

Baseline Assessment of 11 District Child Welfare Committees in Andhra Pradesh

Summary Report



Commissioned by:

Supported by:



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Study Report on :

Baseline Assessment of 11 District Child Welfare Committees
in Andhra Pradesh

March 2014

Supported by:



Field Research & Report:

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Abbreviations		Full Form
AP	:	Andhra Pradesh
AIDS	:	Acquired Immune Deficiency Syndrome
ARC	:	Adoption Recommendation Committee
APSRTC	:	Andhra Pradesh State Road Transport Corporation
BC	:	Backward Class
C & P	:	Care and Protection
CCL	:	Children in Conflict with Law
CNCP	:	Children in Need of Care and Protection
CWC	:	Child Welfare Committee
CRC	:	Convention on Rights of the Children
CAB	:	City Advisory Board
CRS	:	Catholic Relief Services
CCI	:	Child Care Institutions
CLPRA	:	Child Labour Prohibition and Regulation Act
CARA	:	Central Adoption Resource Authority
CH	:	Children Home
CARINGS	:	Central Adoption Resource Information Guidance System
DCPS	:	District Child Protection Society
DCPU	:	District Child Protection Unit
DWCD	:	Department of Women and Child Development
DCPO	:	District Child Protection Officer
DPO	:	District Probation Officer
DLSA	:	District Legal Services Authority
FIR	:	First Information Report
FSW	:	Female Sex Worker
FGD	:	Focus Group Discussion
GO	:	Government Order
HIV	:	Human Immune Deficiency Virus
HIR	:	Home Investigation Report
HSR	:	Home Study Report
IPC	:	Indian Penal Code
ITPA	:	Immoral Trafficking Prevention Act
ICPS	:	Integrated Child Protection Scheme
ICDS	:	Integrated Child Development Scheme
JJB	:	Juvenile Justice Board
J.J. Act	:	Juvenile Justice (Care and Protection of Children) Act, 2000
JWD & WSC	:	Juvenile Welfare Department and Welfare of Street Children Department
JJS	:	Juvenile Justice System
JWCS & WSC	:	Juvenile Welfare, Correctional Services and Welfare of Street Children Department
J/CWO	:	Juvenile / Child Welfare Officer
KAP	:	Knowledge, Attitude and Practice
KII	:	Key Informant Interview
MOU	:	Memorandum of Understanding
MWCD	:	Ministry of Women and Child Development
MR	:	Mentally Retarded
MP	:	Madhya Pradesh
MPR	:	Monthly Progress Report

Abbreviations		Full Form
NGO	:	Non-Government Organization
NIPCCD	:	National Institute of Public Cooperation and Child Development
NSSO	:	National Sample Survey Organization
NFHS	:	National Family Health Survey
NCRB	:	National Crime Record Bureau
NIC	:	Non-Institutional Care
OH	:	Observation Home
POCSO	:	Protection of Children for Sexual Offences
PO	:	Probation Officer
PCMA	:	Prohibition of Child Marriage Act
RtE	:	Right to Education
RRRI	:	Rescue, Recovery, Repatriation and Integration
SCPS	:	State Child Protection Society
STD	:	Sexually Transmitted Disease
SH	:	Shelter Home
SJPU	:	Special Juvenile Police Unit
SARA	:	State Adoption Resource Agency
SFCAC	:	Sponsorship and Foster Care Approval Committee
SAA	:	Specialised Adoption Agency
SLSA	:	State Legal Services Authority
SC & ST	:	Scheduled Caste and Scheduled Tribes
SSA	:	Sarva Siksha Abhiyaan
SoP	:	Standard Operating Procedure
SIR	:	Social Investigation Report
TdH	:	Terre des Hommes
UP	:	Uttar Pradesh
UNICEF	:	United Nation Children's Fund
USAID	:	United States Agency for International Development
VLCP	:	Village Level Child Protection Society
WPR	:	Women's Participation Rate
WLCP	:	Ward Level Child Protection Society
WD & CD	:	Women Development and Child Development Department

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FOREWORD

The Juvenile Justice (Care and Protection of Children) Act, 2000 as amended in 2006 envisages a comprehensive approach to ensure justice for children in situations of crisis, abuse, exploitation and social dysfunction. The JJ Act, with all its amendments and Central and State level Rules, constitutes the legal framework of the Juvenile Justice System in India. The Juvenile Justice System is designed to address two categories of children, those in conflict with the law and those in need of care and protection. Child Welfare Committees (CWC) are one of the three statutory bodies under the law and are set up in each District by the State Government to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care and protection and to provide for their basic needs and protection of human rights. Section 31 (1) of JJ Act empowers CWC to be the final authority in disposing cases of children in need of care and protection (refer Section 2 (d) of the JJ Act).

HELP, a Non Government Organization (NGO) based in Ongole in Andhra Pradesh (AP) with support from Terre des hommes Foundation has been implementing an anti-trafficking intervention towards improving the State run rehabilitation and reintegration services of child victims of trafficking in AP. This anti trafficking intervention is funded by Human Dignity Foundation (HDF). One of the key components of this project includes building capacities of the Child Welfare Committees (CWCs) in 11 Districts of Andhra Pradesh where HELP has been working. While implementing the project, one of the key and fundamental concerns was to review the overall functioning of the CWCs which, inter alia, would create the baseline for the capacity building actions of the 11 District CWCs. The baseline assessment was commissioned through Jayaprakash Institute of Social Change (JPISC), a Kolkata based organisation with long standing experience in the field of Juvenile Justice with special emphasis on the care and protection rights of the children. The purpose of the baseline assessment is to have a clear understanding of the profile of the cases handled by the specific 11 District CWCs. The assessment would provide specific indicators of intervention that require strengthening and support with respect to the functioning of the CWCs. The assessment is also expected to contribute to measuring the impact of the 11 CWCs' capacity building actions on the children under the care and protection during the course and end of the project period. The assessment is expected to develop an information system that will allow the Government of Andhra Pradesh and childcare agencies to better monitor (and subsequently improve) the situation of children within the care system and also in strengthening various forms of family based non-institutional care.

HELP and Tdh extends their sincere thanks to the Directorate of Juvenile Welfare, Correctional Services and Welfare of Street Children and Chairpersons and members of 11 District CWCs (including Srikakulam, Vizianagaram, Vishakhapatnam, East Godavari, West Godavari, Krishna, Guntur, Nellore, Prakasam, Anantapur and Rangareddy) for sharing information and valuable support. We sincerely hope that this assessment will become an important resource for strengthening the functioning of the CWCs and finally creating a protective environment for the vulnerable children in the State of Andhra Pradesh.

HELP and Terre des hommes Foundation
March 2014

1. Introduction

“Juvenile Justice” is commonly understood as a notion of fairness or justness and also an alternative system of dealing with children through laws. Considering the impressionable mind and formative behaviour patterns of children and young adults, the justice system needs to be different from those meant for adults. The idea of justness and fairness concerning children is the fundamental ideological premise of juvenile justice. The goal of juvenile justice system is to ensure right to justice to all least advantaged children anywhere in the world (Brenda Geiger et al, 1995).

The problem of juveniles in conflict with the law and children in need of care and protection has ominous implications for a developing country like India. Rapid industrialization, expanding urbanization and globalization have created a crisis situation throwing the entire social structure out of balance. This is leading to an escalation in family dysfunction, violence, abuse and exploitation of children, often leading to abandonment of children by families and a rise in the number of children running away from distressing situations. The problem may raise insurmountable hurdles in the socio-economic development arising from unsafe and insecure civic lifestyles and neutralize the gains of development if it is not dealt with immediately.

The Juvenile Justice (Care & Protection of Children) Act came into force on December, 2000 repealing the earlier J.J.Act.1986. The Central Act provides for the care, protection, treatment, development and rehabilitation of neglected children and children engaged in law violating activities. The essence of the Act is to ensure that no child under any circumstances is lodged in jail or police lockup. It calls for a thorough restructuring of the system in accordance with the Universal Rights of the Child. The Act provides for wide range of dispositional alternatives with preference to family and community based placement for those children who are in need of care and protection. Provision of a systematic effort is laid to restore the child to biological family. The JJ Amendment Act 2006 (JJ Act) envisages a comprehensive approach toward justice for children in situations of crisis, abuse, exploitation and social dysfunction. The JJ (C&P) Act, with all its amendments and Central and State level rules, constitutes the legal framework of the Juvenile Justice System in the country. The Juvenile Justice System in India is designed to address two categories of children, those in conflict with the law (hereafter referred to as CCL), and those in need of care and protection (hereafter referred to as CNCP), which includes children who are begging, in prostitution, neglected children, abused children and street children, all with different needs and vulnerabilities.

This Act reaffirms the child's right to survival, protection, development and participation. It also envisages institutional and non-institutional services for children and provides for ensuring growth, development and protection of children while they are in institutions and also a number of alternatives to institutionalization for rehabilitation and reintegration such as adoption, foster care, and sponsorship and after care. The Act stipulates the formation of Juvenile Justice Boards (JJB) and Child Welfare Committees (CWC) with members of the judiciary (as in the case of JJBs) and with civil society members to take decisions regarding children brought before them. The Act also advocates for a system of partnerships with local communities and local governments for its effective implementation.

The Government of Andhra Pradesh has created a separate Department of Juvenile Welfare and Correctional Services by vertical bifurcation from Jails Department. The nomenclature of this department has been re-designated as 'Juvenile Welfare, Correctional Services & Welfare of Street Children Department' vide GO Ms.No.12, Women Development, Child Welfare & Disabled Welfare Department, dated 24.4.2000.

The Department of Juvenile Welfare, Correctional Services & Welfare of Street Children administers the following services:

- Juvenile Justice Services
- Probation Services
- Schemes of Welfare of Street Children

2 Objectives

The broad objective of the baseline assessment is to study the whole method and process of operation of the CWCs to identify specific indicators of intervention that require strengthening and support with respect to the CWCs delivering their responsibilities towards care and protection of children.

The specific objectives include:

- Assess the overall functioning of the CWCs focusing on the nature of the cases handled by the CWCs, duration of the cases handled by each of the CWCs, services facilitated by CWCs to the children, nature of case follow up and case closure procedures, reporting mechanism etc;
- Identify the major challenges in the functioning of these committees;
- Study the practices followed by the CWCs in terms of their composition, procedures and activities in providing distributive justice to the children;
- Document the 'good practices' pursued by the CWCs in different Districts;
- Examine how far the concept of alternative care has been influenced by the committees;
- Study how far the concept of child protection mechanism percolated into the social as well as administrative set up;
- Study the status regarding convergence of services to strengthen the functioning of the CWCs;
- Recommend viable and doable measures for immediate action and advocacy for improved functioning of CWCs for creating a protective environment for children.

3. Districts Covered for the Assessment:

Vishakhapatnam, Srikakulam, Vizianagram, West Godavari, Nellore, Prakasam, Guntur, Krishna, East Godabari, Rangareddy and Ananthapur

4. Scope of the Assessment:

The scope for baseline assessment of CWCs is primarily to reflect on the following questions:

Child Related:

- Number of CNCP produced before CWC last year;
- Nature of the cases of the children handled by each of the CWCs, their demographic profile and background;
- Duration of the cases handled by each of the CWCs;
- Manner of production of cases, intake procedure;
- Services facilitated by CWCs to the children;
- Nature of follow up of cases, individual care followed and case closure procedures;
- Time taken for disposal of cases, factors responsible for delay;
- Number of cases pending, reasons for pending;
- Role in strengthening family based non-institutional care services under ICPS;
- Nature of outreach services provided;
- Frequency of visit by to the Child Care Institutions (CCI), Specialised Adoption Agencies(SAA) and suggested actions thereof, grievance redressal mechanism,
- Skill in handling child victim of sexual abuse under POCSO (if referred), trafficked children, underage marriage, children in labour etc;
- Follow up action taken on missing children;
- Action taken for appropriate rehabilitation and restoration, including passing necessary directions to parents or guardians or fit persons or fit institutions in this regard, in addition to follow-up and coordination with District Child Protection Unit or State Adoption Resource Agency and other agencies;

- Action taken in cases of child rights violation as reported in print and electronic media or when a child is being tried in an adult court (*suo moto cognizance*)¹, kinds of assistance received from the SCPS, DCPU or the State Government;
- Status regarding coordination with key stakeholders such as police, DCPU and SCPS, state government departments, CHILDLINE, NGOs and others working for CNCP;
- Data management of these cases, reporting mechanism;
- Monitoring mechanism followed by the State, SCPS, DCPU;
- Major challenges in the functioning of these committees.

Infrastructure Related

- Composition of Child Welfare Committees;
- Place of sitting, working hours and working days in a week, regularity in attendance of the members;
- Infrastructure support available;
- Funding and administration support provided under ICPS;
- Administrative, manpower and support services required for effective functioning of the CWCs;
- Access to information about CCIs;
- Training programmes attended, lessons learnt from the training, its influence on practice;

Along with the findings against the above indicators, precise note on concrete recommendations that are practical, feasible and doable in view of the project cycle and design have been provided.

5. Methodology:

The study is an effort to assess the overall functioning of the CWCs in 11 Districts with a view to make recommendations for improvement and to probe broader practices, approaches and policies concerning wider grasp of the overall context of children in need of care and protection in Andhra Pradesh. Qualitative research methods were used for the study as it is found more suitable to capture intricate information and insights in to the problems of vulnerable children. Data was collected from a field study using mixed instruments i.e. semi structured in-depth interview, Key Informant Interview and Focused Group Discussions. Targeted respondents for the study were chosen as per the criteria of the objectives.

Data Sources:

The key team members reviewed all the relevant documents and literature available from HELP, Tdh and other sources before starting the preparation for fieldwork. An extensive review of the documents on the existing project and other relevant documents were of immense help to develop the data collection tools for the baseline study. Quantitative analysis of the following secondary sources was conducted before developing the tools for field work:

- Reports/documents available from the State Government e.g. Social Welfare, Judiciary, Police
- Study reports on CWC provided by Help;
- Research studies available in the internet;
- Case records available in Shelter Homes, Police departments, CWCs.

Primary data was collected from the following informants.

- Chairperson and members of CWCs,
- Shelter Home staff members working closely with the CWCs as part of managing the cases of the children
- DCPU Members (for assessing the kind of cases referred by CWCs)
- Govt. officials, Child Protection NGOs
- CHILDLINE and officials of SJPU

Preparation of Tools:

A variety of research tools was prepared for the baseline which includes the draft questionnaire for the CWC members, FGD guidelines and check list for KII after having detailed discussion with Tdh and HELP team. The tools

¹ Rule 27 (3), The Juvenile Justice (Care & Protection of Children) Rules 2007

were finalized after pre-testing. An orientation workshop was organized to acquaint the team members with the research tools. The study team provided operational definitions of the terms used in the Questionnaire and FGD guidelines.

Collection of Data:

Given the qualitative nature of the study, the following methods were used for data collection:

- Visit to the CWCs in the 11 Districts as specified above;
- Conversational interviews with the members along with the Chairperson of the CWCs;
- FGDs with members of CWCs, DCPS staff, CHILDLINE and NGOs;
- Interviews with the officials of SJPU, SLSA, District Officials;

A semi-structured questionnaire based on both quantitative and qualitative matrix was administered to capture information about the Knowledge, Attitude and Practice (KAP) of the CWC members on various operational issues concerning their roles and responsibilities as enshrined in the Juvenile Justice Act. Such an interview guide was also prepared to collect information from the police officials.

HELP staff accompanied and assisted the research team during all the interactions and field visits for the entire period of the assignment. Their presence helped the study team to come across the language barrier.

Review Meeting and Finalisation of the Assessment Report:

Review meeting with Tolh and HELP was organised to discuss about the responses from the field work and also to incorporate changes if necessary, in the framework of the assessment. On incorporation of the suggestions/comments given by the participants of the review workshop, the draft report was prepared and thereafter finalised.

6. Findings

This chapter presents information on the administrative organization of juvenile justice system, infrastructure related information about the CWCs, practices followed by the CWCs in terms of their composition, procedures and activities in providing distributive justice to the children, knowledge about functioning of CWCs as mandated in the law, support received from the state and civil society, status regarding convergence of services, nature of case follow up and case closure procedures, reporting mechanism etc;

Administrative Organisation:

In Andhra Pradesh CWCs were formed vide order G.O.Ms.No.9 dated 20.01.2011 by the Director, JWCS & WSC, Hyderabad in all 23 Districts in the state. Members were selected through advertisement and on the basis of their credentials in the field of Child Protection, no interview was organized. ICPS structures were established in 2010-11 under the DWCD under the administrative control of the Project Director, ICDS. Homes under JJ Act are under the administrative control of the Director, JWCS & WSC and all are registered under Juvenile Justice (Care & Protection of Children) Act, 2000. Bal Sadans are run by the DWCD and currently under the process of registration under JJ Act. In Andhra Pradesh, there are three departments under the Ministry of Women and Child Development namely, Women & Child Development; Juvenile Welfare & Correctional and Welfare of Street Children and Correctional Services and Disabled & Senior Citizen and the Welfare of BC, SC and ST. Juvenile Justice System which includes the functioning of the CWCs is managed by the Department of Juvenile Welfare & Correctional and Welfare of Street Children and Correctional Services. However, the ICPS is run under the Department of Women & Child Development Department and by the Project Director (PD) at the District level. The administrative organization reflects that ICPS, a major child protection scheme, is run by a separate Department though under the overall control of the same State Ministry.

Infrastructure:

Infrastructural adequacy is very important to ensure efficient functioning of Child Welfare Committees. The present study intends to measure the term 'infrastructure' in terms of sitting place of CWC, office utilities, manpower support etc.

It was found that out of 11 Districts, CWC sits in the premises of Children Home in 3 Districts, in the office of the DCPU in 2 Districts; in office of CHILDLINE in 3 Districts and local NGO provides sitting place for CWC in 3 Districts. The sitting dates of CWC vary from once in a week as in Rangareddy to thrice in a week in case of West Godavari. The Chairperson of CWCs reported that they are available at any odd hours, and attends cases even on non-working days. Though in accordance with Rule 24(1), Committee is preferred to sit in the premise of Children Home or in proximity to that or at any institution that is run under Juvenile Justice (Care and Protection of Children) Act, 2000 and as read with 2006, and in that context, the sitting places comply the provision laid in the Act in three Districts only.

Name of the District	Sitting Place	No. of days
Srikakulam	DCPO office	Every Friday
Vizianagram	CHILDLINE collab org. office,	Every Monday
East Godavari	DCPO office	Monday & Saturday
Nellore	Premises of the Chaitanya Joyti Welfare Society	Every Friday
Prakasam	Dist W & CDA office	Every Friday and Monday
Guntur	Mahila Pranganam	Monday & Wednesday
Krishna	CHILDLINE collab org. office,	Every Tuesday
West Godavari	Children Home for Boys (Govt.)	Monday, Wednesday & Saturday
Vishakhapattanam	Children Home for Boys and Girls	Monday & Saturday
Rangareddy	Children Home for Boys and Girls	Friday and Monday
Ananthapur	PDS (NGO) office	Once in a week



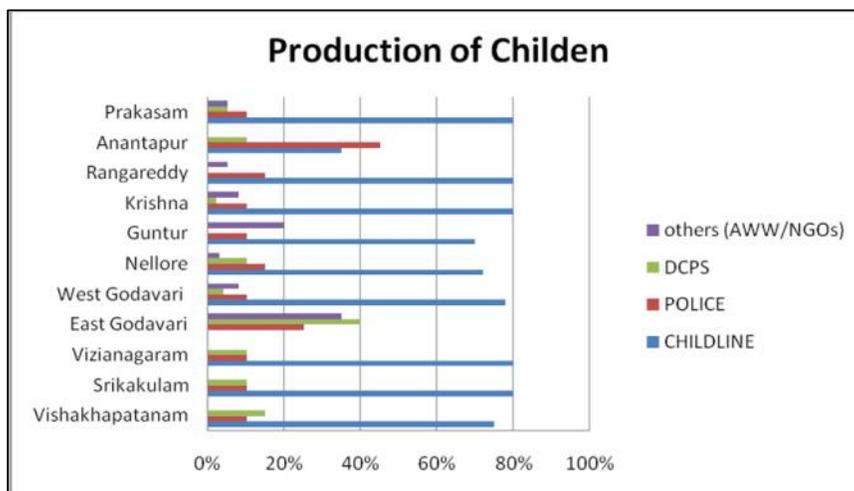
It was observed that there is no sign board indicating sitting place, time of sitting of Committee in Districts like Anantapur, Rangareddy. In Visakhapattanam, the CWC sits in the Children Home for Boys which is little away from the main road and the building cannot be seen from outside as it is covered with a hillock and big trees. It could imply low

accessibility of CWCs. A sign board at the crossing of the main road may be put up for public convenience. Hence, instances of sending Child in Need of Care and Protection (CNCP) to other non-designated places other than CWC are common in all Districts which violate the directive of the Section 31(1) of Juvenile Justice (Care and Protection of Children) Act, 2000 and as read with 2006. In absence of proper information about the sitting places of CWC and the specific dates of such sittings, many cases are unreported or get delayed in production before the committee. This acts as a deterrent to the effective implementation of JJ Mechanism.

CWCs lack administrative support like infrastructure, finances and human resources. The travelling allowance is inadequate; CWCs also lack adequate space, computer, telephone and photocopying facilities. It was also observed that in most of the Districts covered in this study, Committees do not have any storage device like almirah, first aid kit etc. The post of Data Entry Operator is vacant in most of the Districts. It was revealed that CWC keeps the documents in office of DCPS or NGOs where they sit. The infrastructure of those CWCs sit in the premise of Children's Home was not observed as satisfactory. There was no room for counseling except West Godavari. In East Godavari, CWC sits in office of DCPU once in a week and once in a week in Rajahmundry. It was observed that electricity connection was not functional in the office of DCPU. The entire work of the CWC takes place in the single room allocated to them either in the Government Homes or in the NGO offices. It may be mentioned here that vide Rule 82 (1) (a) the law mandates that the infrastructure shall consist of a sitting hall, a separate room for a committee, room for office staff, waiting room for children, waiting room for parents or guardians, room for a personal interaction between the child and the parents and the Committee, a record room, safe drinking water facility and toilets. Another important concern emerged from the study is that the supply of stationery has been very irregular and inadequate too.

Bringing the children before the CWC:

Mostly CHILDLINE bring the children before CWCs. But in case of East Godavari District mostly the Anganwadi Worker produces the Child. Apart from this, sometimes police and DCPS staffs also produce the children before CWC.



From the above table it is revealed that CHILDLINE takes an important role to bring the children before CWC. But in East Godavari District in absence of CHILDLINE the children are mostly brought by the Anganwadi workers. However, it came out with the discussion with members of CWC that though there is J/CWO in every police station but SJPU lacks role clarity in JJ system. It was reported that Committee seldom orders J/CWO to conduct Home Study of a CNCP and fall back upon the CHILDLINE, DCPS staff or staff of JJ Home. It becomes difficult to ensure a safe transfer or restoration of the child to a distant place in the absence of police escort.

Selection of Members and their profile:

The appointment of CWC members across all Districts fulfill the criteria laid down in the Central Rule, 2007. All of them are graduates and many of them are post-graduates. In response to an advertisement, they applied for the post

of member and were selected by the state level selection committee. The members were selected on the basis of their qualification and experience in field of child protection. No interview process was followed for selection of members. Members are either social activist in the field of child protection or teachers and some of them have legal backgrounds. Age criteria of the members and gender composition complied with the guidelines given in the Rule. Majority of the members (about 70%) are male. In Districts namely, Visakhapatnam and East Godavari one post in each District is lying vacant for some time. There are instances of appointing government officials as members of CWC, which is in contravention to Rule 22 (3) (iii) of the law.

Modalities for taking decisions by the Committee:

Usually the Committee takes the decision through consensus by the majority. However, in some instances, the final order has been passed through quorum when the Chairperson is not present in the meeting. In Districts like Srikakulam, if the Chairperson is not present, the eldest member takes the decision and final order is signed by eldest member in contravention of the Rule 26(4) of Central Model Rule, 2007 which clearly states that final order shall be signed by at least two members, including the chairperson. It was also reported that when Committee does not sit, in some Districts the members try to take decision by forming quorum over telephone which also flouts the dictum of Rule 27(4). There are examples when the Chairperson alone has to take many important decisions as he/she finds no other member to consult on a certain day because of their phenomenal absenteeism. However, information over telephone is given to some other members in most of the times.

Attendance in Meeting:

Through discussions with the CWC members it was found that in rare cases all the members are present in a meeting. In many CWCs absenteeism of the members for personal reasons is frequent. Mostly, it is convened by the chairperson and one or two members. Though the committees notified specific dates of meeting in a week, in reality it cannot be observed very strictly. As for example, the meetings in Rangareddy are need based. Barring West Godavari, meetings in other CWCs are not held thrice a week as laid down in Rule 24 (4).

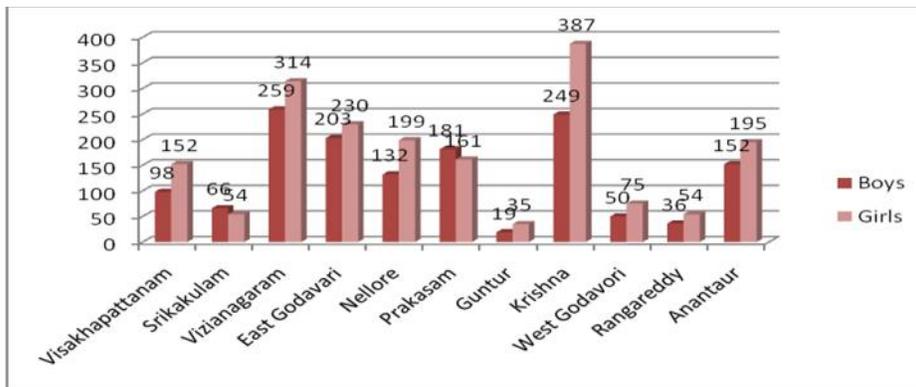
Human Resource Support:

The State Government is yet to provide necessary Human resources support to the CWCs, including welfare officer, steno-typist, or computer operator, peon, safai karmachari as mandated in Rule 82 (1) (b) of the law.

Cases handled by the CWC:

According to the CWC members, they dealt mostly with child marriage cases, runaway children, missing children, trafficking children, child labour, street children, migrated children, orphan children, challenged children and a few HIV positive children. All the CWCs receive children from other States along with those from Andhra Pradesh. These children are either missing or engaged in some form of labour. There is a wide variation in the number of cases handled by the CWCs as depicted in the chart given below.

District wise data on the no. of Children handled CWC (Six Months)



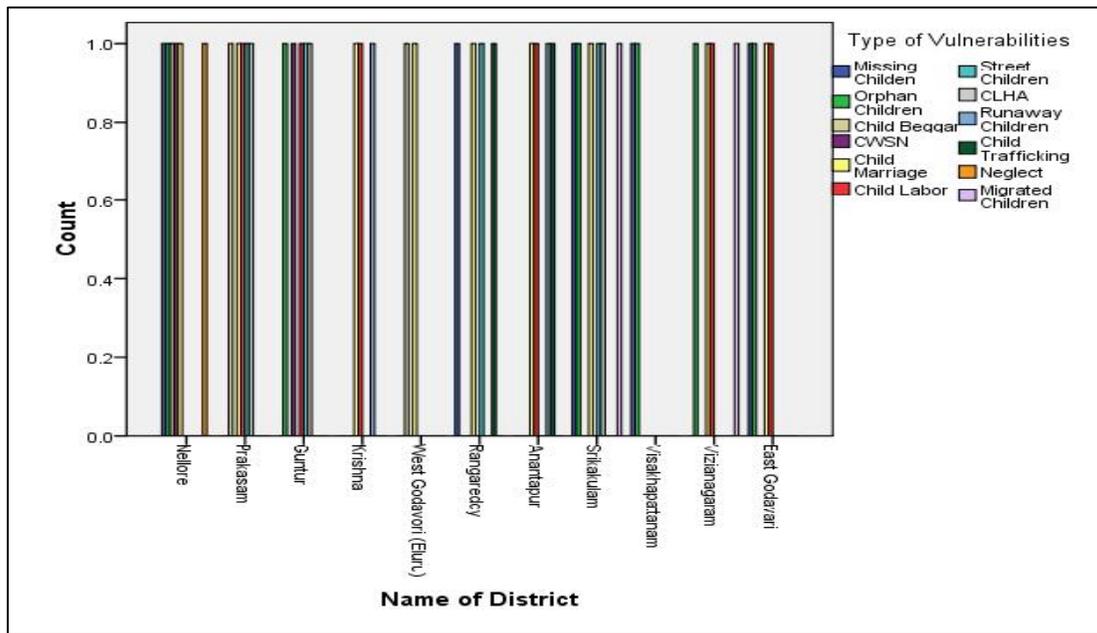
From the above table it shows that more girls than boys were brought before the CWCs. According to the CWC members, cases of child labour, child marriage and trafficking are very high in almost all Districts.

Nature of Cases:

Name of the District	Nature of cases	Average Production before CWC	Age range of Children Mostly Produced	Pending	Average Duration of Disposal of Cases by CWCs
Visakhapattanam	Orphan, Single Parent, missing mainly from other state	Approx 250 children (last six months)	9-14 yrs	About 45 cases of which 5 cases are pending more than one year	On an average 15 to 20 days
Srikakulam	Child Marriage, Trafficking, migrated children, orphan, disable, street children, missing, HIV affected children,	Approx. 120 children (last six months)	13-16 yrs	Approx 20-22 children	Depends on the nature of the case.
Vizianagaram	Child beggars, child marriage, migrated children, child labor, Orphans	total no of case is 1146 (Till 2011)	7- 14 yrs.	No pending	Within one week/ day
East Godavari (Rajahmundry)	Abandoned, child labor, Missing, orphan, beggar and Child Marriage	Approx 433 cases (reported by SJPU Nodal officer of missing children)	10-12 yrs.		Depends on the nature of the case.
Nellore	Missing, orphan, beggar, neglect, MR and Child Marriage	Approx. 342 children (last six months)	10-18 yrs	Approx 22 children	Within a month
Prakasam	Child Beggar, child labour, children victims of trafficking, street children, child marriage and HIV	Approx. 347 children (last six months)	8-18 yrs	No pending	Within 7- 15 days
Guntur	Street children, orphan, child labour, MR, HIV	Approx 108 (last one year)	10-18 yrs	No pending	Within 15 days
Krishna	Child Labour, Child Marriage,	Approx 1272 (last one year)	10-18 yrs	Approx 82(due to	Within a month

Name of the District	Nature of cases	Average Production before CWC	Age range of Children Mostly Produced	Pending	Average Duration of Disposal of Cases by CWCs
	Missing and run away			address proof)	
West Godavari (Eluru)	Child Beggar, Child Marriage	Approx 662 (last one year)	10-16 yrs	No pending	Within 15 days
Rangareddy	Trafficked, Street children, Child Beggar, Child Marriage	Approx 200-250 children (last one year)	10-12 yrs		Within 7- 10 days
Anantapur	Child Labour, Child Marriage, Missing and run away, trafficked	Average 15 cases per month	9-14 yrs		About a month

As about disposal of cases, the members from all Districts reported that usually it takes one to two weeks when the child could give correct addresses. *“It takes a long time, sometimes more than two to three months, if the addresses are found wrong or the child belongs to other District”*, said a Member CWC, Visakhapatnam. It was also observed that it is a common practice in the State to verify the address over phone. However, the network of CHILDLINE within and outside the state serves as the lifeline for home tracing of the missing children and also in conducting home study report. Very recently, such support services are being provided by the newly appointed staff members of DCPU in some Districts e.g. Anantapur, Vizianagaram, Prakashm, East Godavari.



Out-reach Activities

The outreach activity of CWC as enshrined in Rule 25 (c) in Districts like Krishna, East Godavari, Prakashm is found encouraging for their intervention role in addressing the problems of child marriage and child trafficking. CWC members of East Godavari visit all the areas for home tracing in groups. Members of Visakhapatnam also accompanied the CHILDLINE and the Probation Officer for address verification work. Members of Rangareddy,

Krishna informed that they visit the railway station areas periodically to rescue 'at risk' children. Some good practice was also observed to stop child marriage.

In Prakasham District, a trained Para legal volunteer under the Jurisdiction of Town police station of Ongole got information about a child marriage at Indiramma Colony of Koppole village of Ongole Mandal through CHILDLINE in collaboration with CWC, DLSA, Police, CDPO of ICDS and DCPU an initiative was taken in order to stop child marriage.

A girl Teja Rani (name changed) aged 14 yrs who dropped out 7th standard from Koppole village in Prakasham District eloped with a boy named as Venkata Rao (not real name) aged 20 yrs who belongs to same village. They were later apprehended and before CWC, Prakasham District. The chairperson interacted with the girl and boy separately and also with their parents to inquire about the matter. Then the chairperson explained to them the physical, social and legal harms of Child Marriage. CWC referred the girl to Bal Sadan for temporary shelter, counselling and social investigation. CWC took initiative and took legal action against the parents of the boy. After all proceedings CWC handed over the girl to her parents. Now, the girl continued her education by joining her in 9th standard in her village. The follow up is going on by him and submitted the reports to CWC.

A minor girl was forcibly married off to a 57-year-old widower in Rajahmundry on Thursday, Jun 17, 2013. Police arrested the girl's mother and two others, late in the evening for the clear violation of child rights and Hindu Marriage Act of 1955. Gudivada Jyothi, 17, was married off to P Balagangadhara Tilak who is a mechanical helper with APSRTC at Rajahmundry depot. The wedding was at Satyanarayana Murthy Swamy temple in Aryapuram of Rajahmundry residential area. Police meddled in after a while and brought the couple back from the groom's home in Kowuru. The girl who was startled by the events revealed that she was coerced into the marriage by her parents and relatives. Police officials, who verified the school records of Jyothi said that the girl stopped her studies after finishing seventh standard. *"We have found out that she is only 17 years old and have booked a case against the village revenue officer for certifying her age as 20,"* said the police.

CWC referred the girl to children's home for temporary shelter, counselling and social investigation. CWC took initiative and negotiated with the parents. After all proceedings and with written assurances from the parents about her safety and security, the girl was handed over to her parents. Now, the girl continued her education by joining her in 9th standard in her village. CWC is regularly followed up the case.

The members admitted that they cannot reach out to the children in most of the times owing to paucity of time and manpower, non-availability of vehicles, timely reimbursement of transport costs etc. Moreover, reaching out to some special categories of children e.g child beggars, child labour, street children is difficult because of their high mobility. CWCs in Srikakulam, Vizianagaram and Visakhapatnam took an active role to ensure safety and security of the children affected by the cyclone in the month of Oct, 2013. There is no instance available where Committee took the cognizance of the matter and filed a case as a complainant body to the Court of Law in case of violence/abuse perpetrated on children by the adults. This may be due to their lack of adequate understanding and knowledge about the implications of other child protection laws e.g. POCSO, 2012, PCMA, 2006, CLPRA, 1986, ITPA, 1986 and provisions of IPC and lack of legal, administrative and financial support from the state.

Convergence:

Child Protection mechanism and structure to respond and combat against real and perceived danger is not a standalone concept. Various Government Departments, Statutory Bodies, Civil Society Organizations are expected to play a crucial role that are complementary to each other. It was observed that the interdepartmental coordination to bring a consolidated safety net for children is satisfactory in many Districts of Andhra Pradesh e.g. in Districts like Vizianagaram where CHILDLINE is not fully functional, Anganwadi Workers voluntarily execute important role to trace out families of a child. They even participate in preparation of HIR.

CWC has a good functional liaison with Education Department, Government of Andhra Pradesh; Rajiv Vidya Mission (SSA) and Education department to some extent cooperate with the CWC, reported Chairperson CWC, Srikakulam, Vizianagara, Guntur. The practice of sending CNCP girls to Kasturba Gandhi Balika Vidyalaya run under the supervision of Sarva Shiksha Abhiyan has also been observed in some Districts. Labour Department, Government of Andhra Pradesh also provides a hand holding support to CWC to deal with problem of child labor. Conducting Social Investigation Report by officials of Labour Department, even though the practice is not recorded in the law, may be considered as a positive indication of alliance building. Coordination between Committee and child protection NGOs is found satisfactory in many Districts. In Districts like Nellore, Prakasam, Anantapur, Krishna Committee sits in the premise of NGO; uses gadgets of the organization for the purpose of storage, computer and accessories are also used for the purpose of reporting and documentation. Liaison between Committees and DCPUs is found satisfactory in some Districts like Guntur, Krishna and Srikakulam.

Notwithstanding the above mentioned cases of convergence, there exists certain communication gap among the line departments of 11 Districts in Andhra Pradesh. Barring CWCs in Krishna and Vizianagara, rest of the Districts are not consulted or invited in the District review committee meeting. The members complained that they do not receive any positive administrative and financial support from the WD&CD in the identification of addresses of missing children and their restoration. Since ICPS is controlled by the WD&CD, support from the ICPS staff is not always available and their orders are not complied with, complained many CWC members. They have often faced the problem of delay in providing transportation by the DCPU for sending children to a place of safety which contravenes the Rule 27(14). The CWC members further informed that they do not have detailed information about the children's homes (Bal Sadans) run by the WD&CD, the status regarding their registration, capacity, services available etc which would have helped them to refer children to such homes as mandated in Rule 27(16). This gap in coordination renders the process of dealing with children *ad hoc* and contingent. The lack of recognition and lack of autonomy of the CWCs led to defying of its orders by the police and sometimes NGOs. Many a times a parallel instruction from the CWCs and WD&CD on matters relating to discharge and transfer of children creates confusion and delays the process. In the absence of timely support from the WD&CW, the members are often restrained to use their authority to discharge and transfer children from one home to the other to serve the best interest of the children as enshrined Sec 56 of JJ Act. This has been observed in Districts like Nellore, Srikakulam and Vizianagara.

The status regarding convergence between the CWCs and the Department WD&CW has been an area of major concern. In a report on the operational issues discussed in the CWC forum meeting on 28-29 Jan, 2013 at Hyderabad some major gaps in coordination have been pointed out. Some of the co-ordination gaps mentioned in the report are as under:

- The order of CWCs for immediate relief and rehabilitation of the rescued trafficked victims or other victims of sexual abuse, rape are not paid due attention by the WD & CW department in most situation;
- The official of the Dept. of WD & CW do not take active interest in producing CNCP before the CWCs;
- Owing to delay in granting license to shelter home, CWCs, often find it difficult to place children in suitable organization;
- The functional linkages between the CWCs and DCPU are yet to emerge as a collective force to deal with the problem of child protection;
- Following rescue operation by DCPU officials, the cases are produced before the PD, Dept. of WD & CW instead of Producing in the cases before CWCs, Such cases are produced at a later stage on approval of the PD;
- Even though it is mandated vide Sec 32 (2) of JJ Act 2000 that any public servant shall produce the children in need of care and protection before CWC immediately within 24 hrs after identification of such children without any further delay, the supervisors and CDPOs of Dept. of WD & CW as well as staff members of ICPS follows the practice of producing such children before the PD. Rescued victims of child marriages are also produced before the PD instead giving information to the CWC or a First class Judicial Magistrate in contravention of Section 13 (1) of the Prohibition of the Child Marriage Act, 2006;

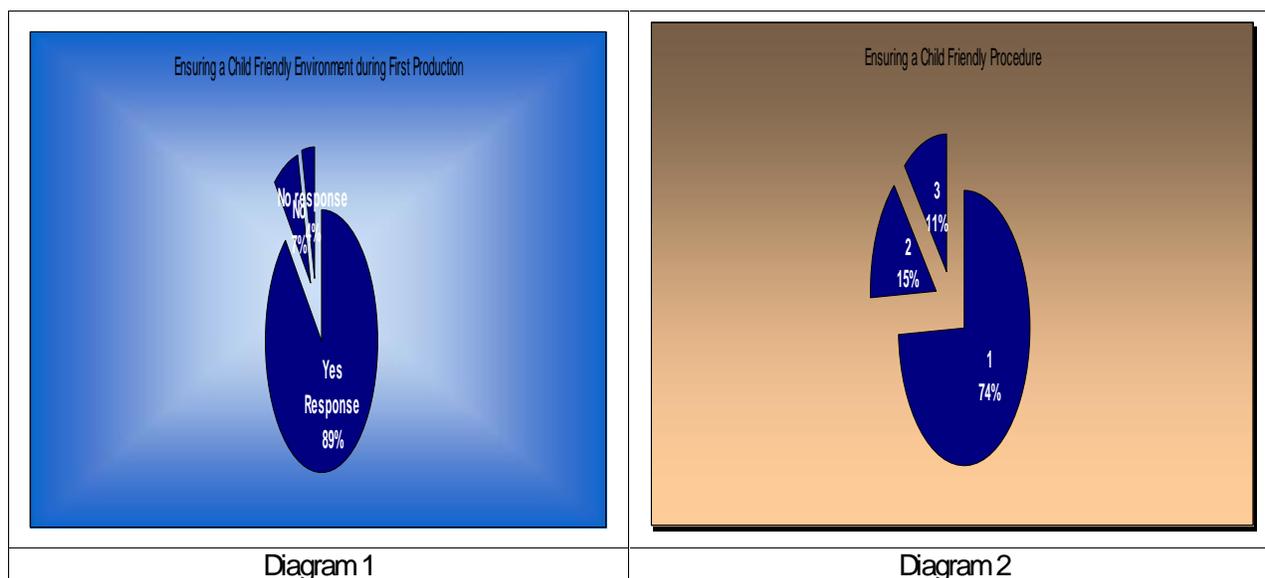
- Information regarding budgetary Provisions for awareness generation, institutional support, provisions for Sponsorship and Foster Care etc are not shared with the CWCs.

Visibility of CWCs:

In the context of child protection as framework for governance, the CWC with its quasi judicial powers plays a vital role as bridge between the government and civil society (A report of the functioning of Child Welfare Committees in AP, 2012). The JJ Act also highlights the importance of the CWCs in ensuring a protective environment for a wide variety of children in need of care and protection. However, the survey observes that the CWCs are seldom given this authority and space to fulfill the objectives of the law. The powers conferred to such statutory bodies vide Section 29(5) of the Act has never been translated into practice owing to apathy of the administration to provide required infrastructure and partly because of poor understanding and interest of the members, with some exceptions, to use and act upon the authority vested on them. The District administration hardly has any knowledge about the role and functions of CWCs, mentioned almost all members across the Districts. Reports sent by the CWCs are seldom analysed and corrective measures are taken. The publicity about the functioning of the CWCs has never been seriously attempted. As a result, the civil society including the members of NGOs either are in dark or misinformed about the activities of the committees. Samata, an NGO working with children in mining areas around Visakhapatnam said “we did not know that such a committee does exist in the District”, while Mrs G.Sumana of Priyadarshini, which runs open shelter in Visakhapatnam said that “we used to restore the children by ourselves, very recently we came to know that children have to be referred to the CWC before they are restored”. An orphanage run by Cresecent Rural Development Society in Anantapur has no knowledge that any child care institution has to be registered under Sec 34(3) of the JJ Act and all children living in such institutions need to be produced before the Committee. Such information gap was also observed in Rangareddy District. Instances of producing children to DCPU instead of CWC were also reported from some Districts.

Knowledge, Attitude and Practice of CWC:

The functioning of the CWCs in effective delivery of services depends, among other factors, on the qualities of the members. It is important that the members need to have a very clear understanding and clarity about the functions, powers and procedures in relation to the committee. It is observed that technical knowledge of the members varies to a considerable extent. The chairpersons in all Districts are found be more knowledgeable on child protection issues than other members. Some of the Chairpersons have profound grasp on the juvenile justice mechanism. A KAP tool was administered on a total of 27 members including the chairpersons to understand the level of clarity among the members on some key issues on Juvenile Justice (Care and Protection of Children) Act, 2000 and as read with 2006.



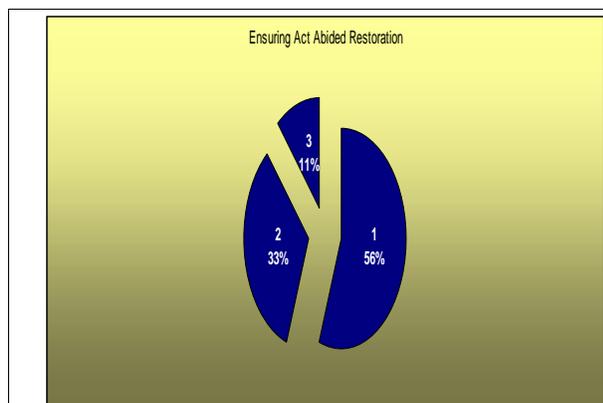


Diagram 3

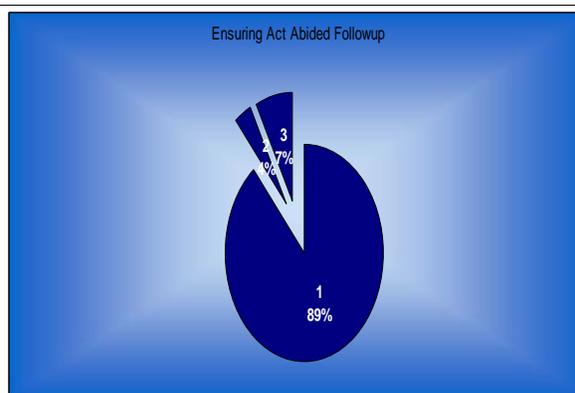


Diagram 4

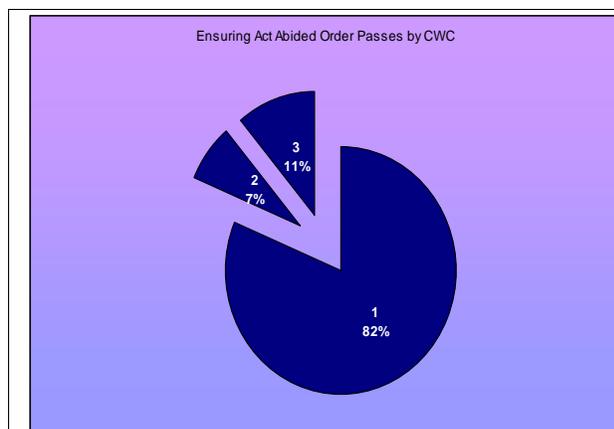


Diagram 5

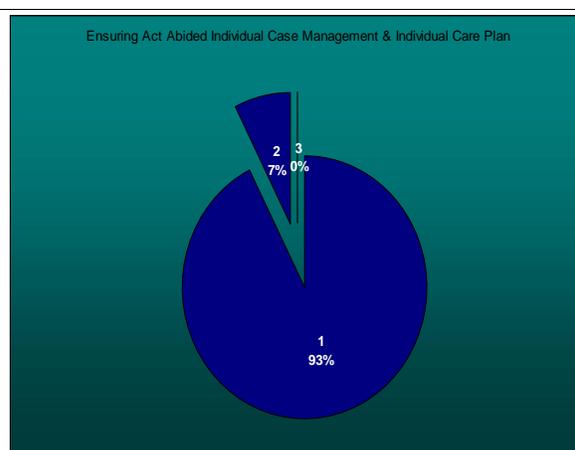


Diagram 6

As about the technical competency of the members is concerned, the members were asked regarding production, inquiry, Case Management, Restoration and Follow-up of children produced before the committees. 89% of the respondents assured on practice of providing child friendly environment to children in the form of receiving a child with warm welcome, making a child comfortable before Committee, arrangement for sitting at the same level for all, orienting the child about the process etc. It is encouraging to note that 77.77% of the total respondents said that arrangements are made for food and clothes for the children. Similarly, the respondents appeared a bit confused when they were asked about participation of child while making decision by Committee regarding a child. 40.74% of respondents confirmed about this participation; while 48.15% of the respondents preferred to take decision about a child by themselves. 12% of the respondents expressed ambivalence on this issue.

An ambiguous answer was received from 22.22% of the respondents when they were asked about practice of giving intimation to the CWC about the gaps in information provided by the person who produces the child before Committee so that (s)he may not be required to come again. 59.25% of the respondents came out with positive response on this issue.

The practice of quick second production of a child before Committee after (s)he is sent to nearest Shelter/Children Home is not very much prevalent in Andhra Pradesh. Though 40.74% of total respondents affirmed that this practice is prevalent in Andhra Pradesh but one-third of the respondents could not give any definite answer.

Intimating Home Superintendent or fit person before sending child under his / her custody is a good practice and 92.59% of the respondents answered in favor of it. Overall, 80.74% of the respondents assured about *Act-governed* Juvenile Justice Mechanism in Andhra Pradesh. But it was elicited during discussion that as there is scarcity of institutional care settings in many Districts of Andhra Pradesh; Committees does not have much of choices but to send a child back to his / her family e.g. there are no children home for boys in Guntur, Srikakulam, Vizianagaram . It was also observed that documentation is not proper and unique across the Committees of 11 Districts covered under the study. Forms like Form XII, Form XXI or Form XX as prescribed in Central Model Rule of Juvenile Justice (Care and Protection of Children) Act 2000 and as read with 2006, generally are not duly fulfilled. This obviously leads to lack of coordination between Committees and Institutional Care settings. It also implies lack of monitoring by DCPU on restoration and Individual Care Plan issue. Naturally, if a child restored to his/her family without ascertaining whether the family is a safe place or not, there is always a chance for maltreatment or abuse of a child and may require to be produced before the Committee once again. This establishes the fact that building an effective linkages and coordination with the families is important for de-institutionalization which is an indicator of effective JJ Mechanism.

Capacity Building of CWCs:

The act mandates that capacity building of the CWC members in a regular manner is of paramount importance in the effective delivery of services as laid down in the Rule, 25 of Central Model Rule, 2007. After the formation of CWCs, the members were given orientation training on 'The Basic Tenets of Law' organized by the DW & CD in association with UNICEF, AP Judicial Academy and NGOs. Members across the Districts attended training programme organized by NIPCCD, Bangalore. Afterwards, HELP, a NGO from Ongole, Prakasam District conducted two regional level trainings programme for CWC members. Notwithstanding the above efforts to capacity building, the members strongly feel that they need further training focusing on legal implications of child protection, other relevant child protection laws, techniques of communication, basic skills of counseling, procedure for alliance building and maintaining records and documents. They further emphasized that the methodology of the training programme needs to embrace the practicalities of handling various types of cases. Unlike the theoretical model pursued in the earlier training programmes, the members wanted the training methodology to be practice based. They also highlighted the need for developing a manual for the CWC members for better performance. The SOP developed by Help, the members reported, will be of great help in streamlining their functions.

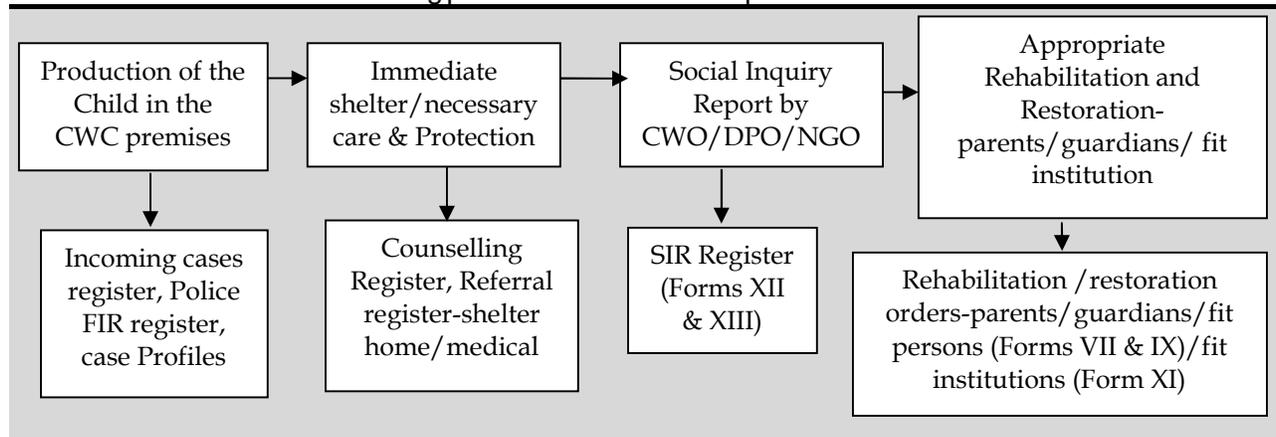
Documentation & Record Keeping:

CWCs in all the Districts maintain various types of registers and document e.g. the minute book, registers on admission, case profile, attendance, resolutions and orders, referral etc. While going through the children's profile, it is observed that the members make a narrative of the incidents took place in the lives of children. Some important issues e.g. probing of psychological frame of mind of the vulnerable children or the legal implications of the problems they are plagued with are often missing from such narrative reports. For example, in cases related to kidnapping or child marriage, they cannot refer the legal context in their reports. This may be due to their inadequate knowledge about the allied child protection laws and psychological dimensions of the problem. However, in some Districts like East Godavari, Prakasam, Krishna the reporting is very much technical.

On the issue of using the prescribed formats under the law, it is common to all Districts that the CWCs instead of using the standard formats given in the Act, have framed 'easy-to-comprehend' formats for their use. The members also reported that they do not receive any regular supply of such prescribed format from the State Government. Hence, there is some diversity in the formats used by the CWCs across the Districts. Computers were provided to all CWCs barring Srikakulam where the CWC sits in the premises of DCPU and use the computer of DCPU office. Computers wherever available, cannot be used in absence of the dedicated Data Entry Operator supposed to be provided by the state Govt. to every CWC vide Rule 82(1)(b). There is no uniformity among the CWCs in the reporting structure; some Districts submit the report to DCPU and some to the state Department of Juvenile Welfare and Correctional Services. CWC in Visakhapatnam does not submit any monthly report to anyone. The reporting format also varies in its content across the Districts.

All CWCs maintain registers to document the minutes, resolutions and orders adopted in the CWC meetings. There is no uniform format of CWCs to maintain the data of children. In some Districts barring Guntur and Krishna the case profiles are maintained by the ICPS office in view of the absence of data entry operator in the CWCs. Among the better performing CWCs e.g. Srikakulam, Kakinada, Visakhapatnam, Prakasam, Guntur, Krishna, some other registers are maintained to with a description of each case vis-a-vis the CWC's functioning. They also use a check list for identification of fit institutions and fit persons.

Almost all CWCs maintain the following procedure when the child is produced before CWC:



District Child Protection Officer Guntur followed Form XIII for preparing SIR report which is as follows:

Family Based Non-institutional Care:

In Andhra Pradesh promotion of adoptions is being operated since 2000, as per the CARA guidelines. As per G.O.Ms.No.7, WDCW & DW (PROG) Dept, dated 1.3.2000, the Sishuvihar is declared as Fit institution under sub section (f) of section (2) of JJ act 1986 (Act No.53 of 1986). As per G.O.Ms.No.8, WDCW&DW Department, dt. 23-03-2000 Andhra Pradesh Government recognized the Sishuvihar, Hyderabad as one of the Placement Agencies. Sishuvihar, Hyderabad has been operating as Inter-Country Adoption from 04-02-2008.

The Department of Women Development & Child Welfare Department is promoting adoption through establishment of 2 Sishuvihars, one at Hyderabad and another in Chittoor under the State Budget. Under Integrated Child Protection Scheme (ICPS), 23 Sishugrehas (SAA) are functioning in 21 Districts in the State to promote In-country Adoption.

Among the options under the Family Based NIC under ICPS, Sponsorship and Foster Care programmes are yet to start in the State. Sponsorship and Foster Care Approval Committee has not yet been formed at the District level. In case of adoption, CWC Members restricts their role in declaring the child free for Adoption, but many of them are not very sure about the details of CARA guidelines or about the legal procedure. Application for Adoption are processed through SAA and then it is referred to the Commissioner, Women Development and Child Welfare Department, A.P., Hyderabad for final order and sent back to Project Director, ICPS for finalization of the adoption procedure through District/High Court. The process is lengthy and causes procedural delay. In last three months time, Srikakulam declared 2 children, Vishakhapatnam 25, and Anantapur 20 children legally free for adoption. According to PO (NIC) of Srikakulam and East Godavari District, 2 children of Srikakulam and 7 Children of East Godavari District have been placed under Pre-adoption foster care while according to In-charge of SAA of Vizianagaram 3 children have been placed under Pre-adoption foster care. Concept of Alternative care has not percolated in the perceptual frame of the members nor among the staff members of DCPU. Some members reported about illegal adoption and

informed that abandoned children in many instances are placed illegally. They also informed that community people are either not aware of the correct procedures or are misinformed.

Restoration, Rehabilitation, Transfer and Follow up:

The CWCs restore the child only after verification of the identity of the parents/guardian and on submission of an undertaking on better care and protection of the children by them. Before restoration, due enquiry is conducted either by the DPO or NGOs to verify the family condition and the willingness of the family to take back the child. However, the practice of restoration does not strictly comply with the provision laid in the Central Model Rule, 2007 (vide Rule 65). Individual Care Plan (Form XXI) is not duly prepared; HSR is not submitted in the proper format as prescribed in Form XIII. CWC is getting cooperation from CHILDLINE during the time of transfer of children to other Districts or states. But it was reported that Staffs of JJ Homes is yet to be engaged to escort the children during transfer (vide Sec. 38 & Rule 78). CWCs are facing problems in case of inter-state transfer of children. In many instances they didn't get response from the counterpart CWC in other state. As for example, the CWC, Visakhapatnam had written to the CWC in Muzzafamagar in UP about HSR of a child found in Visakhapatnam railway station, but didn't get any response from them. Follow up activities cannot be undertaken in most cases owing to lack of manpower and transport support. Lack of follow up services of the reintegrated children is a major area of concern in the state. DCPU as mandated in Rule 65(13) is yet to assume this responsibility when follow-up is not possible due to unavailability of government functionaries or NGOs. In the absence of the Missing Children Portal, CHILDLINE is the only option for tracking of interstate children and the whole process often gets unusually delayed.

Rehabilitation poses a serious challenge. Efforts are made to reintegrate the destitute children back into the family. Difficulty arises with children who do not have any family or could not be traced. The rehabilitation of girls poses a greater problem, reported the members.

On appointment of staff members of DCPU in 2012-13, their services for rescue and restoration of children are now being utilized in some Districts e.g. Srikakulam, East Godavari (Kakinada), Prakasham etc.

Role of Police:

Despite the fact that Special Juvenile Police Units exist in all Districts and Child Welfare Officers are also designated, the role of police in the implementation of the law has not been found encouraging in most of the Districts. The role of police to ensure legal protection against all kinds of cruelty, abuse and exploitation of child has not been found effective in most of the Districts, which contravenes the mandate of the law vide rule 84 (5). There is utter ignorance among the police officials about their role laid down in the law e.g. the Officer-in-Charge of Begumpet Police Station of Rangareddy District was not aware of formation of such units and could not provide any specific information about their activities in relation to Child Protection. The same was true to Anantapur Town – I and Town – III Police Stations. The Inspector-in-Charge of Anantapur Town – I Police Station knew that he was designated as Child Welfare Officer but had no idea about his roles and functions. The team however, had a good opportunity to discuss in brief the role and functions of SJPU and designated CWO in both the Police Stations of Anantapur. This was indeed an unintended benefit came out of this research work. Majority of the CWC members complained that the support from the police is often not available for Social Investigation Report (SIR) and also for escorting the child to a place of safety. The members reported that Missing Children are often handed over to parents without giving any information to CWC. The coordination between the Police and CWC has been found satisfactory in the Districts of Nellore, Guntur and East Godavari.

Weak Probation System:

District Probation Officers (DPO) in the State are attending to tasks of many departments at a time and their work load is very high. DPOs are not exclusively available for CWCs. Sometimes it is found that one DPO is in-charge of more than one District as a result of which the DPOs can neither submit their report on time nor can provide probation services properly. DPOs do not attend the CWC meeting and cannot make any positive contribution

towards Individual Care Planning of the Children within Institutions. Having no particular place of sitting, DPOs sometimes work from their residences.

Some Good Practices:

- AP Police issued “Dos and Donts” Guidelines for Police Officers while dealing with issues pertaining to children in need of care and protection, juveniles in conflict with law.
- AP Police Communicated a Handout on Child Protection Issues duly giving the gist of Child Rights, Acts in force etc to all Unit Officers with instructions to be in touch with Child Welfare Committees, Council for Human Welfare ,NGOs like Child Line, Divya Disha, Prajwala, ,Ankuram etc - Cir Memo No RC.No.56/PL/1/2003 dated 18-2-2009.
- Registration of Marriages has been made compulsory by Gram Panchayats and they have been directed to record the age of marriage.
- Constituted Village Child Marriage Prohibition and Monitoring Committees
- Some CWCs are taking active part in combating the cases of Child Marriages
- Some important documents e.g. Resource Directory of child protection services, SoP for CWC have been prepared by Help, a noted child protection organization in the State and with support Govt. of AP and TdH.
- SLSA prepared a Resource Directory of Juvenile Justice System for all the Districts of AP to strengthen the effective functioning of JJ System.
- A forum of CWCs with Districts namely, Krishna, Prakasam, Medak and Khammam has been formed to ensure better coordination of their functioning.
- In the District of Rangareddy, the CWC took cognizance regarding Corporal Punishment of two children and issued summons to the Head of the School and sought an explanation from them and also penalized them.

Major Challenges identified:

- No authentic information is available on the CCIs run by the NGOs
- Inadequacy of homes/institutions (govt.), especially for the CWSN.
- Bal Sadans are yet to be integrated with the Juvenile Justice system in the State. Care standards in such homes need a review.
- No counselors and watchman in most of the Bal Sadans and inadequate caregivers too
- There are many CCIs which are yet to be registered under section 34 (c) of JJ Act
- No placement of data entry operator in most of the CWCs
- Delay in granting fit institutions status to organization
- No open shelter for boys and girls in most of the Districts making it difficult to provide temporary shelter to the children
- Poor visibility of CWCs, Lack of publicity
- Lack of coordination between CWC / W & CD / CHILDLINE / Police & other line departments.
- Lack of Authority to function as the Bench of Magistrate
- Lack of proper understanding of many CWC members about the structures, roles and financial provisions under ICPS
- Probation Officer is subjected to many other Dept resulting in delay of submission of HSR
- CWC members need legal support to handle children especially those who are victims of abuse.
- Problems in Inter-District and Inter-State Reintegration of Children (lack of provision for travel, escorting), Non-response of CWC of other Districts/state
- Unavailability of guidelines for Foster Care. Even after CWC declaration of legally free for adoption, the adoption cases are long pending,
- Lack of role clarity of CWC members on Alternative Care in most of the Districts
- Social worker are not attached with the SJPU
- DCPUs being answerable to the PD cannot always respond to the CWCs instructions.

- Govt. welfare institutions like: BC, SC, ST and social welfare etc are not following the instructions of CWCs
- Sitting dates and time are not in consonance with the JJ Rule
- Many CP NGOs are not aware about the functioning of CWCs e.g. CRDS in Anantapur, Samata and Priyadarshni in Visakhapatnam, Balmiki Foundation in Rangareddy
- Follow up services are seriously lacking
- Lack of support from DLSA
- Lack of clear understanding among the members on JJ Rules and allied CP laws
- Children are produced before PD instead of CWC in many Districts
- Non-submission of MPR to DCPU
- Delay in providing infrastructural support such as transportation facilities for transporting children or conducting rescue operations in all the Districts.
- Some CWC members reside in faraway places and have to travel on their own expense to attend the CWC meetings.
- Line departments are not adequately aware of the functioning of CWC, JJB and on JJ Act and often feel prejudice about CWC,
- Police department shows least response to the summons and directions issued by CWC.
- Lack of awareness among general public on JJ Act, functioning of Child Welfare Committees.
- Managing escort services for girls rescued from abuse and trafficking is a major problem.
- Security problems for keeping rescued girls.
- Almost all line departments especially Labour Department defies CWC orders on rescue and rehabilitation.
- After care support system and provision of vocational training is not adequate.
- No monitoring mechanism of CWCs is in place and hence orders given by CWC are hardly analysed and monitored.
- Vacancies do exist in CWCs e.g. Vacancy in East Godavari is long pending;
- The website on which data is uploaded does not have complete functionality e.g. the drop-down menu does not give list of institutions to which children could be sent.

7. Recommendations

Government Departments:

The **Department of Women Development and Child Welfare** at the State Level shall:

- Provide infrastructural support in the form of computer, equipments, provision for travelling, regularity of payment of sitting allowance, provision for water supply, toilets etc.
- Provide the necessary human resource support for every committee, including welfare officer, steno-typist or computer operator, peon, safai karmachari.
- Provide a list of all recognized CCIs along with their capacities, a list of contact details of the CWCs and DCPS across the state.
- Arrange transportation facilities for rescue, recovery and restoration and also make available all the prescribed formats to the CWCs.
- Release fund to meet the cost of stationary, travelling, and other contingent expenses.
- Take immediate steps to identify unregistered CCIs and make arrangement for getting those institutions registered through the recommendations of the CWCs.
- Organize training programme for the CWC members in collaboration with University Department, Schools of Social Work, Judicial Academy and recognized training organizations. The methodology of the training should be practice based to generate appropriate skills to handle various types of cases. An outline of the contents of the training is annexed.
- Facilitate building linkages between DCPU and CWCs to create an atmosphere of complementarities between the two organizations. A healthy relationship between the Department of WD & CW and CWCs is of immense value to strengthen the juvenile justice mechanism in the state.

- The Department of WD & CW shall make the services of DCPU staffs accessible/ available to the CWCs. The Department of WD & CW also ensures that children rescued by the DCPU are directly produced before CWC within the stipulated timeframe of 24 hours.
- The Department of WD & CW shall provide dedicated manpower support (data entry operator, safai karmachari) and other infrastructural facility (computer, internet, telephone, water supply, toilets etc.) to CWCs which are located in the premises of the Department of WD & CW.
- The Department of WD & CW shall disclose the funds available under ICPS to the CWCs and make a joint plan of action for implementation of various programme at the District level.
- The **Education Department** shall issue order to all educational institutions about the role of the CWCs in addressing corporal punishment and incidences of sexual abuse.
The Educational institutions may inform CWC about the incidences of Child marriage in the area. CWCs may be consulted while organizing educational programmes within the CCIs.
- The **Health Department** shall issue circular to all hospitals, nursing homes, health care institutions to handover any unclaimed baby to the CWC through Police. This will plug the chances of selling babies for illegal adoption. The department should ensure that the age determination tests referred by CWCs are completed within the stipulated time frame under the Law. The Dept shall also provide health care services for the institutionalized children and maintain Health Cards for all such children.
- The **Labour Department** shall take cognizance of the complaints made by the CWC regarding rescue and rehabilitation of child labour engaged in hazardous employment. The department should produce children rescued from labour including domestic labour before the CWCs for care, protection and restoration. In such cases the Labour Department should provide transportation facilities for rescue and restoration of the Child Labour.
- The District Legal Services Authority (DLSA) should collaborate with CWCs in providing legal aid to children who are victims of any forms of abuse.

Police

Police should expedite the process of preparing the social investigation report and other relevant information about the child for speedy disposal of cases.

- Child Welfare Officers are often burdened with law and order activities. Hence, the Police Dept should assign priority on proper discharge of the role of the CWCs.
- The Police Officials shall keep the CWCs informed about the FIRs registered in cases of Missing Children / Abused Children / Trafficked Children and also produce abandoned children to the CWCs within the stipulated time frame.
- Police shall produce all children victims of crime u/s 23 to u/s 26 of JJ Act within 24 hours.
- Police should provide support services to the CWCs for rescue and escorting of children to a place of safety.
- Police shall adhere to the orders of CWCs.
- Training of police personnel on various issues relating to child rights, manner of dealing with children in difficult circumstances, implications of Juvenile Justice Act and networking with the allied system etc. should be conducted periodically for all level of police officials with particular emphasis on constables who mostly apprehend the child.

Linkages and Coordination:

- As the line departments are not aware about the functioning of CWCs, a Committee at the State and District level with representatives of the relevant departments viz. Education, Health, Labour, Judiciary, Finance, Police etc. may be formed initiated by the Ministry of Women & Child Development Department with specific terms of reference to strengthen the function of CWCs.
- Although CWCs are conferred power to function as the Bench of Magistrate vide Sec. 29 (5) of the JJ Act, no department takes this matter seriously and the instances of defying the orders of the CWCs is very common. In order to ensure statutory functioning of CWCs, the High Court may form a Bench to appeal violation of CWC Orders.

- CWC Chairpersons must be included and invited in all Committees pertaining to Welfare and Development of children at the State and District Level.

Capacity Building:

- Capacity Building of the various line departments, representatives of Local Govt., Police, NGOs and other stakeholders need to be taken up on matters relating to Child Protection vis-à-vis the functioning of CWCs.
- Training Programme for the CWC Members need to be organized in a periodic manner. A Training Need Analysis may be conducted to identify the major areas wherein the members need more intensive inputs. Subsequently modules may be developed focusing more on practical issues and transfer of knowledge on such issues which will facilitate proactive functioning of CWC Members.
- Appropriate learning materials may be developed on the issues relating to child protection, JJS and the roles and responsibilities of the different functionaries and stakeholders. Based on the interaction with a host of CWC Chairpersons and Members, the Study Team suggests some key areas which may be considered while framing the curricula.

- ✓ Laws relating to children including linkages between JJ Act and CLPRA, POCSO, PCMA, ITPA, RtE, relevant sections of IPC etc.
- ✓ Court Proceedings, Judicial Process especially Procedure for summons, Warrants Steps in the cases.
- ✓ Day-to-day Functioning Primarily on writing orders.
- ✓ Workshop on different formats provided in the Guidelines and Rules, Use of Forms, how to fill the Forms, why are these Forms important.
- ✓ Manner of handling various types of cases
- ✓ Family strengthening approaches – non-institutional services, foster care, sponsorship
- ✓ Details of CARA Guideline to promote In-Country and Inter-Country Adoption,
- ✓ Structure and function of ICPS and importance of alliance building.
- ✓ Understanding Child Psychology: Behavior problems of the Institutionalized children and their socialization process, Techniques of effective communication with children
- ✓ Interview skills, Counselling skills and Listening
- ✓ Restoration, Rehabilitation and Repatriation of Children
- ✓ Networking with Police, Judiciary & NGOs etc.

Child Welfare Committees:

- Ensure regular attendance; out-reach services, home visit and networking.
- The sitting dates of CWC should be fixed and be increased at-least three days in a week;
- CWCs shall send Monthly Progress Report(MPR) to the DCPU by 7th of the next month;
- CWCs need to have a regular functional linkages with the organizations engaged in giving in-country and inter-country adoptions to children and should also oversee to ensure that CARA Guidelines are adhered to. The list of children given in adoption should be maintained by CWC.
- CWCs should ensure the maintenance of minimum standards of care of children in all categories of homes under JJ Act. It should also ensure that the case-file of a child should accompany the child in cases of transfer of child from one home to other.
- The liaisoning between the District Legal Aid Cell and the CWCs need to be strengthened to deal with cases of Child Trafficking, Adoption, Repatriation and Restoration cases.
- CWCs being ultimate authority of CNCP (Vide Section 31 (1) should play decisive role to ensure that Individual Care Plans are prepared for all institutionalized children.
- CWC should ensure that case history of the child is written by the Home Authority in format prescribed in Form XX. This will ensure uniformity in the documentation process.

NGOs:

- NGOs should organise regular sessions on child protection and development issues, child rights and home management such that care givers can develop their capacity to deal with children.
- NGOs should play important role in Rescue, Recovery, Repatriation and Reintegration (RRRI) processes.
- NGOs working with CNCP and with families at risk should expand their activities to initiate preventive, community based, family oriented, non-institutional services for the vulnerable child.

Media:

- Sharply focused advocacy on Juvenile Justice System needs to be advocated for the media such that the individuality and dignity of the victimized children is protected.
- Media should ensure that, children are not inadvertently exposed while reporting on them.
- Media should provide adequate coverage on child protection issues especially on Alternative Care.

Some General Measures:

- Expediting the process of Licensing & Registration which will help the CWCs to arrange for immediate placement of CNCP.
- Conducting IEC Campaigns to address the needs of Alternative Care for children in all the areas to create awareness on role of the family to ensure care and protection of Children, legal procedures and mechanism for adoption, sponsorship guidelines etc.
- Institutional care facilities for the challenged children should be given top priority.
- District Probation Officers must be appointed exclusively for the purposes of CWCs and their attendance in the CWC Meetings should be made mandatory.
- Every District should have at-least one children home each for boys and girls
- A Quarterly Newsletter at the state level may be published with quantitative information on cases handled by the CWCs in each quarter along with the activities taking place in the Districts with case studies;
- Vacant positions in CWCs may immediately be filled in, long absentee members may be removed;
- CWCs shall take initiative to recommend 'Fit Institutions' and also declare some 'Fit Persons' in each District;
- All CWCs needs to have the Resource Directory (already prepared by Help with support from TdH) at their disposal for quick flow of information and stronger referral;
- An all India Directory of Addresses with contact no of all CWCs may be developed.