Annexure II

Child Care and Protection Programmes: Social Measures Adopted and Implemented by the Government of India

The Child Protection Programmes of the Ministry focuses on the group namely, children in crisis situation such as street children, children who have been abused, abandoned children, orphaned children, children in conflict with the law, and children affected by conflict or disasters, etc.

Following are some of the programmes:

1. An Integrated Programme for Street Children
2. Childline Services
3. A Programme for Juvenile Justice
4. Govt. of India- UNICEF Work Plan on Child Protection
5. Central Adoption Resource Agency (CARA)
7. Integrated Child Protection Scheme (proposed)
8. GOI-UNICEF Work Plan for Child Protection

Recent Initiative:

The Commissions for Protection of the Child Rights Act 2005. The Government has recently notified the Commissions for Protection of Child Rights Act 2005 in the Gazette of India on 20th Jan., 2006 as Act No.4 of 2006. The Act envisages setting up a National Commission at the National level and the State Commissions at the State level. The proposed Commission would be set up for proper enforcement of children’s rights and effective implementation of laws and programmes relating to children. The National Commission for Protection of Child Rights will be a statutory body to be set up under the Commissions for Protection of Child Rights Act. The proposed Commission will have a Chairperson and six other Members, including two women members, a Member Secretary and other supporting staff. The Chairperson would be a person of eminence in the field of child development. The members would be the experts in the field of child health, education, childcare and development, juvenile justice, children with disabilities, elimination of child labour, child psychology or sociology and laws relating to children. The officers and the staff of the Commission will be provided by the Central Government. The proposed Commission would be set up for proper enforcement of children’s rights and effective implementation of laws and programmes relating to children.

The Functions of the Commissions are:

(a) Examine and review the safeguards provided by Constitution or any law for the protection of child rights and recommend measures for their effective implementation

(b) Present to the Central Government, annually reports upon the working of those safeguards.
(c) Examine all factors that inhibit the enjoyment of rights of most vulnerable children and children in need of special care and protection

(d) Study treaties and other international instruments and undertake periodical review of existing policies, programmes and other activities on child rights and make recommendation for their effective implementation in the best interest of children.

(e) Undertake and promote research in the field of child rights

(f) Spread child rights literacy among various sections of the society and promote awareness

(g) Inspect any juvenile custodial home, or any other place of residence or institution meant for children for the purpose of treatment, reformation or protection and take up with these authorities for remedial action

(h) Inquire into complaints and take *suo motu* notice of matters relating to,-

- deprivation of child’s rights;
- non-implementation of laws for protection and development of children;
- non-compliance of policy decisions, guidelines or and to provide relief to such children,
- or take up the issues arising out of such matters with appropriate authorities; and
- Such other functions as it may consider necessary for the promotion of child rights

**The Powers of the Commission include the Following:**

(a) Summoning and enforcing the attendance of any person and examining him on oath;

(b) Requiring the discovery and production of any document;

(c) Receiving evidence on affidavits;

(d) Requisitioning any public record or copy thereof from any court or office; and

(e) Issuing commissions for the examination of witnesses and documents.

(f) Forwarding any case to a magistrate having jurisdiction to try the same and the magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused

(g) Recommending to the concerned government or authority the initiation of proceedings for prosecution or such other action as deem fit against the concerned person/s

(h) Approaching the supreme court or the high court concerned for such directions, orders or writs as that court may deem necessary;

(i) Recommending to the concerned government or authority for the grant of such interim relief to the victim or the members of his family as the commission consider necessary.

**State Commissions for Protection of Child Rights:**

The Bill also provides that State Governments may constitute State Commissions for Protection of Child Rights in their State and designate a State level and other district level children’s Court in their respective State.

The Bill has similar provisions for State Commissions in respect of their constitution, reporting, functions and powers.

With the alleviation of the status of Department of Women and Child Development to an independent Ministry headed by the Minister of State having independent charge it was necessary to change the above provision to make the Minister in charge of the Ministry of Women and
Child Development as the Chairperson of the Selection Committee for the selection of the Chairperson of the National Commission for Protection of Child Rights. Hence, the Commissions for Protection of Child Rights (Amendment) Bill 2006 was prepared which has been passed by both the Houses of Parliament in the Winter Session. The Commission will be set up once the above Amendment Bill is assented to by the President which would enable the Ministry of Women and Child Development to select the Chairperson and Members of the Commission for its constitution.

The initiatives are being taken for constitution of the National Commission for Protection of Child Rights. The Rules for implementation of the provisions of the Act in respect for National Commission for Protection of Child Rights have been notified on 31.7.2006. The Ministry of Finance have also approved certain number of posts for the National Commission. Initiatives have been taken for appointment of Member Secretary and staff for the National Commission.