle of participation:* Every child shall have the right to be heard and to participate in all processes and decisions affecting to his/her interest.
- (iv) *Principle of best interest:* All decisions taken shall be based on the best interest of the child and to help the child to develop their full potential.
- (v) *Principle of family responsibility:* The primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be.

- (vi) *Principle of safety:* All measures shall be taken to ensure that the child is safe and is not subjected to any harm, abuse or maltreatment while in contact with the care and protection system, and thereafter.
- (vii) *Positive measures:* All resources are to be mobilised to promote the well-being, development and to reduce vulnerabilities of children.
- (viii) *Principle of non-stigmatising semantics:* Adversarial or accusatory words are not to be used in the processes pertaining to a child.
- (ix) *Principle of non-waiver of rights:* No waiver of any of the right of the child is permissible.
- (x) *Principle of equality and non-discrimination:* There shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment.
- (xi) *Principle of right to privacy and confidentiality:* Every child shall have a right to protection of his privacy and confidentiality, by all means and throughout the judicial process.
- (xii) *Principle of institutionalisation as a measure of last resort:* A child shall be placed in institutional care as a step of last resort after making a reasonable inquiry.
- (xiii) *Principle of repatriation and restoration:* Every child shall have the right to be re-united with his family at the earliest.
- (xiv) *Principle of fresh start:* All past records of any child under the Juvenile Justice system should be erased except in special circumstances.
- (xv) *Principle of diversion:* Measures for dealing with children in conflict with law without resorting to judicial proceedings shall be promoted unless it is in the best interest of the child or the society as a whole.
- (xvi) *Principles of natural justice:* Basic procedural standards of fairness shall be adhered to, including the right to a fair hearing, rule against bias and the right to review, by all persons or bodies, acting in a judicial capacity under this Act.



Children dealt with under the JJ Act:

The Juvenile Justice Act deals with two categories of children, i.e. Children in Conflict with Law and Children in need of care and protection. However, a third category of children are identified who are in contact with law. They also need care and protection from the state.

1. Children in Conflict with Law:

Child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence- (Sec. 2 (13) of JJ Act.) The Act states that when an enquiry has been initiated against a child in conflict with law, the inquiry may be continued and orders may be made in respect of such person as if such person continues to be a juvenile.

According to Articles 37 and 40 of UNCRC, children in conflict with the law have the right to treatment that promotes their sense of dignity and worth, takes into account their age and aims at their reintegration into society. All the children in conflicts with law are also considered as children in need of care and protection. Children in Conflicts with Law are produced before Juvenile Justice Board within 24 hours

Offences committed by children under JJ Act.

Offences have been categorized as petty/ serious/ heinous offences. Offences where punishment is less than or 3 years imprisonment are called Petty offence, where punishment is more than 3 three years and less than 7 years is called serious offence and when punishment is 7 years or more then the offences are considered as heinous offence.

Procedure for children in conflict with law:

A child in conflict with law will be sent to an Observation Home temporarily during pendency of inquiry. The child will be segregated according to age, gender, physical and mental status and nature of offence. A child who is found to have committed an offence by the Juvenile Justice Board will be placed in a Special Home.

Place of safety:

A Place of Safety will be setup for children above the age of 18 years or children of the age group of 16 - 18 years who are accused or convicted for committing a heinous offence. The Place of Safety will have separate arrangement and facilities for under trial children and convicted children

Procedure of children (16-18 years) committed heinous offence:

Children in the age group of 16 - 18 years may be tried as adults in cases of heinous offences like **rape** after preliminary assessment by the Juvenile Justice Board. The preliminary assessment is to be conducted within three months before transferring the case to the Children 's Court. The Act mandates that in case the child is tried as an adult by the Children 's Court, it shall ensure that the final order includes an individual care plan for the rehabilitation of child, including follow up by the probation officer or the District Child Protection Unit or a social worker. The Children's Court shall ensure that the child is kept in place of safety till he attains the age of twenty - one years. When he attains the age and the term is still pending, the Children's court shall evaluate whether he need to be transferred to jail or if he has undergone reformative changes and could be spared incarceration. However, there will no capital punishment or life imprisonment for a child.

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

As per sec. 2(14) of Juvenile Justice Act, Child in need of care and protection means the child

1. Who is found without any home or settled place
2. Found working in the commercial sector
3. Living with an abusive parent or has threat to be killed.
4. Mentally ill / Physically challenged
5. Parents are not fit to care
6. Abandoned / surrendered / orphaned
7. Missing or run away child
8. Vulnerable to sexual abuse/ exploitation
9. Vulnerable to drug abuse
10. Vulnerable to be abused for unconscionable gains
11. Victim of armed conflict/ civil unrest
12. Imminent risk of marriage before marriageable age.

Children in Need of Care and Protection and produced before Child Welfare Committee within 24 hours of their rescue who address their immediate needs of shelter, medical, counseling, restoration and other issues and are linked to long term rehabilitation.

Procedure in case of CNCP:

The Child Welfare Committee is to send the child in need of care and protection to the appropriate Child Care Institution and direct a Social Worker, Case Worker or the Child Welfare Officer to conduct the social investigation within 15 days. A child may be placed in a Children's Home for care, treatment, education, training, development and rehabilitation. The Child Welfare Committee may recognize a facility to be a Fit Facility to temporarily take the responsibility of a child. The Specialized Adoption Agency is to take care of the rehabilitation of orphans, abandoned or surrendered children.

Juvenile Justice Board

A Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class with at least three years' experience and two social workers selected in such manner as may be prescribed of whom at least one shall be a woman, forming a Bench.

Powers:

The Board shall have the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of First Class. The Board constituted for any district shall have the power to deal exclusively with the proceedings under the Act:

- ❖ In the area of jurisdiction of the Board,
- ❖ In matters relating to children in conflict with the law.

When an alleged child in conflict with law is produced before the Board, it shall exercise its power to hold an inquiry according to the provisions of this Act and may pass orders as it deems fit under Section 17 and 18 of the JJ Act.

The Board is also empowered to inquire into heinous offences under Section 15 of the Act.

Sr. No.	Functions
01	Ensuring informed participation of the child & the parent or the guardian throughout the process
02	Ensuring protection of the child's rights throughout the process of arresting the child, inquiry, aftercare and rehabilitation
03	Ensuring the availability of legal aid for the child through various legal services institutions.
04	Providing a qualified interpreter or translator to the child if he/she fails to understand the language during the course of proceedings
05	Directing Probation Officer/Child Welfare Officer/Social Worker to undertake a social investigation into the case. Further, directing them to submit the report within 15 days from the date of the first production before the Board.
06	Adjudicating and disposing of cases pertaining to children in conflict with the law according to the process mentioned in Section 14
07	Transferring matters to the Committee in cases where the child is alleged to be in conflict with the law, but is stated to be in need of care and protection at any stage
08	Disposing of the matter and passing a final order which should include an individual care plan for the child's rehabilitation. This also includes follow-ups by officers or an NGO.
09	Conducting inquiry for declaring that a certain person is fit for taking care of the child in conflict with the law
10	Conducting inspection every month of residential facilities for children in conflict with the law and recommending various measures for improvement in the quality of services provided
11	Ordering the police for registration of FIR if any offence is committed against any child in conflict with the law
12	Conducting a regular inspection of jails meant for adults, to check if any child is lodged in such jails
13	Taking immediate measures for the transfer of a child found in jails for adults, to an observation home
14	Any other function as may be prescribed to the Board

A child cannot be kept under police lock up:

Any child who is in conflict with law cannot be kept in police lock-up or jail under any circumstances. The Supreme Court said that Juvenile Justice Boards should not be 'silent spectators', in the case *Re: Exploitation of Children in Orphanages in the State of Tamil Nadu vs. Union of India and Ors.*

Child Welfare Committee (CWC) :

Child Welfare committee is the final authority for exercising the powers and discharge duties in relation to child in need of care and **protection** under the Act. Its an autonomous body declared as a competent authority to deal with **children** in need of care and protection. (Section 27) and functions as a bench of Judicial Magistrate and dispose of cases in relation to the children in need of care and protection.



Structure of CWC:

The committee consists of a Chairperson and four other members, of whom at least one shall be a woman and another, an expert on matters concerning children.

Procedures of CWC:

1. As per sec.28 of the Act, there should be a meeting of the Child Welfare Committee at least twenty days in a month for observing rules and procedures with regards to the transaction at its business meetings.
2. A sitting of the Committee is considered when there is a visit to an existing child care institution of the Committee. A child, who is in need of care protection and care needs to be placed in a Children's Home or a fit person when the Committee but is not in session, he must be produced before an individual member of the Committee.
3. The opinion of the majority shall prevail if there is any difference of opinion between the members of the Committee or if there is no majority of such kind then the opinion of the Chairperson shall be considered.
4. Subject to the provision of minimum members of the Committee, there shall be no order made by the Committee that declares it invalid by reason of just the absence of a member during any stage of the proceedings that are held.
5. This is applicable that there are at least three members who need to be there to dispose of the case finally.

Powers of CWC:

The powers of the Child Welfare Committee as laid down in Section 29 of the Juvenile Justice (Care and Protection of Children) Act, 2015:

1. The Committee has the full authority of disposing of cases for the care, protection and treatment of the children.
2. The Committee can also dispose of cases that are for the development, rehabilitation and protection of children that are in need, and also to provide for the basic need and protection that is needed by the children.

3. When a Committee is constituted for any particular area, then it has the power to exclusively deal with all proceedings that are being held under the provisions of this Act that are related to children in terms of need of care and protection.
4. While exercising the given powers curtailed under this Act, the Committee is barred from performing any act which would go against anything contained in any other law that is in force at that time.

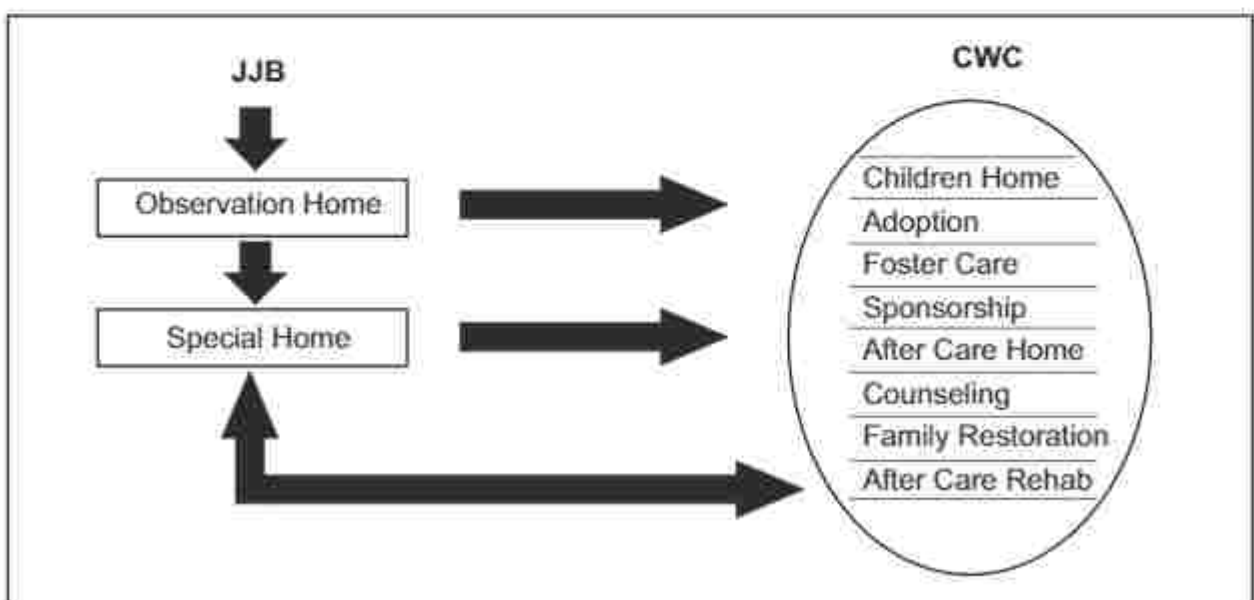
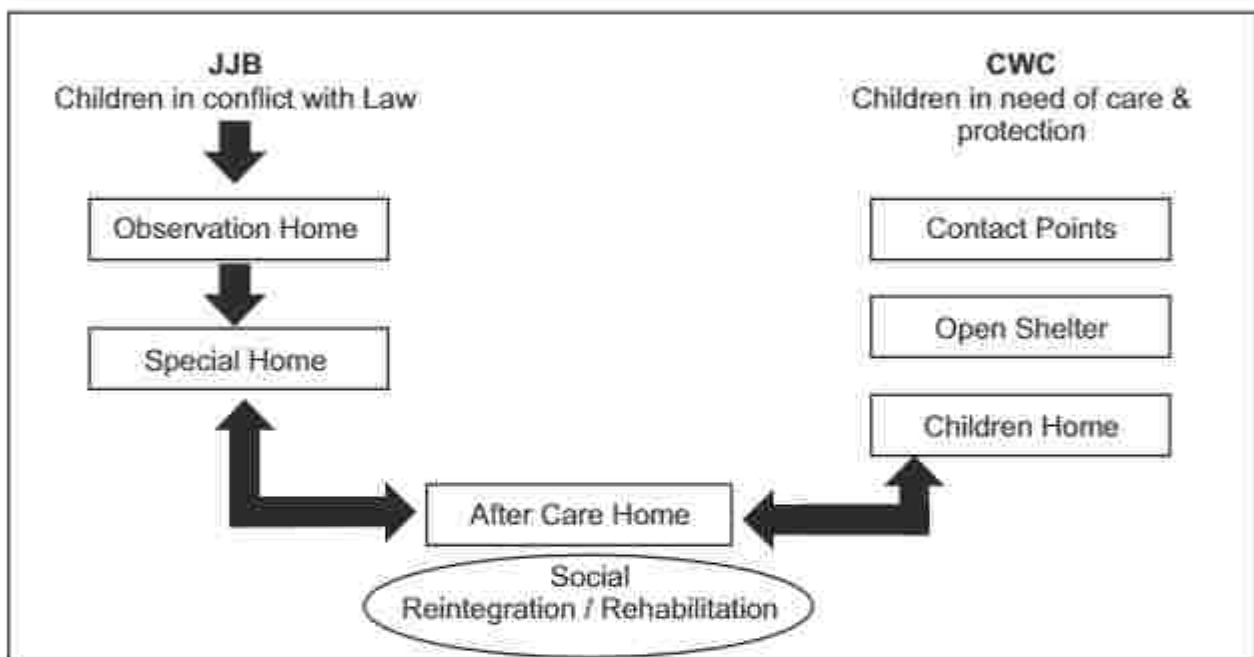
Functions & Responsibilities of CWC:

The Functions and Responsibilities of the Child Welfare Committee as mentioned in Section 30 of the Act, are listed below:

1. Cognizance of children that are produced before it. Children who are neglected can be produced before this committee.
2. Conducting inquiry on issues relating to and affecting the safety and well being of the children under this Act.
3. To direct the Child Welfare Officers, District Child Protection Unit and Non-Governmental organizations for social investigation and also to submit a report before the Committee.
4. To conduct an inquiry for the declaration of fit person for the care of children in need of care and protection.
5. Direct placing of a child in a foster care facility.
6. To ensure care, protection, restoration and appropriate rehabilitation of those children those are in need of care and protection. This is based on that child's individual care plan. It also includes the passing of necessary directions to parents or guardians or the people who are fit or children's homes or fit facilities in this regard.
7. To select a registered institution for the placement of every child that requires support which is based on that child's gender, age, disability and needs. This should be done by keeping in mind the available capacity of the institution.
8. To recommend action that is for the improvement in the quality of services provided to the District Child Protection Unit and the Government of a State.
9. To certify the performance of the surrender deed by the parents and to make sure that they are given time to think about their decision as well as to make a reconsideration to keep the family together.
10. To make sure that all the efforts are made for the restoration of the lost or abandoned children to their families by following due process which is prescribed by the Act.
11. To declare children legally free for adoption after due inquiry who are orphans, abandoned and surrendered.
12. To take suo moto cognizance of cases and also to reach out to the children who are in need of care and protection.
13. To take action against the rehabilitation of children who are abused sexually and are reported as children in need of protection and care from the Committee, by the Special Juvenile Police Unit or the local police as the case may be.

14. To deal with cases referred by the Board under sub-section (2) of 17 of this Act.
15. To coordinate with various departments those are involved in the care and protection of children. These departments include the police, the labour department and other agencies.
16. To conduct an inquiry and give directions to the police or the District Child Protection Unit in case of a complaint of abuse of a child.
17. To access appropriate legal services for the children.
18. To perform such other functions and responsibilities as may be prescribed.

Jurisdictions of JJB and CWC in a nutshell:



Punishment for offences committed against the children :

Following is the list of offences against children and the punishment thereof

Sl. No.	Offence against children	Section under JJ Act	Maximum Punishment
1	Disclosure of identity of the child during pendency of case	74	6-month imprisonment and fine upto 200,000/-
2	Cruelty to a child including hurting, neglect. Child marriage is also included	75	Upto 10 years imprisonment and fine 500,000/-
3	Employment of child for begging	76	Upto 10 years imprisonment and fine 500,000/-
4	Giving intoxicating liquor or narcotic drug or psychotropic substance to a child.	77	Upto 7 years imprisonment and fine 100,000/-
5	Using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance	78	Upto 7 years imprisonment and fine 100,000/-
6	Exploitation of a child employee	79	Upto 5 years imprisonment and fine 100,000/-
7	Punitive measures for adoption without following prescribed procedures	80	Upto 3 years imprisonment and fine 100,000/-
8	Sale and procurement of children for any purpose	81	Upto 7 years imprisonment and fine 100,000/-
9	Corporal punishment	82	Upto 3 years imprisonment and fine 100,000/-
10	Use of child by militant groups or other adults	83	Upto 7 years imprisonment and fine 500,000/-
11	Kidnapping and abduction of child	84	As per the provision of IPC from sec. 59 to 69
12	Offences committed on disabled children	85	Twice the penalty provided for the offence under JJ Act.
13	Abetment	87	Same punishment provided for that offence
14	Non reporting of orphan / abandoned children for adoption	66	50,000/- fine for each case.
15	Non-registration of CCI	42	1 year imprisonment and fine upto 100,000/-

Mandatory registration of Child Care Institutions

All child care institutions, whether run by State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially for housing children, regardless of whether they receive grants from the Government, are to be mandatorily

registered under the Act within 6 months from the date of commencement of the Act. Stringent penalty is provided in the law in case of non-compliance.

Social Reintegration measures :

The Child Care Institutions in respect of children in conflict with law are the Observation Home, Special Home, Place of Safety and fit facility.

For children in need of care and protection, Open Shelters, Children Home and Special Adoption Agencies have specific roles to play.

All Child Care Institutions have to be mandatorily registered within six months from the date of commencement of the Act and failure to do so is a punishable offence (Section 41).

Rehabilitation and Social Reintegration

The restoration and protection of a child shall be the prime objective of a Children's Home/ Specialized Adoption Agency/ Open Shelter. The Child Care Institution shall prepare Individual Care Plans for children in need of care and protection or children in conflict with law, preferably through family-based care. Any child leaving a child care institution on attaining 18 years of age may be provided with financial support.

Monitoring

The National Commission for Protection of Child Rights as well as State Commission for Protection of Child Rights are mandated to monitor the implementation of the provisions of the JJ Act, 2015 in such manner, as may be prescribed (Section 109).

Right of Children to Free and Compulsory Education Act, 2009.

India implemented the Right of Children to Free and Compulsory Education Act, 2009, with effect from 26th August, 2009, after amending Article 21 of Constitution of India and incorporating Article 21A in the Constitution. Article 21A provides for, Right to Education, and makes it imperative on the state to provide free and compulsory.

What is the Act about?

1. Every child between the ages of 6 to 14 years has the right to free and compulsory education. This is stated as per the 86th Constitution Amendment Act via Article 21A. The Right to Education Act seeks to give effect to this amendment.
2. The government schools shall provide free education to all the children and the schools will be managed by School Management Committees (SMCs). Private schools shall admit at least 25% of the children in their schools without any fee.
3. The National Commission for Elementary Education shall be constituted to monitor all aspects of elementary education including quality.

Main Features of Right to Education (RTE) Act, 2009

- ❖ Free and compulsory education to all children of India in the age group of 6 to 14.
- ❖ No child shall be held back, expelled or required to pass a board examination until the completion of elementary education.

- ❖ If a child above 6 years of age has not been admitted in any school or could not complete his or her elementary education, then he or she shall be admitted in a class appropriate to his or her age. However, if a case may be where a child is directly admitted in the class appropriate to his or her age, then, in order to be at par with others, he or she shall have a right to receive special training within such time limits as may be prescribed. Provided further that a child so admitted to elementary education shall be entitled to free education till the completion of elementary education even after 14 years.
- ❖ Proof of age for admission: For the purpose of admission to elementary education, the age of a child shall be determined on the basis of the birth certificate issued in accordance with the Provisions of Birth, Deaths and Marriages Registration Act 1856, or on the basis of such other document as may be prescribed. No child shall be denied admission in a school for lack of age proof.
- ❖ A child who completes elementary education shall be awarded a certificate.
- ❖ Call need to be taken for a fixed student–teacher ratio.
- ❖ Twenty-five per cent reservations for economically disadvantaged communities in admission to Class I in all private schools is to be done.
- ❖ Improvement in the quality of education is important.
- ❖ School teachers will need adequate professional degree within five years or else will lose job.
- ❖ School infrastructure (where there is a problem) need to be improved in every 3 years, else recognition will be cancelled.
- ❖ Financial burden will be shared between the state and the central government.

What is 'Free and Compulsory Elementary Education'?

- ❖ All children between the ages of 6 and 14 shall have the right to free and compulsory elementary education at a neighbourhood school.
- ❖ There is no direct (school fees) or indirect cost (uniforms, textbooks, mid-day meals, transportation) to be borne by the child or the parents to obtain elementary education. The government will provide schooling free-of-cost until a child's elementary education is completed.

How does RTE promote Child-Friendly Schools?

- ❖ All schools must comply with infrastructure and teacher norms for an effective learning environment. Two trained teachers will be provided for every sixty students at the primary level.
- ❖ Teachers are required to attend school regularly and punctually, complete curriculum instruction, assess learning abilities and hold regular parent-teacher meetings. The number of teachers shall be based on the number of students rather than by grade.

- ❖ The state shall ensure adequate support to teachers leading to improved learning outcomes of children. The community and civil society will have an important role to play in collaboration with the SMCs to ensure school quality with equity. The state will provide the policy framework and create an enabling environment to ensure RTE becomes a reality for every child.

RTE PARADARSHI – A new portal created by Govt. Of Odisha

The Act intends to provide equity in educational opportunities, in consonance with Article 21A of the Constitution, by creating an inclusive and integrated schooling system by mandating private unaided schools to reserve at least 25% of the seats, in their entry classes, for children coming from socially and economically disadvantaged backgrounds, under Section 12(1)(c). School and Mass Education Department, Government of Odisha has launched this online RTE-PARADARSHI portal to manage the implementation of the provision with more transparency and accountability.

Corporal punishment is an act of causing physical pain. It is an act of punishing the child with canning. School is the first institution after home where a child is sent away from the closed ones. Parents think that after home, the safest place for their child is the school. The situation becomes worse when a person beats the child in the school or any childcare institution.

The society regards punishing children as normal and acceptable in all circumstances – whether in the family or institutions. It is often considered necessary so that children grow up to be competent and responsible individuals. In the long run, the child may not think that his/her rights have been infringed upon. Even if the punishment hurts, the child doesn't feel the importance of reporting the incident. Therefore, the child believes that is okay for them to be beaten up. Corporal punishment increases under the layer of affection, care, and protection.

There are many acts and conventions which protect the child from corporal punishments. All sorts of punishment including sexual assault are harmful to the child. Currently, there's no statutory definition of corporal punishment of children in Indian law. (A) Right to Education Act, 2009.

As per the **Right to Education Act**, 2009, corporal punishment could be classified as physical punishment, mental harassment, and discrimination. Section 17 of the Act prohibits physical punishment and mental harassment to the child. And it states that no child is going to be subjected to physical punishment and mental harassment. It is also given under this section whoever contravenes the above-mentioned provision is going to be at risk of disciplinary actions under the service rules applicable to such person. Sections 8 and 9 of the Right to Education Act places an obligation on the Government and also on the agency to "ensure that the child belonging to weaker section and disadvantaged group aren't discriminated against and prevented from pursuing and completing elementary education on any grounds."

As per the Juvenile Justice (Care and Protection of Children) Act, 2015 defines corporal punishment as subjecting of a toddler by a person to physical punishment that involves the deliberate infliction of pain as a penalty for an offence or to discipline or reform the child. Here, Committee means Child Welfare Committee and Board means a Juvenile Justice Board.

Section 82 deals with the provision of corporal punishment. And it states that any person in charge of or employed in a childcare institution, who subjects a child to corporal punishment to discipline the child, shall be liable, on the primary conviction, to a fine of ten thousand rupees and for each subsequent offense, shall be responsible for imprisonment which can be three months or fine or with both. If an individual is convicted for corporal punishment, then he/she shall even be responsible for dismissal from the service. Also, the law will debar him/her from working directly with children.

In case the management of the institution where the corporal punishment is reported doesn't cooperate with any inquiry or suits the orders of the Committee or Board or Court or government, the person accountable of the management of the institution shall be responsible for punishment with imprisonment for a term not less than three years and shall even be liable to fine which can reach one lakh rupees.

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

The Child and Adolescent Labour (Prohibition and Regulation), Amendment Act 2016 has two age related categories, the first of which is a child, or a person who has not completed his fourteenth year of age or such age as per the Right of Children to Free and Compulsory Education Act, 2009. The second is Adolescents, a person who has completed his fourteenth year of age but has not completed his/her eighteenth year.

Following are the key provisions under the CLPRA:

- i. Children below 14 years are prohibited from work with the exception of assisting in family enterprises which does not affect his/her school education (that does not cover any hazardous work under the schedule).
- ii. No adolescent (Sec.3A) shall be employed or permitted to work in any of the hazardous occupation or process set forth in the schedule.
- iii. The Act also speaks of punishment for employment of children under section 14, which is 6 months to 2 years imprisonment and Rs. 20,000 to Rs. 50,000 fines.
- iv. The Child & Adolescent who is employed in contravention of the provisions of the Act and rescued shall be rehabilitated in accordance with Laws for the time being in force.

Child Trafficking (Section 370 A, IPC)

The Indian Penal Code (IPC) defines trafficking of children as a criminal act, and has put into place penalties ranging from fourteen years imprisonment to life imprisonment for the offence. Trafficking, here, requires three aspects –

- ❖ One is the intent of exploitation (including physical or sexual exploitation, putting the person in conditions similar to slavery or bondage, or for the purpose of forced organ removal).
- ❖ The second aspect is that any person involved in recruiting, physical transfer, keeping the victim temporarily or over a longer period, or being responsible for the person at the final destination, are liable for punishment.

- ❖ The third aspect is that this process of recruitment, transfer, or receipt of the child victim may be done through different means, such as resorting to threats, force, lies, or bribes, directed at the minor or the guardian/ parent of the child.

Thus, for a case of child trafficking, there may be a number of persons involved who may have come into contact with the child and the trafficker and made it possible for the trafficker to take the child across cities and states till the final point of physical or sexual exploitation. All the persons, who knowingly assisted the trafficker, and may be part of the chain in any way, would thus be liable.

Commissions for Protection of Child Rights Act

The **National Commission for Protection of Child Rights (NCPCR)** is an Indian statutory body established by an Act of Parliament, the Commission for Protection of Child Rights (CPCR) Act, 2005. The Commission works under the aegis of Ministry of Women and Child Development, Gol. The Commission began operations on 5 March 2007.

The Commission is mandated under section 13 of CPCR Act, 2005 "to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India and the UN Convention on the Rights of the Child." As defined by the commission, child includes person up to the age of 18 years.

Powers and Functions of Child Rights Commission:

The functions of NCPCR are-

1. Examine and review the safeguards provided by or under any law for the time being in force for the protection of child rights and recommend measures for their effective implementation;
2. Present to be central government, annually and at such other intervals, as the commission may deem fit, reports upon working of those safeguards;
3. Inquire into violation of child rights and recommend initiation of proceedings in such cases;
4. Examine all factors that inhibit the enjoyment of rights of children affected by terrorism, communal violence, riots, natural disaster, domestic violence, HIV/AIDS, trafficking, maltreatment, torture and exploitation, pornography and prostitution and recommend appropriate remedial measures;
5. Look into the matters relating to the children in need of special care and protection including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles children without family and children of prisoners and recommend appropriate remedial measures;
6. Study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendations for their effective implementation in the best interest of children;
7. Undertake and promote research in the field of child rights;
8. Spread child rights literacy among various section of society and promote awareness of the safeguards available for protection of these rights through

- publications, media, seminars and other available means;
9. Inspect or cause to be inspected any juveniles custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority, including any institution run by a social organization; Where children are detained or lodged for the purpose of treatment, reformation or protection and take up with these authorities for remedial action, if found necessary;
 10. Inquire into complaints and take suo motu notice of matter relating to:
 1. Deprivation and violation of child rights;
 2. Non implementation of laws providing for protection and development of children;
 3. Non compliance of policy decisions, guidelines or instructions aimed at mitigating hardships to and ensuring welfare of the children and provide relief to such children;
 4. Or take up the issues rising out of such matters with appropriate authorities.
 11. Such other functions as it may consider necessary for the promotion of Child Rights and any other matter incidental to the above function. A state commission or any other commission duly constituted under any law for the time being in force.
 12. The Commission shall not enquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.
 13. Analyse existing law, policy and practice to assess compliance with Convention on the rights of the Child, undertake inquiries and produce reports on any aspects of policy or practice affecting children and comment on proposed new legislation related to child rights.
 14. Present to the Central Government annually and at such other intervals as the Commission may deem fit, reports upon the working of those safeguards.
 15. Undertake formal investigation where concern has been expressed either by children themselves or by concerned person on their behalf.
 16. Promote, respect and serious consideration of the views of children in its work and in that of all Government Departments and Organisations dealing with Child.
 17. Produce and disseminate information about child rights.
 18. Compile and analyse data on children.
 19. Promote the incorporation of child rights into the school curriculum, training of teachers or personnel dealing with children.

Prohibition of Child Marriage Act, 2006 (PCMA):

The Prohibition of Child Marriage Act, 2006 (PCMA) was notified on November 1st, 2007. Child Marriage defined in the act is a marriage in which either of the contracting parties are underage, i.e. girls below 18 years and boys below 21 years.

Following are the key provisions under the PCMA: -

- i. Child marriage is voidable (capable of being nullified or invalidated) when either boy or girl who is underage at the time of marriage. The limit for filing for the annulment (a legal procedure that cancels the marriage is till the girl turns 20 years and boy turns 23 years of age).
- ii. Marriages can be voidable under three conditions - a) if child is lured out of keeping of lawful guardian; b) child is forced or compelled, or by deceitful means induced to go from any place; c) is sold for / after marriage or is trafficked for immoral purposes.
- iii. The Child Marriage Prohibition Officer (CMPO) appointed under this Act is responsible for awareness generation against child marriage, filing of petition and annulment proceedings, providing support to contracting parties, building evidence for effective prosecution, receiving complaints on child marriage and furnishing compiled information to the government.
- iv. For the person or persons who organizes / conducts child marriages, the court may issue an injunction. If the marriage is formalized despite the ban order, it is considered invalid from the onset.
- iv. In case of a child born from child marriage, the child enjoys legal status and provisions are made for custody as well as maintenance.

Protection of Children from Sexual Offence Act 2012 with Amendment in 2019

Safeguarding children from sexual abuse under POCSO:

POCSO which was enacted in 2012 is gender neutral, makes it mandatory for the victims to report the abuse, lists all kind of sexual offences against children and provides for their protection during the judicial process. Some of the mandates laid down under POCSO are:

- a. The police officers in every circumstance must bring a case to the attention of the Child Welfare Committee within 24 hours of receiving a report.
- b. The police officers must also be in civil clothes while recording the minor's statement so that the child does not get intimidated.
- c. The statement of the minor must be recorded in presence of the person whom he/she trusts.
- d. The medical examination of the child for the collection of forensic evidence should only be conducted by a lady doctor in presence of a person that the child trusts.
- e. Special courts have been set up under the act to conduct speedy and in-camera trials. It is the duty of these court to ensure that the minor is not exposed to the accused while recording his/her statement, the identity of the minor remains undisclosed, the minor is not asked to repeat his/her testimony in court and that minor can also give his/her testimony through a video, the cases are not delayed and are disposed of within a year from the date of it being reported, an interpreter, translator, special educator or any other expert should be present in court if the minor needs any assistance, and the family of the minor should be awarded compensation for medical treatment and rehabilitation.

What is POCSO Act 2012 ?	Role of SCPCR in POCSO Act
<p>The Protection of Children from Sexual offences (POCSO) Act 2012 is applicable to the whole of India. The POCSO Act 2012 defines a child as any person below the age of 18 years and provides protection to all children under the age of 18 years from sexual abuse. It also intends to protect the child through all stages of judicial process and gives paramount importance to the principle of "best interest of the child".</p>	<p>The State Commissions for Protection of Child Rights (SCPCR) has been empowered and with the responsibility of monitoring the implementation of the provisions of the POCSO Act 2012, to conduct inquiries and to report the activities undertaken under the POCSO Act 2012, in its annual report. The commission is also empowered to call for a report on any specific case of child sexual abuse falling within the jurisdiction of CWC. The commission can also recommend interim relief, or make recommendations to the state government to effectively redress the matter.</p>

Highlights of POCSO Act, 2012

1. POCSO Act is invoked only in the case, where the victim/ survivor is a child, whether a girl child or male child, less than 18 years of age, has under-gone sexual abuse or is likely to undergo sexual abuse,
2. POCSO Act is a gender-neutral law,
3. POCSO Act is a preventive law, as far as children likely to undergo sexual abuse is concerned,
4. The accused under the POCSO Act can be an adult and may also be a child,
5. Section 19 of the POCSO Act provides for mandatory reporting by any person including the child, who has the knowledge of child sexual abuse or of a case where a child is likely to be sexually abused to SJPU or to the local police. Non reporting of the offence or the case where the offence is likely to take place is punishable by imprisonment extending to six months or fine or both. Non recording of the mandatory reporting is also punishable with imprisonment extending to six months or fine or both. However, non -recording under section 166 IPC is punishable with simple imprisonment for a term which may extend to one year, or with fine, or with both.
6. Alternate punishment (Section 42)—Where an act or omission constitutes an offence punishable under this Act and also under sections 166A, 354A, 354B, 354C, 354D, 370, 370A, 375, 376, 2[376A, 376AB, 376B, 376C, 376D, 376DA, 376DB], 3[376E, section 509 of the Indian Penal Code or section 67B of the Information Technology Act, 2000 (21 of 2000)], then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under this Act or under the Indian Penal Code as provides for punishment which is greater in degree.

<p>When you get an unsafe touch, you may feel bad, confused and helpless You need not feel "bad" because it's not your fault.</p>  <p>Press This Button</p>	<h3>Salient Features of the POCSO Act</h3> <ul style="list-style-type: none"> • Child friendly • Child is given police protection during the investigative procedure • Can avail Emergency Medical Treatment • Provision for avoiding re-victimisation of the child • Special Court to decide compensation for the child • Can testify through Video link • A CSA case should be disposed within one year of reporting
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Punishment Table under POCSO (Amendment) Act 2019

Sl. No	Punishable Offences	Section of punishment	Nature of Offence	Punishment
1	Sexual Harassment	(Sec.12)	-Using sexual intent words, gestures, exhibit any object or part of body or make the child to do so -Constantly follow or watches or contact the child directly or through in any medium	3 years and fine
2	Sexual Assault	(Sec.8)	Sexual Intent touches of private parts of a child	3 to 5 years and fine
3	Aggravated Sexual Assault	(Sec.10)	Sexual assault repeatedly/by more than one person/in the custody/by public servant/ if the child is below 12 years	5-7 years and fine
4	Penetrative Sexual Assault-	(Sec.4)	If penetrates into the vagina/ mouth/ urethra/ anus or insert any object or part of body into vagina/ urethra/ anus or make the child to do so	10 years to life imprisonment (if victim is below 16-20 years to rest of life imprisonment and fine)
5	Aggravated Penetrative Sexual Assault	(Sec.6)	Penetrative sexual assault repeatedly/by more than one person/in the custody/by public servant/ if the child is below 12 years/ if the child is pregnant/if the child is affected by STD or HIV etc.	20 years to imprisonment for rest of life and fine or death penalty
6	Pornography	{{(Sec.14(1))}	Any person uses the child for any pornographic purpose	5-7 years and fine
7	Using child and directly participating with Pornography	{{(Sec.14 (2))}	Any person uses the child for any pornographic purpose and commit the offence under Sec.3, 5,7 & 9	5-7 years + punishment for participating in the act
8	Storage and Propagation	(Sec. 15)	Any person who stores or possess pornographic materials.	3-7 years and fine
9	Abetment	(Sec.17)	Any person who instigates or pursue the conspiracy for the offence	3 years and fine
10	Attempt to commit offence	(Sec.18)	Person attempt to commit any offence punishable under POCSO	50% of the maximum punishment fixed
11	Failure of reporting	(Sec.21)	Any person who knows the fact fails to record the offence and report to the police	6 months to one year or fine or both
12	False reporting	(Sec.22)	False complaint about sexual abuse with an intention to humiliate, threaten or defame a person	6 months (No punishment for a child)

Non-disclosure and delayed disclosure

Some children are able to disclose their experience soon after the events. Factors increasing the likelihood of disclosure, and of prompt disclosure, which includes the child being older, the offender being a stranger, and availability of a trusted confidante.

However, in many cases a child will not be able to tell anyone about their experience, and this silence may endure for years, for decades, and sometimes forever. Multiple factors increase the likelihood of nondisclosure, and delayed disclosure. Like girls, boys do not tell people about their experience of sexual abuse for reasons including fear, embarrassment, and guilt. However, boys' disclosure is often further compromised by feelings of extreme anger, shame, and withdrawal and fear of being perceived as a potential perpetrator.

Cultural factors, religious belief, taboos around sex, and stigma attaching to victims are also powerful inhibitors to disclosure.

Abuse by societal authority figures like teachers, priests, police, coaches, and peacekeepers is a particularly insidious form of child sexual abuse. Non-disclosure is more likely where the offender is known to the child, and especially if they are a known and trusted authority figures.

Mandatory Reporting of CSA

Sec. 19 of POCSO Act describes procedure for reporting of CSA cases.

As per Sec. 19(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he/she shall provide such information to,— (a) the Special Juvenile Police Unit; or (b) the local police.

- (2) Every report given under sub-section (1) shall be— (a) ascribed an entry number and recorded in writing; (b) be read over to the informant; (c) shall be entered in a book to be kept by the Police Unit.
- (3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he/she fails to understand the same.

- (4) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him/her such care and protection including admitting the child into shelter home or to the nearest hospital within twenty-four hours of the report, as may be prescribed.

- (5) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, shall report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.
- (6) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).

Sec. 20. Obligation of media, studio and photographic facilities to report cases.— Any personnel of the media or hotel or lodge or hospital or club or studio or photographic facilities, by whatever name called, irrespective of the number of persons employed therein, shall, on coming across any material or object which is sexually exploitative of the child (including pornographic, sexually-related or making obscene representation of a child or children) through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or to the local police, as the case may be.

Sec. 21. Punishment for failure to report or record a case.—(1) Any person, who fails to report the commission of an offence under sub-section (1) of section 19 or section 20 or who fails to record such offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section (1) of section 19 in respect of a subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) The provisions of sub-section (1) shall not apply to a child under this Act.

22. Punishment for false complaint or false information.—(1) Any person, who makes false complaint or provides false information against any person, in respect of an offence committed under sections 3, 5, 7 and section 9, solely with the intention to humiliate, extort or threaten or defame him, shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

(2) Where a false complaint has been made or false information has been provided by a child, no punishment shall be imposed on such child.

(3) Whoever, not being a child, makes a false complaint or provides false information against a child, knowing it to be false, thereby victimizing such child in any of the offences under this Act, shall be punished with imprisonment, which may extend to one year or with fine or with both.

16.1 Reporting Mechanism in the Institutions:

The occurrence of child sexual abuse in care institutions has been known to governments for decades; yet few survivors ever secure redress. The institutional abuse of children takes many forms, including sexual abuse of children in residential care and community-based settings. It is the duty of the institution authority to report to the concerned authority on time about the incident in detail.

Whom to report ?

As per Sec. 19 (1) of POCSO Act, the institution authority must report about all forms of child sexual abuse to Special Juvenile Police Unit or to Local Police.

In addition the authority may report about the incident to

- ★ Child Welfare Committee
- ★ District Child Protection Unit
- ★ The Home Management Committee

The institution must keep a clear and accessible reporting mechanism in place to make every child report to the concerned authorities as soon as possible on the incidents of abuse, about potential abusers, or about the perceived abuse. For that the institution must have :

- ★ Mention the name and telephone number of all members of Home Management Committee in the display board.
- ★ Mention the name of all essential persons responsible to child protection including nearest police officer, Special Juvenile Police Unit, Superintendent of Police, Childline, CWC, DCPO, Home Manager, etc.
- ★ Make accessible a telephone for the children so that any child can call to any of the above person and report about the incident or any potential risk.
- ★ Keep post cards ready addressing DCPO / CWC in a place where the child can access them.
- ★ Keep a complaint box for the children and the key needs to be handed over to the DCPO.
- ★ Keep at least two children members in the Home Management Committee so that they can inform the HMC about the risks of child abuse.
- ★ Ensure that the Children's Committee are meeting regularly.

Organisation may be contacted in case of CSA in Delhi and Odisha

National	
CHILDLINE - 1098	
Women Helpline - 1091	
<p>National Commission for Protection of Child Rights 5th Floor, Chanderlok Building, 36 Janpath, New Delhi, PIN 110001 Tel.No. 23478200 Fax No. 23724026 Contact No: 1800-121-2830 (for covid crisis) Website for POCSO E-Box- https://ncpcr.gov.in</p> <p>National Human Rights Commission Manav Adhikar Bhawan, Block-C, GPO Complex, INA New Delhi – 110023, Telephone No.: 011-24651330; Fax No. 24651332; E-Mail: cr.nhrc@nic.in; Website: www.nhrc.nic.in</p>	
Delhi	Odisha
<p>Delhi Commission for Protection of Child Rights Office Address : 5th Floor, ISBT Building , Kashmere Gate, Delhi -110006 Phone No. 011-23862685/86 Fax No. 011-23864312 Email: dcpcr@hotmail.com; delhichildrightscommission@gmail.com</p>	<p>Odisha State Commission for Protection of Child Rights, Govt Of Odisha Qr.No.-1, Type-A, Unit V Bhubaneswar- 751001 Phone : 0674-2394041 Fax : 0674-2394043 E-Mail : ospcr.od@nic.in</p>
<p>DELHI COMMISSION FOR WOMEN Govt. of National Capital Territory of Delhi C-Block, 2nd Floor, Vikas Bhawan I. P. Estate, New Delhi-110 002 Contact No. 011-23379181(all working days , 10 AM. to 5:30 PM) Email : helpdeskdcw2015@gmail.com Chairperson's mail : livingpositive@gmail.com Public Relation Officer/Spokesperson : Sh. Rahul Tahiliani email - rahultahiliani22@gmail.com</p>	<p>Odisha state Commission for Women 3rd Floor, Toshali Plaza, Satya Nagar, Bhubaneswar-7. Phone: (0674) 2573850 Fax: (0674) 2573870 Email: oscw.od@nic.in</p>

The Rights of Persons with Disabilities Act 2016:

The Act replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It fulfills the obligations to the United National Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory.

According to the Rights of Persons with Disabilities (RPwD) Act, 2016, enacted on 28.12.2016, which came into force from 19.04.2017, Disability has been defined based on an evolving and dynamic concept.

Salient features of the Act:

Disabilities covered-

- ★ Disability has been defined based on an evolving and dynamic concept.
- ★ The types of disabilities have been increased from existing 7 to 21 and the Central Government will have the power to add more types of disabilities. The 21 disabilities are given below: -

Physical Disability	Intellectual Disability	Mental Behaviour (Mental Illness)	Disability caused due to-	Multiple Disabilities
<u>Locomotor Disability</u> -Leprosy Cured Person -Cerebral Palsy -Dwarfism -Muscular Dystrophy -Acid Attack Victims Visual Impairment -Blindness -Low Vision <u>Hearing Impairment</u> -Deaf -Hard of Hearing Speech and Language Disability	Specific Learning Disabilities Autism Spectrum Disorder		<u>Chronic Neurological Conditions such as</u> -Multiple Sclerosis -Parkinson's Disease <u>Blood Disorder</u> -Haemophilia -Thalassemia -Sickle Cell Disease	Persons with "benchmark disabilities" are defined as those certified to have at least 40 per cent of the disabilities specified above.

Rights and entitlements

- ❖ Responsibility has been cast upon the appropriate governments to take effective measures to ensure that the persons with disabilities enjoy their rights equally with others.
- ❖ Additional benefits such as reservation in higher education (not less than 5%), government jobs (not less than 4 %), reservation in allocation of land, poverty alleviation schemes (5% allotment) etc. have been provided for persons with benchmark disabilities and those with high support needs.
- ❖ Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.
- ❖ Government funded educational institutions as well as the government recognized institutions will have to provide inclusive education to the children with disabilities.
- ❖ For strengthening the Prime Minister's Accessible India Campaign, stress has been given to ensure accessibility in public buildings (both Government and private) in a prescribed time-frame.

Guardianship

- ❖ The Act provides for grant of guardianship by District Court under which there will be joint decision – making between the guardian and the persons with disabilities.

Establishment of Authorities

- ❖ Broad based Central & State Advisory Boards on Disability are to be set up to serve as apex policy making bodies at the Central and State level.
- ❖ Office of Chief Commissioner of Persons with Disabilities has been strengthened who will now be assisted by 2 Commissioners and an Advisory Committee comprising of not more than 11 members drawn from experts in various disabilities.
- ❖ Similarly, the office of State Commissioners of Disabilities has been strengthened who will be assisted by an Advisory Committee comprising of not more than 5 members drawn from experts in various disabilities.
- ❖ The Chief Commissioner for Persons with Disabilities and the State Commissioners will act as regulatory bodies and Grievance Redressal agencies and also monitor implementation of the Act.
- ❖ District level committees will be constituted by the State Governments to address local concerns of PwDs. Details of their constitution and the functions of such committees would be prescribed by the State Governments in the rules.
- ❖ Creation of National and State Fund will be created to provide financial support to the persons with disabilities. The existing National Fund for Persons with Disabilities and

the Trust Fund for Empowerment of Persons with Disabilities will be subsumed with the National Fund.

Penalties for offences

- ❖ The Act provides for penalties for offences committed against persons with disabilities and also violation of the provisions of the new law.
- ❖ Any person who violates provisions of the Act, or any rule or regulation made under it, shall be punishable with imprisonment up to six months and/ or a fine of Rs 10,000, or both. For any subsequent violation, imprisonment of up to two years and/or a fine of Rs 50,000 to Rs five lakh can be awarded.
- ❖ Whoever intentionally insults or intimidates a person with disability, or sexually exploits a woman or child with disability, shall be punishable with imprisonment between six months to five years and fine.
- ❖ Special Courts will be designated in each district to handle cases concerning violation of rights of PwDs.

Sustainable Development Goal:

In September 2015, the General Assembly adopted the 2030 Agenda for Sustainable Development that includes 17 Sustainable Development Goals (SDGs). Building on the principle of "leaving no one behind", the new Agenda emphasizes a holistic approach to achieving sustainable development for all.

SDG 1;	No Poverty,
SDG 2;	Zero Hunger,
SDG 3;	Good Health and Well Being,
SDG4;	Quality Education,
SDG5;	Gender Equality,
SDG10;	Reduced Inequalities,
SDG11;	Sustainable Cities and Communities.
SDG13;	Climate Action, SDG15; Life on Land and
SDG 16;	Peace Justice and Strong Institutions,
SDG 17;	Partnerships for the goals, substantially cover the UNCRC and the developments in the field of SDGs will also be seen as mile stones achieved in pursuing objectives and goals of UNCRC.

Integrated Child Development Scheme:

Launched on 2nd October 1975, ICDS Scheme represents one of the world's largest and most unique programmes for early childhood development. ICDS is the foremost symbol of India's commitment to her children – India's response to the challenge of providing pre-school education on one hand and breaking the vicious cycle of malnutrition, morbidity, reduced learning capacity and mortality, on the other.

Objectives

- ❖ The ICDS Scheme was launched in 1975 with the following objectives:
- ❖ To improve the nutritional and health status of children in the age-group 0-6 years
- ❖ To lay the foundation for proper psychological, physical and social development of the child
- ❖ To reduce the incidence of mortality, morbidity, malnutrition and school dropout
- ❖ To achieve effective co-ordination of policy and implementation amongst the various departments to promote child development
- ❖ To enhance the capability of the mother to look after the normal health and nutritional needs of the child through proper nutrition and health education

Services

The above objectives are sought to be achieved through a package of services comprising:

- ❖ supplementary nutrition
- ❖ immunization
- ❖ health check-up
- ❖ referral services
- ❖ pre-school non-formal education
- ❖ Nutrition & health education

The concept of providing a package of services is based primarily on the consideration that the overall impact will be much larger if the different services develop in an integrated manner as the efficacy of a particular service depends upon the support it receives from related services.

Integrated Child Protection Scheme:

Integrated Child Protection Scheme is being implemented by Union Ministry of Women and Child Development as a centrally sponsored scheme from 2009-10 with the objective of creating a safe and secure environment for children in conflict with law as well as children in need of care and protection. It is a comprehensive scheme to bring several existing child

protection programmes under one umbrella, with improved norms. The Scheme incorporates other essential interventions, which aim to address issues which were, so far, not covered by earlier Schemes. It is based on the cardinal principles of "protection of child rights" and the "best interest of the child".

Objectives

ICPS brings together multiple existing child protection schemes of the Ministry under one comprehensive umbrella, and integrates additional interventions for protecting children and preventing harm. ICPS, therefore, would institutionalize essential services and strengthen structures, enhance capacities at all levels, create database and knowledge base for child protection services, strengthen child protection at family and community level, ensure appropriate inter-sectoral response at all levels.

- ❖ To institutionalize essential services and strengthen structures for emergency outreach, institutional care, family and community based care, counselling and support services at the national, regional, state and district levels.
- ❖ To enhance capacities at all levels, of all functionaries including administrators and service providers, members of allied systems including, local bodies, police, judiciary and other concerned departments of State Governments to undertake responsibilities under the ICPS.
- ❖ To create database and knowledge base for child protection services, including MIS and child tracking system in the country for effective implementation and monitoring of child protection services.
- ❖ To undertake research and documentation.
- ❖ To strengthen child protection at family and community level, create and promote preventive measures to protect children from situations of vulnerability, risk and abuse.
- ❖ To ensure appropriate inter-sectoral response at all levels, coordinate and network with all allied systems.

To raise public awareness, educate public on child rights and protection on situation and vulnerabilities of children and families, on available child protection services, schemes and structures at all levels.

National Education Policy (NEP) 2020

The National Policy on Education was framed in 1986 and modified in 1992. Since then several changes have taken place that calls for a revision of the Policy.

The NEP 2020 is the first education policy of the 21st century and replaces the thirty-four years old National Policy on Education (NPE), 1986. Built on the foundational pillars of Access, Equity, Quality, Affordability and Accountability, this policy is aligned to the 2030 Agenda for Sustainable Development Goal and aims to transform India into a vibrant knowledge society and global knowledge superpower by making both school and college education more holistic, flexible, multidisciplinary, suited to 21st century needs and aimed at bringing out the unique capabilities of each student.

Salient features of the NEP 2020 School Education

Ensuring Universal Access at all levels of school education

NEP 2020 emphasizes on ensuring universal access to school education at all levels- pre-school to secondary. Infrastructure support, innovative education centres to bring back dropouts into the mainstream, tracking of students and their learning levels, facilitating multiple pathways to learning involving both formal and non-formal education modes, association of counselors or well-trained social workers with schools, open learning for classes 3,5 and 8 through NIOS and State Open Schools, secondary education programs equivalent to Grades 10 and 12, vocational courses, adult literacy and life-enrichment programs are some of the proposed ways for achieving this. About 2 crore out of school children will be brought back into main stream under NEP 2020.

Early Childhood Care & Education with new Curricular and Pedagogical Structure

With emphasis on Early Childhood Care and Education, the 10+2 structure of school curricula is to be replaced by a 5+3+3+4 curricular structure corresponding to ages 3-8, 8-11, 11-14, and 14-18 years, respectively. This will bring the hitherto uncovered age group of 3-6 years under school curriculum, which has been recognized globally as the crucial stage for development of mental faculties of a child. The new system will have 12 years of schooling with three years of Anganwadi/ pre schooling.

NCERT will develop a National Curricular and Pedagogical Framework for Early Childhood Care and Education (NCPFECCE) for children up to the age of 8. ECCE will be delivered through a significantly expanded and strengthened system of institutions including Anganwadis and pre-schools that will have teachers and Anganwadi workers trained in the ECCE pedagogy and curriculum. The planning and implementation of ECCE will be carried out jointly by the Ministries of HRD, Women and Child Development (WCD), Health and Family Welfare (HFW), and Tribal Affairs.

Attaining Foundational Literacy and Numeracy

Recognizing Foundational Literacy and Numeracy as an urgent and necessary prerequisite to learning, NEP 2020 calls for setting up of a National Mission on Foundational Literacy and

Numeracy by MHRD. States will prepare an implementation plan for attaining universal foundational literacy and numeracy in all primary schools for all learners by grade 3 by 2025. A National Book Promotion Policy is to be formulated.

Reforms in school curricula and pedagogy

The school curricula and pedagogy will aim for holistic development of learners by equipping them with the key 21st century skills; reduction in curricular content to enhance essential learning and critical thinking and greater focus on experiential learning. Students will have increased flexibility and choice of subjects. There will be no rigid separations between arts and sciences, between curricular and extra-curricular activities, between vocational and academic streams.

Vocational education will start in schools from the 6th grade, and will include internships.

A new and comprehensive National Curricular Framework for School Education, NCFSE 2020-21, will be developed by the NCERT.

Multilingualism and the power of language

The policy has emphasized mother tongue/local language/regional language as the medium of instruction at least till Grade 5, but preferably till Grade 8 and beyond. Sanskrit to be offered at all levels of school and higher education as an option for students, including in the three-language formula. Other classical languages and literatures of India are also to be made available as options. No language will be imposed on any student. Students to participate in a fun project/activity on 'The Languages of India', in Grades 6-8, such as under the 'Ek Bharat Shrestha Bharat' initiative. Several foreign languages will also be offered at the secondary level. Indian Sign Language (ISL) will be standardized across the country and National and State curriculum materials to be developed, for use by students with hearing impairment.

Assessment Reforms

NEP 2020 envisages a shift from summative assessment to regular and formative assessment, which is more competency-based, promotes learning and development, and tests higher-order skills, such as analysis, critical thinking, and conceptual clarity. All students will take school examinations in Grades 3, 5, and 8 which will be conducted by the appropriate authority. Board exams for Grades 10 and 12 will be continued, but redesigned with holistic development as the aim. A new National Assessment Centre, PARAKH (Performance Assessment, Review, and Analysis of Knowledge for Holistic Development), will be set up as a standard-setting body.

Equitable and Inclusive Education

NEP 2020 aims to ensure that no child loses any opportunity to learn and excel because of the circumstances of birth or background. Special emphasis will be given on socially and economically disadvantaged groups (SEDGs) which include gender, socio-cultural, and geographical identities and disabilities. This includes setting up of Gender Inclusion Fund and also Special Education Zones for disadvantaged regions and groups. Children with disabilities will be enabled to fully participate in the regular schooling process from the foundational stage to higher education, with support of educators with cross disability training, resource centres, accommodations, assistive devices, appropriate technology-based tools and other support mechanisms tailored to suit their needs. Every state/district will be encouraged to establish "Bal Bhavans" as a special daytime boarding school, to participate in art-related, career-related, and play-related activities. Free school infrastructure can be used as Samajik Chetna Kendras.

NACG EVAC India:

National Action and Coordination Group for Ending Violence Against Children (NACG EVAC), India, is the Country level Civil Society Forum of South Asia Initiative to End Violence Against Children SAIEVAC), an Inter-Governmental apex body of SAARC. It brings together NGOs, Networks, Coalitions, Media, Children Forums, Academia and other civil society bodies to promote interaction, networking, advocacy, sharing of good practices, and experience. NACG EVAC India is a country forum for collecting learning and sharing, advocacy and actions. It links country's action with wider effort of UN and international bodies. It has its operational areas at local, state & country level focusing on 5 critical thematic issues, i.e. Child Sexual Abuse and Exploitation, Child Trafficking, Child Labour, Child Marriage and Corporal Punishment, and 2 cross cutting issues i.e., Child participation and Children with Disability. It's strength and effectiveness lies in nationwide membership and active community engagement.

BMZ:

The Federal Ministry of Economic Cooperation and Development, abbreviated as BMZ, is a cabinet-level ministry of the Federal Republic of Germany. Founded in 1961, the Ministry works to encourage economic development within Germany and in other countries through international cooperation and partnerships. It cooperates with German international organizations involved in development including the International Monetary Fund, World Bank, and the United Nations.

World Vision Germany:

World Vision Germany was founded in 1979 as a child-focused humanitarian organisation working in the fields of development, relief and advocacy. More than 160,000 German sponsors currently support long-term programs benefiting the sponsored children as well as their families and communities. Through private donations and public funds WV Germany implements more than 300 projects in 50 countries in different sectors, such as Child Protection, Education, Livelihood, Health, Nutrition, WASH.

World Vision India:

World Vision India is one of the country's largest child-focused humanitarian organisations working through development, relief and advocacy, to create lasting change in the lives of children, their families, and communities living in poverty and injustice. With over six decades of experience at the grassroots, we employ proven, effective development, public engagement and relief practices empowering vulnerable children and communities living in contexts of poverty and injustice to become self-sufficient and bring lasting change. We serve children regardless of religion, race, ethnicity or gender. World Vision India works in 143 districts impacting around 26 lakh children and their families in over 6200 communities spread across 24 states and 2 union territories to address issues affecting children in partnership with governments, civil societies, donors and corporates.

PECUC:

Peoples' Cultural Centre (PECUC) is a child rights focused organization founded in 1990. Since last three decades, PECUC has been continuously working for children, their parents, Grandparents, families & communities to empower & enable them for leading a life of dignity. PECUC has implemented more than 135 projects and programmes in 30 districts of Odisha, 4 districts of Delhi and facilitated various campaigns at country level under different themes. PECUC has prioritised on different thematic issues i.e. Child Rights, Women Empowerment, Livelihood, Health, Hygiene and Sanitation, Rights of the Older Persons, Emergency Management & Climate Change Adaptation, Governance & Democracy, Youth Empowerment and Persons with Disabilities; implemented projects & programmes directly and in partnership with civil society organisations, communities, Government, and National, International organisations.



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