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GUIDEBOOK FOR CREATING A CHILD FRIENDLY AND PROTECTIVE ENVIRONMENT FOR CHILDREN IN CONTACT WITH RAILWAYS



NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
in association with
RAILWAY CHILDREN INDIA

2018

**Guidebook for Creating a Child Friendly
and Protective Environment for Children
in Contact with Railways**

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PROTECTION OF CHILDREN IN CONTACT WITH RAILWAYS

The Problem

Every 5 minutes a child arrives alone at the major railway stations in India¹. Indian Railways is one of the largest railway network in the world². It runs 12,000 passenger trains per day connecting about 8,000 stations spread across the sub-continent³. On any given day around 2.3 crore people travel through the railways and another significant number of people access railway stations for various purposes. In this population, children are often found travelling alone in the trains, or engaged in vending, begging, rag picking and living at the station premises. Most of these children are run-away from their homes and generally those who live in difficult circumstances, belong to dysfunctional families, poverty-stricken families, broken family, overcrowding, abusive conditions at their homes, use railway network being the most easily accessible transport to get to the cities with the hope to find a better life. Thousands of children arrive at vast, chaotic railway stations and find themselves lost, alone and scared, with no idea where to go or what to do. Such children are un-accompanied, without the means of sustenance and basic amenities, are vulnerable and at risk of law-breaking or coming in conflict with law. On the other hand, traffickers use means of railways for trafficking* of children from remote parts of the country for the purpose of labour or for sexual exploitations, and so on, and are always in lookout for such vulnerable children travelling alone to meet their self-motives.

Trafficking in India

Child trafficking may be defined as 'any person under 18 who is recruited, transported, transferred, harboured or received for the purpose of exploitation, either within or outside a country.'

Trafficking is an organised global crime that violates the basic human rights. It is one of the most serious issues plaguing India. National Crime Records Bureau (NCRB) records as many as 8,132 cases of human trafficking in India in the year 2016. Out of the 15,379-people trafficked, 58.7 percent were children, exposing them to violence, abuse, and exploitation.

There are legal provisions to combat trafficking in India such as Immoral Traffic (Prevention) Act, 1956 (ITPA), Section 370A of Criminal Law (Amendment) Act 2013, Protection of Children from Sexual offences (POCSO) Act, 2012.

In 2017, to address the issue of trafficking from the point of view of prevention, rescue and rehabilitation, a comprehensive Bill called the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2017 has been introduced by the government of India.

1. Data source: Survey by Railway Children, an Organisation working with children in contact with Railways since 1996 in India.

2. <http://pib.nic.in/infonug/infyr98/inf1198/i1011981.html>

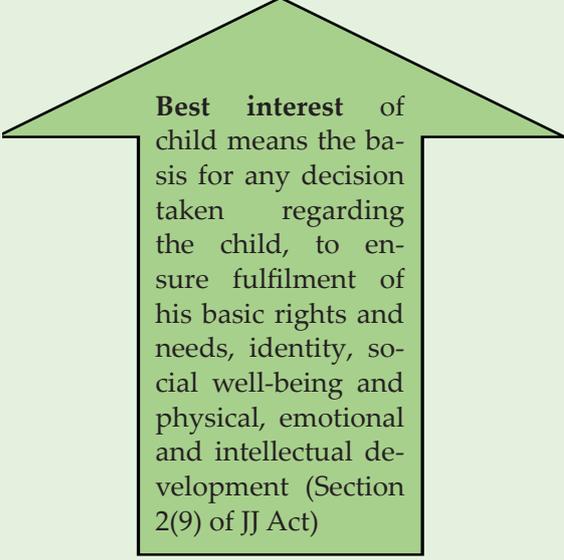
3. http://www.indianrailways.gov.in/railwayboard/uploads/directorate/finance_budget/Budget_2015-16/White_Paper-English.pdf

Acknowledging the seriousness of the issue and following the directions of the High Court of Delhi, Ministry of Railways with the support of Ministry of Women and Child Development and National Commission for Protection of Child Rights (NCPCR) prepared and issued '**Standard Operating Procedure (SOP) for Railways to ensure Care and Protection of Children in Contact with Railways**'⁴ in accordance with the Juvenile Justice (Care & Protection of Children) Act and the related Rules for better care & protection of the children in contact with Railways. This SOP is presently being implemented at 35 major stations of the country in a phased manner with the support of CHILDLINE India Foundation (CIF)/NGOs nominated by Ministry of Women & Child Development.

The JJ Act creates a legal framework for the perception of the rights of all children whether alleged or found to be in conflict with law or children in need of care and protection. Child is defined as a person who has not completed 18 years age.

Ministry of Railways intends to implement SOP at all major stations of the country in a phased manner, it would, however, take time to provide such network at each of the railway stations.

The problem is wide spread across all the railway stations in the country and there is a need to provide safety and security to the children coming in contact with railways. There are already significant number of NGOs working at railway stations or in nearby areas for protection of such vulnerable children. ***Keeping the best interest of the child, the railway machinery functioning at the railway stations with the support of the willing NGOs working at the railway stations, along-with other stakeholders may voluntarily provide protection and security to the children within the wider purview of SOP.***



Best interest of child means the basis for any decision taken regarding the child, to ensure fulfilment of his basic rights and needs, identity, social well-being and physical, emotional and intellectual development (Section 2(9) of JJ Act)

I. Objective behind Preparing this Document

To ensure every child at risk, travelling or arriving alone or travelling in groups with an adult using railways should be attended and taken care of by the Government or Non-Government stakeholders present at the railway stations.

II. Who all can Support in Creating a Protective Environment for Children at the Railway Station?

In a railway station the key stakeholders to ensure protection for children are those who all are entrusted for operationalizing the railway station in an effective manner; i.e. Station Master/ Station Superintendent TTE/TC, other commercial and technical railway staff,

4. SOP for Railways is available at the Website of NCPCR (www.ncpcr.gov.in).

Railway Protection Force (RPF), Government Railway Police (GRP), and so on. There are secondary stakeholders who are equally important in creating protective environment for children which includes:

- ✓ Coolie/porters
- ✓ Vendors at the station
- ✓ Cleaning staffs
- ✓ Passenger/ commuters
- ✓ Escort/s of passengers
- ✓ Taxi, auto rickshaw and cycle rickshaw drivers
- ✓ Public spirited citizens

In addition to these stakeholders there are NGOs who are already working at different railway stations and nearby areas to address the issue.

Identifying and reaching out to every child in contact with Railways is the need of the hour. Thus, any NGO already working at the station and willing to offer its services at the railway premises for the protection of children may be encouraged. This will enable in identifying, rescuing and rehabilitating more number of children coming in contact with Railways for various purposes.

Study on 'Child Reunification Processes in India' conducted by Railway Children, an NGO has revealed that almost half of the children left their home due to fear of punishment, feeling neglected or lonely and without having perceived goal or destination. Such children use Railway as travel mode and become vulnerable and are in need of care and protection. Timely rescue of these children save their future.

III. How the Protection of Children in Contact with Railways can be ensured?

Ministry of Railways has circulated the '**Standard Operating Procedure for Railways to ensure care and protection of children in contact with Railways**' (herewith SOP) based on the provisions of JJ Act and directions of the Delhi High Court. A collaborative effort from Railway Officials operating at the Station with NGO functioning at Railway Station or in nearby area for the cause of children along with other stakeholders can enable a child friendly environment at the railway station. Convergent approach between all the stakeholders can identify and provide care and protection to every child at risk arriving alone or passing through the station.

IV. What could be the Mechanism to Safeguard Children's Rights at the Station Premises?

SOP circulated by the Ministry of Railways clearly defines the mechanism to ensure care and protection for the children in contact with railways, and that is already being implemented in selected stations. As the issue is widespread, Railway officials functioning

at the non-SOP stations may volunteer to enable a protective environment for children by involving different stakeholders and adopting the following strategies at the station;

1. Creating Awareness and Sensitisation at Station

The public-address system at the Railway Station may inbuilt messages towards safety and security of children. The announcements about CHILDLINE/helpline numbers and contact point/Child Help Desk at the station may be inbuilt in the regular announcements of trains at the Station.

Announcements on lost and found children along with the message on how passengers and other people accessing station can voluntarily provide support to a child in need of care and protection can also be built into the system.

The information in regard to Child Help Desk/Child Helpline may also be displayed through electronic boards/posters/banners at the identified locations. NGOs may also conduct awareness events at the station.

2. Maintenance of Record of the Children Found at the Station

Station Master/Station Superintendent or his/her authorised representative may maintain a register to record the details of the child found. Whenever a child is found at the railway premises, s/he may be handed over to RPF/GRP or voluntary organisation operating at the station who would make the child comfortable and record/facilitate to record particulars of the child in the register maintained with the station master as per the format in SOP (Form I). RPF/GRP as per their official procedure shall also ensure a Daily Diary/General Diary entry.

Mandatory Reporting of found child

Under Section 32 of JJ Act, it is mandatory for any individual/police officer/functionary of any organisation to give information to nearest Childline/police station/CWC/DCPU within twenty-four hours or hand over the child to a child care institution

Not reporting under Section 32 within 24 hours shall be an offence.

3. Referral of Found Children under the Care and Protection Processes (JJ Act)

As per JJ act whenever a child is found at the railway premises, s/he is required to be produced before Child Welfare Committee (CWC) for which procedure has been detailed in Section V of the document.

As per Section 27 of JJ Act, 2015. CWC is constituted for every district for exercising the power in relation to children in need of care and protection. CWC shall consist of a chairperson and four other members of whom at least one shall be a woman and another, an expert on the matters concerning children.

4. Operation of an NGO at the Station

As per SOP, at the stations approved for implementation of SOP, Ministry of Women & Child Development is responsible to identify and nominate an NGO who will facilitate all matters pertaining to the child in contact with the railways. At non-SOP stations, pending implementation of SOP, Station Master/Station Superintendent may consider facilitating safety and security to children at the station with the help of RPF/GRP or NGO already functioning at the station/nearby area or willing to work at station.

5. Station Master/Station Superintendent can form a Child Help Group (CHG)

To ensure protection of every child coming in contact with Railways, Station Master/Station Superintendent can form a child help group (CHG) comprising Station Master (SM)/Station Superintendent (SS), Inspector-RPF, Station House Officer (SHO)-GRP and Chief Ticket Inspector (CTI) for well-coordinated work on child protection at the station. The group may also have a representative from voluntary organisation/ NGO as a regular member to facilitate care and protection of children. Station master as nodal officer may play the key role and take support of SSE (Works), Medical Official or any other official depending upon the need and requirement.

6. Child Help Desk (CHD)

A Child Help Desk with approximate space of 6'x6' may be set up at the platform which can be operational for 24 hrs. with the support of RPF/GRP or any willing/identified NGO working at the Railway Station. The objective of operating Child Help Desk shall be to;

- keep a vigil at the railway station
- coordinate with all the concerned departments
- provide immediate care and support to children identified at station
- assist people who refers or wants to share information about any lost and found child
- raise awareness in public, and
- keep and maintain registers and IEC materials

7. Creating and Maintaining a Contact Directory

For safety and security of children found at the stations a contact diary of the following may be maintained/displayed at the Railway station and GRP/RPF station.

- a. Name, address and phone numbers of the Child Welfare Committee(s) and Juvenile Justice Board (JJB).

As per Section 4 of the JJ Act, 2015. JJB is constituted for every district for exercising powers relating to children in conflict with law. JJB shall consist of a Metropolitan Magistrate or a Judicial Magistrate of First Class (Principal Magistrate) and two social workers of whom at least one shall be woman.

- b. List of NGOs, CHILDLINE and Institutions for children, nearest hospital with paediatric department, nearest State Government children’s home with their address and Contact numbers.
- c. Name of the police officer or Special Juvenile Police Unit (SJPU) or a designated police officer notified as per Juvenile Justice (Care and Protection of Children) Act, 2015.
- d. Emergency contact no. of Child Welfare Committee, JJB with the jurisdiction over the station, Child Welfare Officer of the GRP/Local Police/RPF.
- e. Contact details of District Child Protection Unit (DCPU).

SJPU is a unit of the police force of a district or city or, as the case may be, any other police unit like railway police, dealing with children and designated as such for handling children under Section 107-Section 55 of the JJ Act, 2015.

DCPU is a child protection unit for a District established by the state government as a focal point for child protection services in the district as per Section 26 of JJ Act, 2015

8. Capacity building trainings for RPF/GRP and Child Protection Committee members

Trainings may be conducted with the support of RPF training institute in collaboration or support from expert NGOs who are willing to offer their service. Periodic capacity building trainings would enhance knowledge of the concerned members which will contribute in creating a child friendly atmosphere at the railway station.

V. Procedure to be Followed to Provide Care and Protection to the Child found at Railway Stations and Trains in Context of SOP

A. Steps to protect a child found at Railway Station:

1. The Child will be brought to the Station Superintendent (SS)/Station Master(SM) by RPF or GRP or by voluntary organisations/or any person.
2. The SS/SM shall ensure that Child’s details are recorded in register maintained by Station Superintendent/Station master and place photograph of the child in the register with assistance from GRP, RPF or NGO in the system.

Production before CWC

As per (Sec 31 of JJ Act), Any child in need of care and protection may be produced before CWC without any loss of time but within 24 hours by any of the following:

- Police Officer/ SJPU/DCPU/Child Welfare Police Officer
- Officer of DCPU/Inspector under Labour law
- Public Servant
- Child Welfare Officer/Probation Officer
- Childline Service or NGO
- Social worker /public-spirited citizen/nurse, doctor, management of any medical institute
- Child himself

3. The SS/SM shall ensure the details of the rescued child is conveyed to RPF/GRP who will in turn ensure that details of the child is conveyed to,
 - (i) local police station in which the parents/guardian of the child live and,
 - (ii) RPF Help Line.
4. After recording the details of the child, child would be handed over to the RPF/GRP who in turn will take necessary action.
5. Meanwhile, periodic announcements over the Public Address System regarding the child may be made.
6. RPF/GRP will ensure the Daily Diary (DD) entry of the child before handing over the child to NGO/CHILDLINE/Child Help Desk (CHD) at the station or Child Welfare Committee.
7. Child then can be produced before Child Welfare Committee (CWC) by NGO/CHILDLINE or directly by RPF/GRP without any delay.
8. In case the rescued child is girl, she should be provided shelter in waiting room and a woman constable of RPF may provide security. In the absence of Women RPF constable, RPF can take the help of women GRP constable or a Railway women employee.

B. Steps for Taking care of the Child found in Train

1. GRP/RPF shall consult with the TTE on board and take necessary action to protect the child/children.
2. TTE/TC/GRP/RPF shall provide temporary transit⁵ care and protection to the child till the next scheduled major station.
3. GRP/RPF to facilitate immediate need like drinking water, food or first aid to the child, if required during transit care in the train.
4. GRP/RPF will try to establish rapport with the child/children by interacting with him/her in a child friendly manner.
5. GRP/RPF will record details of the child/children.
6. Inform the SS/SM, GRP & RPF of the next major station in which train halts about such child/children on board through security help line/Security Control Room for taking action to receive the child/children at the station on arrival of the train.
7. After reaching at the railway station, the rest of the procedures shall be followed as detailed under Section V(A).

5. Temporary transit care and protection for the child means making child feel comfortable by providing safe space/seat in the running train, separated from the accompanied by any suspected adult/peers, if any

VI. Role & Responsibility of Primary Stakeholders at the Station

A. Station Superintendent/Station Master

The Station Superintendent (SS) or Station Master (SM) is the head of the Station and is responsible for the all matters pertaining to the Railway Station. S/he ensures smooth running of trains, issue of tickets, goods handling, parcel handling and accounting of station earnings along with the passenger safety and protection. Thus SS/SM being the key person is also responsible for safety and security of children in railway premises. SS/SM being the convener of Child Help Group (CHG), may ensure:

1. Convening of meetings of the CHG as and when required.
2. Involve with the Child Welfare Committee, CHILDLINE (1098 service) and reputed NGOs for protection of children as per law.
3. Establish/facilitate documentation system to record details of each child mentioned in the Section IV (2) above.
4. After proper documentation of the child, to ensure that child is produced before Child Welfare Committee and proper procedure is followed as detailed in Section V (A).
5. If the rescued child is a girl, provide Railway's woman employee in the absence of women constable of RPF and GRP to ensure the safety of the girl child.
6. Facilitate periodic announcements over the public address system regarding any missing/ trafficked child, whenever required.
7. As the convener of the CHG, SS/SM may facilitate awareness events at the station level with help of NGOs.

B. Inspector-Railway Protection Force (RPF) and Station House Officer (SHO)-Government Railway Police (GRP)

1. The Inspector of RPF and SHO of GRP are entrusted with a key role to create a child protection mechanism at the railway station. They would ensure:
 - a) Meeting immediate needs of the child.
 - b) Child to be brought to SS/SM.
 - c) Daily Diary (DD) entry.
 - d) In case of girl child, a female constable to be deputed to accompany with the outreached/rescued girl child.
2. The child found/ rescued is in safe custody of NGO at Child Help Desk at the station (if existing) till the time the child is produced before CWC.
3. The information of child found/rescued/outreachd child is conveyed to the RPF Help Line and the local Police station where the parents/guardians/relative of the child live in.

4. Keep unobtrusive surveillance on suspected child/group of children travelling with or without any adult member on routine basis by RPF/GRP train escorting staff.
5. Provide access to operating NGO to view the CCTV surveillance network for monitoring/identifying child at the Station/Platform, yard etc.
6. SHO-GRP discharge the role as mandated in the Juvenile Justice (Care and Protection of Children) Act-2015 for Special Juvenile Police Unit (SJPU).
7. Briefing of RPF/GRP personnel on child protection issues during routine meetings, at the stations.
8. Create awareness on child protection among stakeholders, such as, porters, vendors, passengers, TTEs, TCs and cleaning staff. This could include organizing orientation/sensitization sessions for these groups at the railway premises etc.

C. Train Ticket Examiner (TTE) and Ticket Collector (TC)

1. The TTE and the TC are officials of the railways who can identify children in need of care and protection in the trains. S/he shall remain vigilant with respect to the following situations that may indicate the need for an intervention:
 - a. Whenever a group of children board train.
 - b. Whenever there are more than four to five children accompanied by one or two adults.
 - c. Whenever there is /are unaccompanied child/children.
 - d. Whenever there are children without ticket and do not have proper information about the destination or whenever children give contradictory information about their destinations.
 - e. Whenever children are being frequently shifted from one compartment to other.
 - f. Whenever children are not allowed to talk to each other or to any other person.
2. In such situation, the TTE/TC shall take following action:
 - a. Approach the child/children and ask him/her/them about their address and destination in a child friendly manner without intimidation and threat.
 - b. Ascertain if the child/children need help and assistance, provide transit care and protection to the child till the next scheduled major stations.
 - c. Inform the GRP/RPF as the case may be to ensure that in case it is suspected that child/children is/are runaway or is/are abandoned or is/are being trafficked.
 - d. Hand over the child to RPF/GRP personnel, then RPF/GRP shall take necessary actions to protect the child/children and follow procedures as mentioned in Section V.

D. Duties of Railway Protection Force (RPF), Government Railway Police (GRP) train escorting Staff

Keep unobtrusive surveillance on suspected child/group of children travelling with or without any adult member. If found to be trafficked/abused/destitute/abandoned/lost or exploited children, following action may be taken:

1. Immediately consult with TTE/TC on board and take necessary action to protect the child/children and follow procedures as mentioned in Section 5(B).
2. Communication with the child/children in child friendly manner and record the important details of the child/ children i.e. name, age, details of parents/guardians/ relatives and their contact phone numbers, station where boarded, destination station, details of tickets etc.
3. Take necessary actions to protect the child/children and follow procedures as mentioned in Section 5(B).

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