

F.No. CW-II-30/92/2018-CW-II
Government of India
Ministry of Women and Child Development

Shastri Bhawan, New Delhi
Dated: 14th Dec, 2018

To,

Shri. Harvinder Singh Baweja,
Sr. Tech. Director & HoD,
NIC- MWCD
New Delhi -110001

Subject: Uploading Draft National Child Protection Policy on the Ministry of Women and Child Development's Website for Comments from Stakeholders -reg.

Sir,

The undersigned is directed to request to kindly upload the Draft National Child Protection Policy on the Ministry's Website from immediate effect for Comments from the Stakeholders on the email: mksingh.ofb@nic.in, latest by 4th Jan 2019.



This has the approval of Secretary, WCD.

Yours faithfully,



(Samir Sinha)
Under Secretary to the Govt. of India

**Government of India
Ministry of Women and Child Development**

National Child Protection Policy

1. Preamble:

All children deserve a happy childhood and the opportunity to lead a dignified life safe from violence, exploitation, neglect, deprivation and discrimination. India is a young nation, with a child population of more than 472 million^[1]. Protection of this 40% of the young population is not only a matter of their human rights but also an investment towards building a robust nation. The Constitution of India recognize children as equal right holder and grants highest priority for their protection and well-being. India is also signatory to the United Nations Convention on the Rights of the Child (UNCRC) and accordingly has a strong legal framework to protect children which include the Juvenile Justice (Care and Protection of Children) Act 2015; the Protection of Children from Sexual Offences Act 2012; Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act 1994; the Commission for Protection of Child Rights Act 2005; the Right of Children to Free and Compulsory Education Act, 2009; Prohibition of Child Marriage Act, 2006; and Child Labour (Prohibition and Regulation) Amendment Act, 2016.

The current policy draws upon the safeguards provided under the Constitutions of India, various child-centric legislation, international treaties as well as other existing policies for the protection and wellbeing of children. It aims at providing a safe and conducive environment for all children through the prevention and response to child abuse, exploitation and neglect. It provides a framework for ***all institution, and organization (including corporate and media houses), government or private sector*** to understand their responsibilities in relation to safeguarding/ protecting children and promoting the welfare of children; individually and collectively.

2. Vision:

All children in India stay safe and feel secure in all settings and circumstances.

3. Guidelines for Organization, Institutions and Establishments (including Media)

- The child Protection Policy is applicable to Institutions/Organizations.
- All institutions and organizations should develop a child protection policy and code of conduct for employees in line with the national guidelines and various legislations for protection and welfare of children and display it appropriately
- All employees/ contractual workers must sign the declaration for child protection and agree to abide by it (draft declaration at Annexure 1).
- It should be based on the premise of Zero tolerance of child abuse and exploitation.
- The code of conduct for employees/contractual workers must lay down that they should always treat children with empathy and respect, regardless of race, color, gender, sexuality, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Always listen to children and respect their views.
- The code of conduct must lay down that staff members must never:
- Use language or behavior towards children that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Develop or induce or support in any way physical/sexual relationships with children.
- Develop any form of relationship or arrangement with children which could in any way be deemed to be exploitative or abusive.
- Place a child at risk of abuse or exploitation, or be aware of these and not report it or not do anything about it.
- All organization and institution should designate responsibility to a specific member/members of staff for ensuring that procedures and arrangements are in place within the organisation to protect children and report any abuse, exploitation or neglect; in line with the guidelines and existing laws.
- The CHILDLINE 1098 and contact details of designated officer for child protection must be displayed appropriately.
- Organize orientation programmes on child protection and various legislations related to it and make it mandatory for all employees at all levels (including contractual workers).
- Ensure any individual in the organization/institution who abuses or exploits children or violates any section of this policy should be appropriately punished as per law (Refer to Annexure 2).

- Any individual who suspects physical, sexual or emotional abuse including online abuse of children, circulation of child sexual abuse materials, child marriage, child labour, child trafficking, maltreatment of children, discrimination against child on the account of gender, caste, religion, language, disability or any other; abandonment or neglect of a child; must report the incidence to CHILDLINE 1098, police or Child Welfare Committee. Identity of the informant is protected will not be made public.
- In cases of emergency, where a child appears to be at immediate and serious risk; provide accurate information about child's location, details of the circumstances and other information to help in the process of rescue. In case the child requires immediate medical attention before appropriate authorities arrive, help the child in the best possible but update CHILDLINE 1098 and police regarding the situation and whereabouts of the child.
- Always wait for the appropriate authority (CHILDLINE 1098 , police or Child Welfare Committee members) for taking action or act on their advice and guidance.
- Professionals who provide services to children (teachers, counsellors, doctors/ other health workers and others) must follow child protection policy for reporting and taking action if they become concerned about a child's safety and welfare.
- Be aware of the care and support services for children like CHILDLINE 1098, Special Juvenile Police Unit, Child Welfare Committees, child care institutions, one-stop centres, drug rehabilitation centres, hospital, mental health care providers and other such services for children.
- Corporate houses and industries must establish and strengthen monitoring mechanisms to ensure that industry/subsidiaries are not using child labour in any form.
- Institutions and organizations working directly with children must ensure stringent background check (including police verification) of all employees - regular or contractual; volunteers and others who may come in contact with children.
- Institutions and organizations working directly with children must train all employees on child rights, provisions of POCSO Act, 2012; JJ Act 2015 and other legislations for children and ensure that corporal punishment, bullying and any other form of abuse is prevented. All employees should be familiar with signs and behaviours that may be indicative of child abuse/exploitation or neglect.
- Medical establishments (hospital and clinics),doctors and health workers cannot refuse treatment or discriminate on the basis of

gender, sexual orientation, disability, caste, religion, tribe, language, marital status, occupation, political belief, or other status. Refusal of medical care to survivors/victims of sexual violence and acid attack amounts to an offence under Section 166B of the Indian Penal Code read with Section 357C of the Code of Criminal Procedure.

- Institutions and organizations working directly with children must develop age-appropriate modules and materials for orientating children on child abuse, online safety and services available for them.
- Organizations who undertake research and collect data on children, directly from children or indirectly from parents/community must ensure that children are not harmed or traumatized in any way during the process. All research staff must be trained on ethical practices and child friendly procedures.
- Crèches/ mobile crèches for employee's children including those on daily wages/contractual basis if the number of employees is fifty or above; otherwise appropriate space and facility for baby care to be provided for mothers with infants.
- Child friendly zones must be developed in all places for public dealing.
- Safe spaces for mothers to keep their infants.

Annexure 1:

Declaration by all employees

I,,(name and position of the employee),
from..... (name of the organisation) hereby declare that:

- i. I will always respect all children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity;
- ii. Support their right to equal protection from all types of harm or abuse;
- iii. I will not employ any child as defined under *Child Labour* (prohibition and regulation) *Amendment Act*, 2016.
- iv. I will always report any case of child abuse, exploitation and neglect which comes to my knowledge to appropriate authority and will not harm or abuse any child physically, emotionally or sexually.

(Name of the employee)

Annexure 2:

The following offences/behaviours are punishable by law and it is the duty of every adult citizen to abide by these laws:

Offences/Behaviours	Laws
Sexual assault, sexual harassment, use of child for pornographic purpose	Protection of Children from Sexual Offences Act 2012
Production, dissemination and use of child sexual abuse materials	The Information Technology Act, 2000
Disclosing identity of the child victim to anyone other than appropriate authority	Protection of Children from Sexual Offences Act 2012, JJ Act 2015
Sale and procurement of children for any purpose including illegal adoption, trafficking of children for sexual exploitation, use of children by militant groups, giving children intoxicating liquor, narcotic drug or tobacco products or psychotropic substances, offences against disabled children, trafficking of children for sexual exploitation/exploitative labour/other reasons and, kidnapping	JJ Act 2015; Immoral Traffic (Prevention) Act 1956; Human trafficking (section 370 & 370A IPC), after creation of specific section in IPC by the Criminal Law (Amendment) Act 2013
Corporal punishment in child care institutions	JJ Act, 2015
Corporal Punishment in schools	Right of Children to Free and Compulsory Education Act, 2009
Adopting a child without due procedure through CARINGS and child welfare committees/ promoting or facilitating such illegal adoption	JJ Act, 2015
Employment of children below 14 years in any occupation or industry	Child Labour (Prohibition and Regulation) Amendment Act, 2016
Employment of children 15-18 years in hazardous occupation or industries	Child Labour (Prohibition and Regulation) Amendment Act, 2016
Marrying a child/ promoting or solemnizing child marriage	Prohibition of Child Marriage Act, 2006
Pre-natal diagnostic techniques for	Pre-Natal Diagnostic Techniques

determination of the sex of the fetus leading to female feticide	(PCPNDT) Act 1994
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