

Developed by



Centre for Child and the Law
National Law School of India University
Bengaluru

In partnership with



WHY SHOULD WE CARE?



A GUIDE FOR INDIAN CIVIL SERVICE OFFICERS ON CHILD RIGHTS

In partnership with



Lal Bahadur Shastri National Academy of Administration
Mussoorie

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**WHY
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**A GUIDE FOR
INDIAN CIVIL
SERVICE OFFICERS
ON CHILD RIGHTS**

Preface

This Handbook has been developed in the light of the fact that despite the passage of 68 years since our Constitution came into force and the high rates of economic growth that we have seen since independence, we still have mothers dying in child birth, thousands of infants do not see their first birthday, while the children who survive infancy barely manage to survive hunger, illiteracy, poverty, abuse (physical, sexual, mental), at least a fourth of our population is below the poverty line, crimes against women and children are increasing, populations of tribal communities, scheduled castes and other backward communities have low literacy levels among other kinds of developmental issues. Today's children are the citizens of tomorrow. If we do not take care of them today the future of India will not be able to prosper and grow. Wherever we have invested in children, those districts and states do well on all the indices of development. On the other hand there are vast tracts of India which fall below even our neighbours in many of these indices. The infographics in this handbook illustrates this.

We have one of the largest number of individuals serving in the Indian Civil Services, which has an illustrious history. Many officers have transformed and continue to transform the face of the districts and divisions that they serve. It is our hope that all of you who have just entered this illustrious service will join hands to transform India by bringing a child rights perspective in all the work that you do, wherever you may serve, because you can change the future of India. It is in your hands.

If in the course of your service each one of you have managed to ensure that every scheduled caste/tribal girl child with disability has been able to get a decent meal, education, shelter, protection from every kind of abuse during her childhood you can be sure that the first steps have been taken towards the fulfilment of the dreams of the makers of our Constitution.

This handbook has been designed to provide you with basic information regarding the major issues that affect the children of our country and what prevents them from accessing their rights. The handbook sets out specific action points on how you can in your official capacity intervene to prevent the violation of children's rights, protect them from the abuse of their rights and prosecute those who violate their rights. The following chapters also give details on potential partnerships that can be catalyzed by you in your sister services to converge and further these actions. As you will see in the contents we have identified nine services which encounter children during the course of their work or which can impact a child's future and we have provided a list of the issues wherein we have identified a convergence of the services and then we move on to the specific services with the specific issues that only that service can handle. At the end we have provided some international conventions and Indian legislations that you may find helpful followed by a list of issues that may also be addressed by you.

We hope that you will find this handbook useful. We welcome any suggestions or comments. Thank you for your support. Wish you all the very best as you step out to serve this wonderful country. Jai Hind.

Glossary

Child: A person who has not completed 18 years of age.

Best interest of child: Is the basis for any decision taken regarding the child, to ensure fulfilment of his/her basic rights and needs, identity, social well-being, physical, emotional and intellectual development.

Child friendly: Behaviour, conduct, practice, process, attitude, environment, or treatment that is humane, considerate and in the best interest of the child.

Child in Need of Care and Protection (CNCP): Is a child who is in need of support from the State. This includes the missing child, trafficked child, child labour, bonded labour, child with disability, victim of child sexual abuse and child who is in imminent danger of being married among others.

Child in Conflict with Law (CICL): Is a child who is alleged to have committed or is found guilty of having committed an offence.

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07	MALNUTRITION	Action Points
09	VULNERABLE CHILDREN	<ul style="list-style-type: none"> • Adopt holistic and continuum approach to child development. • Ensure adequate care and nutrition during prenatal and postnatal period • Put in place mechanisms for the mandatory registration of birth at local authority level • Robust information management system on children • Conduct awareness programmes (social and legal aspects) in collaboration with relevant authorities and departments on child rights/violations. • Presence of effective prevention and reporting mechanisms on child rights violation involving Gram Panchayat members and groups, such as village level child protection committees, youth clubs, adolescent girls groups. • Conduct regular meetings/trainings for the community vigilance committees. • Focused interventions for disadvantaged/marginalised children. • Produce the child before Child Welfare Committee (CWC) or Juvenile Justice Board (JJB) as applicable. • Inform the parents, guardian and Probation Officer of the apprehension of a child. • Report the case of a missing child as a case of kidnapping. • Inform the District Child Protection Unit (DCPU) and State government of trafficking across state and national border • Involve Gram Sabhas at ward level and Panchayats regularly to monitor sex ratio, child marriages, school dropouts, girls education, children with disabilities, reporting on child abuse etc • Take measures to implement national flagship programmes to provide care, protection and quality education to children • Peace meetings in sensitive areas to prevent communal riots • Evolving guidelines/procedures for involvement of children • Coordination with all departments/convergence of services/district committees to engage with different bodies
12	CHILD MARRIAGE	
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Service Specific Situations

25 Indian Administrative Service (IAS)

Out of School Children

Care, protection and early education of young children in Anganwadis

Action Points

- Information management system of children.
- Put in place mechanisms for the mandatory registration of births at local authority level.
- Ensure adequate care and nutrition during the prenatal and postnatal periods.
- Ensure 100 per cent institutional delivery.
- Robust mechanism to ensure effective implementation of relevant. programmes, legislations and policies related to children.
- Community vigilant groups to prevent and report violation of child rights.
- Rescue and rehabilitation of vulnerable children.
- Developing innovative mechanisms to identify, rehabilitate and educate street children, abandoned children and child beggars.
- Focused interventions for disadvantaged children (children with disabilities, HIV affected, children of sex workers, devadasis and child saints).
- Income generation programmes to prevent migration at source.
- Measures to implement flagship programmes like Integrated Child Development Services (ICDS), Integrated Child Protection Scheme (ICPS) and Samagra Shiksha Abhiyan (SSA) to provide care, protection and quality education to children.
- Massive legal awareness and legal literacy programmes in collaboration with taluk/district/state legal services authorities.

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- Peace meetings in sensitive areas to prevent communal riots.
- Evolving guidelines/do's and don'ts for involvement of children.
- Inspections.
- Coordination of departments/convergence of services/district committees to engage with different bodies.
- Empowering local governance.
- Create awareness/preventive measures.
- Network of Civil Society Organizations (CSOs) and communities.

29 Indian Audit and Accounts Service (IA&AS)

Performance audit on working of homes under Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act)

Action Points

- Familiarise the personnel with child rights issues/violations specific to districts or departments being audited.
- Ensure fair allocation of funds and follow up on outcome of the implementation of legislations, policies, schemes and programmes for child rights/violation issues.
- Do all accounting and auditing from a child rights perspective.
- Prioritising needs of most vulnerable child, ensure preventive measures are adopted to avoid child rights violations/offences.
- Assist in convergence among departments for sharing of resources for children.
- Determining cost effectiveness and benefit of schemes, programmes and policies for children.
- Physical inspection of sites and interaction with child beneficiaries to determine the efficiency and effectiveness of the legislations/programmes/schemes.
- Fix accountability on lapses in effective functioning of homes for children under the JJ Act.
- Follow up on recommendations made in the previous audit, and take appropriate action if no improvement is observed.

30 Indian Defence Estate Service (IDES)

Children studying in a school in a cantonment area

Action Points

- Ensuring prioritisation of children during rescue operations.
- Prioritisation of children with disabilities and orphaned children during rescue operations.
- Ensuring provision of a safe place for children.
- Reporting children without parents to the CWCs.
- Ensuring provision of psychological support and food with the help of local administration and civic authorities.
- Ensuring that children are treated with dignity and respect.
- Coordination with local administration and civic authorities for making living arrangements for rescued children and their rehabilitation.
- Sensitisation of personnel to deal with children in various situations.
- Establishing child protection focal points on each defence base.
- Having child protection manuals, policy and training at regular intervals.

32 Indian Foreign Service (IFS*)

Inter country adoption
Inter-country inter-parental removal of children

Action Points

- Formulation of Memorandums of Understanding/Bilateral policies with other countries.
- Convergence/liaison with concerned authorities/government departments (both national and international) for rehabilitation of children.
- For any intervention ensure that the response is in the best interest of the child.
- Facilitate repatriation of children as and when required.
- Create child friendly spaces within embassies.
- Develop a child protection policy for all field staff/social workers empanelled by the mission who shall interact with a child directly.

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34 Indian Forest Service (IFS)

Abortion of female foetuses
Child Soldiers

Action Points

- Map and identify the status of tribal children within the division, especially in the villages in the forests, tribal hamlets etc.
- Coordinate with Gram Sabhas for detecting crimes/protection of children.
- Ensure coordination with police/district administration
- Awareness raising and training of forest cadre on child rights/violations.
- Raise awareness of child rights/violations in eco-development committees/joint forest management committees/biodiversity management committees.
- Create child protection and safeguarding mechanisms within the divisions.
- Create channels for reporting child rights violations.
- Prevent use of child labour in forest operations/wood based industries and other activities in forest areas.
- Create child safe spaces in emergencies.
- Liaison with allied departments to provide apt child friendly services and response to violations.
- Implementation of schemes for tribal children living in forest areas.
- Monitor child rights concerns within the division and in Child Care Institutions (CCIs) (track violations and progress).
- Engage adolescents in conservation of environment, natural resource management, skill upgradation, and sports training.
- CICL must be handled by Special Juvenile Police Units (SJPU), and parents must be kept informed.
- Engage the communities in income generation activities/alternate livelihood options.
- Budgeting from a child rights perspective - weave in schemes for development, care and protection of children.

36 Indian Information Service (IIS)

Violation of children's privacy and confidentiality

Action Points

- Effective and wider dissemination of information related to schemes and policies through AIR/DD/Censor Board and Bureau of Outreach and Communication.
- Ensure that correct and proper feedback from the people about schemes and policies is given to the government.
- Converge with other services to curb child rights violation in the media.
- Be proactive in identifying child rights violations, prevent abuses and flag concerns.
- Government officials working in media should be sensitised and a special module to be drafted in this regard.
- I&B Ministry should take steps to regulate reality shows and the involvement of children in them.
- Design media campaigns with specific focus on child rights.

37 Indian Police Service (IPS)

Children in Conflict with Law
Child Sexual Abuse

Action Points

- Adequate response to violation of rights by subordinate officers.
- Arrest and prosecution of offenders.
- Build community vigilance mechanisms.
- Ensure filing of First Information Report (FIRs)/registration of offences without delay.
- Ensure witness protection/production.
- Secure 100 per cent conviction in cases.
- Community involvement to increase reporting of offences.

Contents

- Convergence with stakeholders and functionaries for improved responses.
- Intervention in cases of children who are into substance abuse.
- Apply diversion principle wherever appropriate. Best Interest of the child to be the primary consideration.
- Disseminate important and adequate information in the communities.
- Measures to ensure education for CICL.
- Geographic mapping of incidents of offences against children.
- Increased use of preventive safety measures.
- Enhance legal awareness.
- Provide information regarding compensation.
- Facilitate counselling services.
- Care and protection-Production of child before CWC in specific cases.
- Locate the families and send the children back.
- Ensure medical intervention.
- Protection from adult offenders.
- Rescue.
- Training and sensitisation of subordinate officers.
- Involve reputed Non-Government Organizations (NGOs) in detection of offences, rescue and coordination with families among others.

39 Indian Railway Service - Traffic and Accounts

Children living on railway
platforms

Action Points

- Allocation of child friendly spaces on the premises of the railways.
- Rescue of vulnerable children found on the premises of the railways.
- Sensitisation and awareness creation for railway personnel on child protection issues.
- Budget allocation for rehabilitation of vulnerable children found on the premises of the railways or in the trains.
- Coordination with concerned departments and NGOs for rehabilitation of such children.
- Development of child protection manual for use by field level railway staff.
- Prioritising rescue of children during emergency situations such as derailing and accidents among others.
- Allocation of space for setting up short stay homes for children who use the railway premises for shelter and livelihood.
- Ensure that such children are sent to government recognised shelter homes with CWC orders.

40 Indian Revenue Service - Customs and Excise (IRS-CE)

Children apprehended with
prohibited items

Action Points

- Red alert through interpol regarding person/s accused of child abuse.
- Application of provisions of JJ Act.
- Ensuring that the identity of children is not revealed.
- Ensure presence of SJPU before apprehending the child.
- Production of CICL before a JJB.

41 Legislations

43 International obligations

What sort of an officer do I want to be?

1. A KV Principal who was accused of sexually abusing students in a Bengaluru school was first transferred to Karwar and from there to Tiruvannamalai, much to the angst of the parents. The district collector who is also the chairperson of the School Management Committee removed the accused from the post and appointed the senior most teacher as the acting Principal. He sent letters to the KV Sangathan explaining his actions and also requested them to appoint a new principal who was not tainted by any such charges.
2. The social audit report by TISS blew the lid off grave instances of violence in a Muzaffarpur (Bihar) children's home run by a NGO belonging to a prominent personality. The preliminary investigation suggested that the residents of this shelter home were sexually, physically, emotionally abused, neglected, harassed, humiliated and drugged forcefully. The research team made a specific mention of this shelter home in their report seeking immediate legal procedure and corrective action but the state government took action only after three months. Why did the bureaucracy not move swiftly? What could the officials in the various departments have done to ensure such a situation did not arise? How could the right to life of the residents of this home have been protected?
3. An education secretary in Rajasthan has been persistently trying to rejuvenate government schools since 2013. The government schools in the state suffered from neglect and apathy from the government. The initial focus was on teachers and the problems and challenges they faced were solved as early as possible. Adarsh schools were started at the panchayat level by clubbing Lower Primary Schools and Upper Primary Schools which ensured that all the schools had the necessary teachers and infrastructure. After this policy came into place, around 15 lakh students have returned to schools and there has been an increase of 14 per cent in Class 10 success rates in two years.
4. A commissioner of police in Telangana has been a crusader seeking to rescue women and children who have been trafficked. He has effectively made use of legal provisions to close human trafficking sites and over the course of his career, he and his team have rescued over 1,000 women and children from sex trafficking and 800 children from forced labour. He has found mention in the 2017 Trafficking in Persons (TIP) report published by the US State department as a TIP Hero.
5. A deputy commissioner of police and her team are working hard in Rajasthan to educate children and parents on sexual harassment and provide support to children who require it. She and her team of women police officers visit schools in plain clothes and raise awareness among children on good and bad touch. They encourage children to come forward and report if they have been harassed and are creating awareness about the availability of the childline. They use this opportunity to talk to parents and make them aware of this issue.
6. In a district in Telangana having high prevalence of child labour, the collector took a convergence approach to address the issue. She brought together and sensitised officials of the relevant departments, CSO, NGOs, public representatives, teachers' associations by bringing children back to regular or bridge schools, improving the results by more than 20 per cent points and achieving almost 100 per cent enrolment at all levels of schooling, over a period of two years.
7. Railway officers swiftly moved in and conducted a rescue operation on a train in which girls were being trafficked and also apprehended the accused. All of this happened within a couple of hours after a passenger on the train posted a message on social media that there were a lot of underage girls in his compartment who were visibly distressed.

Who is an Indian Child and how is she/he affected?

Nutritional Status of Children

STUNTED

(low height for age)

38.4% (44 million)

WASTED

(low weight for height)

21.0% (24 million)

UNDERWEIGHT

(low weight for age)

35.7% (41 million)



India has **1/3rd** of the global burden of stunting.

75% of stunting burden is concentrated in 8 states.

Nutritional status of children Stunting (2010-2016)

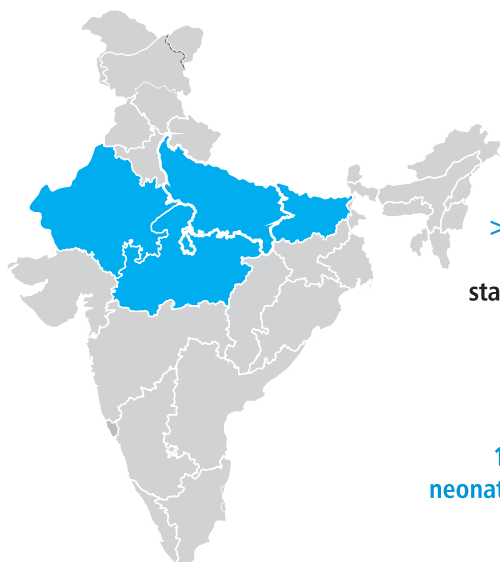
Afghanistan	40.9%
India	38.4%
Bangladesh	36.2%
Nepal	36%
Bhutan	33.5%
Maldives	18.6%
Sri Lanka	17.3%

Highest:
Bihar
(48.3%)

Lowest:
Kerala
(19.7%)

India has the highest Neonatal/Infant/Under-5 Mortality Rate in South-East Asia.

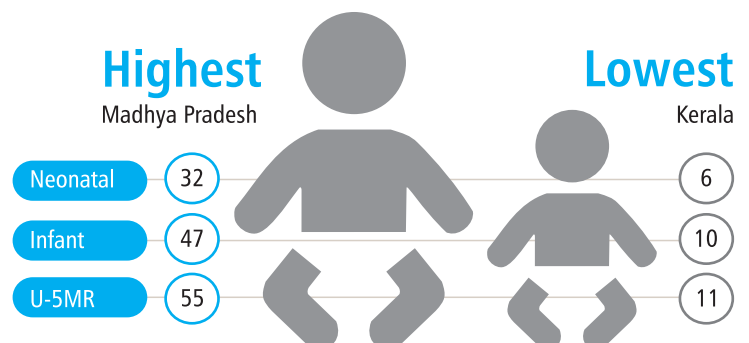
Country	Neonatal, 2017	IMR, 2017	U-5MR, 2017
India	24	34	39
Nepal	21	28	34
Bangladesh	18	27	32
Bhutan	17	26	31
Sri Lanka	6	8	9
Maldives	5	7	8



>50% newborn deaths from 4 states (Rajasthan, Uttar Pradesh, Bihar, Madhya Pradesh).

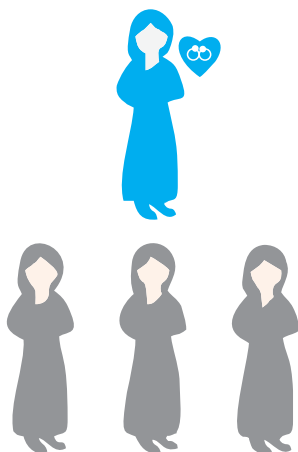
157,000 annual neonatal deaths from U.P. alone.

Neonatal/Infant/Under-5 Mortality Rate in India



Child Marriage

Among women aged 20-24 years, **1 in 4** women were **married** before the age of 18.



Women aged 20-24 years are married before the age of 18.

India	27	Highest: Bihar (42.5%) Lowest: Kerala (7.6%)
Bhutan	26	
Sri Lanka	12	
Maldives	4	

Child Labour

India has **10.1 million** child workers aged 5-14 years.

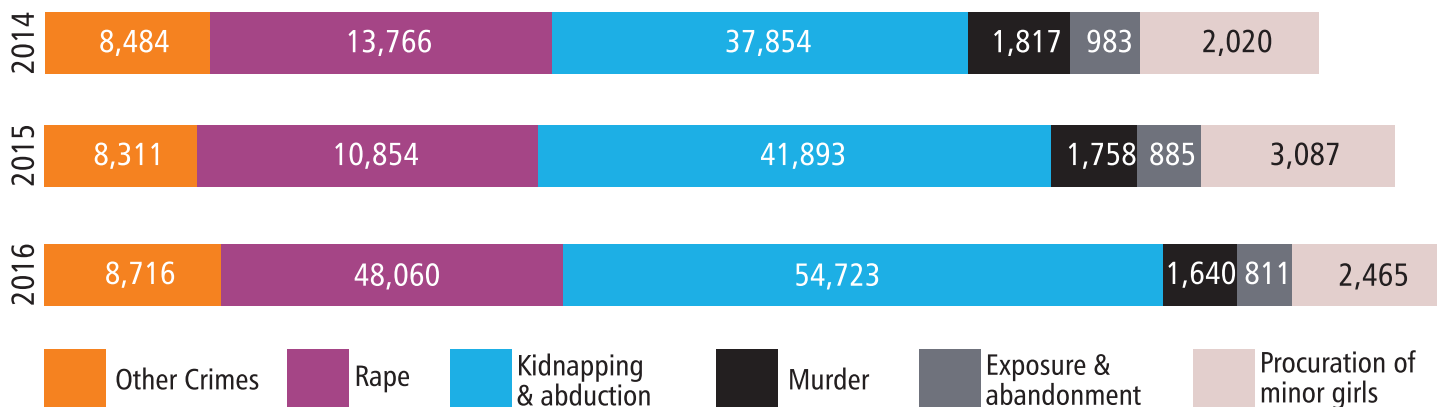
1 in 6 child workers are from SC/ST communities.



Uttar Pradesh, Maharashtra, Bihar and Andhra Pradesh contribute to more **than 50%** of child labour in the country, resulting in increase in number of out-of-school children.

Violence and Exploitation

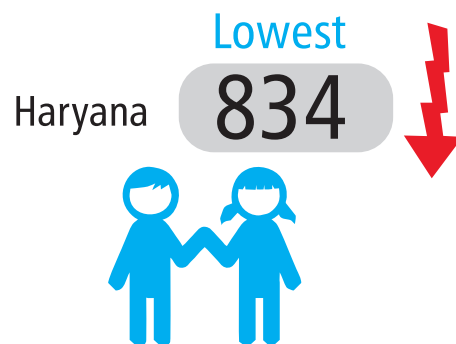
There has been an **increase** in **crime** reported **against children**.



Child Sex Ratio (CSR) (0-6 years)

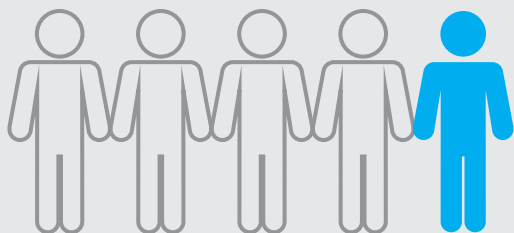


Child Sex Ratio declined from 927 to 919 in the last decade (2001 and 2011) - lowest CSR since India's independence.

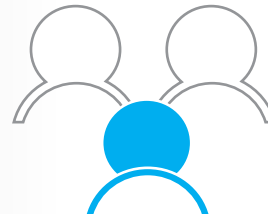


As per estimates, on an average 456,000 girls per year were missing at birth in 2001-2012 period.

Poverty



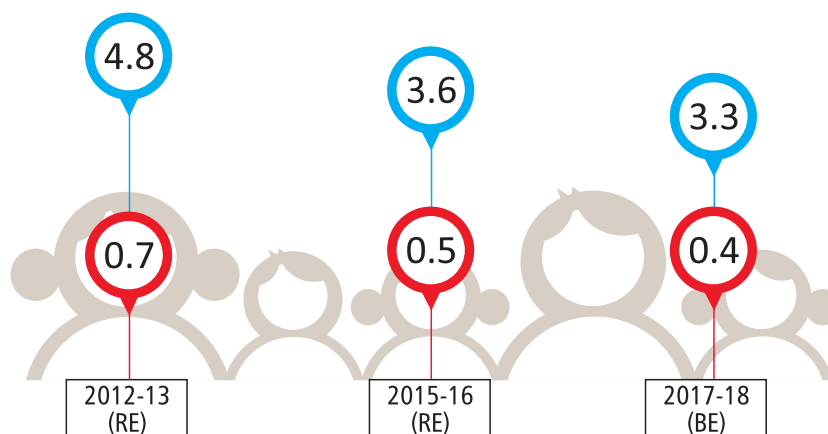
Overall 1 in 5 persons is poor.



1 in 3 children live in households that live in extreme poverty.

Child Budget

Total budgetary spending on child focused interventions (percent)



- Total child budget percentage of Union budget
- Total child budget percentage of Gross Domestic Product

Preschool education



53 million (73%) children (3-6 years) attended preschool.

35% of children from poorest families are not in preschools.



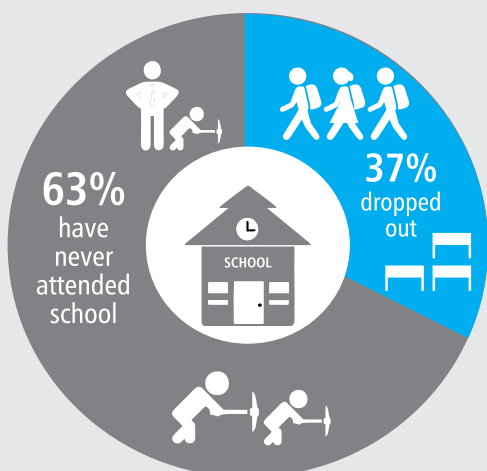
Boys are more likely to be sent to **private early education centres**.



Girls to government run centres like **anganwadis**.



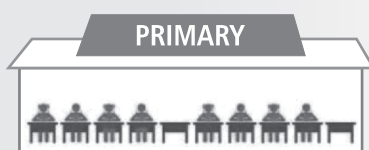
Out of School



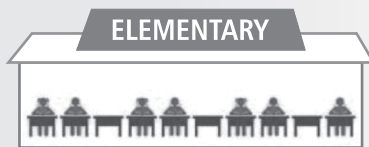
6 million children (6-13 years) were out-of-school in 2014.

More than **half** the out-of-school children are in **three states** (Uttar Pradesh, Bihar, Rajasthan).

Drop - Out



Every **5th student** drops out from school at primary level.



Every **3rd student** at elementary.



Every **2nd student** at secondary level.

At the elementary level, **1 in 2** ST students (**48%**) drop out before completion of class 8.

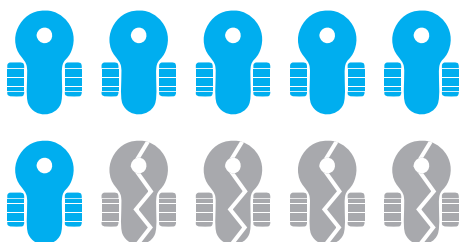
Drinking water

85% of rural households have access to **improved source of drinking water**.



85% Rural and **93% Urban** population in India gets drinking water, summing up to **88% of total population**.

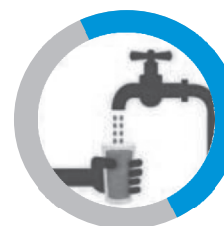
WASH in facilities



Only **6 in 10** schools have toilet availability in usable condition.

Situation of toilet facility and water availability in Anganwadis

43.4% With toilet facility



44.7% Drinking water availability

Non-availability of functional female toilets leads to increase in the school drop-out rate.

Sources: National Family and Health Survey (NFHS) 3 and 4, Human Development Index 2018, Sample Registration System 2016, UNIAG 2018, Census 2011, National Crime Records Bureau (NCRB) 2014-2016, Statistical yearbook 2017, MoSPI GoI, UDISE 2015-2016, JMP 2017, RSOC 2013-2014

Common situations for convergence by all services

This section covers eight situations that concern children or child rights violations, which require convergent efforts to tackle them by the Indian Civil Service officers.

The IA&AS and IIS should also be involved in each of these situations mentioned below, within their capacity. While engaging in performance and compliance audits the IA&AS officer should be able to ensure efficient utilisation of funds and effective implementation of legislations, policies and programmes meant to support and protect children. Similarly, IIS officer should be able to ensure that information regarding child rights concerns/violations reach a wider audience, to prevent crimes against children and provide a healthy and supportive environment for them to grow in.

- 1 Malnutrition
- 2 Vulnerable Children
- 3 Child Marriage
- 4 Child Labour
- 5 Child Trafficking
- 6 Migrant Children
- 7 Missing Children
- 8 Use of Children for Illegal Activities

Did you know?

- India has largest number of malnourished children, and about 50 per cent of the total undernourished children of the world live in India.
- Three infants die every two minutes in India due to lack of water, sanitation and adequate nutrition.
- About 36 per cent of our under-five children are underweight, 38 per cent are stunted, 21 per cent are wasted and 8 per cent are severely malnourished.
- Nearly 4 per cent of GDP is lost due to malnutrition.

Source: ASSOCHAM India 2018, NFHS 4



Case Study:

6,148 infants died due to malnutrition in Maharashtra in the short duration of five months between April-August 2016. National Family Health Survey 2015-2016 found 83,000 children in the state below the age of six years severely underweight. There have also been high incidence of malnutrition deaths among tribal children in the state.

Service Specific Action Points

I - PREVENTION

- | | |
|-----|---|
| IAS | <ul style="list-style-type: none"> • Formulation of a plan of action for addressing malnutrition in consultation with concerned departments. • Regular mapping of children based on their being in the status of under nutrition, and reporting of malnutrition cases to health department. • All children below the age of six, pregnant women, lactating mothers must be enrolled in local anganwadi/hospital, other children to be enrolled in schools. • Monitoring visits to be conducted of anganwadis where health and nutrition services to young children, adolescent girls, pregnant women and lactating mothers are provided, and schools where Mid-Day Meals (MDMS) are administered. Similar visits and inspections should be conducted of fair price shops as well. • Conduct village health and nutrition days effectively so that nutritional deficiencies are identified and addressed. • Village level and block level reports based on the screening of children with regard to their health and nutrition indicators should be sought. • Seek report on the nutrition status of children in state run and private residential institutions for children, and conduct regular monitoring visits. All Gram Sabhas must seek nutrition audit report from anganwadi centres and schools. • Regular training and refresher courses should be organized for anganwadi workers, supervisors and other functionaries, especially on detection of malnutrition and response in their area. • Regular community based monitoring and ensuring that Village Health Nutrition and Sanitation Committees are established and functioning. • Ensure that as per the ICDS scheme and National Food Security Act, 2013 (NFSA), additional food is provided to underweight and malnourished children. • See to it that service delivery centres have necessary infrastructure. • Ensure regular supplies of food grains, other cooking materials and supplements. Take measures towards community outreach for awareness generation. In addition to one to one meetings and house to house visits, events can be organized to raise awareness. • Local self-government to be involved in implementation and monitoring of schemes having bearing on nutrition (ICDS, MDMS, Targeted Public Distribution System (TPDS) and maternity entitlements etc.), and ensuring access to sanitation and safe drinking water in all anganwadis, schools and households. • Improve reporting system of cases of malnutrition and ensure robust data management and sharing system. • Encourage provision of locally grown and procured food through anganwadis and schools. |
|-----|---|

¹Deficiency of calories, protein and other nutrients in body causes malnutrition. When height deficit reaches -2SD among children, it is called stunting, which is a result of acute starvation and is normally irreversible. Wasting is low weight for age and may be a result of chronic starvation or lack of sufficient calories, protein and other nutrients over a period of time.

IFS	<ul style="list-style-type: none"> Carry out periodic surveys to monitor nutritional status of children among forest dwelling tribes and other traditional forest dwelling communities. Ensure provision of nutrition and health services through anganwadi centres on priority basis (as per the Supreme Court order). Ensure that schools, anganwadi centres and residential institutions in their area adopt and follow nutritional norms. Ensure that all children below the age of six years, all pregnant and lactating mothers, are enrolled in the local anganwadis, and all children above the age of six years are in schools. Encourage provision of locally grown and procured food through anganwadis and schools. Spread awareness regarding reproductive and child health. Provide free and regular health check-up at cluster level. Ensure that there is proper employment generation and livelihood schemes in vulnerable areas through Joint Forest Management, Eco-Development, entry point activities.
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II - PROTECTION

IAS	<ul style="list-style-type: none"> All districts to have functional Nutrition Rehabilitation Centres for rehabilitation of severely malnourished children and ensure follow up of children discharged from NRC
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III - REDRESSAL

IAS	<ul style="list-style-type: none"> As per the National Food Security Act 2013, in addition to the respective government departments, complaints can be made to the District Grievance Redressal Officers (DGROs) and appeal can be made to the State Food Commissions. The Commission has the power to impose fine in case of non-compliance with DGRO's order. Enable/assist in registration of complaints with DGROs.
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IV - PARTNERSHIP

IAS	<ul style="list-style-type: none"> District level meetings should be convened and used as a platform to discuss the issue along with all the relevant line departments including women and child development, rural development and panchayati raj, health, water and sanitation, and food and civil supplies. Household level food security and nutrition needs to be improved through reforms in TPDS, provision of safe drinking water and sanitation facilities at household level, and access to social security schemes such as Rural Employment/National Rural Employment Guarantee Act. Partnership of the government departments, such as health, women and child, with relevant institutions such as National Institute of Nutrition, National Nutrition Monitoring Bureau and CSOs for reviewing compliance with law and policies towards addressing malnutrition.
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FAQs

1. Is there any particular group or community in India having higher rates of malnutrition?

Malnutrition rates are higher among tribal children as compared to the national average.

2. In addition to good food and health services, which other factors have a role to play in improving nutrition levels among children?

In addition to quantity, adequate food encompasses good quality, diversity, safe, cultural appropriateness, local availability, and sustainability. Access to safe drinking water is an integral part of it.

3. In addition to NFSA, which law/s can be invoked in case of irregularities in TPDS?

TPDS Control Orders issued under Essential Commodities Act, 1955 can be invoked in case of any irregularities in functioning of fair price shops.

VULNERABLE CHILDREN²

Did you know?

- Five percent of children under age 18 years are orphans with one or both parents dead. The North-eastern region has the highest percentage of children who are orphans- 6 per cent or more in every state except Tripura. (Source: NFHS, 2015-2016).



Case Study:

Akhila is a visually disabled tribal girl. Her parents died of ill health a few years ago. She has no one to take care of her and is dependent on neighbours for charity. The village elders are planning to dedicate her as a 'devadasi' at their village temple.

Service Specific Action Points

I - PREVENTION

IAS	<ul style="list-style-type: none"> • Conduct child census annually leveraging Geographical Information System technology followed by Community Based Mapping as per SSA to identify all categories of vulnerable children with special focus on children with disabilities, and maintain records within the jurisdiction of the local authority. • Ensure admission of all children in the neighbourhood schools. • Facilitate required disabled-friendly infrastructure and teaching-learning materials to enable them to learn on par with other children. • Sensitise all teachers to respect the rights of children with disabilities and to empathise with them. • Ensure that children belonging to the weaker sections and disadvantaged groups, like children with disabilities are not discriminated and prevented from pursuing or completing elementary education. • Constitute and activate District Child Protection Committee for overall monitoring and evaluation of laws, policies and programmes related to children.
IPS	<ul style="list-style-type: none"> • Develop strong local intelligence network through community policing to identify such probable cases in time, so as to prevent their occurrence. • Carry out sensitisation programmes against superstitions and customs and make communities aware of the legal consequences. • Get a FIR registered under relevant sections of law. Andhra Pradesh, Karnataka and Maharashtra states have laws for prohibition of dedication of girls and women as devadasis. • Identify perpetrators who compel girls to become devadasis and take stern action against them. • Awareness on evil effects of the devadasi tradition, and of laws for prevention of it through cultural troupes, anganwadi workers, CSOs. • Collect intelligence regarding the possibility of commission of such practices. Take proactive action by alerting stakeholders.
IFS	<ul style="list-style-type: none"> • Identification of all vulnerable children belonging to weaker sections and disadvantaged groups within the tribal areas during routine patrolling activities and inform CWC or police in case they come across any such instance. • Interventions to educate parents, children and community at large in the tribal areas. • Organize legal help if required through legal services authority or any CSO which is familiar with the issue. • Provide access to special schools such as Ashram/Tribal/Eklavya residential schools run by the centre/state within the tribal settlements. • Inclusion of child rights and violations issues in mass conservation outreach programmes.

²The meaning of the term vulnerability is the state or condition of being weak or poorly defended. Vulnerability is a relative state that may range from resilience to total helplessness. Children can be vulnerable in terms of deprivation (food, clothing, shelter, health care, education, and parental care), exploitation, abuse, neglect, violence and infection with HIV.

II - PROTECTION

IAS	<ul style="list-style-type: none"> • Issue an injunction order to prevent villagers from such dedication practices. • Shift Akhila to a nearby children's home or a shelter home run by a NGO or CSO for immediate safety and protection. • Take steps to admit her to a regular/residential school equipped to address her needs. Provide for special training for such children to catch up. • Take steps for the wellbeing and rehabilitation of the child, including maintenance, as provided under the Rights of Persons with Disabilities Act, 2016 (RPD Act). • Utilise the special Sponsorship and Foster Care Fund within the District Child Protection Society to offer supplementary financial support to families to meet educational, medical, nutritional and other needs of children with a view to improving the quality of their lives.
IPS	<ul style="list-style-type: none"> • Coordinate with district administration for rescue and rehabilitation of the victim, continuation of her education and making alternative source of livelihood available to her by the time she becomes a major. • Intervene to prevent the commission of a cognisable offence.
IFS	<ul style="list-style-type: none"> • Provision for safe transportation or make escort arrangements for children with disabilities to nearest neighbourhood school. • Move the child out of the village to avoid any mental stress for the child in coordination with district administration.

III - PROSECUTION

IAS	<ul style="list-style-type: none"> • Lodge a complaint with the Commissioner for Persons with Disabilities under RPD Act. • File a FIR under Indian Penal Code, 1860 (IPC), JJ Act, Protection of Children from Sexual Offences Act, 2012 (POCSO Act) against the perpetrators. • Empower the Legal cum Probation Officer of DCPU to monitor and review cases.
IPS	<ul style="list-style-type: none"> • Ensure filing of a FIR against all those who have attempted to dedicate the vulnerable girl under relevant state legislations and ensure production of the rescued child before CWC and then send her to rescue home. • Ensure speedy trial.

IV - PARTNERSHIP

IAS	<ul style="list-style-type: none"> • Initiate and support campaigns towards sensitisation against superstitions and customs such as 'devadasi dedication'. • Follow up with police department on strict implementation of penal provisions and arrest of those who are exploiting children with disabilities. • Coordinate with education department, CWC, child rights organizations to ensure safe custody and provision of adequate educational opportunities to all categories of vulnerable children in your jurisdiction.
IPS	<ul style="list-style-type: none"> • Coordinate with stakeholders to take the case to a logical end.
IFS	<ul style="list-style-type: none"> • Coordinate with the CWCs for safe custody of children who are in need of care and protection. • Coordinate with Public Works Department and highways authorities to ensure better connectivity of tribal hamlets, in forest areas, to schools and other institutions. • Coordinate with other line departments to take up special programmes for the vulnerable children within the tribal communities. • Create networks for providing support to the vulnerable children. • Establish a dedicated helpline for follow up.

POINTS TO REMEMBER

IAS	<ul style="list-style-type: none"> • Ensure that children with disabilities are not segregated, discriminated against and isolated from other children. • Adequate aid and support systems can enhance the confidence and self-esteem of children with disabilities.
IPS	<ul style="list-style-type: none"> • Take measures to sensitise all police personnel to treat all vulnerable children belonging to weaker sections and other disadvantaged groups with respect and empathy. • Take up training and capacity building of the police. • Take measures to sensitise the beat police officers about the problem.

- Ensure that all children with disabilities living within the tribal area can avail the facilities of residential schools under different educational schemes provided by tribal welfare and other departments.
- Establish point persons to liaison with relevant government departments.

FAQs

1. What rights are available to children with disabilities?

Under RPD Act, children are entitled to a host of rights, particularly right to equality and non-discrimination in all areas including free and compulsory education in a school of his/her choice in the neighbourhood, right to protection and safety in cases of cruelty and abuse, guardianship, right to integration with the community and protection in cases of natural disasters. Extensive powers have been given to the executive magistrate and the local authorities in this regard.

2. If the child is from an underprivileged background can they still access educational opportunities?

Yes, under the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act), children up to the age of 14 can avail free education in government owned and aided schools and can also avail 25 per cent quota for children from disadvantaged

backgrounds in private schools in the neighbourhood. Under RPD Act, children from 6 to 18 years of age having benchmark disabilities can avail free education in any institution of their choice in their neighbourhood and in an appropriate environment.

3. What approach should I follow while dealing with vulnerable children?

The principle of best interest of the child should be followed. Children should be treated with care and affection, with due regard to their background, special needs and any trauma they have experienced. They should not be treated as delinquents, or stereotyped on the basis of gender, caste, class or racial/ethnic background. Appropriate care should be taken while providing custody of these children as they may be vulnerable to sexual abuse in institutional set-ups.



Photo Credit: © UNICEF/UNI175140/Vishwanathan

CHILD MARRIAGE

Did you know?

- According to NFHS-4, 2015-2016, 26.8 per cent of women between the age group 20-24 years were married before 18 years and 7.9 per cent of women of the age group 15-19 years were already mothers or pregnant.
- Based on Census 2011 about 3 per cent girls and 1.6 per cent of boys were married in the age group 10-14. About 20 per cent of adolescent girls and 5 per cent of boys were married by the age of 19 (NCPCR, 2017)
- According to NCRB data, 280 cases in 2014, 293 cases in 2015 and 326 in 2016 were registered under the Prohibition of Child Marriage Act, 2006 (PCMA).



Case Study:

Ramani is 12 years old. She reached puberty a few months back and was made to leave school. Her parents are daily wage labourers and work on a farm a few miles away. She used to stay alone at home when they went to work. Her neighbour's son, a 24 year old truck driver expressed interest to her parents in marrying her. Ramani married him recently.

Service Specific Action Points

I - PREVENTION

IAS	<ul style="list-style-type: none"> • Back to school enrolment drives should be organized. • Teachers should be instructed to follow up on all girls who drop out of schools. • Directions to increase awareness of consequences of child marriage in the community through Department of Women and Child Development (DWCD) and education department. • Build community support systems through regular meetings with Gram Sabhas and panchayats to ensure that they report the information. • Documents of age proof should be scrutinised carefully at mass marriages. • Seek support of the priests who perform marriages and inform them of legal provisions. • Nomadic, tribal and slum dwelling communities should be constantly monitored and made aware of the illegality and consequences of child marriage. • School children should be educated about illegality and harmful effects of child marriage, and report any such incidents or attempts. • Helpline numbers should be widely publicised and be made available to children in schools and communities. • Conduct frequent awareness campaigns around festivals and days considered auspicious for marriages.
IPS	<ul style="list-style-type: none"> • A community vigilance group involving Gram Panchayat members should be formed in order to give information on offences against children. • Be extra cautious during mass marriages. • Collect information in advance and prevent child marriages by counseling people by a team of revenue, police, ICDS officials and CSOs • Provide a safe environment for girls to go to schools.
IRTS	<ul style="list-style-type: none"> • Instruct the staff to watch out for any young brides travelling in the trains and report to appropriate authorities.

II - PROTECTION

IAS	<ul style="list-style-type: none"> • The information of the marriage should reach the CWC. • Counselling of the child victims and provide immediate medical attention. Legal recourse should be taken up in case of requirement of medical termination of unwanted pregnancy.
IPS	<ul style="list-style-type: none"> • Create a child friendly space in the police station. • Intervene to prevent commission of the offence.
IRTS	<ul style="list-style-type: none"> • Create a child friendly space in the railway station.

III - PROSECUTION

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|-----|--|
| IPS | <ul style="list-style-type: none">• The husband should be booked for penetrative sexual assault under the POCSO Act in case of sexual contact. However, in case of the husband being a minor, the provisions of JJ Act should be followed.• Case should be filed against people involved in the marriage for abetment of an offence under POCSO Act.• Offences should be registered under the PCMA.• Child victim's identity should be protected. |
|-----|--|

IV - PARTNERSHIP

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|-----|--|
| IAS | <ul style="list-style-type: none">• Have meetings with people of the community, youth groups, Self Help Groups and NGOs in the local community to create a child marriage prohibition group. |
|-----|--|

POINTS TO REMEMBER

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|-----|--|
| IPS | <ul style="list-style-type: none">• Sexual offences against the child bride/bridegroom may also attract the provisions of POCSO Act against the perpetrators and abettors. |
|-----|--|

FAQ

What is the status of a child marriage?

A child marriage can be declared null and void based on an application from the child who is one of the parties to the marriage.

On annulment of the marriage, the female party to the marriage has a right to maintenance and residence from her husband or from the parents of the husband if he is a minor. In the State of Karnataka, a child marriage is void *ab initio*.



Photo Credit: © UNICEF/UN058179/Vishwanathan

Did you know?

- As per Census 2011, 10.1 million (3.9 per cent of total child population) children in the age group 5-14 are working, either as a main worker or as a marginal worker.
- Overall, in the age group 5-18 years, 1 in every 11 children is working as a child labourer (Census 2011).
- Maximum proportion of child labourers is concentrated in Uttar Pradesh (896,301), Maharashtra (496,916), Bihar (451,590), Andhra Pradesh (404,851), Madhya Pradesh (286,310), Rajasthan (252,338), Gujarat (250,318), Karnataka (249,432), and West Bengal (234,275) (Census 2011).
- One in six child workers are from the SC/ST communities.
- Overall, 59 per cent of child workers are engaged in cultivation in the agricultural sector (Census 2011).
- The incidence of child labour has decreased in India by 2.6 million between 2001 and 2011. However the decline has been concentrated in rural areas and prevalence of child labour is increasing in urban areas (ILO, 2017).



Case Study:

Iqbal is a 10 year old school dropout who has taken up a job in a garage to support his family. His father is unemployed and is seeking work and his mother works in a garment factory.

Service Specific Action Points

I - PREVENTION

IAS	<ul style="list-style-type: none"> • Ensure that local authorities maintain records of all children from birth to 18 years in their respective jurisdiction. • Prepare a roadmap cum action plan to prevent child and adolescent labour as per the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (CLPR Act). • Constitute District Task Force (DTF) and ensure it mandatorily meets once a month and identify areas in the district vulnerable to child labour. The DTF can coordinated such activities as necessary at the local level for awareness generation, monitoring and stopping child labour and adolescent labour in hazardous employment. • Prepare and implement an action plan to mainstream all non-school going and dropout children under the RTE Act.
IPS	<ul style="list-style-type: none"> • Monitor shops and establishments in the jurisdictional area, conduct surprise checks to see which places are employing children. • Issue directives to shops and establishments; make public announcements/disseminate pamphlets/circulars warning them that the employment of children in occupations prohibited by law will be a punishable offence. • Exhibit posters publishing Public Service Announcements in movie theatres regarding ban on child labour and strict punishment and advocate compulsory education for children under the RTE Act. • Physical protection to homes where rescued children are kept to ensure they are not running away or traffickers are not re-trafficking them.
IFS	<ul style="list-style-type: none"> • Ensure that there is no child labourer employed in your jurisdiction/forestry operations taken up by the departmental staff/contractors. • Take measures to ensure education for all children in Ashram schools wherever there are no regular schools, especially in tribal hamlets inside forest areas. • Ensure that cattle-grazing is not done by children in forest areas. However, during free hours, after school or during the vacations, they may accompany their parents for grazing cattle in forest areas during the day time only.

II - PROTECTION

IAS	<ul style="list-style-type: none"> • Immediately rescue Iqbal from the workplace and facilitate his admission to the nearest neighbourhood school.
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¹ All out of school children are considered as potential child labourers. The rights-based approach to child development considers that being-out of school is a denial of the child's fundamental right to education.

	<ul style="list-style-type: none"> Ensure Iqbal is admitted into the age appropriate grade and provided with special training to catch up with his peers through appropriate bridge course under SSA. Enrol the father in an urban employment/self-employment rozgar scheme to support the family.
IPS	<ul style="list-style-type: none"> Rescue Iqbal and produce before the CWC for further action in the best interest of the child. Intervene to prevent the commission of the offence.
IFS	<ul style="list-style-type: none"> Take appropriate measures to protect children from all forms of economic exploitation within your jurisdiction. Improve school infrastructure and learning environment in hamlets in forest areas. Ensure that all children in tribal hamlets/habitations in your jurisdiction attend special Ashram/Eklavya Residential/government schools. Inform CWC/Police/ChildLine about any practice of child labour within your jurisdiction. Bring awareness about the legal provisions among such parents and employers during joint forest management meetings. Undertake legal literacy programmes in your jurisdiction in collaboration with Legal Services Authority.
III - PROSECUTION	
IAS	<ul style="list-style-type: none"> Blacklist contractors who have employed child labourers. Cancel the licenses of factories/shops which have employed child labourers.
IPS	<ul style="list-style-type: none"> Lodge a FIR against the garage owner under the relevant provisions for violation of the law and get the prescribed compensation transferred to the child's bank account under IPC, JJ Act and CLPR Act. Ensure speedy trial, do trial monitoring. Coordinate with other departments to procure adequate evidence to punish the employer.
IFS	<ul style="list-style-type: none"> Blacklist the forest contractor who employs children in your jurisdiction. Cancel licenses to wood based industries employing children.
IV - PARTNERSHIP	
IAS	<ul style="list-style-type: none"> Create mechanisms to ensure effective coordination and convergence with the labour department, DWCD/CWC/JJB and rural development and panchayat raj authority to take stringent action as per the law to address child rights violations. Ensure assistance to education department in preparing a list of all children from 0-18 yrs in the habitation/village/ward limit and share the list village wise with School Management Committees (SMC) Sarpanches, ward members, public representatives, and teachers to admit children in anganwadi centres/schools.
IPS	<ul style="list-style-type: none"> Ensure appropriate police personnel attend monthly meetings of DTF and assist labour department during pre-rescue and post-rescue operations. Coordinate with the labour department to sensitise all police personnel on the relevant provisions of the law for better understanding and implementation. Twice a year conduct OPERATION SMILE launched by the Ministry of Home Affairs for all stakeholders like revenue, police, labour etc., and participate in it.
IFS	<ul style="list-style-type: none"> Cooperate and coordinate with administrative and police services to address any incident of child rights violations in your jurisdiction. Involve CSOs or their networks in taking forward policy initiatives and their implementation.
POINTS TO REMEMBER	
IAS	<ul style="list-style-type: none"> Under the RTE Act, a child above six years who has not been admitted to a school, or though admitted could not complete elementary education, is entitled to complete free elementary education even after fourteen years.
IPS	<ul style="list-style-type: none"> As per the amended CLPR Act, any offence committed by an employer is punishable under section 3 or section 3A shall be a cognizable offence.
IFS	<ul style="list-style-type: none"> Usually the children belonging to tribal communities are deprived of schooling because of the inaccessibility of schools. It is good to optimally use the residential school facilities to address this issue better.

FAQ

Is child labour a punishable offence?

Employment of children in categories mentioned in the Schedule to CLPR Act is punishable with imprisonment and fine. It is also

punishable under Factories Act, Mines Act, Merchant Shipping Act and Motor Transport Workers' Act.

CHILD TRAFFICKING⁴

Did you know?

- Human trafficking is the second largest organized crime in the world after narcotic drugs trade.
- Crimes related to human trafficking has been steadily increasing in the country, with 5,466 cases registered in 2014, 6,877 cases in 2015 and 8,132 cases in 2016, 49 per cent increase from 2014 (NCRB).
- Out of 23,117 victims of human trafficking rescued across the country in 2016, 61 per cent were minors, 99 per cent were Indians, 46 per cent were trafficked for forced labour and 35 per cent for sexual exploitation, forced marriage and child pornography (NCRB 2016).
- Children are trafficked also for organ trading, begging, drug peddling and smuggling, entertainment, sports, adoption and commercial surrogacy, in the name of charity for education, escort services, for sexual exploitation at religious pilgrimage sites and places popular for tourism, and use of sexual services online, among others (HAQ 2016).
- Children kidnapped and abducted for various purposes, as well as going missing often have links back to child trafficking.
- Low conviction rate with regard to child trafficking, 14 per cent (55 cases) in 2015 and 5.5 per cent (29 cases) in 2016 (NCRB).



Case Study:

Roopa is a 15 year old girl from the Sugalis tribe in Andhra Pradesh, who completed class X from a tribal school. Her mother passed away when she was young, and her father did not care much about her, and re-married. She was raised by her maternal grandmother, who abused her all the time. Roopa was expected to earn and support the family, but she could not find a job in her village. That's when she met a woman in her village who promised her a job in a medical store.

She was brought to Goa by train and sold to a brothel keeper. Now she is forced to prostitute and repay the brothel keeper.

Service Specific Action Points

I - PREVENTION

IAS	<ul style="list-style-type: none"> • Promote higher education among girls. • Create community vigilance mechanisms to keep a check on traffickers. • Make schools responsible to intervene when a child drops out of school. • Engage adolescents in skill building and income generation activities, as alternate source of livelihood in source area. • Examine prevalence of harmful customary practices within the district, such as devadasi dedication, sending girls into entertainment industry, and issue an injunction to prohibit such practices. • Encourage officials and social workers to disseminate child rights/violation information in every public function.
IPS	<ul style="list-style-type: none"> • Be vigilant and collect intelligence about trafficking networks. • Draw source, transit and destination route maps and ensure that law enforcement personnel act in vulnerable locations. • Keep a close watch on recruiters and traffickers previously arrested in source areas. Open suspect sheets against them and ensure weekly attendance to monitor them. • Missing children cases to be investigated. • Conduct community interventions as part of community policing programmes.
IFS	<ul style="list-style-type: none"> • Carry out vulnerability mapping, identify trafficking prone areas. • Check status of out of school children in tribal/fringe/nomadic communities within the division. • Generate awareness among forest villagers about trafficking, its evil effects and illegality of it. • Check credentials of child labourer whether he/she is blood relation of adult labourer or trafficked from elsewhere. • Target women centric livelihood schemes.
IRTS	<ul style="list-style-type: none"> • Sensitise Railway Protection Force (RPF), government railway police and railway staff to identify and report cases of trafficking. • Display information on platforms about helplines for trafficked victims. • Do not allow beggary on platforms and in trains. • Check all compartments for suspiciously large number of children travelling with a few accompanying adults.

⁴ Child Trafficking is taking children out of their protective environment and preying on their vulnerability for the purpose of exploitation. Refer to Sec. 370(a) IPC.

IFS*	<ul style="list-style-type: none"> • Effective policing of the border along trafficking routes. • Hold consultations with the functionaries in the neighboring countries to examine border. • Check relationship and credentials of child travelling abroad with an adult not being a blood relation.
II - PROTECTION	
IAS	<ul style="list-style-type: none"> • Direct the police officer (not below the rank of sub-inspector, and accompanied by a female officer) to enter the brothel and rescue the child, and ensure thereafter that the child is produced before the CWC, and treated as CNCP. • Order compensation to victims of trafficking. • Facilitate community based rehabilitation programmes for victims. • Regular monitoring of the condition of children's home in the district. • Ensure allocated budget is released in time and well spent for victim rehabilitation and reintegration.
IPS	<ul style="list-style-type: none"> • Take <i>suo motu</i> actions against all networks where information/intelligence is available, and rescue the victim. • Adopt child friendly investigation mechanisms. • Case of a child trafficked for sexual purposes must be taken to the Special Court for trial. • Ensure confidential medical examination of the child, and examine signs of abuse.
IFS	<ul style="list-style-type: none"> • Encourage the community to report cases of missing children to the police. • Produce all cases of child labour in forestry operations to the CWC/SJPU. • Take them to the aadhar centre to identify if registered and for contact details of parents/guardians. • Establish exclusive institutions for hand holding victims.
IRTS	<ul style="list-style-type: none"> • Trafficked children must be produced before CWC. • Upload found child details on track child portal.
IFS*	<ul style="list-style-type: none"> • Ensure safe return of the Indian child trafficked outside India, and support to family. • Facilitate swift repatriation of children trafficked into India.
III - PROSECUTION	
IAS	<ul style="list-style-type: none"> • Order for closure of brothel and eviction of offender from the premises.
IPS	<ul style="list-style-type: none"> • Use of appropriate legislations to book traffickers, middlemen, agents at all points - source, transit and destination. • Ensure speedy and child friendly mechanisms during trial. • Get order for closure of brothels.
IFS	<ul style="list-style-type: none"> • Blacklist all forest contractors involved in child trafficking for labour.
IRTS	<ul style="list-style-type: none"> • RPF and government railway police in railway stations should immediately file cases at railway police stations.
IFS*	<ul style="list-style-type: none"> • Ensure traffickers engaged in cross-border trafficking across countries are prosecuted.
IV - PARTNERSHIP	
IAS	<ul style="list-style-type: none"> • Call for meetings involving police and railway officers, to adopt strategies for prevention of child trafficking, especially during disasters.
IPS	<ul style="list-style-type: none"> • Share information about vulnerable areas and ways of combating trafficking with concerned officers.
IFS	<ul style="list-style-type: none"> • Share information and coordinate with police, CWC, and labour department. • Victims to be supported through CSO networks and government services.
IRTS	<ul style="list-style-type: none"> • Share information about suspicious cases of child trafficking with police.
IFS*	<ul style="list-style-type: none"> • Coordinate with local police and administration, and foreign government to protect child victims of cross-border trafficking.

POINTS TO REMEMBER

IAS	<ul style="list-style-type: none"> Do not hand over the custody of the trafficked child directly to the parent/guardian without producing before CWC.
IPS	<ul style="list-style-type: none"> Do not book such children under Section 8 of Immoral Traffic Prevention Act, 1956 (ITPA) or send them to Observation Homes (OH). Follow age verification process to ensure apt procedures are adopted. Conduct sensitisation programmes for issues to be understood by police personnel.
IFS	<ul style="list-style-type: none"> Have a monitoring system to check what happened to the rescued child.
IFS*	<ul style="list-style-type: none"> Ensure identity of cross-border child victims are not revealed to the media.

FAQs

1. Is trafficking the same as migration or smuggling people?

No. Trafficking involves exploitation of the individual and the consent of the person for the movement is irrelevant here. Migration is movement from one place to another, to which a person must have consented, and exploitation is absent. Smuggling is illegal and involves moving a person clandestinely into the country for a payment. However, migration or smuggling for the purpose of exploitation amounts to trafficking irrespective of consent of the person.

2. Do we have adequate legislations to curb the menace of child trafficking?

Yes, we do! One of the major reasons for the perpetuation of this crime is the weak and ineffective implementation of existing legislations and impunity for traffickers.



Photo Credit: © UNICEF/UN017216/Altat Ahmad

MIGRANT CHILDREN⁵

Did you know?

- 45.36 crore Indians (37 per cent) are migrants. The share of workforce-related migration is decreasing, though absolute numbers of people migrating for work is increasing. Majority of migration is from rural to urban areas. (Census 2011)
- Available estimates suggest that there are approximately 15 million child migrants in India.
- Limited evidence suggests that children accompanying their parents in the 0–14 years age group may constitute about one third of the total seasonal migrants.
- An estimated six million school-aged children in India participate in family-based labour migration every year.
- Lead source states of migration in India are Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Andhra Pradesh, Chhattisgarh, Jharkhand, Orissa, Uttarakhand and Tamil Nadu.
- Key destination states for migration in India are Delhi, Maharashtra, Gujarat, Haryana, Punjab and Karnataka.

Source: Internal Migration in India initiative: Policy briefing 2012.



Case Study:

Rakshita is a 10 year old girl originally from Bihar studying in class V, who migrated along with her family to Bengaluru. Her father is a construction worker and does not get work on an everyday basis. While temporarily in Bengaluru with her family, Rakshita is not able to re-enrol into any school.

Service Specific Action Points

I - PREVENTION

IAS	<ul style="list-style-type: none"> • Ensure mechanisms to identify all migrant children and develop a child-sensitive focus in collection of data and approaches to migration. • Take measures to admit all out of school children with a special focus on migrant children to age-appropriate, grade-appropriate class. Interstate migrant children to be admitted to Navodaya schools under 25 per cent reservation as per RTE Act to address the language issue. • Coordinate with school management committee and local authority to conduct special bridge training for the migrant child to be on par with other children. • No child should be turned away from schools on account of non-availability of any documents. • Adopt the continuum of care framework in designing migration interventions that consider age and gender-specific risks and vulnerabilities of children and that extend essential services for mothers, newborns and children at critical life stages.
IPS	<ul style="list-style-type: none"> • Strengthen community policing and beat policing in close collaboration with community groups to conduct regular surveillance. • Create legal awareness on child rights. • Keep surveillance to prevent child labour in various places such as small eateries, construction sites and other shops and establishments. • Issue strict guidelines against contractors indulging in child labour or bonded labour.
IFS	<ul style="list-style-type: none"> • Ensure that children of seasonal migrant families continue their education in residential schools while families are away. • Ensure that nutrition and health services are available through anganwadis and in schools. • Social security measures and implementation of social welfare schemes to be monitored on a regular basis.
IDES	<ul style="list-style-type: none"> • Regular surveys to identify families and children coming into defence areas. • Ensure that no child is made to work in defence areas. • Ensure that all children are admitted to schools.

⁵ A migrant is any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence. A migrant child forgoes critical inputs necessary for her physical, psychological and intellectual development during her formative years. This has an irreversible impact on her emotional and cognitive development.

II - PROTECTION

IAS	<ul style="list-style-type: none"> • Ensure that all girl children, from weaker sections and disadvantaged groups, who are migrant children in your jurisdiction get admission in Kasturba Gandhi Balika Vidyalaya Scheme – residential schools can benefit female migrant children. • Provide facilities to ensure main streaming of children who have recently migrated into the nearest neighborhood school. • Implement social protection schemes for financial security of migrant families so as to incentivise them to send their children to school. Ensure they have equal access to social security schemes, particularly for inter-state migrants. • Provide housing facility for migrant workers or hostel facilities for children of migrant workers for temporary stay while their parents look for work. • Ensure migrant workers and their children have access to drinking water supply, sanitation, library, recreational facilities, among others. Set up community centres for assisting migrant workers and their children. • Provide a protective and enabling environment for child migrants. • Constitute child protection and vigilance committees at the panchayat level to track child migration and prevent trafficking. • Enforce provisions for establishing crèches, as mandated under labour laws. • Ensure breaks for breastfeeding in between work schedule at worksites.
IPS	<ul style="list-style-type: none"> • Produce CNCP before CWCs. • Locate families of children who have migrated alone and arrange to send them back to their families. • Ensure protection from adult offenders.
IFS	<ul style="list-style-type: none"> • Keep CWC and ChildLine informed in case a child is found without family. • Make provision for interim relief including food, nutrition, health services, and schooling.
IDES	<ul style="list-style-type: none"> • Report any case of child abuse in defence areas to CWC.

III - PROSECUTION

IAS	<ul style="list-style-type: none"> • Take <i>suo motu</i> cognizance of violations of the RTE Act, and take appropriate action against any offender who denies admission to migrant children in the neighbourhood school.
IPS	<ul style="list-style-type: none"> • Take stringent legal measures against those who employ child labourers and any offender who denies admission to migrant children to the neighbourhood school.
IDES	<ul style="list-style-type: none"> • Report any case of child abuse in defence area to CWC and any offender who denies admission to migrant children to the neighbourhood school

IV - PARTNERSHIP

IAS	<ul style="list-style-type: none"> • Take measures for convergence with line departments - health, education, labour and rural development and panchayati raj among others for effectively addressing the issue of migrant children.
IPS	<ul style="list-style-type: none"> • Work in close collaboration with the labour department and CWCs to take legal action against violation of the rights of migrant children
IFS	<ul style="list-style-type: none"> • Work closely with the revenue administration and line departments to establish crèches, anganwadi centres and residential schools to prevent children migrating with families.
IDES	<ul style="list-style-type: none"> • Coordinate with the nearby district administration in your jurisdiction to address child rights violations if any.

FAQs

1. What about children who have migrated in the middle of the school year? What steps can be taken for them?

Under the RTE Act, a child has the right to request transfer to another school if they are required to move from one school to another. The child cannot be denied admission if she/he has sought it after the commencement of the academic year. Further the local authority has a duty to ensure the admission of children of migrant families to the appropriate neighbourhood schools.

2. Is there any success story to impart education for migrant children from other states in their mother tongue?

A success story of worksite school model developed by Commissioner of Police Rachakonda for migrant children of Odisha rescued from brick kilns in Hyderabad is exemplary. Children continued their education in their mother tongue, Oriya.

3. What is the overall impact of migration on a child's educational opportunities?

In many cases, as adult family members look for work to support the family, the children themselves are forced into child labour. Often this means that they do not get the chance to go to school. Children who are left behind are burdened with all the household responsibilities and do not get the chance to attend school.

4. If the child is from an underprivileged background can she still access educational opportunities?

Yes, under the RTE Act, children up to the age of 14 can avail free education in government owned and aided schools and can also avail 25 per cent quota for children from disadvantaged backgrounds in private schools in the neighbourhood.

MISSING CHILDREN⁶

Did you know?

- As per NCRB data 111,569 children were reported missing in 2016, and around 50 per cent of them remained untraced at the end of the year.
- An average of 174 children go missing every day across the country.
- Minor girls are at twice the risk of going missing than minor boys.



Case Study:

Thirty four children have gone missing in Bhopal in the past 24 hours; out of which two children were found wandering in the Lucknow railway station.

Service Specific Action Points

I - PREVENTION

IAS	<ul style="list-style-type: none"> • Mapping of the number of missing cases of children in the district to understand the trend/reason and take preventive actions. • Ensure effective implementation of social security schemes related to children such as MDMS, SSA, schemes related to skill development for adolescents etc. so that children are prevented from running away from/leaving home due to poverty. • Regularly monitor uploading of missing/found child details on track child portal by police/CWC/JJB/CCIs.
IPS	<ul style="list-style-type: none"> • Encourage community policing to identify lost/unaccompanied/separated child in the community. • Regularly upload missing/found child details on trackchild and monitor citizen alerts and also delete details of reunited children from the portal (www.khoyapaya.gov.in). • Prepare database of persons involved in trafficking/begging rackets and constantly monitor their movements, keep their telephones under surveillance. • Compulsory registration of missing children cases as per Supreme Court order in Bachpan Bachao Andolan vs Government of India 2012. • If missing or runaway children are in homes then compare missing cases photos with theirs through facial recognition software. Give wide publicity with photo of missing children in mainstream media and social media platforms.
IRTS	<ul style="list-style-type: none"> • Sensitisation of all railway employees, vendors, porters, cleaning staff to identify and report missing/lost children and children wandering unaccompanied by adults in trains, railway stations and on railway tracks. • Allocate space to set up a Child Help Desk in every major railway station with the help of a NGO to assist missing children found in railway stations. • Prevent unauthorised entry of persons without platform ticket. Ensure all CCTVs are functioning on platforms.

II - PROTECTION

IAS	<ul style="list-style-type: none"> • Take <i>suo motu</i> notice of the matter and issue directions to the police to conduct an immediate search for these children and provide the status of the case. • Ensure rehabilitation of all children residing in CCIs in their district. The rehabilitation should be based on the best interest of the child. • Register all CCIs, ensure they follow government order and monitor its functioning on standardised parameters.
IPS	<ul style="list-style-type: none"> • Ensure that the case has been transferred to the Child Welfare Police Officer (CWPO) posted in the police station and the child's details are updated immediately in the designated portal for missing children. • Call for a meeting with the officers to follow up on the status of the case. • Provide medical attendance for the found child, if in physical or mental trauma. • Counselling of the found child to find out whereabouts about other missing children and the gangs involved, if any. • Take them to an aadhar centre to find out if they are registered and any contact details are available.

⁶ Any child whose whereabouts are not known to his/her parents/guardians, whatever may be the circumstance or cause of disappearance.

IRTS	<ul style="list-style-type: none"> • Ensure that the details of these children are updated in the register maintained by the station master and the child is produced before the CWC. • Announcements to be made in the station about the missing/found child in order to trace his/her family. • If the child is found inside the train, the train ticket examiner/RPF should handover the child to the station master of the next railway station for swift assistance.
IFS*	<ul style="list-style-type: none"> • If a missing child is found in a foreign country, ensure that all formalities are done and facilitate the child's return to the country of origin.

III - PROSECUTION

IPS	<ul style="list-style-type: none"> • The FIR is to be registered immediately as a case of abduction or trafficking. • In case the child is not traced within four months, shift the case to Anti Human Trafficking Unit. • If the child is found, enquire to find out if the child was subjected to any offence under any Act and register a case accordingly.
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IV - PARTNERSHIP

IAS	<ul style="list-style-type: none"> • Call for a convergence meeting with different departments like the police, DWCD, education, tribal welfare, transport and railways with regard to prevention measures to be taken to ensure care and protection of vulnerable children. • Organize third party assessment of CCIs.
IPS	<ul style="list-style-type: none"> • Details of missing children to be sent to District Crime Record Bureau of the neighboring states and Station House Officers of bordering Police Stations. • Copy of FIR to be shared with the nearest legal service authority and CCIs along with the contact details/address of the child's parents. • Check all intermediate railway stations for other missing children who may have got down from a train in between.
IRTS	<ul style="list-style-type: none"> • Share the child's details, recorded by the NGO/Station Master, with the local police and missing child bureau of the police to track the child's family.
IFS*	<ul style="list-style-type: none"> • In case the Indian child goes missing in foreign country, liaison with the concerned government/authority to investigate and ensure that the child is located.

POINTS TO REMEMBER

IPS	<ul style="list-style-type: none"> • Check whether the child has any history of abuse back home and the reasons for his/her running away from family, in cases of voluntary runaway. • Treat the missing child case as a potential kidnapping/grave harm case.
IRTS	<ul style="list-style-type: none"> • Don't hand over the child to any stranger before proper verification. • Do not make any false promise to the child.

USE OF CHILDREN FOR ILLEGAL ACTIVITIES⁷



Case Study:

Rohit is a 16 year old who helps his father in his business, and is based in rural Bangalore. His business involves delivering, transporting and selling of narcotic drugs. Rohit travels to neighbouring countries with his father and at times with his father's friends for this purpose. Rohit was caught by the customs at the Delhi airport during one such trip.

Service Specific Action Points

I - PREVENTION	
IAS	<ul style="list-style-type: none"> Communities should be sensitised and mobilised to look out for vulnerable children being misused by adults. School children above fifteen years should be educated on misuse by adults and create awareness regarding legal consequences of offences. Schools should be mandated to intervene and report on action taken for mainstreaming dropout children and of the efforts taken to follow up on vulnerable children. A roadmap cum action plan to mainstream all non-school going and dropout children with community involvement under RTE Act needs to be prepared. Routine medical examination should include confidential urine test for drug addiction and body examination for evidence of use of syringe, cuts etc.
IPS	<ul style="list-style-type: none"> Take targeted measures to prevent recidivism in children especially in offences jointly committed with adults. CICL has to be provided psycho-social counselling to prevent further involvement in criminal activities. Beat police should check shops near schools to ensure that adults do not involve children in illegal activities.
II - PROTECTION	
IPS	<ul style="list-style-type: none"> Parents or guardians should be informed of apprehension and the next date of hearing at JJB. Probation officer or a Child Welfare Officer (CWO) should be informed of the apprehension in order to prepare and submit a Social Investigation Report. The child should be protected from the adult offenders.
IRS-CE	<ul style="list-style-type: none"> Reason for detention and procedures to be followed should be explained to the child. A staff member familiar with the child's preferred language should facilitate the communication. An expert or sign language interpreter should facilitate communication if the child has speech, hearing or communication disability. Child friendly space should be identified/created on the premises. Child's privacy should be respected during frisking or going through his/her belongings. Have a list of language/sign language experts from among the staff.
III - PROSECUTION	
IPS	<ul style="list-style-type: none"> The father and his friends involved in the offence should be prosecuted. A bail if granted to the father should have a condition that he should not contact the child.
IV - PARTNERSHIP	
IAS	<ul style="list-style-type: none"> In partnership with NGOs, children used by adults in offences should be given option of residential schooling, provided life skills, skill development, vocational training, counselling and rehabilitation. Meetings with JJBs to ensure that such children are transferred to CWC at the earliest to attend to their care and protection needs.
IPS	<ul style="list-style-type: none"> Partner with child rights specialists to train staff with basic skills for interaction with children
IRS-CE	<ul style="list-style-type: none"> Partner with child rights specialists to train staff with basic skills for interaction with children.

⁷Adults involving children in unlawful activities for personal gain. This includes use of children for smuggling narcotic drugs, prohibited items, theft, murder among others.

POINTS TO REMEMBER

IPS	<ul style="list-style-type: none">• Child alleged to be in conflict with law should be produced before the JJB and sent to OH.
IRS-CE	<ul style="list-style-type: none">• Child should be produced before JJB within twenty four hours.

FAQs

1. When can a child be apprehended?

A child should be apprehended only if he/she is alleged to have committed a heinous offence or any other offence with an adult or is found in situations where apprehension is in the best interest of the child. An apprehended child should not be kept in a lock up but be produced before a JJB at the earliest for further orders.

2. Should a FIR be registered for all offences alleged to have been committed by a child?

FIR should be registered when a child is alleged to have committed a heinous offence or for an offence committed jointly with an adult. In all other cases, information should be recorded in general daily diary.



Photo Credit: © UNICEF/UN0215401/Vishwanathan

Service Specific Situations

INDIAN ADMINISTRATIVE SERVICE⁸

Did you know?

- As per the most recently available National Sample Survey Office statistics (2014) there are 19.25 million Out of School Children (OoSC) in the age group 6-13 (9.4 per cent of the child population). Every fifth student at primary level, every third student at elementary level and every second student at secondary level drops out before completing his/her education. At the elementary level, 1 in 2 ST students (48 per cent) drop out before completing class 8.
- The highest proportion of out of school children within 6-13 years is estimated in the East zone (4.02 per cent) and the lowest in the South zone (0.97 per cent). Odisha has the highest proportion of out of school children in India (6.10 per cent). (Source: SRI-IMRB).
- At the national level, a higher proportion of females (3.23 per cent) are out of school than males (2.77 per cent). Also, more children from rural areas (3.13 per cent) are out of school than from urban areas (2.54 per cent). SC/ST children are more highly represented in OoSC than other castes.
- Children with disabilities continue to be the largest number of children unable to access schools - about 28 per cent of children with disabilities continue to be OoSC.
- Economic difficulties are the most cited reason for not attending school. Another frequently cited parameter is that the child is not interested in studies. Disability or poor health is the most common reason for being out of school among children with disabilities. 28.07 per cent children with disabilities are out of school. (National Sample Survey of Estimation of Out-of-School Children in the Age 6-13 in India, SRI-IMRB International, 2014).

An illustrative case study of OoSC⁶

Iqbal is the 11 year old son of a mechanic. He has grown up helping his father in the garage. He studied in the primary school till Class II but dropped out after that. His reasoning is that there is no point to higher education as he is destined to be in the same profession and he has already learnt all the skills he requires for the same. He currently works in the garage and does not attend school.

Service Specific Action Points

I - PREVENTION

- Registration of births should be made mandatory and panchayat records should be well-maintained so that age of children can be accurately determined.
- Undertake education, cluster/panchayat level mapping exercises and prepare the list of all eligible children from birth to 14 years in your jurisdiction through local self-government involving SMC.
- Ensure availability of a neighbourhood school as per the norms under the RTE Act. Provide free elementary education to every child from age 6 to 14 years and ensure compulsory admission, attendance and completion of elementary education.
- Ensure that a child belonging to an economically weaker section and disadvantaged group is not discriminated against and prevented from pursuing and completing elementary education on any grounds.
- Ensure adequate infrastructure facilities in schools including all weather buildings, trained teaching staff and teaching-learning equipments as required under the norms and standards of the RTE Act.
- Organize career fairs, talks, community discussions and undertake door-to-door campaigning through local authorities to sensitise families and children about importance of quality education. Publicise availability of free elementary education under the RTE Act.
- Conduct frequent surprise visits to randomly selected villages/schools, to interact with children to ensure proper implementation of all programmes.

II - PROTECTION

- Take steps for the enrolment of OoSC in the appropriate class in the neighbourhood school and provide appropriate special training to enable them to catch up with their peers with the assistance of local authority and SMC.

⁸ A child, 6-14 years of age will be considered out of school if he/she has never been enrolled in an elementary school or if after enrolment has been absent from school without prior intimation for reasons of absence for a period of 45 days or more. All OoSC children are considered as potential child labourers.

- Set up special community training centres with timings suitable for children to pursue their education even after regular school hours.
- Monitor performance and continuance of OoSC in school and ensure they are not susceptible to antisocial influences or family pressure to discontinue education.
- Facilitate admission of children, coming from economically weaker sections and disadvantaged groups, with special focus on girl children, to get admission to residential schools such as Navodaya, Kasturba Gandhi Balika Vidyalaya, Model Schools etc.
- Provide scholarships to needy students who wish to continue higher education after elementary school education.

III - PROSECUTION

- Take steps against employers and family members who prevent the child from attending regular formal school .
- Take appropriate steps against the private schools that charge capitation fees or follow screening procedure for admission.
- Authorise permission for prosecution of institutions which charge capitation fees as per RTE Act.
- Take stringent action against those schools who subject children to physical and corporal punishment.

IV - PARTNERSHIP

- Collaborate with other State/Central Government departments with respect to infrastructure development in all government schools.
- Collaborate with NGOs to undertake awareness programmes on the importance of education, consequences of child labour or child marriage etc., to motivate parents to send children to school to pursue their education
- Collaborate with child rights' organizations to work on a uniform definition of OoSC and undertaking mapping accordingly.
- Mobilise youth, teachers, trade unions, women's groups, community based organizations, religious leaders etc., to ensure that children are not employed and to encourage children to attend school and complete education.
- Partner with older children in the same neighbourhood who have successfully completed their education as positive examples. Assign mentors from this pool to monitor the child's performance within the community.
- Partner with local self-government and community based organizations to ensure that wherever children are subjected to abuse or anti-social influence, they should be produced before CWC promptly for protection.

POINTS TO REMEMBER

- The Sustainable Development Goal (SDG) 4.1 aims that all boys and girls complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.
- Since economic needs and lack of interest in school are main reasons for dropping out, ensure that employment schemes reach all needy families.
- Regular monitoring and sensitisation needs to take place to ensure continued attendance. Community support and peer group motivation are the keys to it.

FAQs

1. What legal rights are available to OoSC?

Under the RTE Act, a child above 6 years of age who has not been admitted to elementary education has the right to be admitted to an age appropriate class and receive special training. The Ministry of Human Resource Development has issued 'Special Training and Definition of OoSC Children' guidelines with respect to the same. The child can seek admission even after the commencement of the academic year.

2. What about those who have been out of school for a long period of time?

They have the right to be admitted to the appropriate class even if they have crossed the age of 14 till they complete elementary education.

3. What about children who have dropped out because of weak economic background? What happens if they are admitted but the school later expels them due to their socio-economic disadvantage?

Under the RTE Act, children up to the age of 14 years can avail of free education in a government owned and aided schools and can also avail 25 per cent quota for children from disadvantaged backgrounds in private schools in the neighbourhood. Charging of capitation fees and screening procedure is prohibited under RTE Act. Further the child cannot be held back or expelled for this reason or any other reason till the age of 14.

Did you know?

- 35 per cent of children from the poorest families are not in preschools.
- The number of operational anganwadi Centres in India was 1,349,091 as of 2015. The top 10 States/UTs in terms of the number of operational Anganwadi Centres as of 2015 were: Uttar Pradesh, West Bengal, Maharashtra, Madhya Pradesh, Bihar, Odisha, Karnataka, Assam, Rajasthan and Andhra Pradesh. (Open government data platform)
- The budget for anganwadis has been slashed by almost half in 2018-2019 from 2016-2017 and 2017-2018. (Press Information Bureau of India, 2018)

An illustrative case study on Care, Protection and Early Education of Young Children in Anganwadis⁹

Lakshmi is three and a half year old little girl. She has been brought up by her mother in a single parent household. Her mother works as an agriculture labourer from 9 a.m. to 6 p.m. There is an anganwadi in the village which is functioning poorly with a helper, but without an anganwadi teacher. The care and protection of children there and quality of food served is poor which is why Lakshmi's mother is hesitant to leave her there. Hence Lakshmi is compelled to accompany her mother to the fields.

Service Specific Action Points

I - PREVENTION

- Undertake community based mapping to identify all eligible children who need care, protection, nutrition and early education within your jurisdiction and enrol them in an anganwadi centre and monitor regular attendance.
- Ensure that anganwadis are fully functioning and operational in every neighbourhood within 500 metres radius.
- Ensure implementation of schemes for creches to enable working women to work without stress and anxiety wherever necessary and provided under law.
- Ensure anganwadis are built and equipped in accordance with prescribed guidelines.
- Take measures on a priority basis to fill the vacancies for anganwadi teachers/helpers wherever the post is vacant. Provide an additional anganwadi teacher wherever the strength of children is more than the specified numbers.

II - PROTECTION

- Ensure that anganwadis are equipped with adequate infrastructure including health kits and adequate number of teaching staff in addition to separate staff for assistance in cooking, cleaning, maintenance of library facilities, playroom facility, etc.
- Caregiver to children ratio should not exceed 1:20 overall and 1:10 for under three year olds.
- Take additional measures to identify malnourished children and to provide additional rich nutritious food to address the issue on a war footing
- Ensure that anganwadi staff are adequately paid at regular intervals to avoid inefficiency or mismanagement.

III - PROSECUTION

- Steps should be taken against unrecognized and unauthorised institutions, especially those found guilty of adulteration of food substances, mismanagement of funds, harassment of children etc.

IV - PARTNERSHIP

- Partner with local community based groups such as Mothers' Committees and Self Help Groups to provide locally rich nutritious food instead of packed food for young children.
- Partner with National Early Childhood Care and Education (ECCE) Council and State Education Department for developing curriculum for local anganwadis.
- Ensure convergence with RTE Act by monitoring transition from ECCE to elementary education in neighbourhood school. Anganwadis may be set up in close proximity to neighbourhood school so as to motivate and prepare children for the next stage in education.
- Engage independent resource groups and experts, including child nutritionists, to evaluate functioning of anganwadis and suggest areas for improvement.

⁹ Anganwadi means courtyard shelter. They were started by the Indian government in 1975 as part of the ICDS programme to combat child hunger and malnutrition. They offer non-formal preschool education to children aged 3-6 years old, in addition to supplementary nutrition and health check-up services for children up to six years and women of all ages.

POINTS TO REMEMBER

- The SDG 4.2 ensures that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.
- An anganwadi should be a centre for holistic ECCE and not serve merely as a crèche or nutritious meal facility.
- The anganwadi should preferably be equipped with all necessary facilities including information and communications technology for the holistic physical, mental, emotional development, particularly of sensory organs, through child friendly play activities.
- Engagement with the children needs well trained childcare experts and instructors to manage the facilities optimally for the overall care, protection and education for meaningful childhood.

FAQs

1. What is the obligation of the State with reference to ECCE?

While the ECCE is not a fundamental right, under Part IV of the Constitution, the State is obligated to endeavour to provide early childhood care and education for all children until they complete the age of six years.

2. Does the RTE Act provide for preschool education?

Yes, Section 11 of the RTE Act provides for free preschool education to prepare children for elementary education.

3. Are there any policy frameworks available on ECCE?

The National ECCE Policy, 2013 and the National ECCE Curriculum Framework, 2013 are the existing policy frameworks for provision of early childhood care and education.



Photo Credit: © UNICEF/UN017832/Altaf Ahmad

INDIAN AUDIT AND ACCOUNTS SERVICE

An illustrative case study of Performance Audit on Working of Homes¹⁰ under JJ Act

Comptroller and Auditor General (CAG) of India report on working of homes in a State read as follows:

Oh's and Children's Homes lack adequate infrastructure. Rupees six crore incurred on construction of new buildings was rendered unfruitful, as it was not conducive for children. Timely grants were not released to NGOs, creating problems relating to supply of essential items for children and payment of salary to staff. There was shortage of manpower, particularly in key posts of caretakers, counselors and educators, inadequate professional rehabilitative services, lack of trained staff, lack of non-institutional care programmes, and lack of funds for after care programmes among others. The pendency of cases before the JJB and CWC resulted in children languishing in these homes. Monitoring was poor as Inspection Committees did not inspect the homes.

Service Specific Action Points

I - PREVENTION

- Flag concerns about the discrepancies observed in the formation and functioning of JJBs and CWCs, failure to maintain a database of CNCP and CICL, lack of proper infrastructure and facilities for children in homes, lack of after care programmes for those exiting the homes, disbursement and utilisation of funds from Central and State Governments, lack of or inefficient internal supervision and monitoring system.
- Prioritise regular audits of all the homes for children under JJ Act.

II - PROTECTION

- Visit some of the homes in-person, out of the sample districts, to verify the authenticity of the information provided.
- Hold the concerned officer in-charge (JJBs, CWCs, District Child Protection Officers) responsible to remove discrepancies in the system within a stipulated time and ask for submission of report on actions taken within a stipulated time, where release of next instalment could be contingent on the fulfilment of objections raised in the audit.

III - PROSECUTION

- Gross violations or abuse of children observed during audit must be brought to the notice of authorities and law enforcement agencies for action.

IV - PARTNERSHIP

- The biggest stakeholder in the homes under JJ Act being children themselves, interactions with them during performance audit is a must to understand the efficiency and effectiveness of the services provided. Provide scope to gather qualitative information, to understand their experience regarding development, learning, abuse/violations within homes and rehabilitation process.
- Audit objectives and criteria for the review of the working of homes under JJ Act to be discussed with the Principal Secretary, DWCD.

POINTS TO REMEMBER

- Central or State Government should monitor and evaluate functioning of the institutions annually with the help of voluntary organizations.

¹⁰ Homes here refers to OH - set up for CICL during pendency of any inquiry, Special Home - meant for rehabilitation of CICL found to have committed an offence, and Children's Home - set up for CNCP for care, treatment, education, training, development and rehabilitation.

An illustrative case study of Children Studying in a School in a Cantonment Area

Rohan, was studying in the seventh standard in a cantonment school. He used to find ways to avoid attending school. His teacher was concerned about his deteriorating performance in academics and sports. No one could figure out why Rohan was always disturbed until his teacher had a personal conversation with him. His teacher figured out that Rohan was subject to abuse by one of the staff members of the school.

Service Specific Action Points

I - PREVENTION

- Adoption of child protection policy for schools with necessary safeguards and response mechanisms.
- Sensitise teachers, and authorities on child rights in general and legal provisions pertaining to POCSO Act and RTE Act.
- Training of teachers/staff in identifying signs of abuse among children.
- Making provision of food and health check up on regular basis.
- No discrimination among children based on caste, class, religion or gender.
- Enabling access to services to children with disabilities etc.
- Formation of class *balsabha* (children's group) so that children of all ages can positively engage with democratic processes.
- Constitution of the SMC and a Corporal Punishment Monitoring Cell (CPMC) to look into cases of corporal punishment.
- Issue guidelines to affiliated schools on corporal punishment-free environment making affiliation/recognition/no objection Certificate contingent on it.
- The School Boards should issue instructions to all schools affiliated to them to abide by the provisions RTE Act and Rules.

II - PROTECTION

- Adoption of procedure for background check and regular monitoring of all the staff working in schools.
- Creation of peer groups of children to provide support to all children and a designated teacher responsible for dealing with child protection.
- System for reporting of cases and making anonymous complaints.

III - PROSECUTION

- Immediately report any case of child sexual abuse to police.
- School authority should take *suo motu* cognisance of the incidents of corporal punishment in the schools affiliated to them and to get the same inquired into within a reasonable time frame. The school should maintain a multi-disciplinary panel of professionals (State-wise) for the purpose of independent enquiry.
- Disciplinary action to be taken against anyone who violates any child rights and inflicts physical or mental harassment on any child.
- Anonymity of the children/parents should be maintained while sharing the details of the complaints/grievances with other agencies.
- Protocols should be framed by the schools for redressing the grievances of the students and/or parents.

IV - PARTNERSHIP

- Work with the DWCD for evolving policies for child protection and developing tools to raise awareness against and prevent any violation pertaining to child rights, and with department of education for ensuring implementation of RTE Act provisions.
- Work with the legal-aid member of the CPMC from the District Legal Aid Services Authority (nominated by its Member Secretary) to provide free and effective legal aid to a child victim of corporal punishment wherever parents are not able to engage a lawyer on their own.
- Keep Sub-Divisional Magistrate (SDM) informed about the status of the case and work with him/her in case SDM prefers to file FIR, and work with the SDM, CPMC and the school management and the parents/guardian of the affected child to ensure that all relevant penal provisions are reflected in the FIR.
- Keep CWO of the local police station informed to take it to logical conclusion from the police side.
- Keep the District Collectors/Magistrates (as the Chairperson of the District Level Committee on Corporal Punishment) informed about the developments in the cases of corporal punishment.

FAQs

1. What is the extent of prevalence of the problem of child abuse especially in educational and residential institutions in India?

Sixty five per cent of school going children reported facing corporal punishment i.e. two out of three children were victims of corporal punishment and 62 per cent of the corporal punishment was in government and municipal schools. Children on street, at work and in institutional care reported the highest incidents of sexual assault.

2. Are there any guidelines on corporal punishment in schools?

National Commission for Protection of Child Rights (NCPCR) has issued detailed guidelines to deal with the issue of corporal punishment in educational institutions.

3. Is it mandatory to report cases of child sexual abuse?

Yes, the POCSO Act makes it mandatory.



Photo Credit: © UNICEF/UN0239091/Vishwanathan

An illustrative case study of an Inter-Country Adoption

Leesha Mathew, an Indian toddler was adopted by a NRI family residing in Texas from an adoption centre in Patna when she was two years old. A year after she was brought to Texas, Leesha was reported missing by her adoptive father. Ten days later her body was found in a culvert near her adoptive parents' home. The family said that Leesha was undernourished when adopted and in order to make her gain weight they had forced her to eat and drink whenever she was up. Since she did not agree to drink milk that day, as a punishment she was made to stand outside the house following which she went missing.

Service Specific Action Points

I - PREVENTION

- Identify and prepare a list of accredited or approved adoption service providers/agencies of the foreign country and share with Central Adoption Resource Agency (CARA) for their authorization for inter country adoption process.
- In case there is no authorized agency or any government department in the foreign country to deal with adoption, appoint and authorize a panel of social workers to complete adoption application formalities including the home study report of the prospective adoptive parents.
- Review the home study report and send a recommendation letter of the prospective parent to CARA.
- Regular follow up on the progress of the child to be done for a minimum of two years from the date of arrival of the child to the adoptive country with the help of professional experts like counselors, pediatricians, child psychologists in order to identify any cases of abuse, violence or neglect and upload the progress status online in the Child Adoption Resource Information and Guidance System (CARINGS) website.

II - PROTECTION

- Arrangements to be made for counseling of the prospective parents and the adopted child in case of any adjustment issues found during the follow up.
- In case of any disruption in adoption, ensure that the adopted child receives immediate care, protection and rehabilitation through the concerned child protection mechanism.
- Facilitate the process of repatriation of the adopted child if required.

III - PROSECUTION

- Any abuse/violence suspected during follow up, immediately inform the concerned police and child protection mechanism of the foreign country.
- In case it is found through the home study that the prospective couple is not eligible for adoption, immediately inform the concerned authority and ensure that the couple are blacklisted for any inter country adoption.
- In a case where the authorized agencies/service providers fail to identify any abuse/exploitation of the adopted child whose rights are violated, ensure that the agencies are blacklisted through CARA.

IV - PARTNERSHIP

- Liaison with the concerned department or public authorities in the foreign country to ensure the rights of the adopted Indian origin child are protected in the foreign country.
- Interact with the authorized adoption agencies within their jurisdiction and facilitate a get-together of the adopted children and their parents.

POINTS TO REMEMBER

- In case of all inter country adoptions, ensure that a no objection certificate is received from CARA in favor of the adoption of the child.

FAQ

How many Indian children are given in inter country adoption and to which country?

As per CARA website, 651 inter country adoptions occurred from April 2017- March 2018. Highest number of Indian children (230) were adopted by couples in USA, followed by Italy and the UAE.

An illustrative case study on Inter-Country Inter-Parental Removal of Children¹¹

Roshan and Nikita are staying in US along with their 5 year old daughter, Rumi. A few months back, Nikita filed a case of domestic violence. As the case was going on, Nikita shifted to one of her friend's home. As per the interim orders of the court, the child was placed in the custody of the father, while the mother was given visiting rights. While exercising her visiting rights, one day Nikita picked up the child from Roshan's residence. She was to return the child next morning. However, he discovered that the child had not been brought back to school the next morning. Eventually, Nikita, without obtaining any US court order, flew to India with the child. Roshan has filed a missing child case in the US.

Service Specific Action Points

I - PREVENTION

- Formulation of bilateral treaties with the foreign countries on child custody.

II - PROTECTION

- As an early intervention, provide counselling or mediation or use alternate dispute mechanism (keeping in mind the child's best interest).
- On failure of such intervention, provide legal advice to the aggrieved parent.
- Citizenship of the parents and the child must be clearly established as Indians before making any intervention. In a case where the child or the parent is a foreign citizen, inform the concerned authority.
- In case the matter is pending in the foreign court or an interim order is given by the court, ensure that this information is shared with the concerned Indian authorities before they proceed with the matter in the Indian court.
- Help the aggrieved parent to apply for the return of the retained child to the country of habitual residence based on court orders.

III - PROSECUTION

- Ensure that the rights of custody and access under laws of contracting states are respected by providing for prompt removal of wrongfully removed children.

IV - PARTNERSHIP

- Exchange information relating to the child with the appropriate authorities of the contracting state.
- Cases where the child is removed to India, coordinate with the local police/local authority to know the status of the child.
- Coordinate with the concerned authority/police to track the child if a missing case is filed by the aggrieved parent.

FAQ

Is there any legal treaty for inter-parental child abduction?

Yes, the Hague Convention on International Child Abduction is a legal treaty that was developed to ensure the prompt return of children who are abducted from their habitual country by their parent. However, India is not a signatory to this convention.

¹¹Inter-parental removal of children or international parental child abduction refers to the removal or retention of a child across international borders by one parent which is either in contravention of court orders or is without the consent of the other parent.

An illustrative case study of Abortion of Female Foetuses

On getting information about half of the pregnancies being terminated because the foetus was female in some of the tribal pockets in Banswara, Rajasthan, the Assistant Conservator of Forest decided to have an open discussion with the tribals within her division. Given the sensitive nature of induced abortions and the fact that use of sex determination techniques is a criminal offence, she used the women literacy activists to facilitate the discussion in the community. Through the interaction the Assistant Conservator of Forest learnt that doctors in the urban areas are recommending usage of ultrasound to determine sex of foetus to the families, some even offer to visit their habitations to provide these services where multiple women are pregnant.

Service Specific Action Points

I - PREVENTION

- Identify gender critical districts/divisions where Sex Ratio at Birth (SRB) or CSR¹² has been below national average, or above national average but showing a declining trend, to ascertain causes and plan appropriate Behavior Change Communication campaigns among women to support each other, and medical fraternity, society and public to stop abortion of female foetuses.
- Implementation of programmes (such as Beti Bachao Beti Padhao, Mukhyamantri Rajshree Yojna) to encourage well-being of tribal girl children.
- Increase awareness and sensitisation to encourage birth of girl-child in tribal/nomadic and fringe communities.

II - PARTNERSHIP

- Partner with District Advisory Committee to conduct regular inspections of ultrasonography or ultrasound (USG) centres in the Divisions.
- Partner with IA&AS officer to examine the implementation of Pre-Conception and Pre-Natal Diagnostics Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT Act) in terms of budget utilisation.
- Partner with Health and Family Welfare department to identify the number of USG centres pending renewal/registration, map and regulate USG equipment, impose penalties and conduct decoy operations (along with administration, police and DWCD).
- Work towards improving conviction rate in PCPNDT Act along with police by prosecuting touts and medical practitioners found guilty.
- Partner with IIS officers to raise awareness and sensitisation in order to curb sex determination practices.

POINTS TO REMEMBER

- No action shall be taken against the pregnant woman, as she is protected under the law.

FAQs

1. Is abortion of female foetus prevalent among tribals too?

CSR among Scheduled Tribes (STs) has decreased from 972 in 2001 to 957 in 2011, a fall of 15 points which is higher than the overall decline in the country of 8 points. The worst affected districts with over 25 per cent ST population being from Jammu and Kashmir, Sikkim, Madhya Pradesh, Manipur, and Rajasthan among others.

2. What is the conviction rate for abortion?

Although SRB and CSR is showing a declining trend, the number of cases booked against abortion under IPC is very low (107 in 2014, 97 in 2015, 144 in 2016), with conviction rates being abysmally low (15 per cent, 4 out of the 27 cases whose trial was completed in 2016).

¹²SRB is the number of girl children born for every 1,000 boys born; and CSR is the number of girls per 1,000 boys between 0-6 years of age.

An illustrative case study of Child Soldiers

Sara was learning guerrilla warfare in the dense jungles of Jharkhand with men and women twice her age. She was only 11 when taken by the maoist groups, who turned her into a hardcore rebel in one year. At the age of 13 she was a commando trained in handling sophisticated weapons and ready to take on the State. By 14 she became the sub-zonal commander moving with the strike party and engaging the forces in gun fight.

Service Specific Action Points

I - PREVENTION

- Identify districts/divisions where children are being recruited by the insurgent groups/armed forces.
- Increase awareness among tribals/nomads/fringe communities to report cases of missing children and abductions immediately for swift rescue.
- Ensure provision of schools/hostels for tribal children from such vulnerable communities and build skills for gainful income generation.
- Create employment generation schemes through local institutions and communities.

II - PROTECTION

- Admit rescued children to schools (residential, if needed), provide intensive counselling, scholarships, rehabilitation support and protection for diversion from insurgent groups.
- Children apprehended for any case against them must be immediately separated from the adults, and handled by SJPU to be sent to OH during inquiry.

III. PROSECUTION

- Assist with anti-insurgency/anti-naxal operations keeping in mind the best interest of children.
- Bring the cases of abduction and missing children to the notice of police.

IV - PARTNERSHIP

- Collaborate with IPS officers to take action against those engaging children as soldiers, book cases against those sexually abusing children, raid and rescue such children from insurgent hideouts.
- Facilitate constructive and open engagement between the tribal community and the police, to build a trusting relationship.
- Partner with DWCD to provide rehabilitation and counselling to the rescued children, to engage the communities in health, hygiene, child care and protection.
- Partner with Department of Skill Development and Entrepreneurship to create opportunities in natural resource management or environment conservation for adolescents.

POINTS TO REMEMBER

- It is critical to develop an exclusive surrender and rehabilitation policy for children, from a child-rights perspective. For instance, a surrendered child must be separated from adults, must not be paraded before media, must be encouraged to pursue education/skill building.

FAQ

Are children from tribal communities used as soldiers?

Recruitment of child soldiers from tribal communities is rampant, both by government and armed opposition groups, and hundreds remain involved in the conflicts. However, the Supreme Court order of 2011 directs the State to abstain from the use of children in any

counterinsurgency activities. Typically boys are used for combat, as sentries or couriers, and girls are used for cooking, as sex slaves or are married off to the men in the squad, with a few being trained in combat (Hindustan Times, 2017).

An illustrative case study on Violation of Children's Privacy and Confidentiality

"10 year old Dalit boy bullied in a reputed Residential School in Dehradun by his seniors: Made to wash their inner wear and humiliated in front of other students" read the headline of a leading English daily. The details of the child along with his photograph were included in the report that followed. The media frenzy which followed left a scar on the boy's mind and he was forced to relive the experience every day.

Service Specific Action Points

I - PREVENTION

- Reporters and editors to be sensitised about child rights as part of their training to report with greater sensitivity towards victims of abuse; avoid sensationalizing the issue, maintaining confidentiality while reporting matters related to children.
- Raise awareness among the public not to divulge details of children to the media and refrain from forwarding such details through social media and messaging apps.
- Create awareness within the community on the rights of children, their vulnerabilities, abuses faced, offences, causes and consequences of violating their rights, reporting mechanisms, solutions to address the violations and legislations and schemes related to children.
- Information of missing children is to be disseminated widely within the community on a priority basis and frequently.

II. PROSECUTION

- If any media house is found to have divulged the details of the children, initiate proceedings against them through the Press Council of India (for print media).

III - PARTNERSHIP

- Partner with IPS officers to prosecute cases as per law against erring media houses and with IAS and other service officers to raise awareness among the public.

FAQs

1. Should confidentiality be maintained only in cases of sexual abuse?

No. Privacy and Confidentiality of all children should be maintained by media, police and judiciary in all cases of child rights violations as per the JJ Act.

2. What details should be withheld to maintain confidentiality?

All identifying details like name, place of residence, age, class studying in, school, names of parents, siblings and immediate relatives or any other detail with which the identity of the child will be disclosed should be withheld.



Photo Credit: © UNICEF/UN0239091/Vishwanathan

INDIAN POLICE SERVICE

Did you know?

As per Crime in India 2016, of the total 53,512 children apprehended for allegedly committing offences under IPC and other legislations, 7,013 were illiterate and 2,777 were homeless. Of the

total 44,171 apprehended for IPC offences in the states and UTs (metropolitan cities not included), 2,289 were found guilty of an offence earlier.

An illustrative case study on Children in Conflict with Law and Recidivism

As a newly transferred officer, one day you visit the OH in your district. Rajesh, a seventeen year old informs you that he came there for the fourth time. The first two times he was apprehended for theft of various electronic goods. Third time he was apprehended for getting into a fight with a group of boys in his neighbourhood. This time he was apprehended in a case of murder when one of the boys from his locality was found dead.

Service Specific Action Points

I - PREVENTION

- Establish SJPU, identify CWPOs and ensure functioning of the same in your district.
- Ensure that the child gets necessary intervention for his overall well-being including counselling and de-addiction while applying diversion principle.
- Ensure that the adults are not influencing the child to repeat the offence in case of children involved in serious offences.
- Organize meetings in the community to create awareness regarding use of children especially in the age group between 16-18 years by adults in crimes.
- Design schemes that encourage generating voluntary legal compliance among children.
- Follow up on CICL released from the OH with assistance from social workers of DCPU.

II. PROTECTION

- Ensure that the child is safe and is not in danger from adult offenders and that they do not contact the children.
- Mention in the chargesheet if the child is found to be used by adults so that the child can be transferred to CWC for care and protection.

III - PROSECUTION

- Prosecute the accused adults who are involved in offences along with children.
- Hand over a child alleged to be in conflict with law to the SJPU or the CWPO soon after apprehension.
- Take assistance from legal cum probation officers to provide legal aid.

IV - PARTNERSHIP

- Involve district legal service authorities and conduct legal awareness programmes for communities regarding child rights legislations.
- Work with the education department to instruct schools to maintain information of school dropouts or long time absentees in order to prevent them from being involved in illegal activities.
- Partner with NGOs who may be offering skill development courses for children who are school dropouts over the age of sixteen years.
- Partner with stakeholders to ensure that there is focussed attention on each child and that they are appropriately guided away from crime.

POINTS TO REMEMBER

- FIR need not be filed and the child need not be apprehended in petty and serious offences.
- As soon as a child is apprehended, the parents or guardians of the child should be informed of the apprehension

FAQ

Can a child in conflict with law be a child in need of care and protection?

CICL may be declared as a CNCP by the JJB in certain circumstances. A child being used by militant groups or other adults for illegal activities may be transferred to CWC after due inquiry. Similarly, a

child alleged to have committed an offence under Section 78 of JJ Act (using a child for vending, peddling, carrying, supplying or smuggling any intoxicating liquor, narcotic drug or psychotropic substance) can be transferred to the CWC by the JJB, if the child is in need of care and protection.

Did you know?

As per Crime in India 2016, 106,958 crimes against children were reported, of these, 36,022 cases were reported under the POCSO Act. The 2007 Ministry of Women and Child Development (MWCD) child abuse study revealed that 53.22 per cent children reported having faced one or more forms of sexual abuse, of which 52.94 per cent were boys and 47.06 per cent were girls.

An illustrative case study on Child Sexual Abuse

A ten year old street child with speech and communication disability was found severely injured and in a critical condition by the beat police. The senior police officials were informed of the situation immediately.

Service Specific Action Points

I - PREVENTION

- Ensure that a community based safety network is in place which can be watchful of street children.
- Ensure that more beat police are on the streets in isolated areas.
- Enhance the number of functional police chowks post evening hours for people from local communities to give information at the earliest.
- Ensure that information is recorded and FIR registered in all cases of sexual offences against children.
- Maintain a list of interpreters and experts for any situation that may require their intervention, in order to minimise the trauma to the child.

II. PROTECTION

- Provide emergency medical care immediately for a child who appears to be a street child.
- Ensure that medical evidence is collected during emergency medical care so that child is not subjected to physical examination repeatedly unless it is absolutely necessary. Consent of the child is mandatory for the medical examination.
- Engage a sign language interpreter or an expert who understands the style of communication adopted by the child.
- Produce the child before CWC for care and protection once the child is medically fit.
- Inform the CWC of the case and forward a file with details and relevant information elicited from the child if the child is medically unfit to be produced.

III - PROSECUTION

- Ensure that provisions of all legislations relevant to the incident are included in the FIR.
- *In camera* trial as per direction, identity protection of victim under POCSO Act and recording 164 Cr.PC statement of victim should be strictly followed.

IV - PARTNERSHIP

- Partner with the DCPU for disbursal of compensation/relief that may be available in sexual abuse cases.
- Organize meetings with DCPU, CWC, ICPS staff, and shelter home in-charge, government medical officers, Childline, recognised NGOs and other relevant authorities/functionaries who can provide support in sexual abuse cases.
- Work with the public prosecutor to ensure that the accused is granted only a conditional bail with a no contact clause.

POINTS TO REMEMBER

- A child sexual abuse case should not be settled outside the court even if the parties are interested.
- A child may feel the need to change her version if she is asked to narrate sentences or portions of the incident more than once.
- A police officer should always assure the child in words and action that he believes the child.

FAQ

Should all child victims of sexual abuse be produced before CWC by the police?

The police have to produce the child before CWC only when the child and the accused lived in the same house or is a family member, does not have a home or family support or was in an institution without family support.

INDIAN RAILWAY SERVICE (TRAFFIC AND ACCOUNTS)

An illustrative case study of Children Living on Railway Platforms

Guddi, a nine year old, and her brother Ravi, seven years old, are staying behind the stairs of platform three in Tatanagar railway station. Eight months back, they arrived there by boarding a train from their home town just to escape the violence from their drunkard father. Now this railway station is their home. Guddi boards different trains, begging and performing and comes back to Tatanagar by the evening. Initially she was chased away by the police or the train ticket examiner; but now she has learnt the trick of hiding from them. Ravi sells newspapers on the platform. Both the children have never gone to school and they don't want to go back home.

Service Specific Action Points

I - PREVENTION

- Sensitise all railway staff, cleaning staff (particularly female staff), porters, vendors, hawkers, stall owners, auto/taxi drivers around the railway premises etc on child rights and child protection issues.
- Mapping of children living in railway stations to understand the magnitude of the issue.
- Ensure adequate posters/hoardings about the child help booth and other existing child protection mechanisms are pasted at railway platforms and trains and also regular announcements are made on the railway platforms.
- Review the meetings of the child help groups formed in railway stations as per the standard operating procedure of NCPCR and make necessary decisions accordingly.

II. PROTECTION

- Ensure that no child is employed in any stalls present in and around railway stations.
- Provide space and infrastructure to set up a 24/7 Child Help/Assistance Booth in all major railway stations with the help of an NGO for the protection of children on railway platforms. Allocate budget for setting up such space and to provide immediate care for children.
- Ensure that an emergency contact directory is prepared and available in the railway station.
- Allocate a child friendly space for children found on the platforms and ensure their safety (including immediate needs) till the child is produced before CWC.
- Allot women railway staff for production of girl child before the CWC.

III - PROSECUTION

- In case a child is found in any stall run in the railway station, the information should be given to the appropriate authority (labour department and Police) for prosecution of the employer under CLPR Act and the tender to be cancelled immediately.
- In case a child is found in any illegal activity, immediately inform the SJPU and ensure the protection of the child until handed over to them.

IV - PARTNERSHIP

- Collaborate with the DWCD in identifying potential NGOs (including mental health professionals) for protection and rehabilitation of children living in railway stations and issue ID cards for the NGO workers working with the railways. Also work with RPF to identify vulnerable children in railway premises.
- Partner with the education department of the district to provide education for children living in or around railway stations.

FAQs

1. Who are the children living in a railway station?

They are mostly vulnerable children surviving on the platforms by begging, stealing sweeping trains, selling tea, etc., or are victims of abuse including substance abuse.

2. Is there any law that protects these children?

In specific there is no legislation. However these children can be broadly considered as CNCP and are covered by the JJ Act.

INDIAN REVENUE SERVICE (CUSTOMS AND EXCISE)

Did you know?

- As per the NCRB data, 209 children between the age group of 16 to 18 years were apprehended under the Arms Act 1959. Another 188 in the same age group were apprehended under the Excise Act 1944, with another 161 apprehended under the Narcotic Drugs and Psychotropic Substances Act, 1985.

An illustrative case study on Children Apprehended with Prohibited Items

Roshan was 16 years old and was travelling to Abu Dhabi. On being questioned he was unable to provide any clear reason for his travel and who was accompanying him. Customs officials searched his belongings and frisked him indiscreetly.

Service Specific Action Points

I - PREVENTION

- Try to locate the person, the child is travelling with and also his/her parents/guardians.
- Children should be asked if someone has asked them to carry the prohibited item and check if the child is under influence of any sedatives.
- Customs officers should deal with children in a manner that does not intimidate them, and provide them with food and water if they need.
- Training should be conducted for sensitising personnel on child rights and on dealing with the cases of children who are alleged to be in conflict with the law.
- Only a female officer should interact with a girl child and search if needed should be done in the presence of a parent or guardian.

II. PROTECTION

- Support for child to be able to communicate in his/her language and support person who could translate if needed.
- Ensure that the child is produced before the JJB at the earliest and provided with counselling/psychological support, legal support including all the necessary information regarding legal procedures.
- Ensure that the child is not subjected to victimization of any other sort.
- Avoid sharing personal details of the child with anyone, keeping the child under apprehension for a long time, and contact with too many people.

III - PROSECUTION

- Report the case to police and ensure presence of SJPU in plain clothes.
- Additional support to be provided to children with disabilities.

IV - PARTNERSHIP

- Work closely with the JJB and ensure that the child gets relevant legal and psychosocial support

POINTS TO REMEMBER

- The JJ Act is applicable to a child found to be in possession of prohibited items at the entry or exit points of international border.
- Statements taken in the presence of IRS - CE officer is admissible in the court of law.

LEGISLATIONS

Child Rights Legislations	Other Related Legislations	Violation of Rights/Offences	Reporting Authorities	Departments/ Support Services
Juvenile Justice (Care and Protection of Children) Act, 2015	Commissions for Protection of Child Rights Act (CPCR Act), 2005, PCMA, POCSO Act, CLPR Act, IPC, RPD Act; ITPA, 1956; Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017; Medical Termination of Pregnancy Act (MTP Act), 1971; Mental Health Care Act, 2017; Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989; Hindu Adoption and Maintenance Act, 1956; Guardianship and Wards Act, 1890	<ul style="list-style-type: none"> Abandoned child Child labourer/child engaged in begging Abuse of a child in hands of the guardian (including threats/attempts to kill or torture the child) Mentally ill, physically/mentally challenged child or a child suffering from a terminal/incurable disease Maltreatment Child likely to be inducted into drug abuse or trafficking Sexual abuse and torture of children Child who is a victim of armed conflict or calamities Victim/child in danger of child marriage CICL Children without family Children of prisoners 	<ul style="list-style-type: none"> JJB CWC CWPO Childline services SJPU CWO Probation Officer Children's Courts CCIs Special Home 	<ul style="list-style-type: none"> MWCD NCPCR State Commissions for Protection of Child Rights (SCPCR) DCPU CARA/Specialised Adoption Agency State Adoption Resource Agency
Commissions for Protection of Child Rights Act, 2005	CPCR (Amendment) Act, 2006, CPCR Rules, 2006; Protection of Human Rights Act, 1993	<ul style="list-style-type: none"> Violation of all child rights 	<ul style="list-style-type: none"> NCPCR SCPCR Children's Court in each district (Special Public Prosecutor) 	<ul style="list-style-type: none"> MWCD Police Department CWC JJB
The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986	Bonded Labour Abolition Act, 1976; Atomic Energy Act, 1962; Apprentices Act, 1961; Motor Transport Workers Act, 1961; Merchant Shipping Act, 1958; The Indian Mines Act, 1952; Plantations Labour Act, 1951; The Factories Act, 1948; The Children (Pledging of labour) Act, 1933; Explosives Act, 1884; IPC; JJ Act.	<ul style="list-style-type: none"> Prohibition of employment of children in any occupation or business; unless s/he helps their family in some non-hazardous occupation or work as an artist in an audio-visual industry. Prohibition of employment of adolescents in certain hazardous occupations and processes, the list of which will be determined by the Central Government from time to time. 	<ul style="list-style-type: none"> Jurisdictional Police Officer Labour Inspector 	<ul style="list-style-type: none"> MWCD under the appropriate Government Department of Labour

Child Rights Legislations	Other Related Legislations	Violation of Rights/Offences	Reporting Authorities	Departments/ Support Services
Right of Children to Free and Compulsory Education Act, 2009	CPCR Act, JJ Act	<ul style="list-style-type: none"> • Denial of admission of a child to a government school • Holding back or expulsion of child from the school • Imposing physical punishment or mental harassment on a child • Establishment of a school without certificate of recognition 	<ul style="list-style-type: none"> • Local authority having jurisdiction 	<ul style="list-style-type: none"> • National Advisory Council • State Advisory Council • NCPCR • SCPCR • MWCD
National Food Security Act, 2013	Food Safety and Standard Act, 2006; IPC, The Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Act, 1992; Consumer Protection Act, 1986		<ul style="list-style-type: none"> • Call centres • Helplines • Nodal officers • Local authority 	<ul style="list-style-type: none"> • District Grievance Redressal Officer • Vigilance Committees • State Food Commission • Joint State Food Commission
Pre-Conception and Pre-Natal Diagnostics Techniques (Prohibition of Sex Selection) Act, 1994	MTP Act, 1971	<ul style="list-style-type: none"> • Sex determination of a fetus • Advertisement relating to pre-conception and pre-natal determination of sex • Sex Selection on a woman or man or both • Sale of ultrasound machine, etc., to persons, laboratories, clinics, etc., not registered under the Act. • Conducting pre-natal diagnostic techniques except for detecting chromosomal abnormalities; genetic metabolic diseases; sex-linked genetic diseases; congenital anomalies etc. • Person (including a relative or husband of a woman) seeking or encouraging the conduct of any sex selection technique on her/him/both. 	<ul style="list-style-type: none"> • State Appropriate Authority • District Appropriate Authority • Municipal Appropriate Authority 	<ul style="list-style-type: none"> • Advisory Committee for Appropriate Authority • Central Supervisory Board • State Supervisory Board • Union Territory Supervisory Board

INTERNATIONAL OBLIGATIONS

Ratified by and applicable to India			Signatory to but not ratified by India	Not ratified by India
Slavery Convention, 1926	International Labour Organization (ILO) Forced Labour Convention (No. 29), 1930	World Trade Organization and General Agreement on Tariffs and Trade, 1947	Convention Against Torture, 1984	UNESCO Convention Against Discrimination in Education, 1960.
Universal Declaration on Human Rights, 1948	United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, 1949	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956		Convention on Consent to Marriage, Minimum age for Marriage and Registration of Marriages, 1962.
Abolition of Forced Labour Convention, 1957	International Covenant on Civil and Political Rights, 1966	International Covenant on Economic, Social and Cultural Rights, 1966		First Optional Protocol to the International Covenant on Civil and Political Rights, 1976.
International Convention on the Elimination of Racial Discrimination, 1969	ILO Convention No. 138 and recommendation no. 146 on the minimum age for admission to employment and work, 1973	Convention on the Elimination of all forms of Discrimination Against Women, 1979		The Rome Statute of the International Criminal Court, 1998
Standard minimum rules for the administration of Juvenile Justice, 1985	United Nations Convention on the Rights of the Child, 1989	United Nations Rules for the Protection of Juveniles deprived of their liberty, 1990		Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women, 1999.
International Programme on the Elimination of Child Labour, 1992	ILO Declaration on Fundamental Principles and Rights at work, 1998	ILO Convention No. 182 and recommendation no. 190 on the worst forms of child labour, 1999		Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2008.
United Nations convention against Transnational Organized Crime, 2000	Optional Protocol on the Involvement of Children in Armed Conflict, 2002	SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002		Optional Protocol to the Convention on the Rights of the Child on the Communications Procedure, 2014
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, 2002	SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, 2002	Convention on the Rights of Persons with Disabilities, 2008		
SDGs, 2015 (Goals 2, 3, 4, 5, 6, 7, 10, 11, 13, 16)		General Comments of the Committee on the Rights of the Child		

Appendix: Additional Situations and Action Points

Indian Administrative Service

Situations	Action Points
<ul style="list-style-type: none"> • Prenatal and postnatal care for pregnant women • Health Care and Vaccination • Street children • Abandoned children • Destitute children (Children of parents who have committed suicide) • Begging children • Disadvantaged Children (children with disabilities, HIV Affected, children of sex workers, devadasi, Child Saints) • Care and protection of children in institutions • Religious dedication and blind belief • Children affected by communal riots , ethnic conflict and civil unrest • Cyber centres/entertainment/reality shows /TV serial 	<ul style="list-style-type: none"> • Robust Information management system on children • Adopt holistic and continuum approach to child development • Put in place mechanisms for the mandatory registration of birth at local authority level • Ensure adequate care and nutrition during prenatal and postnatal period • Mechanism to ensure effective implementation of relevant programmes, legislations and policies related to children • Community vigilant groups to prevent and report violations of child rights • Involve Gram Sabhas and Panchayats regularly to monitor sex ratio, PCPNDT Act, child marriages, school dropouts, girls education, children with disabilities, reporting on child abuse etc • Rescue and rehabilitation of vulnerable children • Developing innovative mechanism to identify street children, abandoned children and begging children with proper rehabilitation and education • Focused interventions for disadvantaged children (children with disabilities, HIV affected, children of sex workers, devadasi, child saints) • Economic/income generation programmes to prevent migration at source • Measures to implement flagship programmes like ICDS, ICPS and SSA to provide care, protection and quality education to children • Massive legal awareness and legal literacy programmes in collaboration with taluk/district/state legal services authority • Peace meetings in sensitive areas to prevent communal riots • Evolving guidelines/do's and don'ts for involvement of children • Inspections • Coordinations of departments/convergence of services/district committees to engage with different bodies • Empowering local governance • Create awareness/preventive measures • Network of CSOs and communities

Indian Audit and Accounts Service

Situations	Action Points
<ul style="list-style-type: none"> • Compliance audits of implementation of child rights legislations (RTE Act, JJ Act/Rules, POCSO Act, PCMA, PCPNDT Act, and CLPR Act among others). • Performance audits of programmes, schemes, organizations and activities related to children (Elementary education departments, higher education departments, social welfare departments, DWCD, sports youth and cultural activities departments, implementation of schemes related to children, training and technical education). • Audit of legislations and programmes indirectly related to children (enforcement of food safety and standards act, food and public distribution, forest department, medical health and family welfare 	<ul style="list-style-type: none"> • Familiarise the personnel with child rights issues/violations specific to districts or departments being audited. • Ensure fair allocation of funds and follow up on outcome of the implementation of legislations, policies, schemes and programmes for child rights/violation issues. • Do all accounting and auditing from a child rights perspective. • Prioritising needs of most vulnerable children, ensure preventive measures are adopted to avoid child rights violations/offences. • Assist in convergence among departments for sharing of resources for children. • Determining cost effectiveness and benefit of schemes, programmes and policies for children. • Physical inspection of sites and interaction with child beneficiaries to determine the efficiency and effectiveness of the legislations/programmes/schemes. • Fix accountability on lapses in effective functioning of Homes for children under JJ

Situations	Action Points
department, sanitation, public works department, tourism department, urban development department, department of home, department of information technology, department of labour, rural development and panchayat raj, transport department)	<p>Act.</p> <ul style="list-style-type: none"> Follow up on recommendations made in the previous audit, and take appropriate action if no improvement is observed.

Indian Defence Estate Service

Situations	Action Points
<ul style="list-style-type: none"> Children caught in cross border armed conflicts Children living around border areas Civil unrest Natural disasters Children begging in cantonment areas Child soldiers Defence manufacturing and child labourers Out of school children in cantonment areas Children who cross coastal and land borders without permissions/documents/trafficking Children of deceased defence personnel 	<ul style="list-style-type: none"> Ensure prioritisation of children during rescue operations. Prioritisation of children with disabilities and orphan children during rescue operations. Ensure provision of a safe place for children. Report the children without parents to the CWCs. Ensuring provision of psychological support and food with the help of local administration and civic authorities. Ensuring that children are treated with dignity and respect. Coordination with local administration and civic authorities for living arrangements for rescued children and their rehabilitation. Sensitisation of personnel to deal with children in various situations. Establishing child protection focal points in each defence base. Having child protection manuals, policy and training at regular intervals

Indian Foreign Service

Situations	Action Points
<ul style="list-style-type: none"> Human rights violation on rights of Indian children in foreign nations Indian children straying across the border Children stuck in domestic disputes in a foreign country Children removed from Indian parents by a foreign country authorities (Eg: Norway case where the Norway Government took custody of an Indian child in a corporal punishment case) Ensuring welfare of Indian refugee children during emergency situations Indian children in International jails 	<ul style="list-style-type: none"> Formulation of Memorandums of Understanding/Bilateral policies with other countries. Convergence/liaison with concerned authorities/government departments (both national and international) for rehabilitation of children. For any intervention ensure that the response is in the best interest of the child Facilitate repatriation of children as and when required. Creating child friendly spaces within embassies. Develop child protection policy for all field staff/social workers empanelled by the mission who shall interact with the child directly. Take urgent action on instances of child abuse reported

Indian Forest Service

Situations	Action Points
<ul style="list-style-type: none"> Registration of birth Malnutrition among tribal/nomadic/forest fringe communities children (Infant Mortality Rate, growth rate, deficiencies) Sanitation Illegal adoption of tribal children Education among tribal children (School enrolment, presence/functioning of school, accessibility, retention, gender ratio, level of primary/higher/secondary education) Children with disabilities Displacement of tribal children 	<ul style="list-style-type: none"> Map and identify the status of tribal children within the division, especially in villages in the forests, tribal hamlets etc. Coordination with Gram Sabhas in detecting crimes/protection of children. Ensure coordination with police/district administration Awareness raising and training of forest cadre on child rights/violations. Raise awareness of child rights/violations in eco-development committees/joint forest management committees/biodiversity management committees Create child protection and safeguarding mechanisms within the divisions Create channels for reporting child rights violations Prevent use of child labour in forest operations/wood based industries and other activities in forest areas.

Situations	Action Points
<ul style="list-style-type: none"> • Rehabilitation of resettled families and children • Out of school children • Abuse of tribal children (sexual, neglect, abandoned, through ecotourism) • Protection of children from wild animals and man-animal conflict situations • Children in disaster situation • Offences committed by children (poaching, stealing forest produce, making or storing drugs/alcohol) • Children in encroachment situations • Children in hostels constructed or implemented by forest department • Harmful customary and traditional practices 	<ul style="list-style-type: none"> • Create child safe spaces in emergencies • Liaison with allied departments to provide apt child friendly services and response to violations. • Implementation of schemes for tribal children living in forest areas. • Monitor child rights concerns within the division and in CCIIs (track violations and progress) • Engage adolescents in conservation of environment, natural resource management, skill upgradation, and sports training • CICI must be handled by SJPU, and parents must be kept informed. • Engage the communities in income generation activities/alternate livelihood options • Budgeting from a child rights perspective - weave in schemes for development, care and protection of children.

Indian Information Service

Situations	Action Points
<ul style="list-style-type: none"> • Child rights violation in Media Houses - eg: Reality Shows • Incorrect/Insensitive reporting of news related to children • Improper dissemination of information regarding schemes and policies relevant to children 	<ul style="list-style-type: none"> • Effective and wider dissemination of information related to laws, schemes and policies through AIR/DD/Censor Board and Bureau of Outreach and Communication. • Publicise cases where conviction has been confirmed for crimes against children. • Ensure that correct and proper feedback from the people about schemes and policies is given to the government. • Converge with other services to curb child rights violation in the media. • Be proactive in identifying child rights violations, prevent abuses and flag concerns. • Government officials working in media should be sensitised and a special module to be drafted in this regard. • I&B Ministry should take steps to regulate reality shows and the involvement of children in them. • Design media campaigns with specific focus on child rights.

Indian Police Service

Situations	Action Points
<ul style="list-style-type: none"> • Abandoned child • Begging child • Child Pornography • Children in emergency situations • Children who have crossed national borders into India • Civil unrest • Corporal punishment • Sexual harassment • Custodial torture • Customary practices and superstitious beliefs • Cyber crimes and online sexual abuse • Detention of the child in police station in the night • Escape from CCIIs • Fairs, festivals and other social gatherings • Illegal adoptions and selling of children 	<ul style="list-style-type: none"> • Prompt response for violations of rights by subordinate officers • Age determination to ensure that the child gets benefit under the JJ Act • Prompt filing of FIRs/arrest and prosecution • Activate SJPU • Ensure that Child Helplines are functional 24x7 • Ensure witness protection/production/ conviction in criminal cases • Involve panchayats/Gram Sabhas-Build community vigilance mechanisms • Community involvement to increase reporting of offences and better coordination with NGOs • Coordination with DCPU • Maintain coordination with forensic labs • Convergence with stakeholders and functionaries for improved response • Intervention in cases of children who are into substance abuse • Apply diversion principle wherever appropriate. Best Interest of the child to be primary consideration • Disseminate important and adequate information in the communities

Situations	Action Points
<ul style="list-style-type: none"> • Instigation of suicide • Neglected child • Street children • Unnatural deaths 	<ul style="list-style-type: none"> • Measures to ensure education for CICL • Geographic mapping of incidences of offences against children • Increased use of preventive safety measures • Enhance legal awareness • Provide information regarding compensation • Facilitate counselling services • Care and protection- Production of child before CWC in specific cases • Locate families and send the children back • Ensure medical intervention • Protection from adult offenders • Registration of offences without delay • Rescue • Training and sensitisation of subordinate officers

Indian Railway Service (Traffic and Accounts)

Situations	Action Points
<ul style="list-style-type: none"> • Street children who use railway premises for shelter • Safety and security of children present in trains or on railway premises • Abandoned and destitute children • Orphan or homeless children • Children of migrants working in or around railway stations • Children involved in crimes within railway premises 	<ul style="list-style-type: none"> • Allocation of child friendly spaces in railways premises • Prevent abuse/misuse of children in railway premises by criminal gangs and drug mafia • Rescue of vulnerable children found in railway premises and produce them before CWC • Sensitisation and awareness for railway personnel on child protection issues • Ensure safety and protection of rights of children in moving trains • Budget allocation for rehabilitation of vulnerable children found in railway premises or trains • Coordination with concerned departments and NGOs for rehabilitation of such children. • Development of child protection manual for use of field level railway staffs • Prioritising of children during emergency situations such as derailling and accidents among others • Allocation of space for setting up short stay home for children who uses railway premises for shelter and livelihood • Ensure that such children are sent to government recognised shelter homes with the CWC orders. • Take prompt action against railway officials who violate child rights.

Indian Revenue Service (Customs and Excise)

Situations	Action Points
<ul style="list-style-type: none"> • Children apprehended with prohibited items (children involved in cross border smuggling and drug peddling) • Children being used for smuggling • Children being trafficked by land/border/port/airport • Import of products that are harmful for children (not unless its statutorily banned). 	<ul style="list-style-type: none"> • Red alert through interpol regarding accused of child abuse. • Application of provisions of JJ Act. • Ensuring that the identity of children is not revealed. • Ensure the presence of SJPU before apprehending the child. • Production of CICL before JJB.

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School as a place
of convergence

Anganwadi Centre as a platform
for convergence of schemes

Bal Panchayat as a platform
to give voice to children
to discuss their issues



Convergence platforms to address child vulnerabilities



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