

**National Commission for Protection of Child Rights**

# **Regional Conventions of Child Welfare Committees**

**A Report**


2015



(A. Nanda)

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(A K Nanda)

## Introduction

The National Commission for Protection of Child Rights (NCPCR) organized six Regional Conventions of CWCs (Child Welfare Committees) during July, August and September 2014 in various parts of the country. The backdrop of organizing the Regional Conventions of Child Welfare Committees was NCPCR's ongoing efforts to strengthen the coordination between NCPCR and State Commissions and other agencies which have similar mandates of protecting the child rights. Recognizing the important role played by various agencies in ensuring rights of children in need of care and protection, the endeavor was to know the views of the CWCs, issues, concerns and challenges, so as to establish synergy between the State Commissions for Protection of Child Rights (SCPCRs) and CWCs at State level.

Special safeguard stated in and recognized by various national legislations and international instruments with respect to the children in difficult circumstances and special need of care and protection lies with multiple agencies. These agencies are assigned the job of care and protection of children because of their specialization, commitment and authority or mandates. However, the working style of each organization/agency is different from the other and often they function in isolation.

After establishing and strengthening the coordination with SCPCRs, NCPCR strongly felt the need to bring the CWCs in the fold to understand their responsibilities and challenges as a district level structure with repository of information on child protection. It is expected that the CWCs must escalate cases to SCPCRs and expand their functioning to cover even the preventive aspects. The CWCs and SCPCRs are legally independent, but need to work together to strengthen child protection vis-à-vis their problems, issues, services available at the ground level. There is a need to understand hurdles in their functioning and to consolidate the experience of these bodies for promotion and protection of child rights.

The National Commission for Protection of Child Rights (NCPCR) being the apex body for protection of child rights believes that all agencies responsible for protecting the rights of children, such as State Commissions for Protection of Child Rights (SCPCRs), Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), and the agencies under the Integrated Child Protection Scheme need to work together through sharing of information to avoid duplicity and quick delivery of justice. It is vital that all agencies step out of their silos and start working together in an integrated, concerted and coordinated manner.

The Child Welfare Committees are constituted by the State Government under Section 29 of the Juvenile Justice Act for exercising the powers and discharge the duties conferred on them in relation to child in need of care and protection under the Act. The Committee functions as a Bench of Magistrates and has the powers conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a Metropolitan Magistrate or, as the case may be, a Judicial Magistrate of the first class. It is the final authority for ensuring the rights, justice and addressing the needs of the

children. The Committee acts as the competent authority to take final decisions in the matter of children in need of care and protection at the district level and for disposal of cases for the care, protection, treatment, development and rehabilitation of children for their best interest.

One of the most important roles of the CWC as prescribed in the JJ Rules is to build linkage and coordination among stakeholders and duty bearers for prevention of children's vulnerability and protection of children from falling into insecure and vulnerable situation. Hence, there is a need that CWCs and Child Rights Commissions (National and States) work hand-in-hand for the best interest of children for which there should be some mechanism to link each other. This would also be a platform for CWCs to raise their issues and concerns from their experiences. In view of this, six regional level conventions of CWC Chairpersons and Members were organized to explore effective measures for cooperation and coordination among the CWCs and SCPCRs/ NCPCR. The Conventions anticipated wide range of potential outcomes, such as right understanding of the issues and concerns, effective working, integrated services, improved achievement, better and quick support for vulnerable children, potential for cost-savings, etc.



## **The objectives**

The objectives of the Conventions were to:

- understand the issues, concerns and challenges faced by the Committees in their effective functioning.
- infrastructure and support available to them;
- implementation gaps on the functioning of CWCs and;
- make recommendations.

## **The Agenda**

The particular focus of the Regional Conventions was on issues and concerns, challenges, achievements, good practices, implementation gaps on the functioning of CWCs and recommendations for policy influence and practice. The agenda of the Convention was:

- (i) An Overview on the child rights issues
- (ii) Challenges and Implementation gaps in functioning of CWCs
- (iii) Evolve Strategy to strengthen the relationship between CWC, SCPCR and NCPCR
- (iv) Suggestions and way forward

## Summary Report

The National Commission for Protection of Child Rights organized Six Regional Conventions of Child Welfare Committees (CWCs) during the period from July to September, 2014 in collaboration with State Commissions for Protection of Child Rights. The States covered, date and venue of the Conventions are given below:

Sl. No.	Venue	Date	States/UTs Covered	No. of Participants
1.	Guwahati, Assam	24 July 2014	Assam, Meghalaya, Sikkim and Tripura	110
2.	Imphal, Manipur	31 July 2014	Manipur, Arunachal Pradesh, Mizoram and Nagaland	75
3.	Raipur, Chhattisgarh	26 <sup>th</sup> August 2014	Chhattisgarh, Madhya Pradesh, Odisha	140
4.	Chandigarh	9 <sup>th</sup> September 2014	Himachal, Haryana, Punjab, Chandigarh, Uttarakhand, Delhi, Rajasthan	54
5.	Mumbai, Maharashtra	16 <sup>th</sup> September 2014	Dadra & Nagar Haveli, Daman & Diu, Gujarat, Goa and Maharashtra	80
6.	Chennai, Tamil Nadu	19 <sup>th</sup> September 2014	Tamil Nadu, Andhra Pradesh, Telangana, Kerala, Karnataka, Puducherry, A & NI	113

### The common issues

#### *Infrastructure and logistics support*

- i) Most of the CWCs reported lack of basic facilities for operation like space for sitting and record maintenance.
- ii) Lack of support staff like Administrative Assistant/DEO, furniture, computer and accessories, etc.

#### *Selection process*

No transparency in the selection of Chairperson/Members of Child Welfare Committees (CWCs) resulting in selection of Members without having child rights background, delay in selection process.

### *Salary/Honorarium/Allowances*

Chairperson/Members of CWCs are paid meager amount as Honorarium. There is no provision of travel allowance/provision of vehicles resulting in lack of initiative by CWCs Members to reach the vulnerable children.

### *Training/Orientation of CWCs*

Most of the CWCs have inadequate knowledge on child rights, JJ Act and other Acts related to children. No regular system of provision of induction/orientation training to Members of CWCs to update their knowledge and to sensitize them on children issues. The trainings imparted, if any, do not focus on the operational aspects of functioning of CWCs.

### *Inter-agency relationship*

- (i) Lack of contacts/coordination with the concerned departments/authorities resulting in non-cooperation from district administration, police and other departments. The orders of CWCs are not taken seriously by other agencies.
- (ii) There is no link and coordination between the CWCs and Health department, especially for medical examination of victims of sexual abuse and violence.
- (iii) CWCs are not getting cooperation from District Legal Services Authority and the Legal aid Services.

### *Database*

There is no database on child labour, no mechanism to verify the age of children.

### *Functioning of CWCs*

- i) The internal and quality conflict within CWCs adversely affect the delivery of justice to the children;
- ii) There are no efforts by CWCs to trace the parents/guardians of the children produced before them and often face problem due to hesitation by parents to take their wards who are in conflict with law.

### *Public Awareness*

- (i) The existence, role and functions of CWCs are not known to the public. The coverage of Childline is very limited due to lack of awareness among public.

- (ii) Integrated Child Protection Scheme (ICPS) is not popularized and there are no block and village level child protection committees. The Member Secretary of SCPS is not full-time and is thus, not able to give time because of preoccupation in other works resulting in delay in fund flow and its utilization and regular monitoring.

#### *Child Care Institutions*

- i) There are inadequate number of child care institutions, shortage of staff, face serious security lapses and lack of standard care and services.
- ii) The children in the CCIs are deprived of education, especially the disable children. There has been no effort to implement provisions of RTE Act in CCIs.
- iii) The CCIs have miserably failed in preparing individual care plan to ensure proper treatment and rehabilitation. This may be due to inadequate and lack of trained and sensitive staff.

#### *Other Issues*

- (i) The Special Juvenile Police Units (SJPUs) have not been formed in all districts.
- (ii) There has been an increase in the number of children surrendered by single parent (mother).
- (iii) The Media reports insensitively and violate the provisions of JJ Act.

### **Issues specific to north eastern region**

- The rights of the children are violated due to the insurgency, ethnic conflict and lack of law and order.
- Children have been facing atrocities like extra judicial killing, rape, trafficking, child labour and torture, etc. due to insurgency.
- The children in the remote areas are deprived of the benefits of RTE, MDM, SSA, etc., as a result the disruptive forces are taking advantage of the situation and the children are falling into criminal mode.
- Due to continuous *bandh*, blockade and strike by different organisations and imposition of indefinite curfew, education of the children has been affected.





- The educational institutions and hospitals are being occupied by the armed forces, resulting in displacement of children and adversely affecting their rights.
- The older children (below 18 years) are arrested, detained, hand-cuffed and taken in public glare, tortured, abused, tried by Magistrates and sent to jail, violating the juvenile justice system. Due to lack of knowledge and inability to furnish the required documents like the date of birth.

## **General Recommendations**

- i. CWCs to be provided with basic facilities like adequate office space for functioning and atmosphere for interacting with children produced before them and, administrative support with requisite office equipment.
- ii. CWCs should have ample knowledge about child rights and rules related to children. There shall be provision for routine capacity building programmes including training in legal aspects for all the CWCs from time to time to upgrade their knowledge and capacity.
- iii. Proper co-ordination/interlinking between various authorities/institutions and stakeholders to be established for monitoring and effecting the implementation of the child laws and re-unite the children in need of care & protection with their parents. Authorities such as: SJPU, DCPU, CWCs, JJBs, block and village level committees in every district have to be brought at one platform for ensuring smooth functioning.
- iv. SCPCR and NCPCR shall facilitate platforms to the Child Welfare Committees for sharing their experiences and issues and concerns to address the same for better care and protection of vulnerable children.
- v. Appointment of CWCs to be expedited in all states and there must be full bench of five members in all districts to meet the heavy workload and pendency of cases.
- vi. The constitution of Child Welfare Committees (CWCs) should be from an interdisciplinary team of professionals and selection is made by following the prescribed method, so as to avoid political postings of CWCs.
- vii. Strengthening of CWCs so that they take suo motu cognizance of cases that help curb some of the major challenges at the first stage itself. The CWCs can play a



more proactive role by reaching to the children in vulnerable situation and taking action as early as possible.

- viii. Keeping the workload in view, the State Departments may facilitate more sittings of CWCs in different places (Tehsil/interior level) other than the regular sitting venues;
- ix. CWCs to be provided with financial & logistic support to make them more mobile so as to reach the vulnerable children and not wait for the children to come to them.
- x. The State Governments to ensure that all the Homes are registered and monitored regularly by the CWC members to curb the reported cases of child abuse and neglect. Strict action to be taken against the Homes violating children's rights through abuse and/or neglect.
- xi. Institutions/shelters homes having no licence or having fake licence should be immediately shut down and the persons so operating should be penalised.
- xii. Provision of at least one children home in each district to provide better care and protection to the children who are in need of care and protection.
- xiii. Each child in homes should be provided with important identity documents like Adhaar Card as support in their integration in the society. Compulsory registration of births of each child born to be ensured which shall overcome the basic problem of ascertaining the age of the minor as a lot of time, resources and money is put in where the age is yet to be ascertained.
- xiv. The rehabilitation alternatives for children must be planned carefully. The skills of CWCs in taking decisions in this regard such as their link to rehabilitation services such as trauma care, de-addiction, vocational development of adolescent requires convergence with other systems and civil society. Support of the ICPS and nodal department for this coordination is highly recommended.
- xv. Focus should be shifted to 'non-institutional care' rather than 'institutional care'. Looking at the aspect of rehabilitation from a different approach may prove to be helpful.



- xvi. Children in schools (government and private) should be taught about their rights and duties/responsibilities so that they can learn about it at an early age. The content should be included in school text books.
- xvii. CWCs in coordination with Education Department spread awareness to schools on Corporal punishment, child legislation and sexual abuse in institutions.
- xviii. The coverage of childline be increased and popularized among public for making its best use in emergent situations.
- xix. Facilities for medical treatment, counselling and rehabilitation for child victims of sexual/mental/emotional/substance abuse to be made readily available.
- xx. Provision of a resource directory having all the contact information available to all the concerned institutions/ authorities including that of police and the district level agencies so that the information is handy in case of urgent situation. The same should be timely updated.
- xxi. Maintenance of updated records is also extremely important, especially in cases of missing children, children tracked, and for every other purpose(s) so required. The same should also be regulated among the interlinked agencies/ institutions/authorities.
- xxii. All the information of CWCs may be computerized and made available on website so as to match and re-unite the missing children placed in various child care institutions.
- xxiii. Synchronization between various laws relating to children and convergence of various schemes, e.g., the Child Labour (Prohibition and Regulation) Act, RTE Act, POCSO Act, etc. is essential to pull them towards a common platform.

### **Specific Recommendations**

1. In places like Eastern and Western Himalayas, the hilly terrain hampers outreach efforts like immunization, transport from one shelter or home to another, etc. In order to reach the vulnerable children in such areas, provision for travel allowance or vehicles should be made.



2. Armed forces personnel functioning in areas affected by insurgency should be sensitized about rights of children.
3. Focus on the education of children (primary and secondary) in North Eastern States, should be made a priority. Facilities of child-friendly atmosphere and ample space for growth and development of inherent potentialities should be made available to the children of the north-eastern region.
4. In the city of Raipur, the major problem is the increasing number of dropouts from schools at elementary level. The problem of school dropouts can be curbed by:-
  - a) Building a common understanding about drop outs across all schools and track data. It can be done by developing a standardized procedure for identifying, tracking, and follow-up of dropouts across the State.
  - b) Since many students opt to drop out of school because of ample opportunities to earn income, effective implementation of the Child Labour Act is extremely important.
  - c) Strengthen school management committees to ensure collective action to ensure that children complete their schooling. Members of the SMCs should be selected by fair procedure(s) and clarity should be established on their specific roles and functions along with ensuring regular meetings between the SMCs and schools take place regularly.
  - d) Orient teachers and other staff members about zero tolerance towards corporal punishment.
  - e) Providing incentives to schools which take innovative steps to check the problem of dropouts.
5. There has to be a fusion in the role of judicial and social workers for providing best protection to children and need for sensitive members on the needs of children in urban areas.



## Regional Reports

### **GUWAHATI, Assam, 24<sup>th</sup> July 2014:**

The first Regional Convention of Child Welfare Committees to understand the issues and concerns, challenges, achievements, good practices and implementation gaps on the functioning of CWCs was held at Guwahati on 24<sup>th</sup> July 2014. The convention at Guwahati was for the State Government representatives of the States of Assam, Meghalaya, Sikkim and Tripura.

Total 110 participants from the SCPCR, CWC, representatives of SJPU/Police, Department of Women and Child Development/Social Welfare, Labour, Education, Health Services, SCPS, DCPU/DCPO, Childline, Unicef, NGO/Social Worker, District Administration, State/District Legal Services Authority, Child Care Institutions, media, etc. took part in the convention, excluding the guests and resource person.

### **Issues and Challenges**

The challenges brought before the Convention by various stakeholders essentially were the infrastructure issue and the training and orientation. While the police/SJPU face the challenges of inadequate personnel, sensitization and training, lack infrastructure and financial resources, the Labour Department is not organized, without any data base of child workers, inability to verify the age of children, use of amount raised through penalty and process adopted to raid and rescue the children are not child-friendly. It is a major problem as well as no efforts are made to trace the parents/guardians of the children, delay investigation and passing of order and hesitation by parents to take their wards who are in conflict with law. The coverage of Childline is limited and not popularized among public for making its use. Seriously lack link and coordination between the CWCs and Health department, especially for medical examination of victims of sexual abuse and violence.

During deliberation in the Convention it was brought to the notice that the CWCs are not able to deliver justice to the children because of internal and quality conflict within CWC. The Chairperson/Members lack sensitivity and knowledge on JJ Act and other child rights laws, no transparency in selection process, lack technical knowledge. Resource and infrastructure issues are very common. No initiative to reach the vulnerable children as no provision of travel allowance or vehicles.

One of the major concerns is the education of the children in child care institutions, especially the disable children and implementation of RTE and provisions like corporal punishment and sexual abuse, etc. The Director, Social Welfare is the Member Secretary of SCPS and not able to give time because of preoccupations, leading to delay in fund flow and its

utilization and regular monitoring. There has been irregularity in quarterly meetings of DCPC and CWCs are not getting desired support from DCPU. CWCs lack cooperation from District Legal Services Authority and the Legal aid Services are not effective. There are very few child care institutions, inadequate staff, serious security lapse and lack of services. There are no block and village level child protection committees, Chairperson/Members of CWCs are paid very low, non-cooperation by district administration to CWCs, increase in the surrender of children by single parent (mother), no punishment or very minimal punishment to the accused persons and irresponsible behavior of media, among others.

## **Suggestive Measures**

After listening to the issues and concerns from various stakeholders in the convention, the resource persons and the participants deliberated measures to overcome the challenges. The overarching suggestion was to impart induction training and refresher trainings and orientations. Some of the suggestions were:

- (i) setting up of Special Juvenile Police Units, training and capacity building in collaboration with CWC/DCPU and earmark adequate budgetary provision;
- (ii) appointment of Labour Inspectors in every district, prepare action plan on child labour, maintain and update child labour data, activate District Task Force on child labour, open account to deposit the penalty amount collected from employers, age verification and strengthening vocation skill training;
- (iii) ensure registration of all child care institutions, initiate action against unregistered homes, awareness programme for NGOs on JJ System and coordination between NGOs and CWCs;
- (iv) expedite the cases pending with JJBs and CWCs and establish link between CWC, JJB and SCPCR for the best interest of child;
- (v) increase the coverage of Childline and spread awareness on this, particularly among the children;
- (vi) Health department must organize awareness trainings for the staff to deal with the matters relating to children, especially the sexual abuse/violence against children, carefully, making Medical Boards in all districts functional and ensure convergence with DCPC by participating the quarterly meeting;
- (vii) need for organizing awareness camps with education department on child protection issues and making the education inclusive. Ensure implementation of RTE Act and child protection issues in letter and spirit, CWC through Education Department spreading awareness to schools on corporal punishment, child legislations and sexual abuse in institutions. The Education Department must initiate special enrolment drive for the children with special needs;

- (viii) need for a fulltime Member Secretary for SCPS, so as to ensure timely fund flow and its utilization. SCPS shall monitor the implementation of JJ Act with the support of SCPCRs, provision of adequate contingency with DCPO for travel support for CWCs and DCPC shall hold regular meetings under the chairpersonship of DC with all line departments;
- (ix) ensure infrastructure, support system and induction training and refresher training/ orientation of CWC members;
- (x) CWCs shall hold regular meetings with District Legal Services Authority and the later shall provide list of empanelled lawyers for the CWC and JJB. Efforts are made to form block and village level child protection committees and the media is sensitized to play a proactive role to highlight the issues pertaining to child protection. There is need for coordination and support between CWC and JJB.

## **Recommendations**

- Adequate personnel in the police/SJPU with sensitization training, support system and financial resources;
- Labour Department must maintain data base of child workers, give benefit to children in case of age verification, use the amount collected through penalty for rehabilitation of children and adopt child-friendly process to raid and rescue the children in work;
- Right efforts are made to trace the parents/guardians of the children in conflict with law and the investigation and passing of order are made faster;
- The coverage of Childline is increased and popularized among public for making its best use on emergency situation;
- Health department shall coordinate the CWCs in doing medical examination of victims of sexual abuse and violence;
- CWCs are provided with support to make it more mobile so as to reach the vulnerable children and not wait the children to come to them;
- Popularizing the RTE and its reach to the child care institutions, especially the disable children and implementation of provisions like corporal punishment and sexual abuse, etc.;
- The Member Secretary of SCPS shall be a full time position to avoid delay in fund flow and its utilization and regular monitoring;
- CWCs shall develop link and coordination between SCPCR, DCPU, District Legal Services Authority, the Legal aid Services, etc.;
- Ensure adequate numbers of child care institutions, sufficient and trained staff and security facility;
- Establish and strengthen the block and village level child protection committees;



- Last but not the least, the Chairperson/Members of CWCs are paid well and provided cooperation by district administration; and
- Sensitize media to play proactive role in the interest of child.

A handwritten signature in black ink, appearing to be the initials 'Pm' followed by a flourish.



## **IMPHAL, Manipur, 31<sup>st</sup> July 2014:**

The representatives from the States of Manipur, Arunachal Pradesh, Mizoram and Nagaland participated in the Regional Convention of Child Welfare Committees held at the Conference Hall of Lamyamba Shanglen, Palace Compound, Imphal on 31st July 2014. The Convention was addressed by the Hon'ble Minister of Social Welfare (Km. A.K. Mirabai Devi) as Chief Guest, Member Secretary, NCPCR (Sh. Asheem Srivastav) as Guest of Honour and Chairperson, SCPCR, Manipur. The Guest of Honour highlighted the child rights issues in the country, networking mechanism between all stakeholders, strengthening mechanism for greater transparency and accountability, among other.


The Regional Convention envisaged achieving the aims and objectives of JJ Act and to assess the roles and responsibilities of the CWCs for care and protection of children in the best interest of child. The programme was conducted in the form of panel discussion after a brief presentation by Resource Person on a given topic. There were four State presentations by the representatives of the CWCs on the issues and challenges and gaps in the functioning of CWCs.

### **Issues and Challenges**

The children of North Eastern Region have been facing atrocities like extra judicial killing, rape, torture, trafficking, child labour, etc. due to its geographical location, inaccessibility, lack of communication and political instability among others. The region is highly affected by insurgency, ethnic conflict and lack law and order. The promulgation of the Armed Forces Special Powers Act, 1958 has been responsible, to a large extent, for violations of child rights in the region, e.g., the educational institutions and hospitals are being occupied by the armed forces and the displaced communities. The benefits of RTE, MDM, SSA has not reached to interior areas of NE Region and no efforts are made to improve the quality of the government schools, as a result private schools are mushrooming. Further continuous bandh, blockade and strike by different organisations against the government on various issues and imposition of indefinite curfew have been major cause of concern as it is effecting the education in this region.

The children of the North Eastern Region are deprived of child-friendly atmosphere, free space for growth and development of their inherent potentialities. The laws and programmes are not popularized, the statutory bodies like SCPCR, JJB and CWC are not strengthened and lack basic facilities.

It is quite common that the grown up children are arrested, detained, tried by Magistrates and sent to jail. The children in question are not able to avail the benefits of juvenile justice law due to lack of knowledge and inability to furnish the required documents like the date of birth.

  
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These children are tortured, abused, exploited, arrested, hand-cuffed and taken in public glare, proceeding initiated against the escaped juvenile, denied bail and put up in police lockup and jail. Such children languish in jail because of delay in investigation and non-seriousness.

## **Recommendations**

- Strengthening the statutory bodies under JJ Act to deal with the rise in crimes against children in North East Region;
- The CWCs at district level shall be strengthened so as to monitor, network and link with allied systems/services;
- CWCs shall be empowered so as to provide support person to render assistance to child during investigation and trial in POCSO cases;
- The laws, policies and programmes meant for children shall be popularized and implemented by all concerned in letter and spirit and disregard of responsibilities by any one may be taken seriously;
- The Armed Forces Special Powers Act, 1958 shall make sure that the rights of the children are not violated or alternatively it may be considered to repeal the same from the region for best interest of children;
- Efforts are made to ensure that the benefits of RTE, MDM, SSA reaches to interior areas of NE Region and the quality of the government schools are improved;
- The continuous bandh, blockade and strike by different organisations against the government on various issues and imposition of indefinite curfew shall not affect the education system; and
- Ensure child-friendly proceedings, speedy investigation and order.



## **RAIPUR, Chhattisgarh, 26<sup>th</sup> August 2014:**

The Regional Convention of Child Welfare Committees at Raipur held on 26th August 2014 has been attended by various stakeholders from the States of Chhattisgarh, Madhya Pradesh and Odisha.

The Convention was inaugurated by Smt. Ramshila Shahu, Hon'ble Minister for Women and Child Development, Chhattisgarh. The dignitaries and guests present in the regional Convention were Smt. Kushal Singh (Chairperson, NCPCR), Smt. Shatabdi Subodh Pandey (Chairperson, State Commission for Protection of Child Rights, Chhattisgarh), Smt. Usha Chaturvedi (Chairperson, State Commission for Protection of Child Rights, Madhya Pradesh), Dr. Sruti Mohapatra (Chairperson, State Commission for Protection of Child Rights, Odisha) and Shri Dinesh Srivastav (Secretary, Department of Women and Child Development, Chhattisgarh Government).

Speaking in the closing session of the Convention, Shri Rajesh Moodat (Hon'ble Minister of Lok Nirman, Residence and Environment Department, Chhattisgarh) urged the parents and teachers to execute their responsibilities relentlessly and pay adequate attention towards the children for ensuring child rights. He said that we are in the modern technology era and the future of the nation depends on the upbringing of the children.

While evaluating/assessing the Regional Convention, the participants listed the following as the achievement or outcome:

- ✓ For the first time such programme is organized for the Child Welfare Committees in Chhattisgarh, providing a platform to the participants to share their experiences, in formal and informal talks, and increased their confidence level to deal with the child protection issues.
- ✓ Though the participation was only 72 [8 from Odisha, 30 from MP and 34 from Chhattisgarh] but information in the NCPCR format was gathered from 49 districts (17 in Chhattisgarh, 26 in Madhya Pradesh and 6 in Orissa).
- ✓ It was an opportunity to interact with the counterparts of other states and the debate, sharing of experiences and redressal mechanism adopted were enriching and helpful.

## **Issues and Challenges**

The Regional Convention revealed that there are no children homes in every district to ensure the care and protection of children. The CWCs are working in isolation and not able to establish contact and coordination with other line departments. Also the style of functioning is still very traditional and need to make use of the information technologies like mobile, computer and internet. Infrastructure is a big issue and many places no separate space for sitting. There is no platform to raise the issues and concerns, redressal mechanism and orientation training.

The nature of cases/complaints received by the Child Welfare Committees are normally the cases relating to abuse, surrendered child, neglect, abandoned, children with single parent (majority cases only with mother), exploitation, homeless, begging children, torture, trafficking, missing, street children, substance abuse, child labour, disability, run away, rescued from exploitative conditions, vulnerable children, children affected by HIV/AIDS, etc. In many occasions the CWCs refuse to entertain certain cases where a single mother wants the CWC to send one of her children to the child care institution. The CWCs are apprehensive in such cases the same mother may come again for placement of another child, if the first one was entertained.

While disposing of the cases the CWCs quite often refer to the institutional care and very few for non-institutional care. And within non-institutional care it is foster care followed by adoption. While sponsorship is almost absent in Chhattisgarh and Madhya Pradesh, it is taken up well in Odisha.

## **Recommendations**

The participants attending the Regional Convention requested NCPCR and SCPCR to organize such kind of programmes for the Child Welfare Committees within states and also inter-state so as to share the experiences of each other. They unanimously recommended the following:

- provision of at least one children home in each district to provide better care and protection to the children who are in need of care and protection;
- The department concerned shall ensure that the CWCs are provided with basic facilities like adequate space for sitting and interaction with children produced before them and computer with data entry facility;
- The department also ensures that CWCs establish coordination and cooperation with other line departments for care and protection of children;
- All the information of CWCs shall be computerized and made available in website so as to match the missing children placed in various child care institutions;
- Organizing such convention/ events at state and regional level routinely;
- SCPCRs and NCPCR shall facilitate platforms to the Child Welfare Committees for sharing their experiences and issues and concerns to address the same for better care and protection of vulnerable children; and
- putting the mechanism in place for non-institutional care by publicizing and strengthening the non-institutional care like foster care, sponsorship and adoption.

## **CHANDIGARH, 9<sup>th</sup> September 2014:**

The State Commission for Protection of Child Rights, Haryana, in collaboration with National Commission for Protection of Child Rights, organized the "Northern Regional Convention" of Child Welfare Committees on the challenges and issues faced by Child Welfare Committees. The convention held at Haryana Niwas, Sector-3, Chandigarh on 9th September 2014 was attended by the representatives from the States of Himachal, Haryana, Punjab, Chandigarh, Uttarakhand, Delhi and Rajasthan.

The Convention was attended by dignitaries from the State Commissions of Delhi, Chandigarh, Punjab, Himachal Pradesh, Uttrakhand and Rajasthan. The convention was addressed by the Chief Guest (Mrs. Kushal Singh, Chairperson, NCPDR) on the functioning, role and importance of CWCs as well as an overview on Child Rights.

Welcoming the dignitaries, guests and participants, the Chairperson, SCPCR, Haryana (Ms. Savitri Dhaka) stressed on making use of the day for fruitful discussion to take it forward. She reiterated that the CWC is an important committee and the problems they are facing shall be resolved to bring the change and make their functioning better. She also emphasized that each one of us shall realise the responsibilities that we have been given, what is our function and how we can coordinate with other department and State Commissions. She also suggested CWCs to share not only the quarterly reports but monthly reporting will also make the functioning of CWCs effective.

### **Issues and Challenges**

As per law the State Commissions for Protection of Child Rights and the Child Welfare Committees are independent bodies and no one cannot interfere others functioning.

It is a common issue that all the CWCs lack infrastructure, basic facilities and administrative staff.

CWCs are not taking suo motu cognizance as there is no support system.

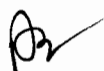
The CWCs functionaries lack adequate knowledge of important Acts pertaining to child protection like JJ Act, POCSO, Labour Laws and Right to Education (RTE). This is because these acts are not available in vernacular language and no training or orientation.

Children in need of care and protection are travelling a long distance to reach the children home, as there is no provision of transit home in inaccessible places like Himachal Pradesh.



## Recommendations

- CWCs being the backbone of the State Commissions, working for the protection of child rights, shall work towards promotion of child rights and protection at grassroots level;
- A strong common voice shall be raised from District to National level for promotion of child rights;
- Though the State Commission and Child Welfare Committee are independent bodies, having no coordination in its functioning, but shall work in close coordination with each other to commonly work for the betterment and welfare of the children;
- SCPCR shall promote joint activities with CWCs with focus on health and education of the children;
- The infrastructure and provision of basic facilities and administrative support for every CWC has to be considered as priority;
- CWCs need to play proactive role and has to be mobile to reach out to the children in vulnerable situation. They must take suo-moto-cognizance, which will enhance its importance, functioning and also important for all the people working on child protection;
- CWCs should have proper knowledge of all the important Acts like JJ Act, POCSO, Labour Law, RTE, etc. In this regard it was suggested that these acts shall be made available in Hindi or other vernacular languages that is comprehensible to the CWCs;
- There shall be the provision of a 'Bal Kalyan Bhawan' or Child Welfare Bhawan in every State under ICPS funding for the sitting of CWC, JJB and DCPU at district headquarters. This will help these bodies to work in close coordination;
- There shall be provision for routine capacity building programmes including legal trainings for all the CWCs from time to time to upgrade their knowledge and capacity;
- The NCERT may be asked to include the CWCs in their workshops for more clarity of rules followed in the education system;
- The mandates of CWCs shall also be enhanced so as generate more work;
- There shall be provision of a Secretarial Staff for every CWC for supporting in the administrative functioning of CWCs;
- There is a need of resource directory for CWCs and concerned departments as the cases/complaints coming from other states/districts for proper coordination and taking appropriate decisions without loss of time;
- As CWC got a major role in the adoption process, NCPCR shall facilitate the trainings through CARA for more clarity on the intricate details/ documentation required to be maintained by CWCs for declaring a child free for adoption especially for children surrendered and abandoned from out of states. Also, adequate training of



support persons is conducted and the financial guidelines for the same shall be clearly mentioned;

- That the National Commission shall recommend to the Ministry to ensure one children home in every district with 100% funding by the Central Government (this was proposed by the Chairperson, Uttrakhand Commission);
- Need for transit homes in every district of Himachal Pradesh for the children who are in need of care & protection, keeping in view the long distances covered and travel time involved.



## **MUMBAI, Maharashtra, 16<sup>th</sup> September 2014:**

The Regional Convention of Child Welfare Committees for the western region to understand the issues and challenges of the CWCs was attended by various representatives of State Commissions for Protection of Child Rights, the Members of CWCs and the representatives of State Child Protection Societies (SCPCs) from the States/UTs of Dadra and Nagar Haveli, Diu, Daman, Goa, Gujarat and Maharashtra. UNICEF also participated as one of the stakeholders on ensuring child rights.

While Smt. Kushal Singh, Chairperson, NCPCR gave an overview of child rights in her deliberation, the Convention was anchored by Dr. Mohua Nigudkar, Associate Professor, Tata Institute of Social Sciences (TISS), who is an expert on the juvenile justice system.

### **Issues and Challenges**

While representing the UTs of Daman and Diu and Dadra and Nagar Haveli, the Programme Manager, ICPS informed that CWCs were not formed in these UTs. After the completion of old team of CWC, no efforts are made to constitute the new one and ICPS has been looking after the same at present. Maharashtra state presentation on CWC had the consensus that there has to be a fusion in the role of judicial and social workers for providing best protection to children and need for sensitive members on the needs of children.

The points highlighted by participants during the deliberations were:

- (i) CWC members assume office without any induction training, lacking technical knowledge and skills of working with children and ability of judicious decision making in the best interest of children;
- (ii) Large pendency of cases with CWCs;
- (iii) Child labour in the context of migration is a major issue dealt by CWCs. The potentials of the small, medium and large scale industries needs to be tapped for funds to support child rights and child protection;
- (iv) Schools and language teachers for the children of large migrant population;
- (v) Non-constitution of the Committees for Child Protection;
- (vi) There is a plan to train all CWC members;
- (vii) For effective functioning, there should be quorum of minimum three members at every sitting of CWC;
- (viii) Orientation, capacity building and support for the CWCs for understanding of the procedures, so as to help them to proactively take suo motu actions;
- (ix) Gate keeping is one of the functions of the CWCs. However, due to limited understanding on children's right to family and also lack of alternative care



- facilities, majority children are referred to institutions and non-institutional alternative care is not explored or available;
- (x) For smooth and effective functioning of CWCs under ICPS, they shall have minimum infrastructure and facilities, such as phone, fax and other means of communication;
  - (xi) CWC members not getting honorarium on time and non-availability of vehicle or transport preventing the CWCs to visit and monitor Homes which are far off;
  - (xii) Lack of data entry operator at CWC for record keeping effecting the maintenance of data in the Track Child system;
  - (xiii) Problem in providing shelter to specially-abled children (in Maharashtra) by the CWCs, as the Homes for specially-abled children is with the Social Justice Department and they don't accept the orders of CWCs for admissions of such children in the Homes. The bottleneck needs to be addressed through a discussion between the DWCD and the Social Justice Department;
  - (xiv) No provision/ facilities for children of migrant workers, children coming in contact with railways in terms of contact centres, open shelters, enrolment in schools, etc.;
  - (xv) The big State of Maharashtra has only 3-4 staff in in place for the Missing Children's Bureau. The number of missing children has been increasing considerably, especially during Kumbh Mela event and no special support is provided to deal with the issues;
  - (xvi) Because of the location of Child Care Institutions in urban or semi-urban areas, access to such institutions for children in remote areas is difficult. Also, there are not enough institutions for girls;
  - (xvii) The individual care plan for proper treatment and rehabilitation of children is missing in majority CCIs, due to inadequate and unavailability of trained and sensitive staff;
  - (xviii) POCSO cases are not being reported by Homes and hospitals, although reporting is mandatory;
  - (xix) Manodhairya is a flagship scheme of Maharashtra, which enables victims to seek compensation for sexual assault and acid attack cases. CWC members are not getting FIRs from the police stations, leading to difficulty in providing compensation;
  - (xx) The functioning of CWCs is quite invisible and other stakeholders like police, general public, teachers, parents, children, etc. are often not aware of what they do;
  - (xxi) The CWCs are not getting adequate support from the Probation Officers (POs) in home inquiry as well as development of a care plan;
  - (xxii) There is no mechanism for the CWCs to get in touch with their counterparts in other states for Home Inquiry as well as transfer of children;



- (xxiii) SJPU are important part of the JJ system and are still not been formed in many districts;
- (xxiv) CWCs often face dilemmas while dealing with the cases of consensual sex among adolescents and no guidance is received to address the same;
- (xxv) ICPS is supposed to bring all child protection programmes under one umbrella, but there is not enough budget for non-institutional services. Large chunk of funds go to institutional services;
- (xxvi) Often coordination between police and CWC/ institutions is found missing as police sends children to Homes without producing them before the CWCs, who are left out of the system;
- (xxvii) Without proper inquiry children are transferred to home town in another state;
- (xxviii) The after care facilities for children attaining 18 years of age, especially for those not having adequate family or community support is missing in many places (e.g., Goa).

## Recommendations

- CWC has been recognized as a part of the continuum of protection structures from the district (CWC) to state (SCPCR) and then to the national level (NCPCR).
- CWCs must ensure that all spaces are safe for children. They can play the role of whistle blowers and can initiate suo moto actions when required. They need capacity building and support in terms of human, material and informational resources and need to be equipped with information on legislations and schemes.
- Besides training to CWCs, there is need for addressing financial issues as well as improving the child-friendly infrastructure and support for their functioning;
- The pioneer works done by CWCs require documentation, sharing and appreciation. In view of this a communication plan for building the profile of CWCs is required to reaffirm CWCs as competent authority under the JJ Act;
- Children shall be provided with important identity documents and necessary articles as support in their integration into society after they are released from the institution;
- There is need for promotion of non-institutional services such as sponsorship and foster care/kinship care to avoid over institutionalization of children;
- Close coordination between police and institutions is required so that police will produce the children before the CWCs and directly not hand over to Homes. This would enable to bring such children under the JJ system and providing the benefits like victim compensation;
- While transferring the child to other state the CWCs shall consult the child and consider the best interest of the child;



- SJPU shall be constituted and strengthened to address the large number of cases relating to beggary, trafficking and child labour;
- Government recognizes the need for convergence and meetings of divisional level staff, DCPOs, DWCDOs, Health and Educational Departments, CWCs, JJBs and SJPU. While giving induction and in-service training to CWC members, the police, care givers, health professionals, etc. can also be included;
- The Convention has drawn attention of State to build quality services of institutional and non-institutional care, and efforts to professionalize them. The Convention has also highlighted the opportunity for engagement with Corporates and others.
- There is need for district level convergence meetings of all stakeholders;
- Need for initiating online self-registration system to register all child care institutions;
- Separate Home for transgender children.
- The role of CWCs is very important in child protection. There is need for making the CWCs visible and accessible to the children in need of care and protection. To make the public aware about their existence, the civics books in schools must include information about CWCs. The CWCs can play a more proactive role by reaching to the children in vulnerable situation and taking suo moto action wherever possible;
- The Department shall carefully examine the work done by CWCs at district level and take it forward. Also facilitate better convergence among different Departments and stakeholders;
- CWCs shall send only orphan and unclaimed children to institutions and promote non-institutional services for other categories of children;
- To bring visibility to CWCs and acknowledge their efforts there is need to make the public and other stakeholders aware about CWCs;
- The scope of CWCs shall include the protection issues in schools too to address the issue of Right to Education and they are made more mobile and their work is not confined only to Children's Homes;
- Spreading awareness among general public about the role of the SCPCRs in child protection issues and intervene proactively in the monitoring the implementation of right to education;
- Emphasis shall be on constitution and organizing 'Bal Panchayats' in every school to ensure the right to participation of children;
- Establish mechanism to ensure effective implementation of child protection schemes. The public and corporate players may be involved for possible fund mobilization;
- Department shall bring all child care institutions under the purview of JJ Act by making the registration process user-friendly and hassle-free. Then CWCs can monitor all the Homes and initiate action against those Homes violating rights of children in terms of abuse and neglect;

- CWCs and JJBs shall work in coordination with each other, for example, CWCs can make care plans for children, thereby enabling their rehabilitation;
- With reference to quality care in Homes there must be a standardized format for care plan of each child. Every Home must have a Child Protection Policy;
- Public should be made aware that they will be punished if they abuse a child;
- Recognizing the children's right to participation, each Home should have a Children's Committee;
- The constitution of Child Welfare Committees (CWCs) shall be from an inter-disciplinary team of professionals and selection is made by following the prescribed method, so as to avoid political postings of CWCs;
- Department shall expedite the appointment of CWCs in all states and there must be full bench of five members in all districts to meet the heavy workload and pendency of cases;
- Keeping the workload in view the Department shall facilitate more sittings of CWCs in different places (Tehsil/interior level) other than the regular siting venues;
- CWCs being the final authority to decide the care, protection, treatment, development and rehabilitation of children, they need to do gate keeping thereby preventing institutionalization of children;
- Simultaneously, non-institutional services must be promoted by the States by enhancing the financial share towards non-institutional services under ICPS;
- Inter-state transfer order of children by the CWCs need to be prudent after through inquiry of their homes, about the family circumstances and chance of adjusting to the environment. Thus, good coordination among CWCs at inter-state level is crucial;
- A challenge of work of CWCs not being appreciated and similarly there is no system to evaluate the work of the CWCs. There is need they should be made accountable and success stories must be published;
- The scope of work of CWCs be expanded so that they take suo motu action in cases of abuse in public areas, schools, etc. such as use of corporal punishment;
- Track Child is an important part of the child protection system now, and CWCs must be given adequate support and training to have every case entered on the website;
- The rehabilitation alternatives for children must be planned carefully. The skills of CWCs in taking decisions in this regard such as their link to rehabilitation services such as trauma care, de-addiction, vocational development of adolescent requires convergence with other systems and civil society. Support of the ICPS and nodal department for this coordination is highly recommended;
- Infrastructure support to the CWCs under ICPS must be provided for effective functioning, which include: provision of proper seating places, timely release of honorarium, providing data entry operator cum assistant, putting up CWC members' names and contact numbers on Boards, suggestion box, etc.;



- There shall be a State Level Resource Centre for CWCs for seeking information support;
- Considering the difficulty of getting specially-abled children admitted to the Homes which are under the Social Justice Department, it was recommended that coordination between Social Justice Department and DWCD is established for providing support to such children;
- Other recommendations for the different categories of children included: facilities of crèches for children of working parents, Homes for transgender children and HIV infected, application of section 24 of JJ Act with regard to child beggars to protect the children from abuse and neglect, boarding facilities for children of families migrating, staffers for Missing Children's Bureau, provision of vocational training for children rescued from red light areas;
- The State Governments must ensure that all the Homes are registered and monitored regularly by the CWC members to curb the reported cases of child abuse and neglect. Strict action is taken against all the Homes which violate children's rights through abuse and/or neglect and penalized for not complying with the orders of CWCs;
- To ensure quality of care in CCIs each Home must have a Children's Committee to ensure participation of children. There must be standardized format for individual care plan mandatorily filled for all children in the Homes. Children in Homes should have access to the therapeutic and creative activities such as clay, craft, music drama and dance;
- Each child in Homes should be insured, has Aadhar Card and every Home has a Child Protection Policy;
- All children in institutions must be given a Jeevan Peti (a set of documents, belongings, savings, certificates, etc.) and a Govt. Regulation (GR) in this regard is circulated;
- There is need for strengthening after care services, as children are often not able to manage by themselves at the age of 18, but are released without ensuring proper family or community support;
- The CWCs members must be trained before they start work or as soon as they are appointed. Also they shall get opportunity for exposure visits and workshops from time to time to facilitate learning and access to simple, easy to use IEC material, a Resource Directory of CWCs to facilitate inter-state transfer and coordination with other systems;
- Synchronization between various laws relating to children and convergence of various schemes, e.g., the Child Labour (Prohibition and Regulation) Act, RTE Act, POCSO Act, etc.;
- Strengthening the non-institutional services and its reach to the vulnerable children and children of inaccessible areas;

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- Trafficking of children must be treated as an organized crime and applied in the cases of sexual exploitation and labour. In case of child labour, provisions of section 370 (1) of criminal law amendment Act 2013, should be applied against the employer, agents etc.;
- Task Force needs to be constituted for repatriation of children trafficked from Bangladesh;
- The District Child Protection Committee shall be constituted in each district with representation from the DCPU, Women and Child Development, police, Health, Education, etc. and strengthened;
- Police must produce all CNCP children before the CWC and do not send them directly to Homes, as there is a chance that such children may get out of the system;
- Ensuring interaction and coordination between CWCs and JJBs to develop rehabilitation plans and facilitate reintegration of children with their families;
- The SJPU are established in all districts, especially to address issues such as child begging, trafficking and child labour;
- Need for better understanding on certain groups of vulnerable children, such as Migrant labour (services for their children), Physically and mentally challenged, special needs children, Sexual exploitation and abuse (impact of violence on children: strengthening services and the role of CWCs as well as Government Departments relating to them), Sexually active adolescents (mandatory reporting and role of CWCs) and the Missing children;
- There was a sense of connect among members of participating states and it was recommended that such dialogue may be held at periodic intervals for sharing each other's experiences and concerns.



## **CHENNAI, Tamil Nadu, 19<sup>th</sup> September 2014:**

The sixth Regional Convention of CWCs was held in Chennai on 19th September 2014. The one-day Regional Convention of Child Welfare Committees held at Hotel Benz Park, Chennai by the National Commission for Protection of Child Rights (NCPCR), New Delhi in collaboration with the Tamil Nadu Commission for Protection of Child Rights, Chennai was attended by over 100 CWC Chairpersons or members from Andaman & Nicobar Islands, Andhra Pradesh, Telengana, Karnataka, Kerala, Puducherry & Karaikal and Tamil Nadu. Other participants at the convention included a wide array of people from Government-aided institutions, voluntary child care organizations/NGOs, advocates, child rights' activists, academics, officers of the criminal justice system, research scholars and media persons.

The main objective of the convention was to hear the 'voice' of the CWCs, as the confluence of CWCs at the regional level was foreseen as the opportune time to open the channels for discussion on mutual interests — the issues concerning child rights, the challenges faced by the CWCs at the district level, suggestions by CWCs for their improvement & development, and the expectations of the district level CWCs from the NCPCR and their respective SCPCRs.

As per the Juvenile Justice Act, 2000 (amended 2006), states are required to set up Child Welfare Committees (CWCs) in all districts and designated by law as the final district-level authorities for the care, protection, treatment, development and rehabilitation of children in need of care and protection. CWCs thus have the sole authority to deal with matters concerning children in need of care and protection and are bestowed with the powers of a first class judicial magistrate. This is an immense responsibility impacting the lives and future of many children. However, the smooth functioning of CWCs has remained a significant challenge across most parts of the country, despite its constitution nearly a decade ago. It is therefore vital to focus on ways in which the CWCs can be strengthened to perform their responsibilities with greater efficiency.

The convention was addressed by the Hon'ble Minister for Social Welfare & Nutritious Meal Programme, Govt. of Tamil Nadu (Mrs. B. Valarmathi), Mrs. Kushal Singh, Chairperson, NCPCR and Mrs. Saraswathi Rangasamy, Chairperson, TNCPCR. The Hon'ble Minister highlighted the Cradle Scheme for young/underage mothers and success of the welfare scheme for surrendered babies who are provided with alternative care and adoption. The Chairperson, TNCPCR urged the CWCs to work in unison with each other at the district level and seek the help of the SCPCRs for guidance and support to overcome the challenges and issues. The Chairperson, NCPCR gave an overview of child rights and pronounced that there is a need to streamline the functioning of child care institutions. She stressed on the independent functioning of the CWCs, SCPCRs and NCPCR but there is a need to put efforts together to ensure that work done for child rights has better quality and understanding as all three institutions share two focal, yet common objectives – promotion of child rights and protection of child rights".



## Issues and Challenges

The following major issues were highlighted by the participants in the deliberation:

- (i) Status of the Committees: The Child Welfare Committees are a bench of magistrates having the final authority under Section 31 of the JJ Act, 2000 to dispose of cases of the care, protection, treatment, development and rehabilitation of the children in need of care and protection as well as to provide for their basic needs and protection of their rights. However, the orders passed by the Committees are not considered seriously and complied by the different responsible agencies. Therefore there is need to revamp the status of the Committees and strengthen their powers and functions.
- (ii) In absence of permanent office structure and secretariat, the Committees face difficulties in carrying out their functions. The Committees hold their seating thrice in a week and for half day. This is not sufficient time to take up all matters coming before the Committee and take appropriate decisions. In order to ensure the best interest of the child, the Committees need to give sufficient time to study case files, examination of care plans and medical reports etc. and clear pending cases on time to avoid pendency. However, due to lack of time, the Committees have to take quick decisions and sometimes these important procedures get ignored.
- (iii) Financial grants to the Committees: Taking into account the role of the Committee which requires timely decisions and urgent actions, a fix amount should be allocated to the Committees annually to strengthen their decision making process and procedures without financial constraints. The Committees may be asked to submit annual account to the State Government. This would enable the Committee to function more effectively.
- (iv) Some child protection issues are complex and the Committees are not able to address them. For example, there are no clear strategies and mechanism to support, rescues and rehabilitation of children in begging, children of single parents, working parents. When such cases come before the Committees, they face multiple challenges in making decision and ensuring best interest of the child.
- (v) Training and orientation: The content and approach of the training provided to the Committee needs include functional aspects e.g. powers and functions of the Committees etc. along with orientation on child rights.
- (vi) Strengthening network with Committees in the other States: There are difficulties in establishing functional linkage among the Committees.





The State/UT-wise issues, challenges and implementation gaps in the functioning of the CWCs and suggestions for improvement of the CWCs were as follows:

State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
Andaman & Nicobar Islands	Connectivity and communication, lack of training, infrastructure and technological facilities.	<ul style="list-style-type: none"> <li>• The geographical isolation of Islands and the bottleneck in communication and transportation in receiving and recording the information on children in distress, abuse, neglect etc.</li> <li>• The tribal culture, tradition, rites &amp; rituals and less interaction with outsiders by the tribal community.</li> <li>• The migrant and floating population from the mainland and their sudden shifting to mainland.</li> <li>• The fear of social isolation in making complaints or transmitting the information by the parents about abuse of their children.</li> <li>• Non-availability of sufficient trainers for imparting training to the staff of Child Care Institution under the private sector at regular intervals.</li> <li>• Inadequate NGOs and their expertise in child care practices.</li> <li>• The poor communication and internet facilities for</li> </ul>	<ul style="list-style-type: none"> <li>• Capacity building of CWC members on legal issues</li> <li>• JJ Board shall direct the District Legal Service Authority to provide the service of lawyer from their panel of advocates to those who cannot afford to engage a lawyer to deal with their cases.</li> </ul>

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State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
		<ul style="list-style-type: none"> <li>conducting smooth child tracking.</li> <li>• Lack of trained special educators for the children with special needs.</li> </ul>	
<b>Andhra Pradesh &amp; Telengana</b>	<p>Shortage of staff, lack of periodical training, poor connectivity and transportation facilities, poor infrastructure and technological facilities, lack of knowledge regarding the JJ Act , other related Acts and legal provisions, lack of awareness regarding procedures and protocols, lack of co-operation and co-ordination among the various agencies of the criminal justice system and other child care agencies and excessive protocols and hierarchical system</p>	<ul style="list-style-type: none"> <li>• CWCs in many districts are without permanent place for sitting and safe place for keeping of records, proceedings and discussions.</li> <li>• For nearly 80% CWCs have no data entry operator and 20% having are working under the control of Project Director, District Women &amp; Child Development.</li> <li>• Vacant CWC positions are not duly filled, hindering effective functioning of CWCs.</li> <li>• There is no State JJ Rules for AP.</li> <li>• CWCs are not able to effectively provide facilities like temporary shelter for rehabilitation and re-integration of children due to lack of knowledge on the parts of all line departments of State and district on the existence of CWCs and functioning of the JJ System.</li> <li>• Delay in granting Fit Institutions status to organizations.</li> <li>• No facilities of transport and travel for members</li> </ul>	<ul style="list-style-type: none"> <li>• CWCs must work as an autonomous body and their function is not influenced by any specific department.</li> <li>• Police should provide escort services for repatriating children across the country.</li> <li>• Judiciary shall take cognizance of some of the directions issued by the CWCs on certain matters.</li> <li>• High Court Judge(s) to be a part of the quarterly review meetings.</li> <li>• CWCs should be allowed to appeal any violations against the issued directions of the CWC to a state level committee/ bench of the High Court.</li> <li>• A special wing in the State Judiciary Academy is established to conduct periodical refresher training for the members of the CWCs &amp; JJ Boards to strengthen the JJ System in AP &amp; Telangana.</li> <li>• The public prosecutors shall work closely with the CWCs whenever their support is required.</li> <li>• CWCs across the country</li> </ul>

State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
		<p>of CWCs in order to reach out to the children far away in emergencies across the district.</p> <ul style="list-style-type: none"> <li>• SPs and CPs have been designated as unit Officers for the Special Juvenile Police Units and ASIs/HCs as Child Welfare Officers (CWOs) in all police stations (as per letter no. 786/WPC/CID/2006 dated 23/11/06, issued by ADG of Police-CID), but many places these are not functioning effectively.</li> <li>• Police do not inform the CWCs about the FIRs of missing children, abused children, 'found' children, POCSO cases.</li> <li>• Many occasions police don't produce child victims (18 years and below) before the CWCs and FIR is not done on the orders of CWCs.</li> <li>• No department takes into consideration the directions issued by the CWCs.</li> <li>• Delay in granting licenses to NGOs major problem for CWCs in identifying suitable organizations, for immediate shelter</li> <li>• Project Directors of WCD are not cooperating the CWCs in granting immediate</li> </ul>	<p>must interact with each other and extend all support and cooperation in inter-state repatriation cases. The Ministry of Women and Child Development should bring about this co-ordination.</p> <ul style="list-style-type: none"> <li>• Qualified and experienced people should be appointed as members of the CWCs and provided induction and in service training.</li> <li>• A quarterly review is to be convened under the aegis of District Judge with CWC &amp; JJBs and a State level review also need to be conducted under the aegis of any of the High Court Judges.</li> <li>• There shall be a state level committee/bench at High Court to appeal violation against CWC orders.</li> </ul>

State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
		<p>relief and rehabilitation support for children rescued from trafficking and victims of sexual abuse/rape etc.</p> <ul style="list-style-type: none"> <li>• The victims of the child marriage cases are produced by DCPUs before Project Director, WCD for endorsement, leading to delay in disposal of cases by CWCs.</li> <li>• District Child Protection Societies and the State Child Protection Society are not operational.</li> <li>• Social workers are not attached to Special Juvenile Police Units.</li> <li>• Non-disclosure of information on availability of funds for awareness programmes, institutional support, Sponsorship and Foster Care.</li> <li>• The DCPU staff are not trained and not competent.</li> <li>• No district-wise information is provided to the CWCs regularly on adoption details including adoptive parents and no guidelines on Foster Care.</li> <li>• Officials of district administration are not trained on the JJ Act, resulting to negligence over the CWC</li> </ul>	

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State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
		<p>instructions.</p> <ul style="list-style-type: none"> <li>• Shortage of homes in the districts for children with special needs; children who have been victims of violence and abuse; minor girl children who are rescued from child marriage, etc.</li> <li>• Total or near total absence of resources – financial and human – for repatriation of children, resulting longer or indefinite stay in Homes.</li> <li>• Lack of cooperation from the CWCs of other states.</li> <li>• No specific guidelines to deal with restoration of children rescued from child beggary.</li> </ul>	
<b>Karnataka</b>	<p>Large no. of cases, overcrowded homes, un-hygienic living conditions, lack of educational facility, lack rehabilitation programmes/vocational training, lack of programs for child beggars, no follow up on child marriage cases, large no. of child labours, illegal adoption, large case of elopement by</p>	<ul style="list-style-type: none"> <li>• Difficulty in handling excessive number of cases especially with the limited staff structure.</li> <li>• Lack of clarity in definition of age of child as it differs in different laws (a child of 14+ is no more a child under the labour law).</li> <li>• Difficulty in filing cases in child labour, child marriage cases</li> <li>• Children of varied languages are produced – no translators to help to break the language barrier</li> <li>• Dealing with children rescued from child</li> </ul>	<ul style="list-style-type: none"> <li>• There must be proportionate staff considering the number of cases dealt by the CWCs.</li> <li>• There shall be direction that all CWC members follow the provisions of the JJ Act.</li> <li>• Provision of regular periodic training for members of CWCs on different issues and operations.</li> <li>• Need for a full-time Probation Officer who can guide and assist the CWC members, also is not transferred frequently.</li> </ul>

State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
	<p>young children, no co-ordination among stakeholders, no induction training, inadequate trained and skilled staff, lack of infrastructure facilities, delay in implementing the orders of the CWCs, lack of adaptability and mindset, lack of awareness among the public and stakeholders on the powers and functions of the CWC, lack of transparency in the budget allocation and expenditure of the CWC funds, lack of periodical follow up of the CWC sessions to assess the cases, etc.</p>	<p>beggary who return to the streets is a challenge.</p> <ul style="list-style-type: none"> <li>• Repatriation of inter-country is a challenge to deal with.</li> <li>• Unclear adoption laws and procedures.</li> <li>• Challenge to deal with outside influences and threats to dispose of cases.</li> <li>• Difficulty in mobilizing 'escort' for out-of- state transfers.</li> <li>• Lack of resources for handling difficult cases, like doing a SIR or counseling</li> <li>• Difficulty in obtaining reports from Probation Officers from districts about home visits.</li> <li>• Delay in certain departments with regard to the procedures followed in the transfer of children.</li> <li>• Difficulty in the transferring of severe/terminally ill children to Bangalore CWC for treatment.</li> <li>• Interference from other departments hinders the functioning of the CWCs.</li> <li>• No co-ordination between CWCs and others departments.</li> <li>• Delay in restoring and rehabilitating children in need of care and protection.</li> </ul>	<ul style="list-style-type: none"> <li>• Requirement for a stronger relationship with the DCPU for effective monitoring of Homes (Govt. &amp; NGO)</li> <li>• Facilitating with child sensitive infrastructure for smooth functioning of CWC</li> <li>• Facilitate to execute CWC orders in time for effective speedy disposal of cases</li> <li>• Assist in conducting of research related to children</li> <li>• Assist in Sponsorship/Foster care programmes</li> <li>• Building good network with NGOs</li> <li>• Build awareness among general community about child issues and CWCs</li> <li>• Not to privatize the machineries working for children in need of care and protection and avoid outsourcing services to privately run organizations</li> <li>• Need for proper transportation facilities</li> <li>• Need for separate facilities to house minor pregnant girls and other differently abled children</li> <li>• Need to find out the skill of children to send them for more skilled classes and vocational training</li> <li>• Need for full time teachers for yoga in CCIs</li> <li>• Need for co-ordination and sensitization among</li> </ul>

State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
		<ul style="list-style-type: none"> <li>• Inadequate staff and support in the CWCs.</li> <li>• Powers of CWCs are not recognized.</li> <li>• Most CWC members not following JJ laws.</li> <li>• Lack of training of CWC members resulting in poor understanding and knowledge of the legal provisions and procedures to be followed.</li> <li>• Judiciary is not aware of CWCs.</li> <li>• Minor pregnant girls housed in the same homes as other young girl children, posing a problem for the staff to handle.</li> <li>• Most of the children from poor background are found to be the children who are involved in child beggary, child labour, substance abuse etc.</li> </ul>	<p>the various agencies involved in the care and protection of children</p> <ul style="list-style-type: none"> <li>• Need teachers' education on child rights, and</li> <li>• Need for more moral education to children in life values.</li> </ul>
<b>Kerala</b>	<p>Shortage of staff, lack of training, poor infrastructure, insufficient budget/fund allocations, lack of sensitivity/awareness among the public and the bureaucracy, lack of knowledge and awareness of the legal provisions</p>	<ul style="list-style-type: none"> <li>• CWCs have been challenged to go beyond the minimal mandates of the JJ Act.</li> <li>• CWCs are asked to take up serious issues of violence against children where parents and other CJS do not take action</li> <li>• Inadequacy/lack of training and motivation of members of CWCs</li> <li>• Inadequate support from the State Govt.</li> <li>• Orphanages are poorly</li> </ul>	<ul style="list-style-type: none"> <li>• To provide monitoring mechanisms for the orphanages</li> <li>• CWCs need to be considered as a separate department</li> <li>• Capacity building – qualified, trained staff is a requirement</li> <li>• Requirement of Budgetary support</li> <li>• More clarity on roles and functions of different players - child rights commissions and others</li> </ul>

State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
	to deal with victim children, lack of uniformity among CWCs in their functioning and responsibilities.	<ul style="list-style-type: none"> <li>monitored</li> <li>• No mechanism for CWCs to rehabilitate children involved in drug pedaling, drug abuse &amp; substance abuse</li> <li>• CWCs not equipped to deal with trafficked children</li> <li>• The judiciary and police lack knowledge of how to deal with children coming to the CWCs</li> <li>• Too much political involvement.</li> </ul>	<ul style="list-style-type: none"> <li>• CWCs shall confer to the JJ Act with regard to child beggary, adoption and foster care</li> <li>• Children's issues are not taken up by bureaucracy so CWCs have to go beyond the Act</li> <li>• Some CWCs have gone beyond the Act and gone into prevention shall be reflected in every CWC.</li> </ul>
<b>Puducherry &amp; Karaikal</b>	Shortage of staff, lack of training programmes, poor communication among the various agencies, lack of sensitivity/awareness among the public, including the bureaucracy, lack of knowledge and awareness of the legal provisions to deal with victimized children, poor infrastructure facilities, inadequate budgetary allocation.	<ul style="list-style-type: none"> <li>• Public and child care agencies are not sensitized</li> <li>• Under-reporting of child abuse cases</li> <li>• Police not handing over cases to CWCs</li> <li>• Lack of public awareness and misconception that CWCs are treated as NGOs</li> <li>• Disconnect between CWCs and DCPUs hindering proper filing of FIRs etc.</li> <li>• Do not have a center for rehabilitation for trafficked and abused children</li> <li>• Presence of large number of un-licensed homes and CWCs ignorance on the functioning of such homes</li> <li>• CWCs not getting a</li> </ul>	<ul style="list-style-type: none"> <li>• Need for a Special Public Prosecutor to deal with cases related to children in need of care and protection</li> <li>• Need for proper capacity building</li> <li>• Making Trafficked cases non-bailable</li> <li>• Scholarships to to children who undergo educational/ vocational training</li> <li>• Special fund for treatment for abused children</li> <li>• CWCs must be made aware of un-licensed homes</li> <li>• Better co-ordination between CWCs and DCPUs</li> <li>• Information at district level are shared/ uploaded</li> <li>• Ensuring awareness of stakeholders on child</li> </ul>



State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
		<p>copy of the medical report from the Health department results into many difficulties while following up</p> <ul style="list-style-type: none"> <li>• Lacunae in the provisions for a Special Public Prosecutor</li> <li>• CWC members are under threat/ pressure to dispose of cases</li> <li>• Lack of treatment facilities for children involved in substance abuse</li> <li>• No sponsorship/foster care support to deserving children</li> <li>• Difficulty in rehabilitating child beggars</li> <li>• Lack of reception centres/homes</li> <li>• Budget was not allocated to the SCPU and DCPUs to carry out any programmes in Karaikal district for the last 1.5 years</li> </ul>	<p>protection measures</p> <ul style="list-style-type: none"> <li>• Media persons are sensitized on child rights</li> </ul>
<b>Tamil Nadu</b>	<ul style="list-style-type: none"> <li>• Inadequate periodical training</li> <li>• Lack of uniformity in following procedures and protocols</li> <li>• Lack of sensitivity and awareness</li> <li>• Poor rehabilitation facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Distance and travel difficulty to the reception home delay s the process</li> <li>• Other state children are returned directly to their parents and are not handed over to the CWCs</li> <li>• CWCs from other states not working together to restore children</li> <li>• CWC orders are not given importance and as</li> </ul>	<ul style="list-style-type: none"> <li>• Need for capacity building</li> <li>• Need to have inter-state meetings of CWCs as a knowledge sharing platform</li> <li>• Need to sensitize the judiciary and the police</li> <li>• Need to standardize the procedures for adoption and ensure all stakeholders follow the guidelines</li> <li>• Need to have more than</li> </ul>

State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
	<ul style="list-style-type: none"> <li>• Staff shortage</li> <li>• Connectivity problem</li> <li>• Lack of proper reception centers to receive rescued children</li> <li>• Difficult to deal with cases of child labour, bonded labour and child migrant workers</li> <li>• Availability of inadequate Probation officers</li> </ul>	<p>a result children below 6 years are also made to stay in the Children's home instead of the Adoption centres.</p> <ul style="list-style-type: none"> <li>• Fit institution certificates are not issued to Children's homes. As a result mentally challenged children are made to stay with other children causing an inconvenience to the mentally challenged children.</li> <li>• Differently abled children often being housed with other children at the Reception homes.</li> <li>• The Probation officer is overloaded and is often involved in other work. As a result he has very little time to prepare SIRs, delaying the process and children are forced to stay for a longer period at the Reception homes.</li> <li>• Child trafficking and selling of children</li> <li>• Adoption issues</li> <li>• Poor rehabilitation facilities</li> <li>• Challenge to rehabilitate older children</li> <li>• Police not reporting cases of sexually abused children to CWCs</li> <li>• CWCs are not provided with Travel allowances</li> </ul>	<ul style="list-style-type: none"> <li>• one Probation officer for a district, especially like Chennai</li> <li>• Need to develop standard operating procedures (SOPs) and ensure all CWCs adhere to this</li> <li>• CWC members to have proper/more legal training</li> <li>• Need to have a proper mechanism to fall back on to deal with court cases</li> <li>• Need to have proper police escort facilities</li> <li>• Definite requirement to have Government intervention to help CWCs deal with adoption cases (SARA and CARA intervention)</li> <li>• Police personnel should be trained and should be able to take up preventive measures in child protection</li> <li>• Need to have more recognized Children's home and Childline facilities</li> <li>• CWC members must be given protection during transportation of children</li> <li>• CWC members should be given recognition for the work they do</li> </ul>

State/ UT	Issues	Challenges & Implementation Gaps	Suggestions for Improvement
		<p>while transporting children out-of-state or even within the district/state</p> <ul style="list-style-type: none"> <li>• CWCs do not have the proper knowledge to deal with the legal aspects related to child laws</li> <li>• Children in need of care and protection are taken to the JJ Board instead of being brought to the CWCs</li> <li>• Adoption agencies do not follow the procedures outlined in the JJ Act</li> <li>• Lack of Childline facility</li> <li>• Shortage of staff leads to overload of cases – disposal takes longer</li> </ul>	

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## Recommendations

Some salient features and points highlighted by the panelists were:

The CWCs need to be diligent at work and take help if needed from a diversity of people, namely, the District Judge, academicians and Psychologists etc. it was pointed out that children in need of care and protection, if not properly dealt with, can turn out to be children in conflict with the law. The Juvenile Justice Act is a law which is constantly evolving, and changing procedures and laws are difficult to keep pace with. It was stressed the need for CWCs to familiarize themselves with the provisions of the JJ Act as this would help them to deal with children in the right manner.

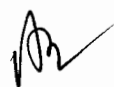
The CWC along with other stakeholders, such as DCPUs, Social welfare officers, departments of Labour, Health and Childline, are responsible for addressing the matter relating to the children in need of care and protection. The socio-economic issues like child marriage, child labour and trafficking can be addressed only if awareness is created. There are children who have someone to take care of them needs to be differentiated with the children in need of care and protection. All CWCs must improve efficiency by coordinating and working closely with the various child protection institutions. There is need for all states to develop standard operating procedure (SOPs) for the better functioning of the CWCs in protecting child rights and preventing violations against children.

States must ensure the following in order to improve the efficiency and efficacy in dispensing their daily duties by CWCs in the protection of child rights:

- i) Selection to the CWC Board should not be influenced. Importance should be given to the selection procedure and application/vacancies must be popularized.
- ii) Guidelines should be mentioned in the application, specifically mentioning that members will have to work 365 days and not just 2-3 sittings per week.
- iii) The roles and responsibilities should also be mentioned in the application form.
- iv) Additionally, those in office who appoint members to the CWC must send circulars to all concerned regarding new appointments.
- v) Need to develop a curriculum on the JJ Act and ensure all members of the CWCs have refresher training, skill development training, workshops etc. periodically.
- vi) Need to have judicial magistrates solely designated for CWCs.
- vii) Need for metropolitan cities to have more than one CWC. As one Probation officer can handle around 30 children – there is a need to re-look at the ratio of Probation officer to children/district.
- viii) Need for infrastructure to be developed – technology to be improved – scanner, webcam, telephone with STD, Internet, computer, printer to be provided in all CWCs.
- ix) Need for CWC case files to be ‘made worthy’ to be taken to court – therefore there is an urgent requirement for clerical staff that includes a stenographer to be able to record statements verbatim from children.

  
(A K Nanda)

- xi) Need for age certification – cases with reference to children aged 16-18 – dental records and other referral materials are required.
- xii) Need for all CWC members to be provided with a copy of the JJ Act – as disputes can be resolved and/or avoided if the JJ Act is followed and adhered to.
- xiii) Need for CWCs to be equipped to handle children with multi-disabilities.
- xiv) Mentally challenged children should be segregated from other children for their special care and protection. Children of substance abuse should be given special care and protection.
- xv) Need for CWCs to overcome language barriers by bringing in volunteers to help translate for children with different backgrounds (speaking different regional languages).
- xvi) Need for CWCs to be encouraged and strengthened to have interactive sessions with the Judiciary.
- xvii) Need for CWCs to be given powers to empanel lawyers/legal experts.
- xviii) Need for the development and roll-out of standard operating procedures (SOPs) by all states/UTs.
- xix) Need for voluntary escorts to help in the escorting of children.
- xx) Need for the police to be made aware of CWCs and their roles in dealing with children.
- xxi) Need for CWCs to get a copy of the FIR before going to court.
- xxii) Need for doctors to be sensitized towards children in need of care and protection. CWCs should ensure that doctors do not refuse to attend to sexually abused children. Doctors should have kits and be trained to deal with children who are sexually abused.
- xxiii) Need for Special Juvenile Police Units to be appointed and not nominated.
- xxiv) Need for child care institutions to be managed properly, maintaining hygienic and sanitary conditions.
- xxv) Finally, she underlined the need for all CWCs to avoid favoritism and ensure all cases and issues are reported in the proper manner as prescribed in the JJ Act.
- xxvi) All CWC shall be encouraged to follow procedures and protocol enshrined in the JJ Act. The issue of illegal adoption shall be brought to the knowledge of SARA as there were some agencies that did not follow the right adoption procedures.
- xxvii) All CWCs shall work in tandem with other child care institutions and other CWCs at the district level.
- xxviii) CWCs must send their suggestions and complaints to the SCPCR and maintain good relationship.
- xxix) Emphasis shall be on the periodical re-convergence of meetings of CWCs with other stakeholders at the regional level.
- xxx) The 'Child' needs to be linked to all sectors and departments to address all issues and needs of the child.
- xxxi) Inter-state restoration of children shall be given to Childline in restoring children to their respective state etc.
- xxxii) The District Child Protection Units (DCPUs) to make a list of translators that would help CWCs break the language barriers with children from out-of-state.




(A K Nanda)

- xxxiii) The need for capacity building for health and medical staff dealing with children and training of health personnel.
- xxxiv) The NCPCR must develop and maintain a directory of all CWCs across the country at the national level and keep it regularly updated. The NCPCR and SCPCRs to have an 'able' counsellor for schools and ensure teachers and children are educated about child rights.

## **Conclusion**

One very compelling point emanated in the Conventions of CWCs was the lack of co-ordination among CWCs across districts/states. CWCs need to build a good rapport with each other and take their complaints and suggestions to the SCPCRs to facilitate their better functioning. It was recommended that all CWC members to familiarize themselves and get trained in the legal provisions and procedures to deal with children in need of care and protection. And finally, all CWCs to be devoted to the task and dutifully carry out their responsibilities.

  
( A K Nanda )