

Recommendations for 'Safeguarding the Rights of Children in Contact with Railways'

I. Background

- 1.1 An estimate of the numbers of children living on the streets is difficult. In 1994 UNICEF estimated that 11 million street children live in India, and most of these children are living at and around Railway Stations¹. However, the statistic is considered to be conservative. It is estimated that approximately 100,000 – 125,000 street children live in Delhi, Mumbai and Kolkata each these children may be missing, runaway, abandoned or trafficked.
- 1.2 Without much support, their vulnerability puts them at risk from various forms of abuses, health issue and deprivation of a childhood. Their vulnerability does not allow the fulfillment of a child's need and right to survival, protection, development and participation including the right to the highest attainable standard of health and to facilities for the treatment of illness, the right to education, which shall be directed to the development of the child's personality, talent and mental and physical abilities to their fullest potential; and the right to benefit from social security.
- 1.3 Several of such children run away from their homes and environs to cities mostly through railways. Therefore the need for special safeguards and care for children around Railway Stations is important. This is the point where they can be contacted, treated with respect and their rights to protection and development guaranteed lest they join the huge numbers of invisible and vulnerable children.

II. NCPDR – Review of 'Safeguarding the Rights of Children at Railway Platforms'

- 2.1 In the above context, A Working group was set up by the National Commission for the Protection of Child Rights (NCPDR) vide order No.11012/6/2009-Admn-3263 dated 13.03.2009 for looking into the issue of 'Safeguarding the Rights of Children at Railway Platforms' under the Chairpersonship of **Smt. Sandhya Bajaj** (Member, NCPDR). The composition of the working committee is given in Annexure A. The Terms of Reference for the Working Group were as follows:

¹ An NGO "Railway Children (UK)" has estimated on the basis of surveys conducted by different nonprofit agencies in India, approximately 112781 children alone and at risk in Railway Stations in India.

- a) To understand the issues and concerns of children on Railway Platforms and in trains, through interaction with Government and Non-Government stakeholders.
- b) To formulate recommendations for 'Safeguarding the Rights of Children at Railway Platforms'.

2.2 During the period August 2008 to February 2010 consultations were conducted with experts that included different stakeholders working for the issue of children at Railway Stations– such as Railway administration, Railway Protection Force, Government Railway Police and civil society organizations. There were also visits to sites to understand firsthand the predicament of children in contact with Railways in one way or another.

III. Suggestions and Recommendations:

3.1 Multi pronged Strategy

It was found that being transit, source and destination locations, Railway Stations in India are a breeding ground for several social issues such as child labour and child trafficking and exploitation, and the growing numbers of street and vulnerable children. To address the rights of such children there is a necessity for a multi pronged strategy involving several ministries and departments.

3.2 Establishing linkages between Juvenile Justice Act² and the Railway Acts³/RPF Act⁴ for the best interest of the child

3.2.1 Although the jurisdiction of the Juvenile Justice Act extends to all of India, it is necessary that the Railway Ministry along with the concerned department issue/notify a circular for featuring/ acknowledging the Juvenile Justice (Care and Protection of Children) Act 2000 and its amendment in 2006 as well as Juvenile Justice Rules, 2007.

3.2.2 The Railway Ministry must recognize that although such children constitute illegal passengers they must be treated as children first.

3.3 Mechanisms at Railway Stations for safeguarding children's rights : The railways should accept safeguarding the rights of children as their responsibility and hence establish mechanisms as follows:

3.3.1 Child Protection Committee at Railway Station:

² The Juvenile Justice (Care and Protection of Children) Act, 2000 and Amendment Act, 2006.

³ The Railway Act, 1989.

⁴ The Railway Protection Force Act, 1957.

A ‘Child Protection Committee’ at every major Railway Station is to be set up. They must be authorized to set up mechanisms for surveillance and monitoring in coordination with representatives of Divisional Railway Manager (DRM)⁵, Government Railway Police (GRP), Railway Protection Force (RPF), Railway employees (Station master, TTE, Coolies etc), vendors and volunteer organizations who work on child protection issues at or around the railway station (to prevent and protect children/women from human trafficking and abuse and exploitation).

The Committee could be jointly headed by DRM and GRP. Definite Standard Operating Procedures need to be worked at towards protection of children around railway premises.

3.3.2 Child Welfare Committee (CWC)⁶

CWC should be established in close proximity of every railway terminal.

3.3.3 Establishment of Special Juvenile Police Unit (SJPU)⁷ in GRP

Special Juvenile Police Unit (SJPU) must be established at every GRP police station across India. It should be customized as per GRP administrative structure. It has been established in Maharashtra (JAPU) and recently in Delhi.

3.3.4 Child Assistance Booth⁸

⁵ The Indian Railway has 16 zonal railways and each zone has been divided into divisions. The division is headed by the DRM.

⁶ The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 makes it mandatory to have one Child Welfare Committee in each district as the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care & protection and to provide for their basic needs and protection of human rights. It has sole authority to deal with matters concerning children in need of care and protection.

⁷ According to Section 63 of the Juvenile Justice (Care and Protection of Children) Act, 2000, a Special Juvenile Police Unit has to be constituted in every police district of India. The unit at the district level should function under a police officer of the rank of inspector/Sub inspector who may be assisted by at least two social workers one of whom shall be woman and another preferably child expert or having relevant experience.

⁸ The child assistance booths are running successfully in different Railway Stations all over India viz: Delhi, Vijayawada, Samastipur, Lucknow, Secunderabad, New Jalpaiguri, Hawrah and Kolkata etc. they are supported by civil society organizations like Prayas, Sri Krishna Chaitany Vihar, Prayas-Samstipur, Ehsaas, Concern and Don Bosco Anbu Illiam with the help of RPF or GRP. These booths provide referral, counselling and first aid. In addition, a health Centre for children in and around railway station has been setup at Government Railway Police office in New Delhi railway station by Salaam Baalak Trust. Refer to Annexure 4 for a model on child protection functioning successfully under the Forum for Child Rights, Vijayawada.

Child Assistance booths need to be set up at every major station and terminal for assisting children who are lost or abandoned or need any help. The space is to be provided by railway authority and run as a public private partnership with local voluntary organizations. Special cells, or outreach units, capable of providing child-friendly attention and assistance to children are needed across a range of developmental, legal and police services. Without the right people to man and operate them, the best-conceived programmes will not give children the help they need.

3.4 Mid Day Meal Program

Mid day meal program is to be extended to these children with the help of Railway authority and local NGOs.

3.5 Short Stay Shelter Home for children at Railway premises

When an unaccompanied woman/child comes in contact with the outreach workers at the railway terminus, it is not a conducive environment for the staff to talk to the child in detail. Often the railway terminus is foreign for the woman/child and she/he is not ready to trust the staff. A safe space near the railway premises where the child can be accompanied by the staff would give him a sense of security and enable the child to trust the worker and express himself. It has been noticed by various partner organizations that children have dropped out on their way due to long distances between where the children have been contacted (Railway Platforms) and the shelter spaces. Setting up a short stay home at the railway premise, where the railway authority can provide space and the local voluntary organization can run the home.

3.6 Maintenance of children's record referred to Voluntary Organizations or competent authority by RPF and GRP

Children who are found at railway premises by RPF, GRP or voluntary organizations must be registered with concerned GRP office and further referral process is to be initiated only after this registration. **A register of "Found Children" has to be maintained with its referral at every GRP / RPF stations.**

3.7 Awareness of Child Rights among travelling public:

Creating awareness about issues related to children through 1 / 2 minute clips – focused on provision of information related to missing children, protection of children and their referral and attitudes towards children would contribute to child protection in vulnerable areas like the railway termini. Some extremely powerful options are given below:

- a. Symbolic Hoardings at and around railway premises;
- b. By Information on Back of railway ticket;
- c. By Information on Railway website;

- d. By Information on Railway bogies;
- e. By Announcement in Rajdhani and Shatabdi Trains; and
- f. By Announcement in railway termini.

3.8 Training and Orientation program on child rights for Railway Employees

Series of training and orientation programmes on child rights and child protection for railway employees included RPF and GRP, is to be organized by the railway authorities. This would give a platform to share views about the complexities of the issue as well as simple solutions to tackle it. It should be incorporated in the plan of The Railway Ministry.

3.9 Incorporating the Child Rights and The J.J. Act in syllabus For Railway Police Trainings:

The Juvenile Justice (Care and Protection of Children) Act, 2006 and Child Rights should be meaningfully incorporated in the syllabus of RPF and GRP's police training Academy/institute in India and refresher sessions need to be conducted from time to time by experts on the issue

3.10 Partnership with voluntary organizations

3.10.1 Reputed and committed NGOs are to be given accreditation and permitted to work for children in need of care and protection by assisting the children in accessing the institutions set up for their benefit.

3.10.2 NGOs with the help of competent authorities have been taking children to different States in India for restoration. However, at times it is difficult to get confirmed tickets to travel. Thus the railway authority may provide assistance to the NGOs in provision of railway ticket on priority so that the child can be restored to his/her family without much delay. There should also be a provision of subsidized travel for the staff of NGOs during restoration of missing children.

3.11 RPF Mitra Yojana or the 'Friends of the RPF Scheme'

The scheme has been launched in Indian Railway, with a vision to give protection and security through public participation and as an initiative to develop and improve the RPF and the Railway Passenger's interface. The *Yojana* aims at getting co-operation from these RPF Mitras (friends) by sharing important information with RPF/GRP/Railway Authority for effective protection to railway passengers and their belongings. These *Mitras* are also to pass on information regarding working, discipline and conduct of RPF to improve the image of the Force amongst the travelling passengers and general public. The scheme must be extended to include the agenda of child rights. Such passenger friendly schemes should be expanded and extended to all over of India.

3.12 Missing Children

All missing children should be recorded in writing by Police department. Nation-wide campaigning on registration of missing children should be taken up. The registration can be done with help of other government and non government organizations on the **missing child website**⁹. There should be a provision for recording found cases as well.

3.13 Monitoring Mechanisms

Ministry of Railway should constitute a multidisciplinary/multi-sectored Monitoring Committees at Head Quarter level for reviewing the situation of children in contact with railways and facilities available to them in terms of care, protection, education, rehabilitation, etc. on the basis of periodic reporting from the ground and inputs from the spot visits by the Members of the Monitoring Committee.

⁹ A website (<http://cwc.wcddel.in>) for Missing and Found children in Delhi is being run successfully by Department of Women and Child Development, Govt. of NCT of Delhi,

However, the Missing Child Search and Home link (web based software developed by Youth at risk, Delhi) is already working and being adopted by a couple of states in the country; it will be very effective if this can be followed by the others across the country.

Annexure A

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By NCPCR**

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