

## UNIT – 3

# CHILD RIGHTS – POLICIES, LAWS AND INSTITUTIONS

Tamil Nadu State Policy for Children - Laws related to children  
– Constitutional safeguards -Importance of Child Safeguarding  
Policy - Child protection institutions at village, urban, district,  
state, national and international levels-.

## Constitutional provisions for Child Rights in India

In India, the constitutional provisions for child rights primarily stem from the Constitution of India, which was adopted in 1950. Several articles in the Constitution explicitly address the rights and protections of children. In India, the childcare and protection framework comprise various laws, policies, and programs aimed at ensuring the well-being, development, and protection of children. Here are some key provisions in the Constitution of India:

**Right to Equality:** Article 14 ensures that all children are equal before the law and have equal protection of the law.

**Right to Freedom:** Article 19 guarantees the freedom of speech and expression, which also applies to children.

**Right against Exploitation:** Article 23 prohibits trafficking of children, forced labor, and any form of exploitation.

**Right to Education:** Article 21A provides for free and compulsory education for children aged 6 to 14 years as a fundamental right.

**Right to Protection:** Article 24 prohibits the employment of children below the age of 14 years in hazardous occupations.

**Right to Health and Nutrition:** Article 39 mandates the state to ensure that children are provided with opportunities and facilities to develop in a healthy manner.

**Right to Protection of Cultural and Educational Rights:** Article 29 safeguards the interests of minority children by granting them the right to protect their language, script, and culture.

**Right to Protection of Juvenile Justice:** Article 15(3), Article 39(e), and Article 39(f) ensure protection and welfare of children in conflict with the law, promoting their rehabilitation.

Apart from the Constitution, India has also enacted specific legislation to safeguard child rights, such as:

National legislations for protection of child rights in the country are the:

- Guardian and Wards Act, 1890
- Factories Act, 1954
- Hindu Adoption and Maintenance Act, 1956
- Probation of Offenders Act, 1958
- Bombay Prevention of Begging Act, 1959
- Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960
- Bonded Labour System (Abolition) Act, 1976
- Immoral Traffic Prevention Act, 1986
- Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
- Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1987
- Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- Rights of Persons with Disabilities Act, 2016
- Juvenile Justice (Care and Protection of Children) Act, 2015
- Commission for Protection of the Rights of the Child Act, 2005
- Prohibition of Child Marriage Act 2006
- Right of children to Free and Compulsory Education Act
- The Protection of Children from Sexual Offences Act, 2012

- i. **The Juvenile Justice (Care and Protection of Children) Act, 2015:** This act provides for the care, protection, and rehabilitation of children in need of care and protection, as well as the treatment of children in conflict with the law.
- ii. **The Right to Education Act, 2009:** This act guarantees free and compulsory education to children aged 6 to 14 years.
- iii. **The Protection of Children from Sexual Offences (POCSO) Act, 2012:** This act deals with sexual offenses against children and provides for their protection, care, and support.
- iv. **The Prohibition of Child Marriage Act, 2006** specifically addresses the issue of child marriages. Child marriage refers to the marriage of a girl below the age of 18 years or a boy below the age of 21 years.
- v. **The Child Labour (Prohibition and Regulation) Act, 1986** addresses the issue of child labour. The act aims to prohibit the engagement of children in certain hazardous occupations and to regulate the working conditions of children in non-hazardous occupations.

These constitutional provisions and laws are aimed at promoting and protecting the rights and well-being of children in India.

## Juvenile Justice Care and Protection of Children Act 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 is a comprehensive legislation that provides for proper care, protection and treatment of children in conflict with law and children in need of care and protection by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under the Act. It conforms to UNCRC, the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985, the UN Rules for the Protection of Juveniles Deprived of their Liberty and all other relevant national and international instruments.

### History of Legislation concerning Children in Conflict with the Law

1. The Apprentices Act, 1850, was the first law enacted in India dealing with children in conflict with the law. This law allowed the courts to treat children who had committed petty crimes as apprentices instead of sending them to prisons.
2. The second law that dealt with juvenile offenders was the Reformatory Schools Act, 1876.
3. The Indian Jails Committee (1919-20) also made some recommendations with regard to children in conflict with the law.
4. In 1960, the Children Act was passed to provide for the care, maintenance, protection, welfare, education, training, trial and rehabilitation of neglected and delinquent children.
5. The Juvenile Justice Act, 1986: This was the first central law on juvenile justice that provided a uniform law for the whole country in this respect.
6. In 1992, the government of India ratified the United Nations Convention on the Rights of the Child which made it expedient to have a law that conformed to the standards of the Convention.



7. Hence, the JJA, 1986 was repealed and the Juvenile Justice (Care and Protection of Children) Act, 2000 was enacted.

**Definition of a Child:** The Act defines a child as a person who has not completed 18 years of age. It recognizes that children require special care and protection.

**Juvenile Justice Boards (JJBs):** The Act establishes Juvenile Justice Boards at the district level, consisting of a magistrate and two social workers. JJBs are responsible for determining the nature of offenses committed by children and deciding appropriate measures for their rehabilitation.

**Child Welfare Committees (CWCs):** The Act sets up Child Welfare Committees at the district level to deal with children in need of care and protection. CWCs are responsible for ensuring the well-being, care, and rehabilitation of such children.

**Differentiated Approach:** The Act adopts a differentiated approach in dealing with children in conflict with the law, taking into consideration their age, maturity, and the gravity of the offense committed. It promotes their rehabilitation and reintegration into society.

**Child-friendly Procedures:** The Act emphasizes child-friendly procedures during the entire process, including investigation, inquiry, and trial. It ensures that children are provided a safe and supportive environment while their rights are protected.

**Rehabilitation and Social Integration:** The Act lays emphasis on the rehabilitation and social reintegration of children in conflict with the law. It provides for various measures, such as counselling, education, vocational training, and skill development programs to facilitate their reintegration into society.

**Foster Care and Adoption:** The Act recognizes foster care as an alternative form of care for children in need of care and protection. It also provides guidelines for adoption, ensuring the best interests of the child are upheld.

**Special Provisions for Heinous Offenses:** The Act includes provisions for dealing with children involved in heinous offenses, such as murder and rape, who are between the ages of 16 and 18. It allows for their trial as adults under certain circumstances.

The Juvenile Justice (Care and Protection of Children) Act, 2015 aims to protect the rights of children in conflict with the law and children in need of care and protection. It focuses on their care, rehabilitation, and reintegration into society, with a strong emphasis on their best interests and well-being.

## Right to Free and Compulsory Education Act 2009

The Right to Free and Compulsory Education Act, also known as the Right to Education (RTE) Act, was enacted by the Parliament of India in 2009. The Act came into force on April 1, 2010, and it is aimed at providing free and compulsory education to all children between the ages of 6 and 14 in India.

The RTE Act is a landmark legislation that emerged as a result of several years of advocacy and efforts by civil society organizations, educationists, and policymakers. It aims to address the issue of

low enrollment, high dropout rates, and the lack of access to quality education for a significant section of the Indian population.

**Constitutional Amendment:** To make education a fundamental right, the Constitution of India was amended in 2002 to include Article 21A, which guarantees the right to education for all children aged 6-14.

The Right to Education Act, 2009, officially known as the Right of Children to Free and Compulsory Education Act, is a significant legislation in India that guarantees free and compulsory education for children between the ages of 6 and 14 years. The Act aims to provide quality education and promote universal access to education for all children. Here are the key features of the Right to Education Act, 2009:

**Free and Compulsory Education:** The Act establishes the right of every child to receive free and compulsory education in a neighbourhood school from the age of 6 to 14 years. It makes it mandatory for the government to provide free education to all children in this age group.

**Non-Discrimination:** The Act prohibits discrimination on various grounds, including gender, caste, religion, and socio-economic background. It ensures that all children have equal opportunities and access to education.

**Quality Standards:** The Act sets minimum norms and standards for schools, including infrastructure, teacher-student ratio, and basic facilities such as drinking water, toilets, and playgrounds. It emphasizes the importance of quality education and the improvement of learning outcomes.

**Neighbourhood Schools:** The Act promotes the concept of neighbourhood schools, ensuring that every child has a school within a specified distance from their residence. It discourages long travel distances and aims to make education accessible to all.

**School Management Committees (SMCs):** The Act mandates the formation of School Management Committees at the school level, comprising parents and teachers. SMCs play a vital role in monitoring school activities, ensuring transparency, and enhancing community participation in the education system.

**Reservation of Seats:** The Act provides for the reservation of seats for children from disadvantaged groups, including Scheduled Castes, Scheduled Tribes, and economically weaker sections. It aims to bridge educational gaps and promote social inclusion.

**Financial Provisions:** The Act establishes a framework for sharing financial responsibilities between the central and state governments to support the implementation of free and compulsory education.

**Monitoring and Accountability:** The Act sets up mechanisms for monitoring the implementation of the Act and establishes authorities responsible for addressing grievances and ensuring compliance.

The Right to Education Act, 2009, plays a crucial role in advancing the right to education and improving educational opportunities for children in India. It strives to eliminate barriers to education, promote inclusivity, and enhance the overall quality of education.

## The Protection of Children from Sexual Offences Act (POCSO Act) 2012

The need for the Protection of Children from Sexual Offences (POCSO) Act in India arose due to the urgent requirement for a dedicated legal framework to address the increasing cases of child sexual abuse and exploitation in the country.

Child sexual abuse is a grave violation of a child's fundamental rights, including their right to life, survival, and protection against violence. The POCSO Act recognizes the importance of safeguarding children from sexual offenses and upholds their right to live a safe and secure life. India has witnessed a significant increase in reported cases of child sexual abuse over the years. The need for a specialized law became evident to address the unique vulnerabilities and sensitivities associated with such offenses committed against children. Prior to the enactment of the POCSO Act, child sexual abuse cases were primarily dealt with under the Indian Penal Code (IPC), which did not specifically address the unique aspects of child sexual offenses. The POCSO Act fills this gap by providing a comprehensive legal framework specifically tailored to address child sexual abuse and exploitation.

The POCSO Act not only criminalizes various forms of sexual offenses against children but also focuses on their rehabilitation and support. It emphasizes the need for child-friendly procedures, counseling, and access to justice for victims, along with the establishment of special courts to expedite the trial process.

India is a signatory to various international conventions and treaties, including the United Nations Convention on the Rights of the Child (UNCRC). The enactment of the POCSO Act aligns with these international commitments to protect children from all forms of abuse, including sexual offenses.

The Protection of Children from Sexual Offences Act (POCSO Act), 2012 is a crucial legislation in India that focuses on addressing and preventing sexual offenses against children. The Act provides for the protection, care, and support of children who are victims of sexual abuse and exploitation. Here are the key features of the POCSO Act, 2012:

**Definition of Sexual Offenses:** The Act defines various sexual offenses against children, including but not limited to, child sexual abuse, sexual harassment, and child pornography. It also includes offenses committed online or through digital platform.

1. **Penetrative Sexual Assault:** Any form of sexual penetration or attempt to penetrate a child's body with or without consent is considered a penetrative sexual assault. This includes rape, sodomy, and oral sex.
2. **Aggravated Penetrative Sexual Assault:** When a child undergoes penetrative sexual assault resulting in severe physical or mental trauma, it is classified as aggravated penetrative sexual assault. It may involve use of weapons, involvement of multiple perpetrators, or repeated offenses.
3. **Sexual Assault:** The Act defines sexual assault as any non-penetrative sexual contact or act involving a child. It includes touching, groping, or any form of sexual contact without consent.

4. **Sexual Harassment:** Making sexually explicit remarks, gestures, or advances, or showing pornography to a child with the intention to harass or abuse them is categorized as sexual harassment under the POCSO Act.
5. **Child Pornography:** The Act prohibits the creation, possession, distribution, or consumption of child pornography, which includes explicit material involving a child.
6. **Use of Child for Pornographic Purposes:** Using a child for any form of pornographic performance, including live shows or online platforms, is considered an offense under the POCSO Act.
7. **Abetment and Attempt:** The Act also covers offenses related to abetment and attempts to commit the above-mentioned sexual offenses against children.

**Special Courts:** The Act establishes special courts dedicated to the speedy and effective trial of offenses under the POCSO Act. These courts ensure the privacy and protection of child victims throughout the legal proceedings.

**Child-Friendly Procedures:** The Act emphasizes child-friendly procedures during investigations, medical examinations, and court proceedings. It aims to minimize the trauma and stress experienced by child victims, providing a safe and supportive environment for them.

**Mandatory Reporting:** The Act imposes a legal duty on individuals who come across instances of child sexual abuse to report it to the appropriate authorities. Failure to report such incidents can lead to punishment.

Section 19 of the POCSO Act imposes a legal duty on certain individuals or "mandatory reporters" to report any information they have regarding the commission of a sexual offense against a child. The law places the responsibility of reporting on the person who has first-hand knowledge or a reasonable belief that an offense has been committed.

The Act specifies different categories of individuals who are considered mandatory reporters. This includes any person who is in a professional capacity or occupation dealing with children, such as doctors, nurses, teachers, social workers, police officers, and members of the media.

**Protection of Identity:** The Act ensures the protection of the identity of child victims and prohibits the disclosure of their personal information during the investigation and trial. This provision helps safeguard the privacy and dignity of child victims.

**Rehabilitation and Support:** The Act prioritizes the rehabilitation and support of child victims. It mandates the establishment of special care homes, counseling services, and other support mechanisms to aid in their recovery and well-being.

**Prevention Measures:** The Act emphasizes the importance of prevention and awareness programs to educate children, parents, and the public about child sexual abuse and its prevention. It encourages the implementation of measures to ensure the safety of children.

**Penalties:** The Act imposes stringent punishments for offenders, including imprisonment and fines, based on the severity of the offense. It also provides for enhanced penalties for repeat offenders.

The POCSO Act, 2012 is a significant legislation that aims to protect children from sexual offenses, provide justice to victims, and create a safer environment for children in India. It acknowledges the vulnerability of children and ensures their rights and well-being are safeguarded.

## The Prohibition of Child Marriage Act 2006

Child marriage legislations have evolved over time to address the issue of early and forced marriages, protect the rights of children, and promote their well-being.

**Child Marriage Restraint Act (CMRA) of 1929:** The first significant legislation related to child marriage in India was the Child Marriage Restraint Act, also known as the Sarda Act, enacted in 1929. This Act aimed to curb the practice of child marriage by setting a legal age for marriage. It prohibited the marriage of girls below the age of 14 and boys below the age of 18.

**Prohibition of Child Marriage Act (PCMA) of 2006:** The Prohibition of Child Marriage Act replaced and repealed the outdated CMRA of 1929. Enacted in 2006, the PCMA introduced several improvements to the legal framework. It increased the age of marriage for girls to 18 and for boys to 21, aligning it with the legal age of majority. The Act also included stronger provisions, penalties, and protection mechanisms to prevent child marriages and safeguard the rights of children.

The Prohibition of Child Marriage Act, 2006 specifically addresses the issue of child marriages. Child marriage refers to the marriage of a girl below the age of 18 years or a boy below the age of 21 years.

Here are the key features of the Prohibition of Child Marriage Act, 2006:

**Definition and Punishment:** The Act defines child marriage and declares it as voidable. It prescribes punishment for anyone who performs, conducts, or promotes child marriages, including parents or guardians. The punishment can include imprisonment and/or a fine.

**Offenses and Cognizance:** The Act identifies various offenses related to child marriage, such as solemnizing, permitting, or promoting child marriages. It also provides for the cognizance of such offenses by designated courts.

**Child Marriage Prohibition Officers (CMPOs):** The Act empowers the government to appoint Child Marriage Prohibition Officers at various levels to prevent, investigate, and take action against child marriages. These officers have the authority to intervene and stop child marriages. The designated child marriage prohibition officers differ from state to state. In the case of Tamilnadu's, it is the District Social Welfare Officers (DSWOs)

**Protection and Support:** The Act focuses on the protection and support of child brides and grooms. It provides for the appointment of Child Marriage Protection Officers, who are responsible for providing assistance, counseling, and support to the victims of child marriages.

**Child Marriage Prohibition Fund:** The Act establishes a Child Marriage Prohibition Fund, which is utilized for various purposes, including the welfare and rehabilitation of victims of child marriages.

**Awareness and Education:** The Act emphasizes the importance of creating awareness and educating the public about the issue of child marriage. It encourages the government, NGOs, and other organizations to undertake programs and campaigns to prevent child marriages.

The Prohibition of Child Marriage Act, 2006 is a crucial legislation aimed at combating the practice of child marriage in India. Its provisions are designed to deter child marriages, protect the rights of children, and provide support to those affected by child marriages.



## Child Labour (Prohibition and Regulation) Act, 1986

The Child Labour (Prohibition and Regulation) Act, 1986 addresses the issue of child labour. The act aims to prohibit the engagement of children in certain hazardous occupations and to regulate the working conditions of children in non-hazardous occupations. The Act was amended in 2016 to strengthen the provisions and enhance the protection of child rights. Here are the key features of the Child Labour (Prohibition and Regulation) Act, 1986:

**Prohibition of Child Labour:** The Act prohibits the employment of children below the age of 14 years in any occupation, except for certain specified non-hazardous family-based work and the entertainment industry.

**Regulation of Adolescent Labour:** The Act sets regulations for the employment of adolescents aged 14 to 18 years. It defines the conditions under which adolescents can be employed, ensuring their safety, health, and welfare.

**Hazardous Occupations and Processes:** The Act specifies a list of hazardous occupations and processes where the employment of children is strictly prohibited. These include work in mines, factories, construction sites, and occupations involving exposure to harmful substances or dangerous machinery.

**Right to Education:** The Act emphasizes the importance of education for children and makes it a fundamental right. It mandates that every child between the ages of 6 and 14 years must be provided with free and compulsory education.

**Enforcement and Penalties:** The Act assigns responsibilities to the government and various authorities for the enforcement of its provisions. It outlines penalties for violations, including imprisonment and fines, depending on the nature and severity of the offense.

**Rehabilitation and Welfare:** The Act includes provisions for the rehabilitation and welfare of rescued child laborers. It mandates the establishment of special rehabilitation centers and the provision of education, vocational training, and other support services for their physical, psychological, and social development.

The Child Labour (Prohibition and Regulation) Act, 1986, along with subsequent amendments, is aimed at eradicating child labour and ensuring the protection and welfare of children. It focuses on creating a safe and conducive environment for children to grow, learn, and develop, while prohibiting their engagement in hazardous and exploitative work.

## National and State Policies for Child rights

### The National Policy for Children - 2013

The National Policy for children was indeed adopted in 2013. It is a comprehensive policy framework aimed at promoting and safeguarding the rights of children in India. The policy is based on the principles and provisions of the Convention on the Rights of the Child (CRC) and aims to ensure the protection, survival, development, and participation of children. The policy focuses on holistic development across various dimensions, including health, nutrition, education, protection, and participation of children. The policy emphasizes the need to address the disparities and inequalities

affecting children, especially those from marginalized and vulnerable groups, such as children with disabilities, street children, child laborers, and children in difficult circumstances.

The policy advocates for the enactment and enforcement of child-friendly legislation and policies at both national and state levels. It emphasizes the need for the integration and convergence of services across sectors like health, education, social welfare, justice, and law enforcement to ensure comprehensive child development. The policy recognizes the importance of children's participation in decision-making processes that affect their lives and encourages their involvement in matters that concern them. It calls for the establishment of appropriate institutional mechanisms and structures at the national, state, and local levels to coordinate and monitor the implementation of child-related policies and programs. The policy focuses on preventing and addressing child abuse, exploitation, violence, and trafficking, and emphasizes the need for a child-friendly justice system.

It's important to note that the National Policy for Children provides a broad framework, and the specific implementation and actions may vary across states and regions within the country. For detailed information on the policy's implementation and initiatives, it is recommended to refer to official government sources or the Ministry of Women and Child Development in India.

## Tamilnadu State Policy for Children 2021

**Tamilnadu State Policy for Children was launched in 2021.** Even though Tamil Nadu fares better on many of the indices compared to the national average, the following are some issues that are preventable and needs the attention of the Government of Tamil Nadu: malnutrition, anaemia, infant mortality rate, under 5 mortality rate, child sex ratio, full immunization, body mass index, gross enrolment ratio at high and higher secondary level, open defecation, etc.

The Government of Tamil Nadu takes these issues seriously and affirms that addressing these issues are of paramount importance for achieving its 10 year-roadmap for the state. This State Policy for Children is intended to significantly improve the overall wellbeing of children and set benchmarks on all indicators on par with international standards. The aim of TNSPC is to address the issues which challenge the safety and well-being of the State's children with special focus on adolescents, adolescent health and their vulnerability. All aspects affecting children, either directly or indirectly have been deliberated upon or articulated while drafting the policy. This policy also emphasizes the need for protection of children in humanitarian situations.

### The major policies to ensure child rights and improvement in their status include:

- National Policy for Children, 1974
- National Policy on Education, 1986
- National Policy on Child Labour, 1987
- National Nutrition Policy, 1993
- Report of the Committee on Prostitution, Child Prostitutes and Children of Prostitutes, and Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, 1998
- National Health Policy, 2002
- National Charter for Children, 2004
- National Plan of Action for Children, 2005
- National Policy for Children, 2013
- National Youth Policy, 2014

The overarching objective of this policy is to ensure prevention and protection of children from all/any form of violence particularly from vulnerable sections by

1. Strengthening the existing systems
2. Establishing proper systems to monitor the implementation of the policy measures
3. Convergence of action between all relevant departments
4. Creating awareness among children and all stakeholders about this policy and the Government of Tamil Nadu's commitment to the cause of children.
5. Allocating adequate budget in proportion to the child population of the State and that enables to fulfil the promises of the Government of Tamil Nadu to all children particularly from vulnerable communities and girls.
6. Harnessing technological advancements to the optimum level to realize its commitments to all children of the state.

### **Chief Minister's Girl Child Protection Scheme**

The Chief Minister's Girl Child Protection Scheme, introduced by the then Hon'ble Chief Minister of TamilNadu in 1992, is a pioneering and path-breaking scheme for the welfare of girl child. The Girl Child Protection Scheme is aimed at preventing gender discrimination by empowering and protecting rights of girl Children through direct investment from Government.

The scheme aims to:

- Promote enrollment and retention of the girl child in school and to ensure her education at least up to intermediate level.
- Encourage girls to get married only after the age of 18 years.
- Encourage parents to adopt family planning norm with two girl children.
- Protect the rights of the girl child and provide social and financial empowerment to girl child.
- Strengthen the role of the family in improving the status of the girl child.

### **Scheme-I**

An amount of Rs. 50,000 is deposited in the name of the girl child born on or after 01/08/2011, in the form of fixed deposit with the Tamil Nadu Power Finance and Infrastructure Development Corporation Limited, for a family with one girl child only. The copy of the fixed deposit receipt is given to the family of the girl child.

### **Scheme-II**

An amount of Rs. 25,000 is deposited in the names of two girl children born on or after 01/08/2011 in the form of fixed deposit with Tamil Nadu Power Finance and Infrastructure Development Corporation Limited, for a family with two girl children only. The copy of the fixed deposit receipt is given to the family of the girl children.

The above deposit is renewed at the end of every 5 years and on completion of 18 years of age the amount deposited along with interest will be given to the girl child. To get this benefit, the girl



child should appear for 10th standard public examination. Thus, the matured amount will help the girl child to pursue her higher education. The new scheme implemented from 01.08.2011 has maturity benefits as detailed below.

### **Moovalur Ramamirtham Ammaiyaar Higher Education Scheme**

The Government of TamilNadu has launched Moovalur Ramamirtham Ammaiyaar Higher Education Assurance Scheme to enhance the enrolment ratio of girls from Government schools to Higher Education Institutions. Through this scheme, the financial assistance of Rs. 1000/month will be provided to the girls till their completion of UG degree/Diploma/ITI/any other recognized course. The incentive amount under this scheme will be disbursed directly into the student's Bank Account.

The initiative includes focusing on girl students who need financial help in learning. This indicates that this program is also aimed at educating female residents. This program, known as the Pudhumai Penn plan, is intended to be of assistance to economically disadvantaged families who, because of financial restraints, are unable to send their daughters to college. The Pudhumai Penn Scheme helps student girls in their crucial career periods of life to excel by providing them with basic money of Rs 1000 to support their education.

The following is a list of the advantages of the Pudhumai Penn Scheme:

- i. The Pudhumai Penn Scheme is different from other schemes since it focuses on providing financial assistance, encouraging female students to continue their education, and discouraging parents and guardians from allowing their daughters to be married at a young age.
- ii. Because of the foresight to focus on contemporary circumstances, the Puthumai Penn Scheme is going to usher in a new era of innovation within the next several years.
- iii. A monetary award of Rs 1,000 per month will be provided to female students who are pursuing an education till they have either graduated or earned a certificate or diploma, irrespective of the field.
- iv. Because it is common knowledge that female students in our country are discouraged from pursuing an education, this program offers a boost to the confidence of young women.

### **Ennum Ezhuthum**

The Ennum Ezhuthum Mission has been envisioned to improve the quality of teaching and learning in primary classes in Tamil Nadu. The goal of the Ennum Ezhuthum mission is to ensure that all students of classes 1,2, and 3 in government schools in Tamil Nadu can read with comprehension and possess basic arithmetic skills by 2025. The mission also aims to tackle the learning gap caused due to school closures during the COVID-19 lockdown. Towards this, under the academic leadership of the State Council of Educational Research and Training (SCERT), the Ennum Ezhuthum Mission shall commence from the academic year 2022-23 across all districts of Tamil Nadu.

### **Naan Mudhalvan**

Naan Mudhalvan platform aims to provide dynamic information for college students on courses and relevant information about industry specific skill offerings. This will enable the students of Tamil Nadu to get training in their chosen field of interest that will help them in achieving their career goals.



The objective of this scheme is to identify potential training providers, to impart various skill trainings based on current industry gaps. Through this flagship program the students to get trained and ensure they get jobs according to their skill sets. We will also offer career and academic guidance to students in state educational institutions.

## Illam Thedi Kalvi

School Education Department, Govt. of Tamil Nadu has launched a new scheme namely Illam Thedi Kalvi Scheme in 2021. This scheme aims to reduce the learning gap for children from classes 1 to 8. As part of Tamilnadu Illam Thedi Kalvi Scheme, volunteers will take classes near the houses of students after school hours from 5 pm to 7 pm every day. Volunteer student ratio is 1:20 and over one lakh volunteers are expected to join Tamil Nadu Illam Thedi Kalvi Scheme.

## Child Protection Policy

A child protection policy is a set of guidelines and procedures aimed at ensuring the safety, well-being, and protection of children from abuse, neglect, exploitation, and other forms of harm. It is implemented by organizations, institutions, and communities that work with or have responsibility for children. The main objectives of a child protection policy are:

**Prevention:** The policy outlines measures to prevent abuse and harm to children by promoting awareness, education, and training for staff, volunteers, and stakeholders. It establishes clear expectations and standards of behaviour to create a safe environment for children.

**Reporting and Response:** The policy provides procedures for reporting and responding to suspected or disclosed cases of child abuse, neglect, or exploitation. It ensures that incidents are handled promptly, confidentially, and in accordance with the law.

**Code of Conduct:** The policy includes a code of conduct for staff, volunteers, and individuals who interact with children. It sets expectations for appropriate behaviour, boundaries, and ethical conduct, emphasizing the importance of respecting the rights and dignity of children.

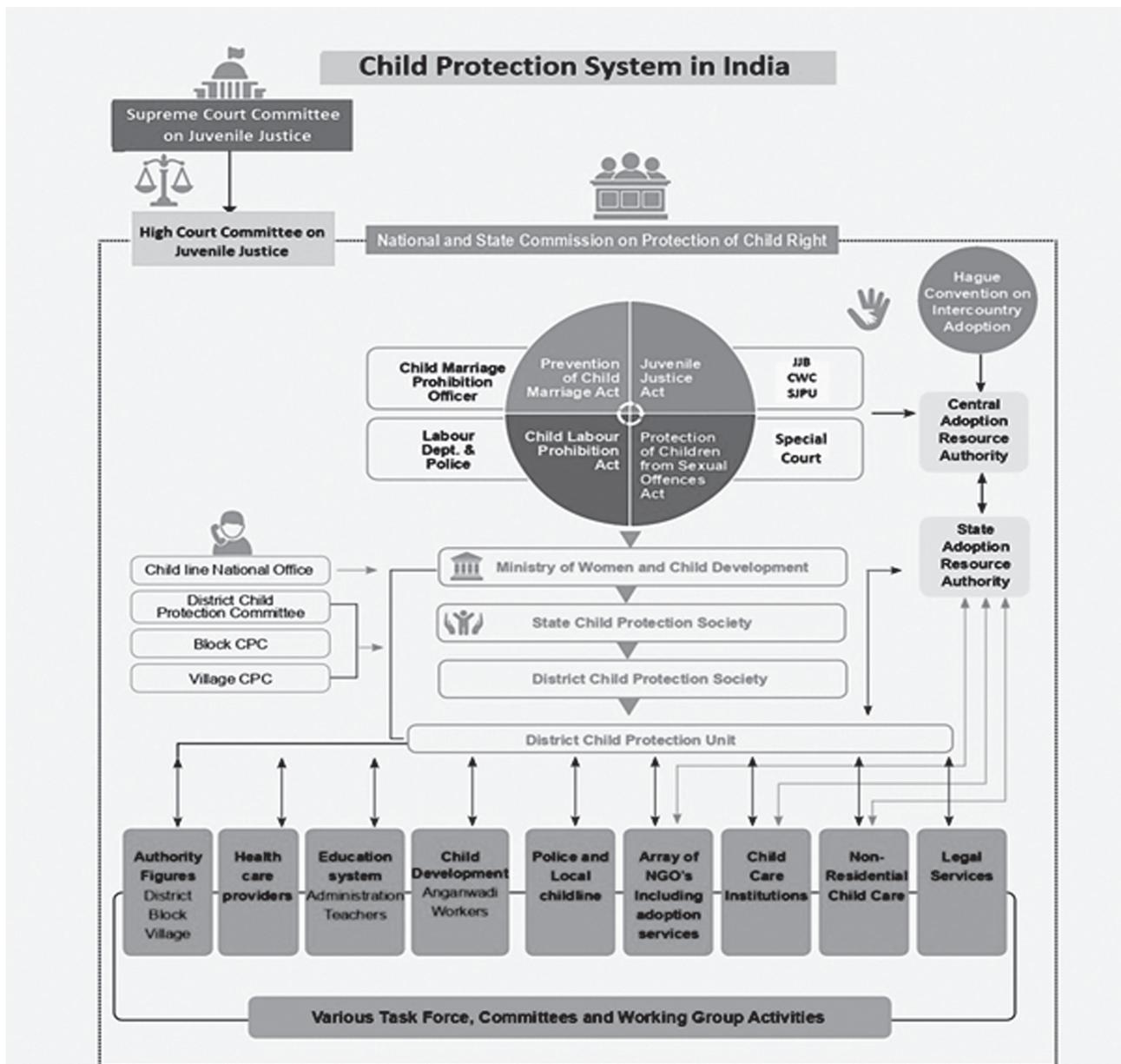
**Recruitment and Screening:** The policy establishes guidelines for the recruitment, selection, and screening of individuals who will have access to children. It may include background checks, reference verifications, and screening procedures to minimize the risk of potential abusers working with children.

**Training and Capacity Building:** The policy emphasizes the importance of providing training and capacity building programs for staff, volunteers, and other relevant individuals. This includes training on child protection policies and procedures, recognizing signs of abuse, and appropriate responses.

**Collaboration and Coordination:** The policy promotes collaboration and coordination with relevant authorities, agencies, and organizations to ensure effective child protection. It may include partnerships with local child protection agencies, sharing information, and participating in collective efforts to safeguard children.

**Monitoring and Review:** The policy outlines mechanisms for monitoring and reviewing its implementation, effectiveness, and compliance. It ensures that the policy is regularly updated and adapted to changing needs and best practices.

A child protection policy is a proactive and preventive approach to safeguarding children, ensuring their safety, and promoting their well-being. It establishes a framework for responsible and accountable practices, fostering an environment where children can thrive, grow, and develop without fear of harm or exploitation.



## Child Line 1098

Childline is the national 24-hour toll-free helpline number for children in distress. It is a crucial helpline service that provides immediate assistance, support, and protection to children in need of care and protection. Childline can be reached by dialing 1098 from any mobile or landline phone.

**Village Level Child Protection Committee (VLCPC)** is a local-level committee established to address child protection issues within a village or community. VLCPCs play a vital role in identifying and responding to cases of child abuse, exploitation, neglect, and other forms of harm.

VLCPCs & WLCPCs are typically composed of local community members, including representatives from different sections of society such as Panchayat Raj Institutions, parents, teachers, community leaders, youth organizations, local government officials, and representatives from NGOs working on child protection.

Ward Level Child Protection Committee (WLCPC) is a committee established at the ward level within a city or urban area. WLCPCs play a crucial role in addressing child protection issues and ensuring the well-being of children within their respective wards.

**Functions and Responsibilities:** The functions and responsibilities of VLCPCs and WLCPCs include:

- Identifying and reporting cases of child abuse, neglect, exploitation, or any form of harm within the village or ward.
- Responding to child protection issues by taking appropriate actions, including immediate support, intervention, or referral to relevant authorities or service providers.
- Raising awareness and conducting community-level campaigns on child rights, child protection, and prevention of child abuse and exploitation.
- Promoting and facilitating the participation of children in decision-making processes related to their well-being and development.
- Collaborating with government departments, NGOs, and other stakeholders to strengthen child protection services and initiatives at the local level.
- Monitoring and evaluating child protection activities within the village or ward and advocating for necessary interventions or improvements.

## District Child Protection Unit

The District Child Protection Unit (DCPU) is a key component of the child protection system in India. It operates at the district level and is responsible for coordinating and implementing child protection services and programs within the district.

The DCPU consists of a team of professionals and staff dedicated to child protection. This may include a District Child Protection Officer, Protection office Institutional Care, Protection office Non-Institutional Care, Counsellor, Legal cum Probation officer, Two Social workers, outreach workers, Data analyst, Data Entry operator and Accountant. The District Collector is the chairperson of DCPU.

The DCPU performs a range of functions to fulfil its child protection mandate, including:

- Identifying and addressing cases of child abuse, neglect, exploitation, and other forms of harm within the district.
- Coordinating and implementing child protection programs and services, such as adoption, foster care, Sponsorship, management & monitoring of childcare institutions, rehabilitation, and counseling.
- Collaborating with other government departments, non-governmental organizations (NGOs), and stakeholders to strengthen child protection efforts.

- Conducting awareness campaigns, training sessions, and capacity-building programs for various stakeholders involved in child protection.
- Monitoring and evaluating the implementation of child protection laws, policies, and programs within the district.
- Providing support and assistance to Child Welfare Committee (CWC), Juvenile Justice Board (JJB) and other child protection bodies operating within the district.
- Facilitating the rehabilitation and reintegration of children in need of care and protection.
- Reporting and Data Management: The DCPU is responsible for maintaining a database of child protection cases within the district, as well as generating reports and statistics related to child protection issues. This information helps in planning and implementing effective interventions and policies.
- Referral Mechanism: The DCPU serves as a referral point for child protection cases. It collaborates with different agencies and service providers to ensure timely and appropriate assistance to children in need.

### **Child Welfare Committee (CWC)**

The Child Welfare Committee (CWC) is a key institution in India's child protection system. It is a statutory body established under the Juvenile Justice (Care and Protection of Children) Act, 2015. The primary purpose of the Child Welfare Committee is to ensure the care, protection, and rehabilitation of children in need of care and protection. It serves as the primary authority for decision-making in matters concerning children in difficult circumstances. Each Child Welfare Committee consists of a chairperson and four members, including at least one woman member. The members are appointed by the respective state government based on their knowledge, expertise, and experience in matters related to child welfare.

The Child Welfare Committee performs various functions to safeguard and promote the rights and welfare of children, including:

- i. Receiving and processing cases of children in need of care and protection referred to it by the police, Childline, or any other concerned person or organization.
- ii. Conducting inquiries and investigations to determine the best interests of the child and making decisions regarding care, protection, and rehabilitation.
- iii. Granting interim and long-term care orders for children, including placement in children's homes, foster care, or adoption.
- iv. Monitoring the well-being of children placed under its care and ensuring their protection from abuse, neglect, exploitation, and other forms of harm.
- v. Facilitating the restoration, repatriation, or adoption of children based on their best interests.
- vi. Conducting follow-up reviews and assessments to ensure the effectiveness of interventions and services provided to children.

The Child Welfare Committee has the power to summon and examine witnesses, demand the production of documents, and issue orders for the protection and welfare of children. Its decisions and orders are legally binding. The Child Welfare Committee works in close collaboration with other stakeholders, including government departments, non-governmental organizations (NGOs), police, and the judiciary, to coordinate child protection efforts and ensure the effective implementation of child welfare policies and programs.

The Child Welfare Committee plays a crucial role in the child protection system of India. It acts as a quasi-judicial body, making decisions in the best interests of children in need of care and protection. By providing care, support, and rehabilitation, the committee strives to ensure that children grow up in a safe and nurturing environment.

### **Juvenile Justice Board (JJBs)**

The Juvenile Justice Board (JJB) is a specialized judicial body established under the Juvenile Justice (Care and Protection of Children) Act, 2015 in India. The primary role of the Juvenile Justice Board is to ensure the proper implementation of juvenile justice laws and the protection of the rights and interests of children in conflict with the law. The Juvenile Justice Board is responsible for dealing with cases involving children in conflict with the law, who are individuals under the age of 18 at the time of the alleged offense. Each Juvenile Justice Board consists of a Metropolitan Magistrate or Judicial Magistrate of the First Class and two social workers, one of whom should be a woman. The Magistrate presides over the board, and the social workers provide their expertise and perspectives in the decision-making process.

The Juvenile Justice Board performs various functions related to the welfare and justice for children in conflict with the law, including:

- i. Conducting inquiries into cases involving juveniles accused of committing offenses.
- ii. Determining the age of the juvenile through age verification procedures if there is a dispute regarding the age.
- iii. Deciding whether the child should be sent for rehabilitation, released on probation, or subjected to any other appropriate measures.
- iv. Ensuring that the child receives a fair trial, in accordance with the principles of natural justice and child-friendly procedures.
- v. Maintaining records and providing periodic reports on the progress and outcome of cases involving juveniles.

The Juvenile Justice Board follows child-friendly procedures, with a focus on the rehabilitation and reformation of the child. The board considers the best interests of the child while making decisions and ensures that the child's rights are protected throughout the proceedings.

The Juvenile Justice Act emphasizes the confidentiality of proceedings involving juveniles. It restricts the disclosure of the identity of the child, as well as the proceedings and any information that may lead to the identification of the child. The Juvenile Justice Board plays a vital role in ensuring that children in conflict with the law receive proper care, support, and rehabilitation. It aims to prevent the criminalization of juveniles and promote their reintegration into society as law-abiding citizens.

## One Stop Centres

One Stop Centres (OSC), also known as Sakhi Centres, are an initiative by the Government of India under the Ministry of Women and Child Development to provide integrated support services to women affected by violence. The primary purpose of One Stop Centres is to provide holistic support and assistance to women who have experienced various forms of violence, including domestic violence, sexual assault, dowry harassment, acid attacks, and more.

Services Provided: One Stop Centres offer a range of services to survivors of violence, including:

- i. **Emergency and immediate support:** Providing a safe and secure environment for survivors, medical assistance, counseling, and crisis intervention.
- ii. **Legal Aid and Counseling:** Offering legal support, assistance in filing complaints, access to legal aid lawyers, and guidance through the legal process.
- iii. **Psycho-social support:** Providing counseling, emotional support, and rehabilitation services to help survivors cope with the trauma and regain their confidence.
- iv. **Shelter and Protection:** Arranging temporary shelter and protection for survivors who need a safe place to stay.
- v. **Medical Assistance:** Coordinating with hospitals and healthcare providers to provide medical examination, treatment, and support for survivors.
- vi. **Police Assistance:** Assisting survivors in reporting crimes, filing complaints, and coordinating with law enforcement agencies.

One Stop Centres are established in all districts across India to ensure accessibility for women in need. They are typically located in close proximity to police stations, hospitals, and other relevant facilities. One Stop Centres work in collaboration with various stakeholders, including government departments, police, healthcare providers, NGOs, and civil society organizations. They aim to create a coordinated response to address the needs of survivors effectively. One Stop Centres often operate helpline services, such as the Women Helpline (181), to provide immediate assistance and support to women in distress. The establishment of One Stop Centres is a significant step towards addressing violence against women in India. They provide a comprehensive range of support services under one roof, ensuring that survivors have easy access to the necessary assistance and resources. These centres play a crucial role in empowering women, promoting their rights, and facilitating their recovery from the impact of violence.

**Tamil Nadu State Commission for Protection of Children's Rights (TNSCPCR)** is a statutory body established to safeguard and promote the rights and well-being of children in the state of Tamil Nadu, India. The TNSCPCR was established under the provisions of the Commissions for Protection of Child Rights (CPCR) Act, 2005, which is a central legislation. It was constituted to ensure the effective implementation of child rights in Tamil Nadu.

The commission consists of a chairperson and six members who are appointed by the state government. The chairperson and members of the commission are selected based on their expertise and experience in child rights, child welfare, and related fields.

The TNSCPCR performs various functions to protect and promote the rights of children in Tamil Nadu, including:

- i. Inquiring into complaints related to the violation of child rights and taking appropriate actions to address them.
- ii. Monitoring the implementation of laws, policies, and programs concerning children's rights in the state.
- iii. Conducting investigations, fact-finding missions, and research studies on child-related issues.
- iv. Advising the state government on matters related to child rights, policies, and legislation.
- v. Spreading awareness and promoting public education on child rights and child protection.
- vi. Cooperating and coordinating with other government departments, NGOs, and stakeholders working in the field of child welfare.
- vii. Recommending measures for the rehabilitation and social integration of children in need of care and protection.

The TNSCPCR has the power of a civil court while investigating complaints. It can summon and enforce the attendance of witnesses, examine them under oath, receive evidence, and demand the production of documents.

The commission prepares annual reports highlighting the state's progress in implementing child rights and identifies areas that need attention. It also provides recommendations to the state government and other stakeholders for the effective protection and promotion of children's rights.

**The National Commission for Protection of Child Rights (NCPCR)** is a statutory body established under the Commissions for Protection of Child Rights (CPCR) Act, 2005. It serves as the apex body at the national level for the protection and promotion of child rights in India.

### **Supreme Court/High Court Committee on Juvenile Justice**

The Supreme Court of India has constituted various committees and bodies to address issues related to Juvenile Justice in the country. One notable committee is the Supreme Court Committee on Juvenile Justice.

The Supreme Court Committee on Juvenile Justice is established to monitor and ensure the effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015, and related guidelines.

- i. The committee consists of members (serving supreme court judge) appointed by the Supreme Court.
- ii. The committee performs various functions to promote and protect the rights of children in conflict with the law and children in need of care and protection, including:
- iii. Monitoring the implementation of the Juvenile Justice Act and guidelines by states and Union Territories.
- iv. Conducting visits and inspections of juvenile homes, observation homes, and other institutions.

- v. Reviewing cases of children in conflict with the law and ensuring adherence to due process and child rights.
- vi. Recommending improvements and reforms in the juvenile justice system.
- vii. Providing guidance and directives to states and Union Territories for the effective functioning of Juvenile Justice Boards and Child Welfare Committees.
- viii. Addressing issues and challenges related to the rehabilitation and reintegration of children in conflict with the law.
- ix. Assisting the Supreme Court in matters related to juvenile justice as and when required.
- x. Reporting and Recommendations: The committee submits periodic reports to the Supreme Court, highlighting the status of juvenile justice in the country, identifying areas of concern, and providing recommendations for improvements.

The Supreme Court Committee on Juvenile Justice plays a crucial role in ensuring the protection, care, and rehabilitation of children in conflict with the law and children in need of care and protection. Through monitoring, guidance, and recommendations, the committee strives to strengthen the juvenile justice system and ensure the rights and well-being of children in India. Similarly, every high courts in respective states of India has a committee on juvenile justice for their respective jurisdiction. Serving high court judges are appointed for high court committee on juvenile justice.

## The United Nations Human Rights Council (OHCHR)

**The United Nations Human Rights Council (OHCHR)** is an intergovernmental body within the United Nations system responsible for the promotion and protection of human rights worldwide. The UNHRC was established on March 15, 2006, by the United Nations General Assembly resolution 60/251. It replaced the former United Nations Commission on Human Rights. The UNHRC consists of 47 member states elected by the UN General Assembly. Member states serve for a term of three years and are eligible for immediate re-election once their term ends. The distribution of seats among the regions is based on equitable geographical representation.

**Promoting and protecting human rights:** The council addresses human rights violations globally and takes measures to prevent human rights abuses. It promotes dialogue, cooperation, and technical assistance to support the improvement of human rights situations around the world.

**Universal Periodic Review (UPR):** The UNHRC conducts a review of the human rights records of all UN member states through the UPR process. It assesses the human rights situation in each country and makes recommendations for improvement.

**Special Procedures:** The UNHRC appoints independent experts, known as Special Procedures mandate holders, to investigate and report on specific human rights issues or country situations. These experts report to the council and provide recommendations for action.

**Thematic and country-specific resolutions:** The council adopts resolutions on specific human rights issues, such as the rights of women, children, indigenous peoples, and other vulnerable groups. It also addresses country-specific situations of concern and adopts resolutions to highlight human rights violations and seek remedial actions.

**Interactive dialogue:** The UNHRC conducts interactive dialogues with states, civil society organizations, and other stakeholders to discuss human rights issues and promote dialogue on human rights-related matters.

**Subsidiary Bodies:** The UNHRC has several subsidiary bodies, including the Universal Periodic Review Working Group, the Advisory Committee, and thematic and country-specific working groups. These bodies assist the council in its work and provide expertise and recommendations.

**Office of the United Nations High Commissioner for Human Rights (OHCHR):** The UNHRC is supported by the OHCHR, which provides technical assistance, research, and capacity-building support in the field of human rights. The OHCHR also facilitates the work of the council and its subsidiary bodies.

## UN Committee on the Rights of Children and Special Rapporteurs on issues related to children

The United Nations Committee on the Rights of the Child (CRC) is a body of independent experts that monitors the implementation of the Convention on the Rights of the Child (CRC) by its member states. Additionally, the UN appoints Special Rapporteurs who focus on specific issues related to children. Here are some details about the Committee on the Rights of the Child and the Special Rapporteurs:

### Special Rapporteurs on issues related to children:

The United Nations appoints Special Rapporteurs to focus on specific thematic areas related to children's rights. These experts conduct research, report on violations, and provide recommendations to address specific issues affecting children.

Special Rapporteurs are appointed by the UN Human Rights Council or other relevant UN bodies. They are mandated to examine and report on various aspects of children's rights, such as child trafficking, child labour, child soldiers, violence against children, and the right to education. Special Rapporteurs conduct country visits, engage with governments, civil society organizations, and other stakeholders, and issue reports with recommendations to address the specific issues they are mandated to focus on. They aim to raise awareness, advocate for policy changes, and promote the protection and promotion of children's rights in their respective areas of expertise.

The Committee on the Rights of the Child and the Special Rapporteurs play crucial roles in monitoring, advocating for, and promoting children's rights globally. They assess the progress made by states in fulfilling their obligations under the Convention on the Rights of the Child and highlight specific issues that require attention and action. Their work contributes to shaping policies, raising awareness, and advancing the rights and well-being of children worldwide.

## Reference and Suggested Readings

- *UNICEF End violence Against Children Strategy 2020* . Available at: <https://www.unicef.org/india/media/4151/file/End%20Violence%20Against%20Children%20Strategy%20India.pdf>.
- *Mission Vatsalya Guidelines (2022) Ministry of women and child development* . Available at: [https://wcd.nic.in/sites/default/files/GUIDELINES%20OF%20MISSION%20VATSALYA%20DATED%2005%20JULY%202022\\_0.pdf](https://wcd.nic.in/sites/default/files/GUIDELINES%20OF%20MISSION%20VATSALYA%20DATED%2005%20JULY%202022_0.pdf).
- *Tamilnadu State Child Policy 2021*. Available at: [http://languageinindia.com/dec2021/TNStateChildPolicy2021\\_English.pdf](http://languageinindia.com/dec2021/TNStateChildPolicy2021_English.pdf).

---

### Unit end questions

---

1. Enumerate the provisions enriched in the Constitution of India to ensure the rights of the children.
2. Explain the types of children classified under juvenile justice (Care and Protection of Children) Act 2015.
3. What are the non-institutional care services provided under district child protection unit?
4. Explain the Child Protection system in India in detail.
5. Differentiate Child welfare Committee and Juvenile Justice Board.
6. What are the roles and functions of State Commissions for Protection of Child Rights.
7. Explain the services provided under One Stop Centre.
8. What are the types of offences classified under POCSO Act 2012.
9. Explain the highlights of Prohibition of Child Marriage Act 2006
10. Explain the welfare schemes initiated by Government of Tamilnadu for the welfare of Children.