



Union Territory of Jammu and Kashmir  
Social Welfare Department  
Civil Secretariat, J&K

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**Final Reminder**

OM.No.: SW/ICPS/75/2022-02

Dated: - 29 -08-2022.

Subject:- "Order and direction of the Hon'ble Supreme Court dated 21.02.2022 in SMW No.6/2021 In Re Children in street Situations regarding implementation of the Policy for rehabilitation of Children in Street Situation".

The undersigned is directed to invite the kind attention of Financial Commissioner, (Additional Chief Secretary)/Principal Secretary/Commissioner/Secretary to the Government \_\_\_\_\_ Department, to this Department's letters of even numbers dated 03.03.2022, 11.03.2022 and 23.05.2022 (copies enclosed) regarding the captioned subject, wherein the D.O. Dated 25.02.2022 issued by National Commission for Protection of Child Rights Government of India (NCPCR) along with the document regarding suggestions for formulation of Rehabilitation policy for Children in Street Situation (CiSS) was forwarded to your Department for comments, keeping in view the directions passed by the Hon'ble Supreme Court in above titled case and to inform that the requisite report as called for in the matter is still awaited.

**Pertinent to mention that the matter is of urgent importance with Hon'ble Supreme Court and National Commission for Child Rights regularly monitoring the matter.** The Department had prepared a draft policy (copy enclosed) based on the inputs provided by the NCPCR which is also enclosed. The same stands duly vetted by the Law Department who have advised this Department to seek comments of all stakeholders.

In this regard, I am again directed to request you to kindly furnish the requisite comments to this Department **within 5 days positively** in the absence of which it shall be presumed that your Department has nothing to convey in this regard and the matter shall be processed further to comply with the directions dated: 21.02.2022 passed by Hon'ble Supreme Court.

**Matter may kindly be treated as "Most Urgent".**

  
Mahoj Kumar, JKAS 29.08.2022

Under Secretary to the Government,  
Social Welfare Department.

Financial Commissioner (Additional Chief Secretary)/  
Principal Secretary/Commissioner/Secretary to the Government,

1. Home Department.
2. Housing & Urban Department
3. School Education Department.
4. Labour & Employment Department.
5. Revenue Department.
6. Health & Medical Education Department.

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Union Territory of Jammu and Kashmir  
Social Welfare Department  
Civil Secretariat, J&K

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OM.No:- SWD-ICPS/75/2021-02

Dated:- 03-03-2022

Subject: - "Order and directions of the Hon'ble Supreme Court dated: 1 21.02.2022 in SMWO© No. 6/2021 In Re Children in Street Situations regarding implementation of the policy for rehabilitation of children in street situations"

The undersigned is directed to forward herewith a copy of communication dated 25.02.2022 along with its enclosures received from National Commission for Protection of Child Rights to Financial Commissioner (Additional Chief Secretary)/Principal Secretary/Commissioner/Secretary to the Government, \_\_\_\_\_ Department, regarding the subject cited above and request him to kindly furnish their comments/views on in the matter to this department within week time positively.

Matter may kindly be treated as "Most urgent".

encl. 30 leaves.

*Manoj Kumar*  
03.03.2022

(Manoj Kumar) JKAS

Under Secretary to the Government  
Social Welfare Department

Financial Commissioner (Additional Chief Secretary)/  
Principal Secretary/Commissioner/Secretary to the Government,

- Department
- 1) Health & Medical Education
  - 2) Home
  - 3) Revenue
  - 4) Housing & Urban
  - 5) School Education
  - 6) Labour & Employment

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Email: socialwelfare.adm@gmail.com



Union Territory of Jammu and Kashmir  
**Social Welfare Department,**  
Civil Secretariat, J&K.

Mission Director,  
ICPS, J&K.

**Reminder-I**

No:-SWD/ICPS/75//2021-02

Dated: - 11.03.2022

Subject:- "Order and direction of the Hon'ble Supreme Court dated 21.02.2022 in SMW No.6/2021 In Re Children in street Situations regarding implementation of the Policy for rehabilitation of Children in Street Situation".

Madam,

I am directed to invite your attention to this department's letter of even number dated 03.03.2022 (copy enclosed) regarding the subject cited above, and to say that the requisite information in the matter is still awaited, which may kindly be furnished to this department at the earliest.

Matter may kindly be treated as "**Most urgent.**"

Yours faithfully,

**(Manoj Kumar)JKAS**  
Under Secretary to Government  
Social Welfare Department.

WLA  
11/3/2022



Ph.No. 0191-2579126/2542759  
0194-2506067/2506279

Email: socialwelfare.adm@gmail.com



Union Territory of Jammu and Kashmir  
**Social Welfare Department,**  
Civil Secretariat, J&K.

**Reminder**

OM.No.SW/ICPS/75/2021-02

Dated: - 11.03.2022.

Subject:- "Order and direction of the Hon'ble Supreme Court dated 21.02.2022 in SMW No.6/2021 In Re Children in street Situations regarding implementation of the Policy for rehabilitation of Children in Street Situation".

The undersigned is directed to invite the kind attention of Financial Commissioner, (Additional Chief Secretary/Principal Secretary/Commissioner/Secretary to the Government----- Department, to this departments letter of even number dated 03.03.2022 (copy enclosed) regarding the captioned subject, and request him that the requisite report as called for in the matter is still awaited, which may kindly be furnished at an earliest.

Matter may kindly be treated as "**Most Urgent**".

(Manoj Kumar)JKAS

Under Secretary to the Government,  
Social Welfare Department.

Financial Commissioner (Additional Chief Secretary)/  
Principal Secretary/Commissioner/Secretary to the Government,

1. Health & Medical Education
2. Home.
3. Revenue.
4. Housing & Urban
5. School Education.
6. Labour&Employment.

Ag

11/3/22

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**Union Territory of Jammu and Kashmir  
Social Welfare Department,  
Civil Secretariat, J&K.**

**Reminder-III**

OM.No.SW/ICPS/75/2022-02

Dated: - 23 -05-2022.

**Subject:-** “Order and direction of the Hon’ble Supreme Court dated 21.02.2022 in SMW No.6/2021 In Re Children in street Situations regarding implementation of the Policy for rehabilitation of Children in Street Situation”.

The undersigned is directed to invite the kind attention of Financial Commissioner, (Additional Chief Secretary/Principal Secretary/Commissioner/Secretary to the Government----- Department, to this departments letter of even number dated 03.03.2022 and reminder thereof dated 11.03.2022 (copies enclosed) regarding the captioned subject, and request him that the requisite report as called for in the matter is still awaited, which may kindly be furnished at an earliest.

Matter may kindly be treated as “**Most Urgent**”.

  
(Manoj Kumar)JKAS 23.05.2022

Under Secretary to the Government,  
Social Welfare Department.

Financial Commissioner (Additional Chief Secretary)/  
Principal Secretary/Commissioner/Secretary to the Government,

1. Health & Medical Education
2. Home.
3. Revenue.
4. Housing & Urban
5. School Education.
6. Labour & Employment.

## **DRAFT REHABILITATION POLICY FOR CHILDREN IN STREET SITUATIONS FOR UT OF JAMMU & KASHMIR**

### **A. BACKGROUND**

The National Commission for Protection of Child Rights (NCPCR) in consultation with Save the Children, NGO had developed a SOP for rescue and rehabilitation of street children (CiSS) which is being followed in J&K as well.

The Hon'ble Supreme Court while taking *suo-moto* cognizance in SMWP (C) No.6/2021 with regard to Children in Street Situations on 15.11.2021 has inter alia passed a in its orders dated 15.11.2021, 13.12.2021 and 17.01.2022 that the State Governments, with the guidance of NCPCR, shall formulate policy for the rehabilitation of CiSS after they have been identified.

In compliance of the aforementioned directions of the Hon'ble Supreme Court, NCPCR vide D.O. Dated 16.02.2022 shared a draft policy for rehabilitation of children in street situations for adaptation and implementation by States/UTs governments according to their prevailing situations with regard to resources, financial grants, infrastructure etc.

In UT of J&K, the MD, ICPS has already initiated action for identifying children in street situations and has so far uploaded the requisite details of 685 children on the Bal Swaraj – CiSS portal of the NCPCR.

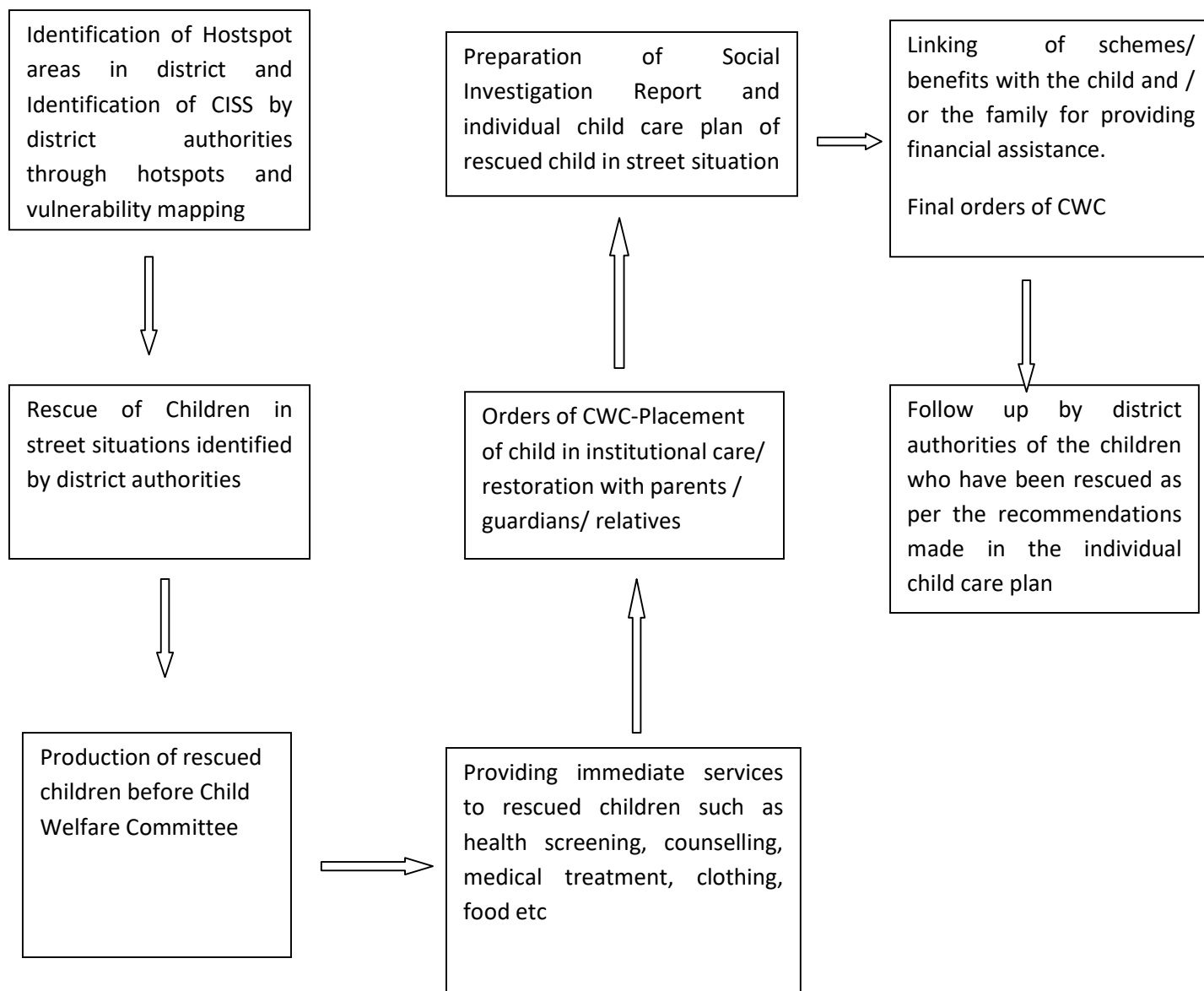
The draft policy framed by NCPCR was circulated amongst stakeholder Departments viz Health, School education, H&UDD, RDD, Home, Labour and employment for their comments. Thereafter the Social Welfare Department has incorporated some minor changes relevant to UT of J&K in the said draft and accordingly a draft policy for rehabilitation of Child in Street situation in Jammu & Kashmir has been prepared.

### **B. OBJECTIVES OF THIS POLICY**

- 1) Effective implementation of SOP 2.0 for care and protection of Children in Street Situations.
- 2) To take steps for identification and suitable rehabilitation of children in street situations.

- 3) To provide for roles and responsibilities of the nodal officer at both UT level and District Level for rehabilitation of children in street situations.
- 4) To recommend measures for rehabilitation of children in street situations in accordance to their prevailing situation and provide for a plan for reporting and monitoring of children in street situations.

**Flow Chart for identification and rehabilitation of children in street situations**



### **C. WHO ARE THE CHILDREN IN STREET SITUATIONS?**

1. **Children without support living on the streets all alone** - These are children without any parental anchor or family support system living on the streets, pavements or any public places on their own. For them, street is the home. Example are missing , runaway, abandoned and orphan children.
2. **Children stay on the streets in the day and are back home in the night with their families who reside in a nearby slum/hutments:** These are children who spend their time on street, loitering in the day time. However, they go home during the night to be with their parents who live in a nearby slum or hutment. These children may be found simply loitering, begging, picking rags or selling goods/items. This set of children lacks parental guidance, as their parents too are struggling for their own survival.
3. **Children living on the streets with their families.** These are children living with their families on the streets. They are from different parts of the country and have migrated to the city to earn their subsistence. They mostly work in the unorganized sector, like temporary labour in construction. These families include seasonal as well as permanent migrants. Children of these families also live on the street with them, mostly loitering, begging, picking rags or doing child labour with their parents, selling goods/items, etc.

*Some examples of CNCP who come under the above-mentioned three broad categories of CiSSare as follows:*

1. **Abandoned child living on the streets:** A child deserted by his biological or adoptive parents or guardians and now living on the streets.
2. **Abandoned child with disability living on the streets:** A large number of children are abandoned by parents due to physical, neurological or mental disability of the child. Many such children are often found in street situations who are mentally challenged or physically challenged/disabled which exacerbates their vulnerabilities much more than other CiSS.
3. **Orphan child living on the streets:** A child without biological or adoptive parents or legal guardian, or whose legal guardian is not willing to take, or



capable of taking, care of the child, now living on the streets.

4. **Child labour:** Children who are working in contravention of labour laws in the country. It is the system of employing or engaging a child to provide labour or service to any person, for any payment or benefit, paid to the child or to any other person exercising control over the said child. There are children also in street situations who are engaged s child labour.
5. **Working children:** Children who polish shoes for income; work in eateries, tea stalls, roadside stalls, repair shops, construction sites, markets, etc.; and vendors (selling flowers, newspapers, fruits and other items on the roads/at traffic signals). They depend on these types of work for their survival on a daily basis.
6. **Child beggars:** Child beggars are those children who are soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretense, or exposing or exhibiting with the object to obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal.
7. **Rag pickers:** Children who pick waste on the roadside or in the premises of railway station, bus terminus or any public places.
8. Children living and working on the platforms of railway stations.
9. Children living and working with families on streets/pavements/bus stands/railway stations/under flyovers, etc.
10. Children living with families in slums/hutments and working on streets; living with families at construction sites.
11. Children of commercial sex workers/children living in red light areas loitering on the streets, if any.
12. Children loitering on the Hill stations/Tourists hotspots/Religious places/ Holy cities etc. (with or without families).
13. Children in sibling care: the CiSS who themselves are CNCP, take care of their siblings who live on streets.

14. Children who are substance abusers living on the streets.
15. Children performing on the streets.
16. Children cleaning automobile wind screen, etc.

**D. STEPS TO BE TAKEN BY AUTHORITIES FOR REHABILITATION OF CHILDREN IN STREET SITUATIONS**

**1. Identification, Rescue and Rehabilitation of Children in street situations**

The District Magistrate along with the key officers of the line departments and other stakeholders/public representatives shall be responsible for the identification, rescue and rehabilitation of CiSS. The District magistrate shall hold the meeting with all stakeholders at least once a month. The following shall be the key stake holders:-

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| <b>District Magistrate</b>   |
| District Superintendent of Police  |
| Traffic Police Incharge  |
| <b>Special Juvenile Police Unit</b>  |
| Chief Executive Officer, Urban Local Body                                  |
| Assistant Commissioner Development (ACD)                                   |
| Assistant Commissioner Panchyat (ACP)                                      |
| District Child Protection Unit/Officer/Child line                          |
| Chief Education Officer  |
| <b>Anti Human Trafficking Unit, JKP</b>                                    |
| Child Welfare Committee  |
| SDM Concerned  |
| Chief Medical Officer  |
| Assistant Labour Commissioner  |
| District Legal Services Authority  |
| Counselors, psychologists, support staff like Para-medics, home guards etc |

## 2. Monitoring of status of children in street situations on a regular basis:

The Administrative Secretary, Social Welfare Department shall monitor the status of CiSS on quarterly basis. Some of the indicators of monitoring are as under:

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| <b>Administrative Secretary,<br/><br/>Department of Social Welfare</b> | <ul style="list-style-type: none"> <li>Take review meeting with District Magistrates on a regular basis to check status of rehabilitation of CISS</li> </ul>  |
|  | <ul style="list-style-type: none"> <li>Present monthly reports on the status of identification and rehabilitation of CISS to Ministry of Women and Child Development.</li> </ul>  |
|  | <ul style="list-style-type: none"> <li>Develop mechanism for empowering DMs to provide Rs.2000/- on an immediate basis to every CISS rescued from the street. The amount may be disbursed from the Juvenile Justice Fund created under JJ Act, 2015.</li> </ul> |
|  | <ul style="list-style-type: none"> <li>Ensure and facilitate enrolment of children in street situations in Aanganwadi Centres, Crèches and Neighbourhood schools. This may be done in collaboration with Department of Education.</li> </ul>                    |
|  | <ul style="list-style-type: none"> <li>Formulate a scheme for children in street situations where monetary assistance/benefit can be given to the child for strengthening the family and keep them away from the streets.</li> </ul>                            |
|  | <ul style="list-style-type: none"> <li>Formulate a private sponsorship program through CSR initiatives under <b>section 45 of JJ Act, 2015</b>.</li> </ul>  |

## 3. Review of status of rehabilitation of Children in Street Situations

A review committee with the following composition shall take a review of rehabilitation of CiSS once in six months:-

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| <b>Chief Secretary - Chairperson</b>                |
| Administrative Secretary Social Welfare Department, |
| Administrative Secretary, Health Department         |
| Administrative Secretary, Labour & Employment       |

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| Administrative Secretary, Housing & Urban Development<br>Department          |
| Administrative Secretary, Rural Development Department and<br>Panchayati Raj |
| Director General of Police   |
| ADG(Traffic)   |
| ADG/IG(Child Welfare)  |
| ADG/IG(Law & Order)  |

**4. ROLES AND RESPONSIBILITIES AND INDICATIVE STEPS WHICH SHALL BE TAKEN BY THE VARIOUS DEPARTMENTS/ AUTHORITIES FOR REHABILITATION OF CiSS ARE AS UNDER:**



| S.No | Concerned Authority   | Steps to be taken   |
|------|---|---|
| 1    | <b>J&amp; K Child Protection Society</b>                                    | <ul style="list-style-type: none"> <li>• Implementation of private sponsorship programme of the State Government. To ensure that maximum benefit can be given to children in street situations through CSR initiatives of industries and companies under the sponsorship programme. The private sponsorship programme may also be implemented for individual to individual sponsors who are willing to provide financial assistance to the child.</li> <li>• Conduct training programmes of district level officers and UT level officers for identification, rescue and rehabilitation of children in street situations. The training programme may include district magistrates, child welfare committee, district child protection officers, police personnel, labour officers etc.</li> <li>• Capacity building workshops for district officials to enable them to conduct rescue drives periodically.</li> </ul>   |
| 2    | <b>Administrative Secretary,<br/>Department of Social Welfare of the UT</b> | <p>The Administrative Secretary, Department of Social Welfare shall be the nodal officer to ensure that all the District Magistrates/District Collectors take prompt action for implementation of SOP 2.0 formulated by the NCPCR.</p> <p><b>The Social Welfare Department may empower the District Magistrates to provide immediate relief of Rs.2000/- to the identified children in street situations at the time of rescue from the Juvenile Justice Fund created under the Juvenile Justice Act, 2015. This may be done through a procedure prescribed by the Department.</b></p> <p>The Social Welfare Department shall monitor and supervise the activities and steps being undertaken at the district level for rescue and rehabilitation of CiSS.</p> <p>The Social Welfare Department shall call for reports of children identified, rescued and rehabilitated from the District Magistrates on a monthly basis.</p> <ul style="list-style-type: none"> <li>• The Social Welfare Department shall formulate a procedure to be implemented by the district authorities for providing all monetary benefits and compensations due to</li> </ul> |

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|   |   | <p>the child and the family in a time bound manner.</p> <ul style="list-style-type: none"> <li>• Formulate a private sponsorship program through CSR initiatives and for individual to individual sponsorship under <b>Section 45 of JJ Act, 2015.</b></li> <li>• Follow-up of children linked under private sponsorship program may be done through by ensuring that they are enrolled in schools and are regularly attending the school. <b>This follow-up can be done by seeking data collected by District Education officers under Rule 2B (2) of Child Labour Rules.</b></li> </ul>   |
| 3 | <b>District Magistrates/<br/>Deputy<br/>Commissioners</b> | <ul style="list-style-type: none"> <li>• Identification of hotpots [<i>refer Annexure-D of SOP 2.0 of NCPCR</i>)</li> <li>• Vulnerability mapping of children living in slums nearby to the hotspots [<i>vulnerability mapping indicators as Annexure-A</i>]</li> <li>• Assessment of any/all such “Children and Vulnerable Families at Risk” of getting into CiSS in such villages and urban habitations.</li> <li>• Routine discussions of concerned stakeholders is required to be held at District, Block and Village Levels.</li> <li>• The DMs shall review the process of identification and rescue of CiSS in Time Limit meetings on a regular basis and other such important meetings held at the Child Rights Commissioner’s level (as and when constituted ).</li> <li>• A report on the review done by the DMs on a regular basis in the Time Limit meetings or any other meetings regarding children in street situations shall be submitted to the Administrative Secretary, Department of Social Welfare.</li> <li>• Prepare duty chart of officials of Deputy Commissioner, Senior Superintendent of Police, Block Development Officer (BDO), CDPO, DCPO, DSWO, CEO, CWC, JJB, SJPU, AHTU, CMO, RTO/ARTO, District</li> </ul> |

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|  |  | <p>Employment Officer) regarding their individual roles and responsibilities for identification and rehabilitation of CiSS.</p> <ul style="list-style-type: none"> <li>• The identification and rescue of CiSS is a time bound process which needs to be carried out on regular basis by the officials.</li> <li>• The Deputy Commissioner/District Magistrate may issue directions for creating a pool of trained counsellors in the district and have formal engagement of such counsellors in the district who can provide necessary counselling and mental health care and support for CiSS and their vulnerable families.</li> <li>• The DM shall effectively implement the Ministry of Health &amp; Family Welfare's circular no.X.I 1029/6/2010-DDAP to devise ways and means to regulate and control the sale of correction fluid and thinner, which are substances generally used in offices, but reportedly being widely misused by children/street children as intoxicating substance /drug inhaling them to get stimulating effects like drugs.</li> <li>• In case there is no facility of an open shelter, as per provision provided under <b>Section 51 of the JJ Act, 2015</b>, the DM shall ensure that CWC recognizes a facility being run by a Government organization, or a voluntary or Non-Government Organization or a school building as a fit facility for the time being to run an open shelter for such children till the facility of a permanent open shelter starts. This open shelter shall function according to the provisions provided under <b>Section 43 of the JJ Act, 2015</b>. The NGOs/CBOs working in the region that have experience of working with children can provide food, education, skill building, recreation facility, playing and games to improve the quality of services to these children. The children living in the fit facility can be linked with mid day meal kitchen for making provisions of food requirement of children. [Refer page 14 of SOP 2.0 of NCPCR]</li> <li>• To identify such individual or corporate/industries who are willing to provide financial assistance to the child and get them enrolled in a private sponsorship programme of</li> </ul> |
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|   |                                | <p>the State under <b>Section 45 of JJ Act, 2015</b></p> <p><b>POST IDENTIFICATION AND RESCUE</b></p> <ul style="list-style-type: none"> <li>• The District Magistrates shall facilitate services of medical officer of the district and para-medics for health screening of children that have been rescued.</li> <li>• The District Magistrates shall facilitate services of counsellors to the children being produced before CWC post rescue.</li> <li>• The children who are being kept in temporary shelters like open shelter/fit facilities shall be enrolled in neighbourhood schools and transportation facilities from the shelter to school shall be facilitated by the District Magistrates.</li> <li>• <b>The DM may pass orders for providing financial assistance of Rs.2000/- as interim relief to the CiSS at the time of rescue. This amount of Rs.2000/- may be disbursed to the child through the Juvenile Justice Fund.</b></li> <li>• The District Task Force shall ensure that children are attending school regularly as per <b><i>Rule 2B (2) of Child &amp; Adolescent Labour Rules, 2017</i></b></li> <li>• Sponsorship</li> </ul> |
| 4 | <b>Child Welfare Committee</b> | <p>Procedure as prescribed under <b>Section 36 and 37 of the JJ Act, 2015</b> shall be followed by the committee after a child in street situation is produced before it.</p> <p><b>1. For children living on the streets alone</b></p> <ul style="list-style-type: none"> <li>• The Committee to conduct inquiry as per <b>Section 36 of JJ Act, 2015</b>. On being satisfied through the inquiry that the child before the Committee is a CNCP, may, direct for preparation of social investigation report (SIR).</li> <li>• The Committee may place the child in institutional care or exercise its discretion <b>for the restoration of the child to guardian under Section 37(1 and I[b]), Section 39(1) and Section 40(3), Section 37 (I.h) of the JJ Act, 2015.</b></li> </ul>  |

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|  |  | <ul style="list-style-type: none"> <li>• Where it has been established that the child could not be restored with the family or could not also be declared free for adoption, the child may be provided long-term institutional care till the completion of 18 years and after that, financial support (as per Section 46 of JJ Act, 2015) may be provided till the age of 21 years in order to facilitate the child's re-integration into the mainstream of society.</li> <li>• In the order of CWC, suitable temporary shelter to be provided to the child. • Open shelters and institutions which can be declared fit facilities to be identified by the DCPU.</li> <li>• Where there no open shelters or the open shelters in the district are not sufficient for reception of CiSS, the committee may declare any suitable institution as a fit facility as per Section 51 of the JJ Act, 2015. [Refer page 14 of SOP 2.0 of NCPCR]</li> <li>• In absence of any identification card/document of child, on the order/request of CWC, child shall be taken to a nearby Aadhaar Seva Kendra for making Aadhaar Card of the child.</li> </ul> <p><b>2. In Case the Child is Living with his Family in the Street Situation</b></p> <ul style="list-style-type: none"> <li>• For children living in the streets with their families, the rescue of such children shall also be done and such children should be produced before the Child Welfare Committee under <b>Section 31 of the J J Act, 2015.</b></li> <li>• Pass necessary orders for restoration with the family and place the child and family in temporary shelters.</li> <li>• The temporary shelters may include open shelters, fit facilities etc. for children and night shelters for parents.</li> <li>• The child and the family members should also be given counseling.</li> </ul> <p><b>3. If it is a migrant family which has come to the city due to lack of means</b> for subsistence, adopting the livelihood option of doing odd jobs, begging or selling products on the streets, or even does some other work involving children, the DCPU may visit the family and</p> |
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|   |   | <p>prepare the SIR to present the family situation.</p> <ul style="list-style-type: none"> <li>• All possible steps may be taken to rehabilitate the family to their native place.</li> <li>• The CWC where the child has been produced, the said CWC may consider writing to the CWC of the concerned district the family belongs to, or to the District Magistrate, to provide sponsorship for the child - if the child is eligible for sponsorship under <b>Section 45 of the JJ Act</b> and ensure basic facility and appropriate benefits under various schemes of the Government (both Central and State Government) are provided to the family.</li> <li>• If it has been established that the family is unable to go back to their native home due to certain reasons, or is unable to go back to their native home for the time being, the CWC shall recommend for the child is to be enrolled at the Anganwadi Centre or in a school, as well as provide open shelter facility available in the area.</li> </ul> <p><b>4. If it is found that the child is on the street during the day time and goes back to the family in the evening that stays in a nearby slum/hutment area</b></p> <ul style="list-style-type: none"> <li>• The rescue of such children shall also be done and such children should be produced before the Child Welfare Committee under <b>Section 31 of the JJ Act, 2015.</b></li> <li>• Pass necessary orders for restoration with the family and place the child in temporary shelters for the day time.</li> <li>• Open shelter shall function as a community-based facility for children, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets.</li> <li>• The committee may recommend for linking the families and the child with Central Government or State Government implemented schemes to keep the families and the children away from streets.</li> </ul> |
| 5 | <b>Home Department<br/>(J&amp;K Police)</b> | Special Juvenile Police Units and Traffic Police in-charge of District in coordination with District Administration and Department of Social Welfare shall work to guarantee  |

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|   |                          | <p>protection to children living in street situations.</p> <ul style="list-style-type: none"> <li>• The Beat constables and Traffic Police being better placed at all nooks and corners of the city, to be involved in the identification and rescue of the street children.</li> <li>• Police organization having the knowledge of a child at risk on the street, with or without parents should immediately inform the CWC.</li> <li>• Action be initiated against such family who is forcing the child into begging, as per provision provided under <b>Section 76 of JJ Act, 2015</b>, “Employment of child of begging” and <b>Section 75 of JJ Act, 2015</b> “Cruelty to child”</li> <li>• First information report (FIR) be lodged against the employer for contravention of the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 1986 and provisions of Juvenile Justice Act, 2015. • Police to take action against any other abuse such as sexual, exploitation and trafficking.</li> <li>• AHTU to play an active role and share information with the DC/DCPU of the area.</li> <li>• Develop innovative mechanisms for reporting of children in street situations by Traffic Police</li> </ul> |
| 6 | <b>Labour Department</b> | <p>If the child is found to be bonded labour, compensation in accordance with Clause 5 of the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016 should be provided to the child.</p> <ul style="list-style-type: none"> <li>• Rehabilitation of bonded labour as per provisions.</li> <li>• <b>An amount of Rs. 25000 to be compensated to any the previously labour child as per given provisions, with a contribution of Rs. 5000 from the District Child Rehabilitation Fund and Rs. 20000 from the employer.</b></li> <li>• Linkage to skill programmes and vocational training.</li> <li>• Rule 2B (2) of Child &amp; Adolescent Labour Rules, 2017 states that where a child receiving education in a school remains absent consecutively for thirty days without intimation to the Principal or Head Master of the school, then, the Principal or Head Master shall report such absence to the concerned nodal officer referred to in clause (i) of</li> </ul>  |

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|   |  | sub-rule (1) of rule 17C for information. This may be monitored by the Labour Department on a regular basis. A report may be called for by the District Education Officers for this.   |
| 7 | <b>Urban Local Bodies/Resident Welfare Associations/Vyapar Mandals</b> | <ul style="list-style-type: none"> <li>• These bodies shall function under the overall control of H&amp;UDD.</li> <li>• These bodies shall also take measures to identify hotspots and inform the same to the District Magistrates.</li> <li>• Sharing of death data by the concerned Urban Local Bodies to relevant stakeholders so that children rendered orphan or abandoned can be attended to immediately.</li> <li>• The birth certificate to these children to be provided by concerned ULB for determination of age and enrollment in the school and linkage to any other such service requiring this document.</li> <li>• Awareness generation about Child Helpline, Open Shelter information etc. In this regard, announcement in streets and markets can be done by Urban Local Bodies through their garbage vehicles on a regular basis.</li> <li>• Monitor the recycling units which have established for plastic waste management and its premises to identify children working in the areas and doing rag picking work. Self-help groups can be made and involved in identification of such families who are rag pickers and counselling can be given to them. It must be ensured that children who are involved in such work should be enrolled in schools and attend classes regularly.</li> <li>• The Urban Local Body shall make all efforts to bring occupation of rag picking work into organized sector of work, so that the families can sell the waste and plastic materials to people at a fixed price and earn their livelihood. The bank accounts of such families shall be opened so that the occupation of rag picking can become a source of income for them and would keep the families and children off the streets and children of the child labour.</li> <li>• The Urban Local Body shall also identify such people who are buying plastic waste/waste from children rag pickers and take appropriate action against such people along with getting FIR filed against them, as children working as rag pickers are prohibited under the Child &amp; Adolescent Labour Prohibition and Regulation Act.</li> </ul> |

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| 8.  | <b>Revenue Department/<br/>Administration</b>                      | <ul style="list-style-type: none"> <li>• Overall monitoring and supervision of all the interventions for ensuring caring and protection for the street children shall be done at the district level by the District Collector/ DM.</li> <li>• District Administration could consider training the rescued children from the street, (on attaining the age of 18 years) as Civil Defense Volunteer, since it will not only provide such vulnerable children respectable employment but owing to their street experience they can assist many other children who come from similar background.</li> <li>• Implementation of schemes so that benefit and release of compensations can be made to children in a time bound manner.</li> </ul>   |
| 9.  | <b>Chief Education officer</b>                                     | <ul style="list-style-type: none"> <li>• Chief Education Officer shall facilitate admissions in neighborhood schools of such children and in case of migrant families, the children so repatriated with their families shall be admitted in schools of the repatriated district.</li> <li>• The CEOs shall share regularly progress reports of such children admitted in schools to the Education Department.</li> <li>• Where a child receiving education in school has been absent from the school consecutively for thirty days, the Principal or the Head Master of the school shall report such absence to the District Education Officer. [Rule 2B (2) of Child &amp; Adolescent Labour Rules, 2017]</li> <li>• The CEO shall report the same to the DCPUs for reporting the same to Child Welfare Committees.</li> </ul> |
| <b><u>OTHER REHABILITATION MEASURES TO BE TAKEN FOR CHILDREN IN STREET SITUATIONS</u></b> |  |   |
| <b>S.No.</b>  | <b>Immediate services to be provided to the child after rescue</b> | <b>Steps that can be taken</b>  |
| 1   | <b>Health Screening</b>  | <ul style="list-style-type: none"> <li>• For every child that is rescued and produced before the Child Welfare Committee, health screening of the child must be done.</li> <li>• The District Magistrates shall facilitate services of medical officer of the district and para-medics for</li> </ul>   |

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|    |  | <p>conducting health assessment of children at facilities and/or where the children in street situations are being produced before the Child Welfare Committee.</p> <ul style="list-style-type: none"> <li>• Based on the medical report of the child prepared during the health screening, the CWC shall pass orders to DCPU for linking the child with de-addiction centers, health centres etc. Where there is requirement of giving emergency medical care, the child shall be provided the same.</li> </ul>  |
| 2  | <b>Counselling</b>   | <ul style="list-style-type: none"> <li>• The CWC may order for counselling of children and the families by counsellors linked with CWC and on the roster list of DCPUs.</li> <li>• The observations and recommendations made by the counsellor shall be recorded in the SIR of the child.</li> <li>• Wherever required, the children and/or the family shall be given and/or linked with mental health services.</li> <li>• The counsellors shall make all possible efforts to keep the families and the children away from the streets.</li> </ul>   |
| 3  | <b>Where the child is without any identification</b>                 | <ul style="list-style-type: none"> <li>• In case no biological traces are found or the child is unable to inform about his place/parents/family, the CWC may pass orders for preparing an Aadhar Card for the child. <b>[Refer page no. 28 of SOP 2.0 of NCPCR]</b></li> </ul>  |
| 4  | <b>Right to Education of CiSS</b>                                    | <ul style="list-style-type: none"> <li>• The RTE Act, 2009 under Section 3 provides that every child of the age of six to fourteen years, including a child belonging to disadvantaged group and weaker section, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.</li> <li>• The children shall be enrolled in a proper neighborhood school as per provisions of RTE Act, 2009.</li> <li>• No child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education.</li> </ul> |
| 5. | <b>Education of children with disability</b>                         | <ul style="list-style-type: none"> <li>• A child with disability including severe disability referred to under the RTE Act, 2009, shall have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of the Right of Persons with Disabilities Act, 2016.</li> </ul>  |
| 6  | <b>Special Training Centers under Section 4 of the RTE Act, 2009</b> | <ul style="list-style-type: none"> <li>• Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age.</li> </ul>  |



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|   |   | <ul style="list-style-type: none"> <li>Where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training.</li> </ul>   |
| 7 | <b>Enrolment in Aanganwadi Centres/Creches</b>  | <ul style="list-style-type: none"> <li>Children below six years of age may be enrolled with Anganwadi Centres/Creches.</li> <li>The benefit of children being enrolled in schools/Anganwadi centres/Creches is that the children shall be getting the benefit of mid-day meal scheme.</li> </ul>   |
| 8 | <b>Linking with schemes/benefits</b><br>{Refer Baal Swaraj Portal-CiSS (Stage-5) for list of schemes provided for children and strengthening of families] | <ul style="list-style-type: none"> <li>The CWC may during its inquiry, as it deems fit, provide for financial support to the child from such government implemented funds/schemes. Wherever the children produced before it are beneficiaries of any implemented schemes, funds, scholarships, etc. the same must be facilitated and provided to the child through a written order as per Section 45 of the Juvenile Justice Act, 2015.</li> <li>Local authorities may also facilitate the benefit/entitlement of any implemented schemes to the child or his/her family/guardian wherever applicable or recommended by the CWC. For these special cases involving children, the department must take up these cases on priority.</li> <li>If there are any other State Government implemented schemes meant for children in street situations, then the same may be informed to NCPCR for updating the list of schemes at Stage-5 of the portal.</li> </ul>         |
| 9 | <b>Sponsorship</b>  | <ul style="list-style-type: none"> <li>The sponsorship programme may provide supplementary support to families, to meet medical, nutritional, educational and other needs of the children, with a view to improving their quality of life.</li> <li>In cases, where the CWC thinks that the child may be placed under a sponsorship programme or where a guardian/relative/single parent under whom the child is to be placed requests for assistance under the sponsorship programme, the CWC may recommend to the SCPS for the same.</li> <li>DCPU shall facilitate and ensure smooth implementation of the sponsorship programme.</li> </ul> <p><b>In case of individual sponsorship,</b> DCPU will open a bank account in the name of the child preferably to be operated by mother (<i>in cases where mother is not there, then the father/relative/guardian that the CWC may declare as a fit person for the child</i>) and the money shall be transferred</p> |

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|    |   | directly from the account of DCPU to the child's bank account   |
| 10 | <b>Private Sponsorship under Section 45 of JJ Act, 2015</b> | <ul style="list-style-type: none"> <li>The District Magistrate may identify such organizations/companies/industries who are willing to contribute for the rights of children through their CSR initiatives and to provide financial assistance to children.</li> <li>The District Magistrate may facilitate these organizations to link them with the State sponsorship program.</li> </ul> |

**OTHER STEPS THAT CAN BE TAKEN FOR REHABILITATION OF CHILDREN WHO ARE VICTIM OF OFFENCES**

| S.No. | Child Victims   | Steps that can be taken   |
|-------|---|---|
| 1     | <b>Where child is found to be in contravention of labour laws/or is found working</b> | <ul style="list-style-type: none"> <li>The child shall be produced before the Child Welfare Committee under Section 31 of the JJ Act, 2015.</li> <li>Local police shall file FIR on the perpetrators and employers of the child for violations of Child Labour Act, 1986, Juvenile Justice Act, 2015 and Indian Penal Code, 1860 on the statement of the child given before the Child Welfare Committee.</li> <li>In case the child in street situation is found to be picking waste, working in a roadside tea stall/fruit cart, selling newspapers, balloons, pens, pencils, etc., then such acts of the child are also to be deemed as acts of child labour. [Refer page no.24-25 of SOP 2.0 of NCPCR]</li> </ul> <p>If the <b>person receiving the scraps/whatever collection from the child or who has engaged children and is giving narcotic substance</b> instead of money or along with the money, action maybe initiated under Section 77 of the JJ Act, 2015. In any case if a person is purchasing scraps/whatever collection from a child, action must be initiated under the relevant Sections of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986; Section 79 of the JJ Act, 2015 and any other laws applicable for this matter.</p> <ul style="list-style-type: none"> <li>Following financial amounts/compensations should be provided to the child labour victim- <ul style="list-style-type: none"> <li>Interim compensation as decided by the Child Welfare Committee for providing emergency protection and health care services to the child.</li> <li>Compensation in accordance with Clause 5 of the</li> </ul> </li> </ul> |

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|   |  | <p>Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016.</p> <ul style="list-style-type: none"> <li>• An amount of Rs.25000/- to be compensated to child as per given provisions, with a contribution of Rs.5000/- from the District Child Rehabilitation Fund and Rs.20000/- from the employer.</li> <li>• Back Wages from the employer to the child, if any.</li> </ul>   |
| 2 | <p><b>Where the child is a substance abuser or is victim of drug peddling [Refer page no.25 of SOP 2.0 of NCPCR]</b></p> | <ul style="list-style-type: none"> <li>• CWC shall immediately send the child to a fit facility identified for care, detoxification, treatment and rehabilitation of such children.</li> <li>• Girl substance abusers should be sent to “fit facility” exclusively for girls.</li> <li>• CWC should direct the DCPU and district administration to create such facility for drugs deaddiction in an appropriate institution or in an appropriate manner.</li> <li>• In case there is unavailability of such institution the child may be sent to any other appropriate facility of the Government.</li> </ul> |
| 3 | <p><b>Where the child is • found to be begging on the streets [Refer pg no.26-27 of SOP 2.0 of NCPCR]</b></p>            | <ul style="list-style-type: none"> <li>• Where the child is found to fall under any of the abovementioned categories by the CWC, the CWC shall pass necessary orders under JJ Act, 2015 for placing the child in institutional care.</li> <li>• The people making the child to beg in the streets including parents shall be identified at the time of rescue of these children and FIR under the provisions of IPC, JJ Act, 2015 and Child Labour Act, 1986 shall be immediately filed by the Police for further investigation.</li> </ul>   |
| 4 | <p><b>Where the child is a sexual abuse victim</b></p>   | <ul style="list-style-type: none"> <li>• Where child who is rescued is also a victim of sexual abuse or has been exploited sexually, the procedure for such a child shall be followed in accordance with the POCSO Act, 2012.</li> <li>• An immediate FIR must be registered by the Police on the statement of the child as per provisions of POCSO Act, 2012.</li> </ul>   |
| 5 | <p><b>Where the child is a trafficked child</b></p>  | <ul style="list-style-type: none"> <li>• In case it is found that or the CWC doubts that the guardians or family actually are not biological parents or guardians, the CWC shall request for further police</li> </ul>  |

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|   |  | <p>investigation to inquire into the people having charge of the child, with a copy to Anti Human Trafficking Unit(AHTU).</p> <ul style="list-style-type: none"> <li>• In addition, if the child mentions that he/she is controlled by any other person or group of persons, police is to carry out further investigation into the matter and suitable action under JJ Act, 2015 shall be initiated immediately.</li> <li>• Till the true identity of the persons having charge of the child is found out, the CWC may place the child in institutional care and after inquiry of the police is completed, only then should the child be restored to the parents/guardians with the orders of the CWC.</li> <li>• If the inquiry discloses that the people having charge of the child are traffickers, then appropriate legal action must be taken under IPC, JJ Act, ITPA against the perpetrators.</li> </ul> |
| 6 | <b>Where the child was identified but is not found at the same place</b> | <ul style="list-style-type: none"> <li>• The DCPU shall in form about the same to the concerned CWC and District Magistrate.</li> <li>• The District Magistrate shall then direct the Special Juvenile Police Units to initiate an inquiry into the search and whereabouts of the child SJPU shall make all efforts to locate the whereabouts of the child.</li> <li>• At the time of identification of children in street situations whether those children are alone or with families, it should be ensured that the families are not migrant families and that children are not going to relocate from that place.</li> </ul>  |
| 7 | <b>If the Child is Divyang</b>   | <ul style="list-style-type: none"> <li>• On the order of CWC, Chief Medical Officer (CMO) of the district to issue the certificate appropriate to the case. On the basis of certificate, Divyang child to be enrolled for pension scheme benefit.</li> <li>• On the order of CWC, required medical supportive devices to be provided to the child.</li> <li>• CWC, on the nature of disability of the child, would order for the placement in an appropriate institutional care.</li> <li>• DCPU will follow up with DSWO to place the child in the institution.</li> <li>• Effort would also be made for their restoration and reintegration to the mainstream society through appropriate</li> </ul>  |

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|  |  | means and interventions. |
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### **E. ROLE OF STAKEHOLDERS**

The role of various stakeholders is illustrated in the table below:

| <b>S. No.</b> | <b>Intervention/Measures</b>  | <b>Concerned Department/Stakeholders</b>  |
|---------------|---|---|
| 1             | Rescue of the Child   | District Administration, Police, DCPU (Department of Social Welfare), CWCs, NCPDR, J&K Child Rights Commission (as and when constituted ) |
| 2             | Enrollment of the Child to Schools  | DCPU (Department of Social Welfare), Chief Education Officers (Department of School Education)  |
| 3             | Enrollment in the Aanganwadi Centres/Creche                                   | DCPU (Department of /Social Welfare)  |
| 4             | Health Services/Medical Aid   | Department of Health & Medical Education  |
| 5             | Mental Health Services  | Department of Health & Medical Education  |
| 6             | Shelters  | Department of Social Welfare  |
| 7             | Child Labor Prohibition   | Department of Social Welfare, Labor Department, Police, J&K Child Rights Commission (as and when constituted )                            |
| 8             | Protection against abuse, exploitation, trafficking                           | JKP, Special Juvenile Police Unit, Child Welfare Police Officer, District Child Protection Unit (Department of Social Welfare)            |
| 9             | Overall Supervision of the care and protection mechanism for street children. | District Administration, Department of Social Welfare.  |



## Annexure-A

**BASIC INDICATORS TO IDENTIFY “CHILDREN AT RISK” AND “VULNERABLE FAMILIES”**

1. Out of School
2. Out of Aanganwadi
3. Family Condition:
  - a. Abandoned child
  - b. Divorcee/Widow Women
  - c. Disabled children
  - d. Disability in Family
  - e. Poor health conditions making the children vulnerable
  - f. Old age Parents
  - g. Families unable to obtain Gainful Employment
  - h. Relatives or family Members already Migrated and in street situations in Cities/Urban Areas
  - i. Families where children are survivors of trafficking
  - j. Families having Debts, loans, other such monetary liabilities etc.
  - k. Affected by natural calamities
  - l. Casualty in Family or death of earning member due to any reasons
  - m. Accident in Family
  - n. Marital Discords
4. Abuse in the Family: Misbehavior/ Discrimination/Children Unhappy due to various Reasons
5. Families where alcoholism and/or addiction to other substances is prevalent
6. Family members accused of any violation of child rights ie. POCSO, JJ Act, Child Labour etc.
7. Rag picker families
8. Children who are victim of Substance Use or Risk of Substance Use
9. Victim of Child Labour Activity in Village/nearby areas or possibility of getting indulged into child labour
10. History of Absconding/Running Away from Home.
11. Economic deprivation condition of family which makes child vulnerable to trafficking

**Note:**

• The indicators listed above are broad and suggestive. The list is required to be customized and prepared at District/Block/Village Level based on individual families habiting in the community. Hence, to enable this Community participation is a must to create a comprehensive list.

• Matching of the profiles of children at risk and vulnerable families should be done by the Panchayat for ensuring the benefits of Government Schemes.

613532(1)/2022/O/O PER SEC SWD



सत्यमेव जयते

प्रियंक कानूंगो  
Priyank Kanoongo  
अध्यक्ष  
Chairperson

भारत सरकार  
GOVERNMENT OF INDIA  
राष्ट्रीय बाल अधिकार संरक्षण आयोग  
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS  
नई दिल्ली-110 001  
New Delhi - 110 001



F.No.32-362/2021/NCPCR/LC/SC/237944

Date-25.02.2022

To,

Principal Secretary,  
Department of Women and Child Development States/UTs

**Subject-"Order and directions of the Hon'ble Supreme Court dated 21.02.2022 in SMWP(C)No.6/2021 In Re Children in Street Situations regarding implementation of the policy for rehabilitation of children in street situations"**

As you are aware, the Hon'ble Supreme Court has taken suo-moto cognizance upon the issue of the children in street situations in the aforementioned matter. In this regard, the Commission sent letters dated 23.11.2021, 22.12.2021 and 27.01.2022 wherein the Commission informed regarding the directions given by the Hon'ble Supreme Court passed in the matter of SMWP (C) No.6/2021 In Re Children in Street Situations for identification and rehabilitation of children in street situations as per SOP 2.0 of NCPCR. The Commission, vide the said letters, also recommended some steps that can be taken by the respective State Governments to comply with the said orders of the Hon'ble Supreme Court.

2. The afore-mentioned matter was heard by the Hon'ble Supreme Court on 21.02.2022 where after hearing the parties, the Hon'ble Court directed that:

*".....This Court directed the State Governments to formulate a policy for rehabilitation of CiSS with the guidance of NCPCR. After holding discussions with the State Governments/Union Territories, NCPCR has made suggestions for formulation of rehabilitation policy for CiSS.*

*We have carefully examined the suggestions which are comprehensive in nature, dealing with all conceivable situations. Subject to certain modifications that may be made by the State Governments, the suggestions made by the NCPCR shall be implemented by the State Governments/Union Territories. The NCPCR is directed to conduct periodical reviews, preferably once a month, to monitor the implementation of the suggestions that are made in addition to SOP 2.0 for Care and Protection of Children in Street Situations..."*

*".....In case, any State Government/Union Territory needs a deviation from the said suggestions, they may approach the NCPCR for suitable modifications to the suggestions."*

*"We reiterate the direction that was given earlier that the concerned authorities in the States have to update the information required on the web portal of the NCPCR without fail. The NCPCR has also brought to our notice that the officers of certain State Governments/Union Territories have not been cooperating, during meetings and inspections conducted by the NCPCR. Collection of information is for implementation of schemes in favour of destitute children on the street. We have no doubt in our mind that the State Governments/Union Territories will extend full cooperation to the NCPCR in their activities.*

*The NCPCR is directed to file a status report regarding the implementation of the suggestions that have been made in respect of CiSS within four weeks."*

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Please note that the policy document is already send to States/UTs by NCPCR vide letter no.32-362/2021/NCPCR/LC/SC/236237 dated 16.02.2022. **(Copy of letter dated 16.02.2022 and policy document is enclosed)**

3. In compliance to the aforesaid directions given by the Hon'ble Supreme Court in its Order dated 21.02.2022, it is requested that your good offices shall take necessary steps to implement this policy for rehabilitation of street situations. The Hon'ble Supreme Court in its order dated 21.02.2022 has reiterated its previous direction passed in this matter and directed States/UTs to continue the work of identification and rehabilitation of children in street situations and upload the said data of children on the Baal Swaraj Portal-CiSS.

4. Further, in compliance of the aforesaid order of the Hon'ble Supreme Court, the NCPCR has scheduled a virtual meeting on 11.03.2022 from 2:00 pm- 3:00 pm and 3:30 pm to 4:30 pm to discuss the steps taken by the States/UTs for implementation of the policy for rehabilitation of the children in street situations. It is requested that States/ UTs may ensure participation through the senior officer who could place the status of implementation of the policy regarding CiSS as per directions of the Hon'ble Supreme Court in the concerned States/UTs accurately and clearly. The information that the State/UTs may inform to NCPCR during the meeting should be on the following aspects:-

- i. The steps taken for implementing the policy for rehabilitation of children in street situations.
- ii. The number of children identified in the State/UT who are in the street situation.
- iii. Mapping of hotspot areas in the district.
- iv. The steps taken by the State/UT for rehabilitation of children in street situations, such as-
  - Number of open shelters in the State/UT
  - Number of fit facilities declared by CWC in the States/UT for day care of CiSS
  - Number of children in street situations enrolled in schools after identification
  - Number of children and their families in street situations given counselling
  - Number of children in street situations for whom health screenings have been done
  - Number of children in street situations who were engaged in child labour/child begging
  - Number of children in street situations for whom health screenings have been done
  - Number of children in street situations who were engaged in child labour/child begging
  - Number of children in street situations who have been placed in institutional care
  - Number of children in street situations who have been restored with parents/guardians/families
  - Number of children in street situations who have been repatriated to their native State/UT after identification
  - Number of children in street situations who have been linked with schemes of the Central and State Government
  - Sponsorship under Section 45 of the Juvenile Justice Act, 2015
  - Private Sponsorship

Contd...

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5. Detail schedule for States/UTs, who are required to attend meeting on 11.03.2022 is as follows :-

| S.No. | States/UTs to join meeting with NCPCR on 11.03.2022 at 2:00pm- 3:00pm. | States/UTs to join meeting with NCPCR on 11.03.2022 at 3:30pm- 4:30pm. |
|-------|--|--|
| 1.    | Andaman and Nicobar Islands  | Maharashtra  |
| 2.    | Andhra Pradesh   | Manipur  |
| 3.    | Arunachal Pradesh  | Meghalaya  |
| 4.    | Assam  | Mizoram  |
| 5.    | Bihar  | Nagaland   |
| 6.    | Chandigarh   | Orissa   |
| 7.    | Chhattisgarh   | Puducherry   |
| 8.    | Dadra & Nagar Haveli and Daman & Diu                                   | Punjab   |
| 9.    | Govt of NCT of Delhi   | Rajasthan  |
| 10.   | Goa  | Sikkim   |
| 11.   | Gujarat  | Tamil Nadu   |
| 12.   | Haryana  | Telangana  |
| 13.   | Himachal Pradesh   | Tripura  |
| 14.   | Jharkhand  | Uttar Pradesh  |
| 15.   | Karnataka  | Uttarakhand  |
| 16.   | Kerala   | West Bengal  |
| 17.   | Lakshadweep  | Jammu & Kashmir  |
| 18.   | Madhya Pradesh   | Ladakh   |

Encls. As above.

Yours sincerely,

  
25.2.2022  
(Priyank Kanoongo)



613532(1)/2022/O.O. PER SEC SWD



प्रियंक कानूंगा  
Priyank Kanoongo  
अध्यक्ष  
Chairperson

भारत सरकार  
GOVERNMENT OF INDIA  
राष्ट्रीय बाल अधिकार संरक्षण आयोग  
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

नई दिल्ली-110 001  
New Delhi - 110 001



F.No. 32-362/2021/NCPCR/LC/SC/236237  
Date-16.02.2022

To  
Chief Secretaries of all States/UTs

**Subject- "Suggestions of NCPCR for formulating model policy for rehabilitation of children in street situations as per order of the Hon'ble Supreme Court dated 17.01.2022 in SMWP (C) No.6/2021 In Re Children in Street Situations"**

As you are aware, the Hon'ble Supreme Court in the aforementioned matter has taken *suo moto* cognizance on the issues concerning In Re Children in Street Situations in its orders dated 15.11.2021 and 13.12.2021. The Commission in compliance to the directions of the Hon'ble Court has been conducting meetings with all States/UTs from time to time to take status report of the compliance being done by States/UTs of the Hon'ble Supreme Court's orders for identification and rehabilitation of children in street situations.

2. The Hon'ble Supreme Court had taken up the matter for hearing on 17.01.2022 and observed that the data of CiSS uploaded on the Bal Swaraj – CiSS portal till 11.01.2022 is moving at a slow place and the information that is provided with respect to the other stages on the Bal Swaraj - CiSS portal by the State Governments/Union Territories is also not satisfactory. The Hon'ble Supreme Court has vide its order dated 17.01.2022 directed the State Governments/Union Territories to instruct all the concerned authorities to take prompt action in the identification and rehabilitation of children in street situations. Further, the Hon'ble Supreme Court also directed that in the next meeting to be conducted by the NCPCR, the issue relating to rehabilitation of CiSS should be discussed, without waiting for all the stages on the Bal Swaraj –CiSS portal to be completed. The Hon'ble Court has also directed that without prolonging the process any further, the State Governments, with the guidance of NCPCR, shall formulate policy for the rehabilitation of CiSS after they have been identified as such in the streets. (Copy of order of Hon'ble Supreme Court dated 17.01.2022 enclosed)

3. In compliance to the directions of the Hon'ble Supreme Court given in order dated 17.01.2022, the Commission has drafted suggestions for formulating for formulating rehabilitation policy for children in street situations by the States/UTs. The Commission is of the view that this exercise of identification and rehabilitation of children in street situations is an ongoing process and should become a part of the regular task for the district administration. In the suggestive policy made by the Commission, roles and responsibilities of each officer/authority in identification and rehabilitation of such children has been enumerated along with providing for a monitoring and periodic review mechanism at the State Level. The Commission suggests for immediate actions to be taken by each officer/authority at the time of identification and rescue of children in street situation. The draft document with suggestions is being sent to your good offices for your kind perusal and necessary action. (Copy of suggestions for policy document enclosed)

4. It is requested that the suggestions made by the Commission in the enclosed document are taken into consideration while drafting the State Policy for Rehabilitation of Street Children.

**Encl. as above.**

Yours sincerely,

  
16.2.22  
(Priyank Kanoongo)

Copy to:-

Shri Indevvar Pandey, Secretary, Ministry of Women and Child Development, Government of India.  
Email- [secy.wcd@nic.in](mailto:secy.wcd@nic.in)

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## **SUGGESTIONS FOR FORMULATION OF REHABILITATION POLICY FOR CHILDREN IN STREET SITUATIONS**

### **BACKGROUND**

The National Commission for Protection of Child Rights (NCPCR) in consultation with Save the Children, NGO had developed a SOP for rescue and rehabilitation of street children (CiSS) 2.0. “Standard Operating Procedure for Care and Protection of Children in Street Situations 2.0” is an endeavor to strengthen the processes and interventions regarding CiSS in the view that there should not be any child in a street situation; rather, they should be with their families. In case the family needs support, it may be provided keeping in mind the best interests of the child. The SOP 2.0 had been developed keeping in mind the learnings of NCPCR itself in rescue and rehabilitation of street children, the alarming number of 2 lakh children who were found to be in street situation in just 4 States of the country and the multidimensional and complex problems attached to a child in street situation.

The Hon’ble Supreme Court has taken *suo-moto* cognizance in SMWP (C) No.6/2021 with regard to Children in Street Situations on 15.11.2021 and has passed the following directions in its orders dated 15.11.2021, 13.12.2021 and 17.01.2022-

- a. The District Magistrates/ District Collectors to take steps in accordance with SOP 2.0 that has been formulated by the NCPCR.
- b. The Secretary, Department of Women and Child Welfare of each State shall be the nodal officer to ensure that all the District Magistrates/ District Collectors take prompt action for implementation of SOP 2.0 formulated by the NCPCR.
- c. The process has to start with immediate action being taken by the authorities for identification of CiSS and thereafter, providing the required information to the NCPCR for the later stages as well.
- d. The State Governments/Union Territories are directed to promptly attend meetings that are held by the NCPCR and offer their suggestions, apart from voicing their concerns, if any, in implementation of the SOP 2.0.

- e. the State Governments/Union Territories to take immediate action for identifying children in street situations without any delay and upload the required information on the Bal Swaraj – CiSS portal of the NCPCR.
- f. Identification of children and registration of these children at Stage-1 of the NCPCR's Baal Swaraj-CiSS Portal is crucial and that the concerned authorities in the State Governments/Union Territories need not wait for any further instructions from the NCPCR or directions of the Hon'ble Court for proceeding with collecting relevant information on the social background of the children, identification of the benefits under the Individual Care Plan, enquiries to be conducted by the Child Welfare Committees under the Juvenile Justice (Care and Protection of Children) Act, 2015 and linking the schemes/benefits with the children, or their families or guardians.
- g. The District Magistrates shall upload the relevant information, not restricted to Stage I, but also the information relating to the other stages.
- h. The State Governments/Union Territories to instruct all the concerned authorities to take prompt action in the identification and rehabilitation of children in street situations.
- i. In the next meeting to be conducted by the NCPCR, the issue relating to rehabilitation of CiSS should be discussed, without waiting for all the stages on the Bal Swaraj –CiSS portal to be completed.
- j. Without prolonging the process any further, the State Governments, with the guidance of NCPCR, shall formulate policy for the rehabilitation of CiSS after they have been identified as such in the streets

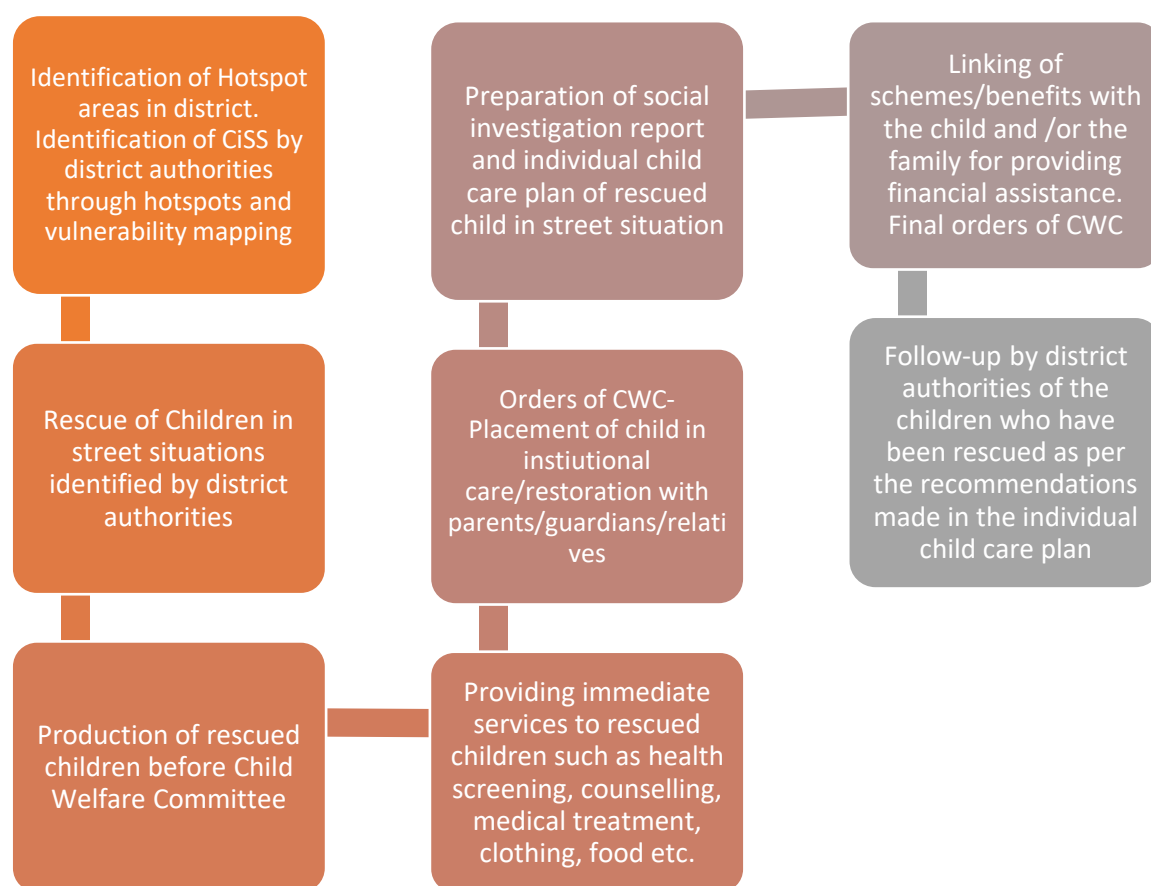
In compliance of the aforementioned directions of the Hon'ble Supreme Court, this hybrid policy for rehabilitation of children in street situations is prepared by NCPCR for adaptation and implementation by States/UTs according to their prevailing situations with regard to resources, financial grants, infrastructure etc.

### **OBJECTIVES OF THIS POLICY**

- 1) Effective implementation of SOP 2.0 for care and protection of Children in Street Situations.

- 2) To take steps for identification and suitable rehabilitation of children in street situations.
- 3) To provide for roles and responsibilities of the nodal officer at both State level and District Level for rehabilitation of children in street situations.
- 4) To recommend measures for rehabilitation of children in street situations in accordance to their prevailing situation and provide for a plan for reporting and monitoring of children in street situations.

### **Flow Chart for identification and rehabilitation of children in street situations**



### **WHO ARE THE CHILDREN IN STREET SITUATIONS?**

1. ***Children without support living on the streets all alone:*** These are children without any parental anchor or family support system living on the streets, pavements or any public places on their own. For them, street is the home. Example are missing, runaway, abandoned and orphan children.
2. ***Children stay on the streets in the day and are back home in the night with their families who reside in a nearby slum/hutments:*** These are children who spend their



time on street, loitering in the day time. However, they go home during the night to be with their parents who live in a nearby slum or hutment. These children may be found simply loitering, begging, picking rags or selling goods/items. This set of children lacks parental guidance, as their parents too are struggling for their own survival.

3. ***Children living on the streets with their families:*** These are children living with their families on the streets. They are from different parts of the country and have migrated to the city to earn their subsistence. They mostly work in the unorganized sector, like temporary labour in construction. These families include seasonal as well as permanent migrants. Children of these families also live on the street with them, mostly loitering, begging, picking rags or doing child labour with their parents, selling goods/items, etc.

*Some examples of CNCP who come under the above-mentioned three broad categories of CiSS are as follows:*

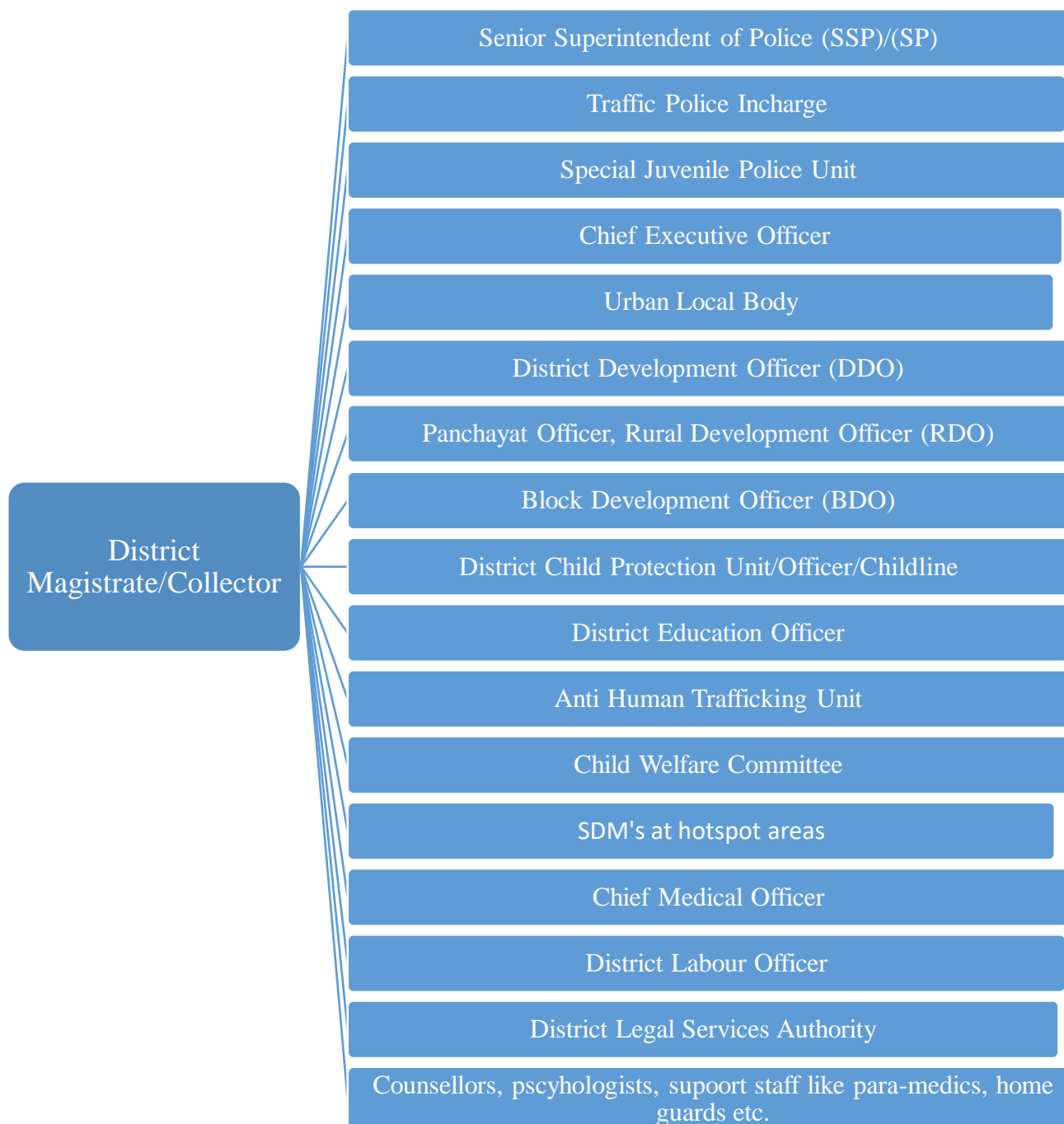
1. **Abandoned child living on the streets:** A child deserted by his biological or adoptive parents or guardians and now living on the streets.
2. **Abandoned child with disability living on the streets:** A large number of children are abandoned by parents due to physical, neurological or mental disability of the child. Many such children are often found in street situations who are mentally challenged or physically challenged/disabled which exacerbates their vulnerabilities much more than other CiSS.
3. **Orphan child living on the streets:** A child without biological or adoptive parents or legal guardian, or whose legal guardian is not willing to take, or capable of taking, care of the child, now living on the streets.
4. **Child labour:** Children who are working in contravention of labour laws in the country. It is the system of employing or engaging a child to provide labour or service to any person, for any payment or benefit, paid to the child or to any other person exercising control over the said child. There are children also in street situations who are engaged in child labour.
5. **Working children:** Children who polish shoes for income; work in eateries, tea stalls, roadside stalls, repair shops, construction sites, markets, etc.; and vendors

(selling flowers, newspapers, fruits and other items on the roads/at traffic signals).  
They depend on these types of work for their survival on a daily basis.

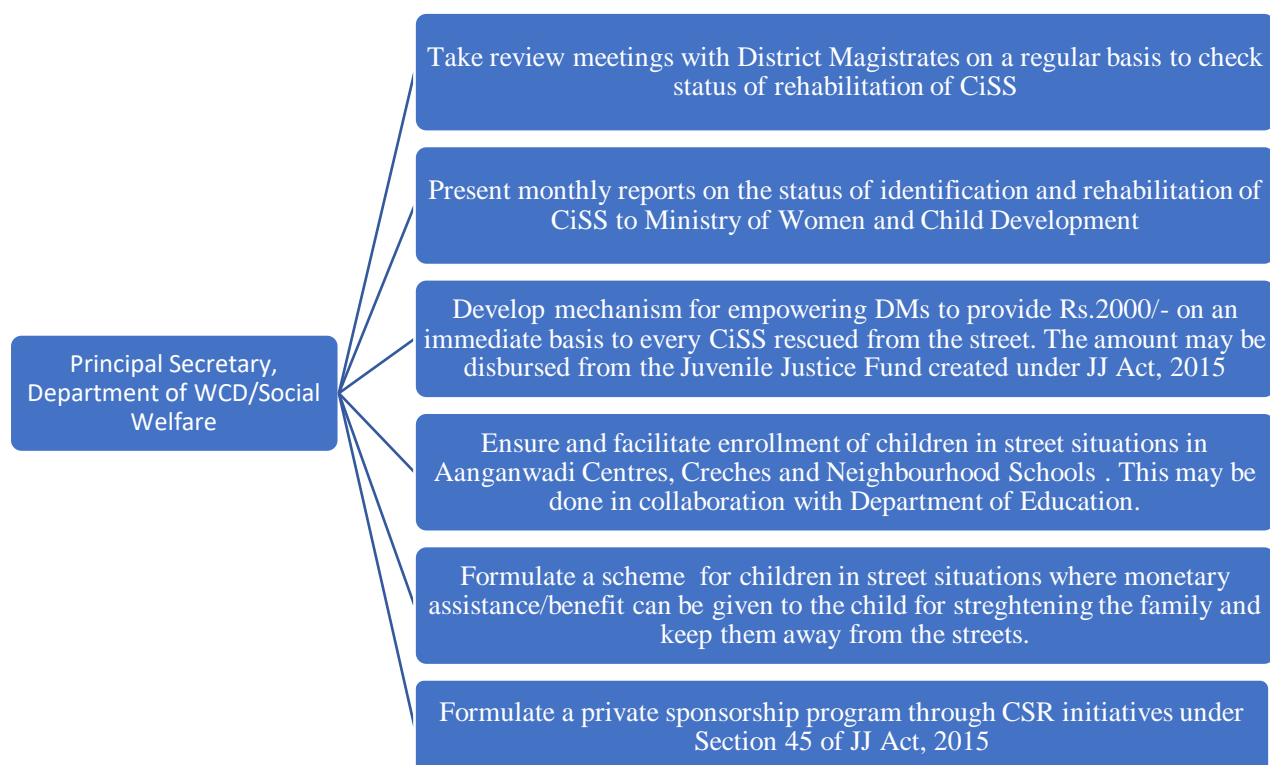
6. **Child beggars:** Child beggars are those children who are soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretense, or exposing or exhibiting with the object to obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal.
7. **Rag pickers:** Children who pick waste on the roadside or in the premises of railway station, bus terminus or any public places.
8. Children living and working on the platforms of railway stations.
9. Children living and working with families on streets/pavements/bus stands/railway stations/under flyovers, etc.
10. Children living with families in slums/hutments and working on streets; living with families at construction sites.
11. Children of commercial sex workers/children living in red light areas loitering on the streets.
12. Children loitering on the beach/living on the beach (with or without families) in tourist hotspots.
13. **Children in sibling care:** the CiSS themselves are CNCP, take care of their siblings who live on streets.
14. Children who are **substance abusers living on the streets.**
15. Children performing on the streets.
16. Children cleaning automobile wind screen, etc.

## STEPS TO BE TAKEN BY AUTHORITIES FOR REHABILITATION OF CHILDREN IN STREET SITUATIONS

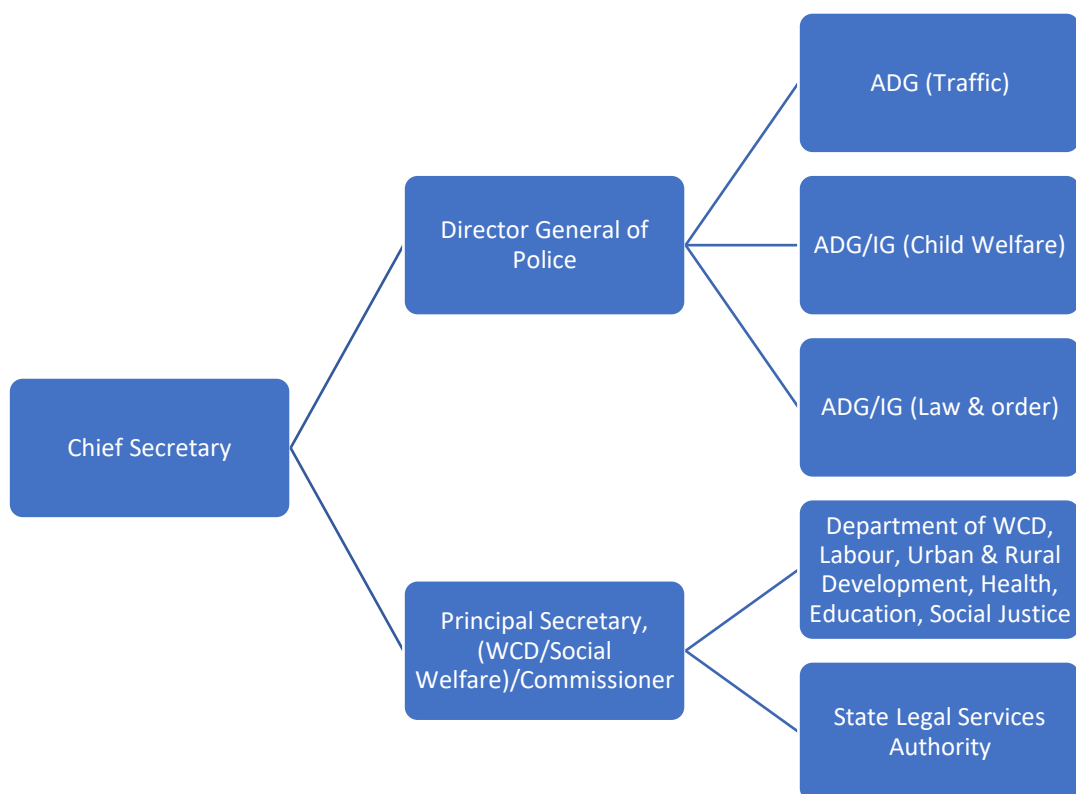
### 1. Identification, rescue and rehabilitation of children in street situations



## 2. Monitoring of status of children in street situations on a regular basis



## 3. Review of status of rehabilitation of Children in Street Situations



| S.No. | Concerned authority   | Steps to be taken  |
|-------|---|--|
| 1.    | State Child Protection Society  | <ul style="list-style-type: none"> <li>• Implementation of private sponsorship programme of the State Government. To ensure that maximum benefit can be given to children in street situations through CSR initiatives of industries and companies under the sponsorship programme. The private sponsorship programme may also be implemented for individual to individual sponsors who are willing to provide financial assistance to the child.</li> <li>• Conduct training programmes of district level officers and State level officers for identification, rescue and rehabilitation of children in street situations. The training programme may include district magistrates, child welfare committee, district child protection officers, police personnel, labour officers etc.</li> <li>• Capacity building workshops for district officials to enable them to conduct rescue drives periodically.</li> </ul>   |
| 2.    | Principal Secretary, Department of WCD/Social Welfare of the State/UT | <ul style="list-style-type: none"> <li>• The Secretary, Department of Women and Child Welfare of each State shall be the nodal officer to ensure that all the District Magistrates/ District Collectors take prompt action for implementation of SOP 2.0 formulated by the NCPCR.</li> <li>• The State Department may empower the District Magistrates to provide immediate relief of Rs.2000/- to the identified children in street situations at the time of rescue from the Juvenile Justice Fund created under the Juvenile Justice Act, 2015. This may be done through a procedure prescribed by the State Department.</li> <li>• The State Department shall monitor and supervise the activities and steps being undertaken at the district level for rescue and rehabilitation of CiSS.</li> <li>• The State Department shall call for reports from the District Magistrates on a monthly basis of children identified, rescued and rehabilitated.</li> </ul> |

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|    |                                  | <ul style="list-style-type: none"> <li>• The State Department shall formulate a procedure to be implemented by the district authorities for providing all monetary benefits and compensations due to the child and the family in a time bound manner.</li> <li>• Formulate a private sponsorship program through CSR initiatives and for individual to individual sponsorship under Section 45 of JJ Act, 2015.</li> <li>• Follow-up of children linked under private sponsorship program may be done through by ensuring that they are enrolled in schools and are regularly attending the school. This follow-up can be done by seeking data collected by District Education officers under Rule 2B (2) of Child Labour Rules.</li> </ul>  |
| 3. | District Magistrates/ Collectors | <ul style="list-style-type: none"> <li>• Identification of hotpots [<i>refer Annexure-D of SOP 2.0 of NCPCR</i>]</li> <li>• Vulnerability mapping of children living in slums nearby to the hotspots [<i>vulnerability mapping indicators as Annexure-A</i>]</li> <li>• Assessment of any/all such “<i>Children and Vulnerable Families at Risk</i>” of getting into CiSS in such villages and urban habitations.</li> <li>• Routine discussions of concerned stakeholders is required to be held at District, Block and Village Levels.</li> <li>• <i>The DMs shall review the process of identification and rescue of CiSS in Time Limit meetings on a regular basis and other such important meetings held at the Commissioner’s level.</i></li> <li>• A report on the review done by the DMs on a regular basis in the Time Limit meetings or any other meetings regarding children in street situations shall be submitted to the Principal Secretary, Department of WCD/Social Welfare.</li> <li>• Prepare duty chart of officials (Senior Superintendent of Police (SSP)/(SP), District Development Officer (DDO), Block Development Officer (BDO), Panchayat Officer, Rural Development Officer (RDO), CDPO, DCPO, DSWO, DEO/DEEO/Dist. ISE, CWC, JJB, SJPU, AHTU, CMO, PHED,</li> </ul> |

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|  |  | <p>RTO, District Employment Officer) regarding their individual roles and responsibilities for identification and rehabilitation of CiSS.</p> <ul style="list-style-type: none"> <li>• The identification and rescue of CiSS is a time bound process which needs to be carried out on regular basis by the officials.</li> <li>• The District Collector/Deputy Commissioner/District Magistrate may issue directions for creating a pool of trained counsellors in the district and have formal engagement of such counsellors in the district who can provide necessary counselling and mental health care and support for CiSS and their vulnerable families.</li> <li>• The DM shall effectively implement the Ministry of Health &amp; Family Welfare's circular no.X.11029/6/2010-DDAP to devise ways and means to regulate and control the sale of correction fluid and thinner, which are substances generally used in offices, but reportedly being widely misused by children/street children as intoxicating substance /drug inhaling them to get stimulating effects like drugs.</li> <li>• In case there is no facility of an open shelter, as per provision provided under Section 51 of the JJ Act, 2015, the DM shall ensure that CWC recognizes a facility being run by a Government organization, or a voluntary or Non-Government Organization or a school building as a fit facility for the time being to run an open shelter for such children till the facility of a permanent open shelter starts. This open shelter shall function according to the provisions provided under Section 43 of the JJ Act, 2015. The NGOs/CBOs working in the region that have experience of working with children can provide food, education, skill building, recreation facility, playing and games to improve the quality of services to these children. The children living in the fit facility can be linked with mid day meal kitchen for making provisions of food requirement of children. <i>[Refer page 14 of SOP 2.0 of NCPCR]</i></li> </ul> |
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|    |                          | <ul style="list-style-type: none"> <li>To identify such individual or corporates/industries who are willing to provide financial assistance to the child and get them enrolled in a private sponsorship programme of the State under Section 45 of JJ Act, 2015.</li> </ul> <p>➤ <b>POST IDENTIFICATION AND RESCUE</b></p> <ul style="list-style-type: none"> <li>The District Magistrates shall facilitate services of medical officer of the district and para-medics for health screening of children that have been rescued.</li> <li>The District Magistrates shall facilitate services of counsellors to the children being produced before CWC post rescue.</li> <li>The children who are being kept in temporary shelters like open shelter/fit facilities shall be enrolled in neighbourhood schools and transportation facilities from the shelter to school shall be facilitated by the District Magistrates.</li> <li>The DM may pass orders for providing financial assistance of Rs.2000/- as interim relief to the CiSS at the time of rescue. This amount of Rs.2000/- may be disbursed to the child through the Juvenile Justice Fund.</li> <li>The District Task Force shall ensure that children are attending school regularly as per <b>Rule 2B (2) of Child &amp; Adolescent Labour Rules, 2017</b></li> <li>Sponsorship</li> </ul> |
| 4. | Child Welfare Committees | <p>➤ <b>Procedure as prescribed under Section 36 and 37 of the JJ Act, 2015 shall be followed by the committee after a child in street situation is produced before it.</b></p> <p>➤ <b>For children living on the streets alone</b></p> <ul style="list-style-type: none"> <li>The Committee to conduct inquiry as per Section 36 of JJ Act, 2015. On being satisfied through the inquiry that the child before the Committee is a CNCP, may, direct for preparation of social investigation report (SIR).</li> <li>The Committee may place the child in institutional care or exercise its discretion <b>for the restoration of the child to</b></li> </ul>   |



**guardian under Section 37(1 and 1[b]), Section 39(1) and Section 40(3), Section 37 (1.h) of the JJ Act, 2015.**

- Where it has been established that the child could not be restored with the family or could not also be declared free for adoption, the child may be provided long-term institutional care till the completion of 18 years and after that, financial support (as per Section 46 of JJ Act, 2015) may be provided till the age of 21 years in order to facilitate the child's re-integration into the mainstream of society.
- In the order of CWC, suitable temporary shelter to be provided to the child.
- Open shelters and institutions which can be declared fit facilities to be identified by the DCPU.
- Where there no open shelters or the open shelters in the district are not sufficient for reception of CiSS, the committee may declare any suitable institution as a fit facility as per Section 51 of the JJ Act, 2015. *[Refer page 14 of SOP 2.0 of NCPCR]*
- In absence of any identification card/document of child, on the order/request of CWC, child shall be taken to a nearby Aadhaar Seva Kendra for making Aadhaar Card of the child.
- **In Case the Child is Living with his Family in the Street Situation**
  - For children living in the streets with their families, the rescue of such children shall also be done and such children should be produced before the Child Welfare Committee under Section 31 of the JJ Act, 2015.
  - Pass necessary orders for restoration with the family and place the child and family in temporary shelters.
  - The temporary shelters may include open shelters, fit facilities etc. for children and night shelters for parents.
  - The child and the family members should also be given counselling.
  - **If it is a migrant family which has come to the city due to lack of means** for subsistence, adopting the livelihood option of

doing odd jobs, begging or selling products on the streets, or even does some other work involving children, the DCPU may visit the family and prepare the SIR to present the family situation.

- All possible steps may be taken to rehabilitate the family to their native place.
- The CWC where the child has been produced, the said CWC may consider writing to the CWC of the concerned district the family belongs to, or to the District Magistrate, **to provide sponsorship for the child - if the child is eligible for sponsorship under Section 45 of the JJ Act** and ensure basic facility and appropriate benefits under various schemes of the Government (both Central and State Government) are provided to the family.
- If it has been established that the **family is unable to go back to their native home due to certain reasons**, or is unable to go back to their native home for the time being, the CWC shall recommend for the child is to be enrolled at the Anganwadi Centre or in a school, as well as provide open shelter facility available in the area.
- **If it is found that the child is on the street during the day time and goes back to the family in the evening that stays in a nearby slum/hutment area**
  - The rescue of such children shall also be done and such children should be produced before the Child Welfare Committee under Section 31 of the JJ Act, 2015.
  - Pass necessary orders for restoration with the family and place the child in temporary shelters for the day time.
  - Open shelter shall function as a community-based facility for children, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets.
  - The committee may recommend for linking the families and the child with Central Government or State Government implemented schemes to keep the families and the children away from streets.

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| 5. | <b>Police Department</b> | <ul style="list-style-type: none"> <li>• Special Juvenile Police Units and Traffic Police in-charge of District in coordination with District Administration and State Department of Women and Child Development / Social Welfare shall work to guarantee protection to children living in street situations.</li> <li>• The Beat constables and Traffic Police being better placed at all nooks and corners of the city, to be involved in the identification and rescue of the street children.</li> <li>• Police Department having the knowledge of a child at risk on the street, with or without parents should immediately inform the CWC.</li> <li>• Action be initiated against such family who is forcing the child into begging, as per provision provided under Section 76 of JJ Act, 2015, <b>“Employment of child of begging” and Section 75 of JJ (CPC) Act, 2015 “Cruelty to child”</b></li> <li>• First information report (FIR) be lodged against the employer for contravention of the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 1986 and provisions of Juvenile Justice Act, 2015.</li> <li>• Police to take action against any other abuse such as sexual, exploitation and trafficking.</li> <li>• AHTU to play an active role and share information with the DC/DCPU of the area.</li> <li>• Develop innovative mechanisms for reporting of children in street situations by Traffic Police.</li> </ul> |
| 6. | <b>Labour Department</b> | <ul style="list-style-type: none"> <li>• If the child is found to be bonded labour, compensation in accordance with Clause 5 of the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016 should be provided to the child.</li> <li>• Rehabilitation of bonded labour as per provisions.</li> <li>• An amount of Rs. 25000 to be compensated to any the previously labour child as per given provisions, with a contribution of Rs. 5000 from the District Child Rehabilitation Fund and Rs. 20000 from the employer.</li> <li>• Linkage to skill programmes and vocational training.</li> </ul>   |

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|    |  | <ul style="list-style-type: none"> <li>• Rule 2B (2) of Child &amp; Adolescent Labour Rules, 2017 states that where a child receiving education in a school remains absent consecutively for thirty days without intimation to the Principal or Head Master of the school, then, the Principal or Head Master shall report such absence to the concerned nodal officer referred to in clause (i) of sub-rule (1) of rule 17C for information. This may be monitored by the Labour Department on a regular basis. A report may be called for by the District Education Officers for this.</li> </ul>  |
| 7. | <b>Urban Local Bodies/<br/>Resident Welfare Associations/<br/>Vyapar Mandals</b> | <ul style="list-style-type: none"> <li>• These bodies can also take measures to identify hotspots and inform the same to the District Magistrates.</li> <li>• Sharing of death data by the concerned Urban Local Bodies to relevant stakeholders so that children rendered orphan or abandoned can be attended to immediately.</li> <li>• The birth certificate to these children to be provided by concerned ULB for determination of age and enrollment in the school and linkage to any other such service requiring this document.</li> <li>• Awareness generation about Child Helpline, Open Shelter information etc. In this regard, announcement in streets and markets can be done by Urban Local Bodies through their garbage vehicles on a regular basis.</li> <li>• Monitor the recycling units which have established for plastic waste management and its premises to identify children working in the areas and doing rag picking work. Self-help groups can be made and involved in identification of such families who are rag pickers and counselling can be given to them. It must be ensured that children who are involved in such work should be enrolled in schools and attend classes regularly.</li> <li>• The Urban Local Body shall make all efforts to bring occupation of rag picking work into organized sector of work, so that the families can sell the waste and plastic materials to people at a fixed price and earn their livelihood. The bank accounts of such families shall be opened so that the occupation of rag picking can become a source of</li> </ul> |

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|    |   | <p>income for them and would keep the families and children off the streets and children of the child labour.</p> <ul style="list-style-type: none"> <li>The Urban Local Body shall also identify such people who are buying plastic waste/waste from children rag pickers and take appropriate action against such people along with getting FIR filed against them, as children working as rag pickers is prohibited under the Child &amp; Adolescent Labour Prohibition and Regulation Act.</li> </ul>   |
| 8. | <b>Revenue Department/ Administration</b> | <ul style="list-style-type: none"> <li>Overall monitoring and supervision of all the interventions for ensuring caring and protection for the street children shall be done at the district level by the District Collector/ DM.</li> <li>District Administration could consider training the rescued children from the street, (on attaining the age of 18 years) as Civil Defense Volunteer, since it will not only provide such vulnerable children respectable employment but owing to their street experience they can assist many other children who come from similar background.</li> <li>Implementation of schemes so that benefit and release of compensations can be made to children in a time bound manner.</li> </ul>   |
| 9. | <b>District Education officer</b>         | <ul style="list-style-type: none"> <li>District Education Officer shall facilitate admissions in neighborhood schools of such children and in case of migrant families, the children so repatriated with their families shall be admitted in schools of the repatriated district.</li> <li>The DEOs shall share regularly progress reports of such children admitted in schools to the Education Department.</li> <li>Where a child receiving education in school has been absent from the school consecutively for thirty days, the Principal or the Head Master of the school shall report such absence to the District Education Officer. <i>[Rule 2B (2) of Child &amp; Adolescent Labour Rules, 2017]</i></li> <li>The DEO shall report the same to the DCPUs for reporting the same to Child Welfare Committees.</li> </ul> |

#### **OTHER REHABILITATION MEASURES TO BE TAKEN FOR CHILDREN IN STREET SITUATIONS**

| S.No. | Immediate services to be provided to the child after rescue | Steps that can be taken  |
|-------|---|--|
| 1.    | <b>Health Screening</b>                                     | <ul style="list-style-type: none"> <li>For every child that is rescued and produced before the Child Welfare Committee, health screening of the child must be done.</li> <li>The District Magistrates shall facilitate services of medical officer of the district and para-medics for conducting health assessment of children at facilities and/or where the children in street situations are being produced before the Child Welfare Committee.</li> <li>Based on the medical report of the child prepared during the health screening, the CWC shall pass orders to DCPU for linking the child with de-addiction centers, health centres etc. Where there is requirement of giving emergency medical care, the child shall be provided the same.</li> </ul> |
| 2.    | <b>Counselling</b>  | <ul style="list-style-type: none"> <li>The CWC may order for counselling of children and the families by counsellors linked with CWC and on the roster list of DCPUs.</li> <li>The observations and recommendations made by the counsellor shall be recorded in the SIR of the child.</li> <li>Wherever required, the children and/or the family shall be given and/or linked with mental health services.</li> <li>The counsellors shall make all possible efforts to keep the families and the children away from the streets.</li> </ul>  |
| 3.    | <b>Where the child is without any identification</b>        | <ul style="list-style-type: none"> <li>In case no biological traces are found or the child is unable to inform about his native</li> </ul>   |

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|    |  | place/parents/family, the CWC may pass orders for preparing an Aadhar Card for the child.<br><i>[Refer page no. 28 of SOP 2.0 of NCPCR]</i>  |
| 4. | <b>Right to Education of CiSS</b>                                    | <ul style="list-style-type: none"> <li>The RTE Act, 2009 under Section 3 provides that every child of the age of six to fourteen years, including a child belonging to disadvantaged group and weaker section, shall have the right to free and compulsory education in a neighbourhood school till the completion of his or her elementary education.</li> <li>The children shall be enrolled in a proper neighbourhood school as per provisions of RTE Act, 2009.</li> <li>No child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education.</li> </ul> |
| 5. | <b>Education of children with disability</b>                         | <ul style="list-style-type: none"> <li>A child with disability including severe disability referred to under the RTE Act, 2009, shall have the same rights to pursue free and compulsory elementary education which children with disabilities have under the provisions of Chapter V of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.</li> </ul>  |
| 6. | <b>Special Training Centers under Section 4 of the RTE Act, 2009</b> | <ul style="list-style-type: none"> <li>Where a child above six years of age has not been admitted in any school or though admitted, could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age.</li> <li>Where a child is directly admitted in a class appropriate to his or her age, then, he or she shall, in order to be at par with others, have a right to receive special training.</li> </ul>   |

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| 7. | <b>Enrolment in Aanganwadi Centres/Creches</b>   | <ul style="list-style-type: none"> <li>• Children below six years of age may be enrolled with Anganwadi Centres/Crèches.</li> <li>• The benefit of children being enrolled in schools/Anganwadi centres/Crèches is that the children shall be getting the benefit of mid-day meal scheme.</li> </ul>   |
| 8. | <b>Linking with schemes/benefits [Refer Baal Swaraj Portal-CiSS (Stage-5) for list of schemes provided for children and strengthening of families]</b> | <ul style="list-style-type: none"> <li>• The CWC may during its inquiry, as it deems fit, provide for financial support to the child from such government implemented funds/schemes. Wherever the children produced before it are beneficiaries of any implemented schemes, funds, scholarships, etc. the same must be facilitated and provided to the child through a written order as per Section 45 of the Juvenile Justice Act, 2015.</li> <li>• Local authorities may also facilitate the benefit/entitlement of any implemented schemes to the child or his/her family/guardian wherever applicable or recommended by the CWC. For these special cases involving children, the department must take up these cases on priority.</li> <li>• If there are any other State Government implemented schemes meant for children in street situations, then the same may be informed to NCPCR for updating the list of schemes at Stage-5 of the portal.</li> </ul> |
| 9. | <b>Sponsorship</b>   | <ul style="list-style-type: none"> <li>• The sponsorship programme may provide supplementary support to families, to meet medical, nutritional, educational and other needs of the children, with a view to improving their quality of life.</li> <li>• In cases, where the CWC thinks that the child may be placed under a sponsorship programme or where a guardian/relative/single parent under whom the child is to be placed requests for assistance under the sponsorship programme, the CWC may recommend to the SCPS for the same.</li> <li>• DCPU shall facilitate and ensure smooth implementation of the sponsorship programme.</li> </ul>  |



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|     |   | <p><b>In case of individual sponsorship</b>, DCPU will open a bank account in the name of the child preferably to be operated by mother (<i>in cases where mother is not there, then the father/relative/guardian that the CWC may declare as a fit person for the child</i>) and the money shall be transferred directly from the account of DCPU to the child's bank account.</p>         |
| 10. | <b>Private Sponsorship under Section 45 of JJ Act, 2015</b> | <ul style="list-style-type: none"> <li>The District Magistrate may identify such organizations/companies/industries who are willing to contribute for the rights of children through their CSR initiatives and to provide financial assistance to children.</li> <li>The District Magistrate may facilitate these organizations to link them with the State sponsorship program.</li> </ul> |

#### **OTHER STEPS THAT CAN BE TAKEN FOR REHABILITATION OF CHILDREN WHO ARE VICTIM OF OFFENCES**

| S.No. | Child Victims   | Steps that can be taken  |
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| 1.    | <b>Where child is found to be in contravention of labour laws/or is found working</b> | <ul style="list-style-type: none"> <li>The child shall be produced before the Child Welfare Committee under Section 31 of the JJ Act, 2015.</li> <li>Local police shall file FIR on the perpetrators and employers of the child for violations of Child Labour Act, 1986, Juvenile Justice Act, 2015 and Indian Penal Code, 1860 on the statement of the child given before the Child Welfare Committee.</li> <li>In case the child in street situation is found to be <b>picking waste, working in a roadside tea stall/fruit cart, selling newspapers, balloons, pens, pencils, etc.</b>, then such acts of the child are also to be deemed as acts of child labour. <i>[Refer page no.24-25 of SOP 2.0 of NCPCR]</i></li> </ul> |

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|    |   | <ul style="list-style-type: none"> <li>• If the <b>person receiving the scraps/whatever collection from the child or who has engaged children and is giving narcotic substance</b> instead of money or along with the money, action may be initiated under Section 77 of the JJ Act, 2015. In any case if a person is <b>purchasing scraps/whatever collection from a child</b>, action must be initiated under the relevant Sections of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986; Section 79 of the JJ Act, 2015 and any other laws applicable for this matter.</li> <li>• Following financial amounts/compensations should be provided to the child labour victim- <ul style="list-style-type: none"> <li>• Interim compensation as decided by the Child Welfare Committee for providing emergency protection and health care services to the child.</li> <li>• Compensation in accordance with Clause 5 of the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016.</li> <li>• An amount of Rs.25000/- to be compensated to child as per given provisions, with a contribution of Rs.5000/- from the District Child Rehabilitation Fund and Rs.20000/- from the employer.</li> <li>• Back Wages from the employer to the child, if any.</li> </ul> </li> </ul> |
| 2. | <b>Where the child is a substance abuser or is victim of drug peddling</b> <i>[Refer page</i> | <ul style="list-style-type: none"> <li>• CWC shall immediately send the child to a fit facility identified for care, detoxification, treatment and rehabilitation of such children.</li> <li>• Girl substance abusers should be sent to “fit facility” exclusively for girls.</li> </ul>   |

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|    | <i>no.25 of SOP 2.0 of NCPCR]</i>  | <ul style="list-style-type: none"> <li>• CWC should direct the DCPU and district administration to create such facility for drugs de-addiction in an appropriate institution or in an appropriate manner.</li> <li>• In case there is unavailability of such institution the child may be sent to any other appropriate facility of the Government.</li> </ul>   |
| 3. | <b>Where the child is found to be begging on the streets [Refer pg no.26-27 of SOP 2.0 of NCPCR]</b> | <ul style="list-style-type: none"> <li>• Where the child is found to fall under any of the above-mentioned categories by the CWC, the CWC shall pass necessary orders under JJ Act, 2015 for placing the child in institutional care.</li> <li>• The people making the child to beg in the streets including parents shall be identified at the time of rescue of these children and FIR under the provisions of IPC, JJ Act, 2015 and Child Labour Act, 1986 shall be immediately filed by the Police for further investigation.</li> </ul> |
| 4. | <b>Where the child is a sexual abuse victim</b>  | <ul style="list-style-type: none"> <li>• Where child who is rescued is also a victim of sexual abuse or has been exploited sexually, the procedure for such a child shall be followed in accordance with the POCSO Act, 2012.</li> <li>• An immediate FIR must be registered by the Police on the statement of the child as per provisions of POCSO Act, 2012.</li> </ul>  |
| 5. | <b>Where the child is a trafficked child</b>   | <ul style="list-style-type: none"> <li>• In case it is found that or the CWC doubts that the guardians or family actually are not biological parents or guardians, the CWC shall request for further police investigation to inquire into the people having charge of the child, with a copy to Anti Human Trafficking Unit(AHTU).</li> <li>• In addition, if the child mentions that he/she is controlled by any other person or group of persons, the</li> </ul>   |

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|    |  | <p>police is to carry out further investigation into the matter and suitable action under JJ Act, 2015 shall be initiated immediately.</p> <ul style="list-style-type: none"> <li>• Till the true identity of the persons having charge of the child is found out, the CWC may place the child in institutional care and after inquiry of the police is completed, only then should the child be restored to the parents/guardians with the orders of the CWC.</li> <li>• If the inquiry discloses that the people having charge of the child are traffickers, then appropriate legal action must be taken under IPC, JJ Act, ITPA against the perpetrators.</li> </ul> |
| 6. | <b>Where the child was identified but is not found at the same place</b> | <ul style="list-style-type: none"> <li>• the DCPU shall in form about the same to the concerned CWC and District Magistrate.</li> <li>• The District Magistrate shall then direct the Special Juvenile Police Units to initiate an inquiry into the search and whereabouts of the child</li> <li>• SJPU shall make all efforts to locate the whereabouts of the child.</li> <li>• At the time of identification of children in street situations whether those children are alone or with families, it should be ensured that the families are not migrant families and that children are not going to relocate from that place.</li> </ul>                             |
| 7. | <b>If the Child is Divyang</b>   | <ul style="list-style-type: none"> <li>• On the order of CWC, Chief Medical Officer (CMO) of the district to issue the certificate appropriate to the case. On the basis of certificate, Divyang child to be enrolled for pension scheme benefit.</li> <li>• On the order of CWC, required medical supportive devices to be provided to the child.</li> <li>• CWC, on the nature of disability of the child, would order for the placement in an appropriate institutional care.</li> </ul>   |

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|  |  | <ul style="list-style-type: none"> <li>• DCPU will follow up with DSWO to place the child in the institution.</li> <li>• Effort would also be made for their restoration and reintegration to the mainstream society through appropriate means and interventions.</li> </ul> |
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### **ROLE OF STAKEHOLDERS**

The role of various stakeholders is illustrated in the table below:

| <b>S. No.</b> | <b>Intervention/Measures</b>  | <b>Concerned Department/Stakeholders</b>  |
|---------------|---|---|
| 1.            | Rescue of the Child   | District Administration, Police, DCPU (Department of WCD/Social Welfare), CWCs, NCPCR, SCPCRs                                 |
| 2.            | Enrollment of the Child to Schools  | DCPU (Department of WCD/Social Welfare), District Education Officers (Department of Education)                                |
| 3.            | Enrollment in the Aanganwadi Centres/Creche                                   | DCPU (Department of WCD/Social Welfare)   |
| 4.            | Health Services/Medical Aid   | State Department of Health  |
| 5.            | Mental Health Services  | State Department of Health  |
| 6.            | Shelters  | Department of WCD/Social Welfare  |
| 7.            | Child Labor Prohibition   | Department of WCD/Social Welfare, Labor Department, Police, SCPCRs  |
| 8.            | Protection against abuse, exploitation, trafficking                           | Special Juvenile Police Unit, Child Welfare Police Officer, District Child Protection Unit (Department of WCD/Social Welfare) |
| 9.            | Overall Supervision of the care and protection mechanism for street children. | District Administration, Department of WCD/Social Welfare   |

Annexure-ABASIC INDICATORS TO IDENTIFY “CHILDREN AT RISK” AND “VULNERABLE FAMILIES”

1. Out of School
2. Out of Aanganwadi
3. Family Condition:
  - a. Abandoned child
  - b. Divorcee/Widow Women
  - e. Disabled children
  - f. Disability in Family
  - g. Poor health conditions making the children vulnerable
  - h. Old age Parents
  - i. Families unable to obtain Gainful Employment
  - j. Relatives or family Members already Migrated and in street situations in Cities/Urban Areas
  - k. Families where children are survivors of trafficking
  - m. Families having Debts, loans, other such monetary liabilities etc.
  - n. Affected by natural calamities
  - p. Casualty in Family or death of earning member due to any reasons
  - q. Accident in Family
  - r. Marital Discords
4. Abuse in the Family: Misbehavior/ Discrimination/Children Unhappy due to various Reasons
5. Families where alcoholism and/or addiction to other substances is prevalent
6. Family members accused of any violation of child rights ie. POCSO, JJ Act, Child Labour etc.
7. Rag picker families
8. Children who are victim of Substance Use or Risk of Substance Use
9. Victim of Child Labour Activity in Village/nearby areas or possibility of getting indulged into child labour
10. History of Absconding/Running Away from Home.
11. Economic deprivation condition of family which makes child vulnerable to trafficking

**Note:**

- *The indicators listed above are broad and suggestive. The list is required to be customized and prepared at District/Block/Village Level based on individual families habiting in the community. Hence, to enable this Community participation is a must to create a comprehensive list.*
- *Matching of the profiles of children at risk and vulnerable families should be done by the Panchayat for ensuring the benefits of Government Schemes.*

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