

રાજ્યના શેરીમાં રહેતા બાળકો(Children in street situation) માટે પોલીસી બાબત.

ગુજરાત સરકાર

સામાજિક ન્યાય અને અધિકારિતા વિભાગ

ઠરાવ ક્રમાંક: જજઅ/૧૨૦૨૦૨૦/૧૭૧૮૪૮/પાર્ટ-૧/૭

સચિવાલય, ગાંધીનગર.

તા.૧૦/૧૦/૨૦૨૨

વંચાણેલીધા :-

(૧)રાષ્ટ્રીય બાળ અધિકાર સંરક્ષણ આયોગનોતા.૧૬/૦૨/૨૦૨૨ના પત્ર ક.F.No.32-362/2021/NCPCR/LC/SC/23623,

આમુખ :-

શેરીઓમાં વસવાટ કરતા બાળકોરસ્તા પર ના રહેતા, તેમના પરિવાર સાથે રહે અને જ્યા તેમના પરિવારને સહાયની જરૂરીયાત હોય ત્યા બાળકનું હિત ધ્યાનમાં રાખી બાળકને રેસ્ક્યુ કરી પુનઃવસનના હેતુ સરદાખલ થયેલસુઓ મોટો રીટ પીટીશન- ૬/૨૦૨૧ ઇન સુઓ મોટો રીટ પીટીશન- ૪/૨૦૨૦મા નામ.સર્વોચ્ચ અદાલત દ્વારા કરવામાંઆવેલહુકમો અન્વયે રાષ્ટ્રીય બાળ અધિકાર સંરક્ષણ આયોગેવંચાણે લીધા ક્રમાંક (૧) આગળના પત્રથીશેરીમાં રહેતા બાળકો(Children in street situation) માટે તૈયાર કરેલ મોડેલ પોલીસી અત્રે મોકલી આપેલ છે.જેનોસ્વીકાર કરવા માટેની બાબત સરકારશ્રીની વિચારણા હેઠળ હતી.

ઠરાવ:

પુખ્ત વિચારણાના અંતે રાષ્ટ્રીય બાળ અધિકાર સંરક્ષણ આયોગ દ્વારા શેરીમાં રહેતા બાળકો(Children in street situation) માટે તૈયાર કરેલ આ સાથેના પરિશિષ્ટ-૧માં બિડેલ મોડેલ પોલીસીનો સંપૂર્ણપણે આથી સ્વીકાર કરવાનું ઠરાવવામાં આવે છે. આ પોલીસીમાં પોતાને લાગુ પડતા મુદાઓનો અમલ કરવા બાબતે જરૂરી કાર્યપદ્ધતિ તૈયાર કરીને સંબંધિત વિભાગે તેને કાર્યાન્વિત કરવાની રહેશે.

આ ઠરાવ સરખા ક્રમાંકની ફાઇલ પર માનનીય મુખ્ય મંત્રીશ્રીની મળેલ મંજુરી અન્વયે બહાર પાડવામાં આવે છે.

ગુજરાતના રાજ્યપાલશ્રીના હુકમથી અને તેમના નામે,

JNV

(લીના વાઘેલા)

ઉપસચિવ,

સામાજિકન્યાય અને અધિકારિતા વિભાગ.

પ્રતિ,

નામ.રાજ્યપાલના અગ્ર સચિવશ્રી, રાજભવન, ગાંધીનગર (પત્ર દ્વારા.)

- માન.મુખ્યમંત્રીશ્રીના મુખ્ય અગ્રસચિવશ્રી, સ્વર્ણિમ સંકુલ-૧, સચિવાલય, ગાંધીનગર
- માન.મંત્રીશ્રી (સા.ન્યા.)ના અંગત સચિવશ્રી, સ્વર્ણિમ સંકુલ-૧, સચિવાલય, ગાંધીનગર
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- સર્વે વિભાગો
- નિયામકશ્રી, સમાજસુરક્ષાકચેરી, બ્લોકનં.-૧૬, ડો.જીવરાજમહેતાભવન, ગાંધીનગર.
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- સિલેક્ટફાઈલ.

309

BACKGROUND

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

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

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

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

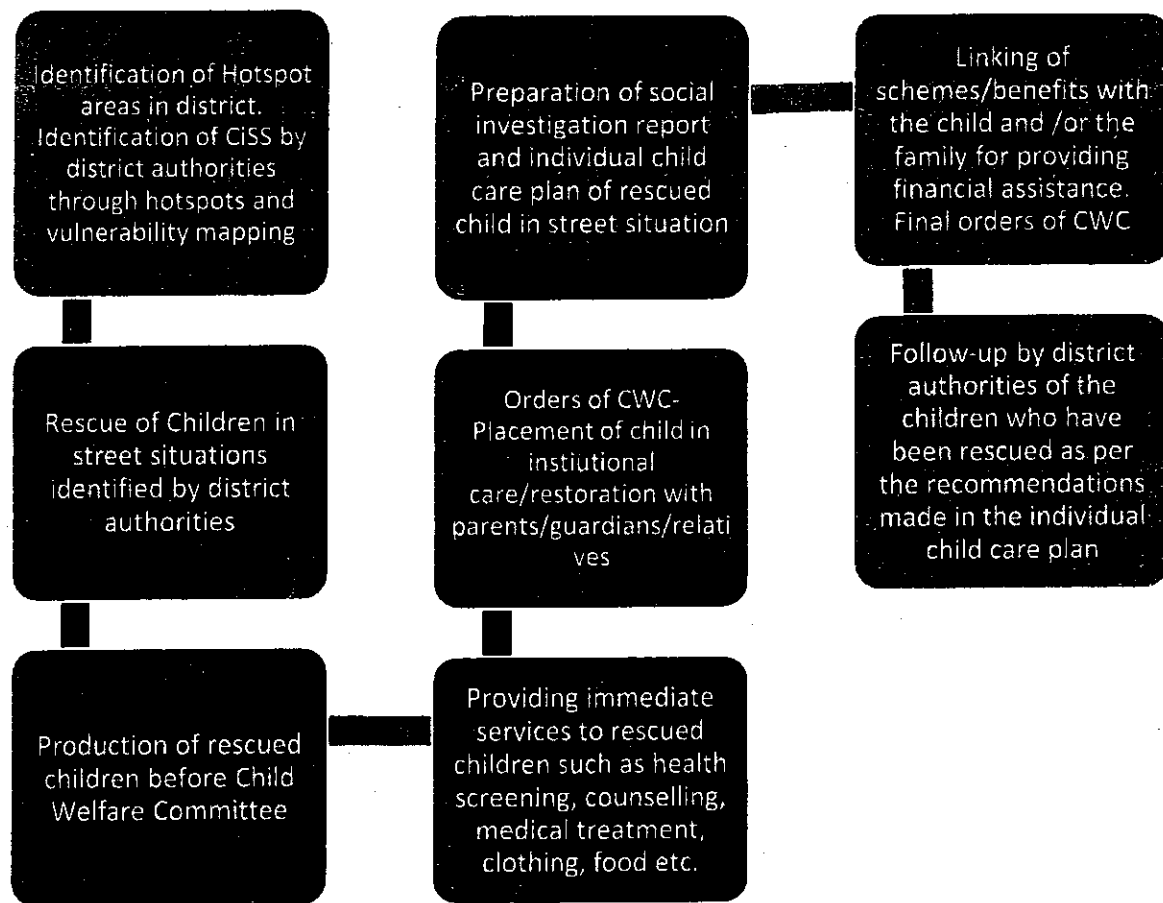
In compliance of the aforementioned directions of the Hon'ble Supreme Court, this hybrid policy for rehabilitation of children in street situations is prepared by NCPCR for adaptation and implementation by States/UTs according to their prevailing situations with regard to resources, financial grants,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

OBJECTIVES OF THIS POLICY

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

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

Flow Chart for identification and rehabilitation of children in street situations



WHO ARE THE CHILDREN IN STREET SITUATIONS?

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

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

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

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

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

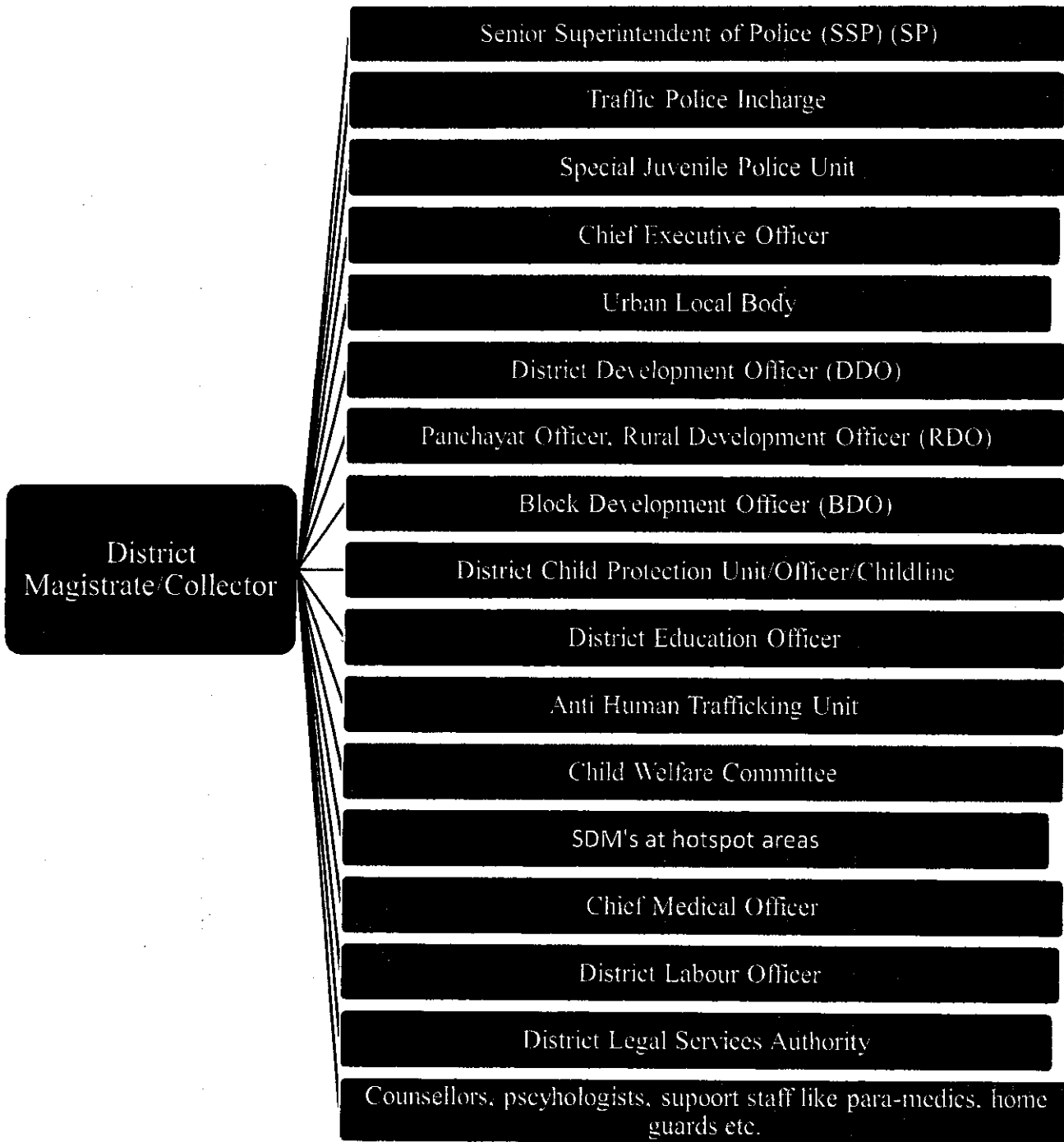
(selling flowers, newspapers, fruits and other items on the roads/at traffic signals)

They depend on these types of work for their survival on a daily basis.

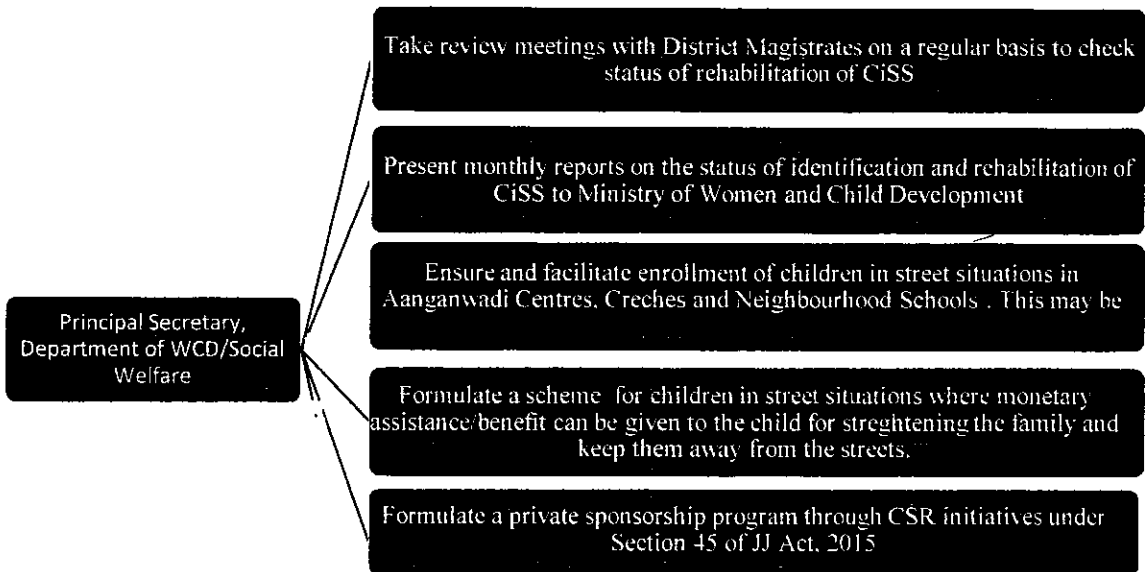
6. **Child beggars:** Child beggars are those children who are soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretense, or exposing or exhibiting with the object to obtaining or extorting alms, any sore,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

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

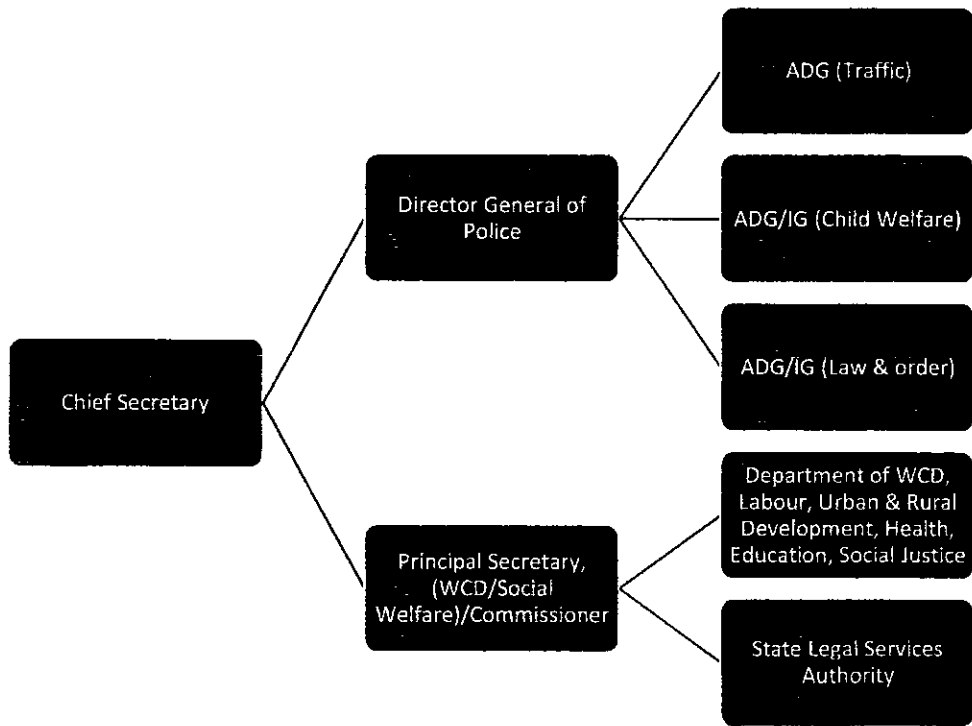
1. Identification, rescue and rehabilitation of children in street situations



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



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



**State Child
Protection
Society**

- Implementation of private sponsorship programme of the State Government. To ensure that maximum benefit can be given to children in street situations through CSR initiatives of industries and companies under the sponsorship programme. The private sponsorship programme may also be implemented for individual to individual sponsors who are willing to provide financial assistance to the child.
- Conduct training programmes of district level officers and State level officers for identification, rescue and rehabilitation of children in street situations. The training programme may include district magistrates, child welfare committee, district child protection officers, police personnel, labour officers etc.
- Capacity building workshops for district officials to enable them to conduct rescue drives periodically.

**Principal
Secretary,
Department
of
WCD/Social
Welfare of
the State/UT**

- The Secretary, Department of Women and Child Welfare of each State shall be the nodal officer to ensure that all the District Magistrates/ District Collectors take prompt action for implementation of SOP 2.0 formulated by the NCPCR.
- ② • The State Department shall monitor and supervise the activities and steps being undertaken at the district level for rescue and rehabilitation of CiSS.
- The State Department shall call for reports from the District Magistrates on a monthly basis of children identified, rescued and rehabilitated.

- The State Department shall formulate a procedure to be implemented by the district authorities for providing all monetary benefits and compensations due to the child and the family in a time bound manner.
- Formulate a private sponsorship program through CSR initiatives and for individual to individual sponsorship under Section 45 of JJ Act, 2015.
- Follow-up of children linked under private sponsorship program may be done through by ensuring that they are enrolled in schools and are regularly attending the school. This follow-up can be done by seeking data collected by District Education officers under Rule 2B (2) of Child Labour Rules.

District
Magistrates/
Collectors

- Identification of hotspots. *Refer Annexure A of SOP of NEPCRI*
- Vulnerability mapping of children living in slums nearby to the hotspots. *Vulnerability mapping of children living in slums nearby to the hotspots.*
- Assessment of any/all such *Children and vulnerable children at Risk* of getting into CISS in such areas, street and public institutions.
- Routine discussions of concerned stakeholders is required to be held at District, Block and Village levels.
- *The DMs shall review the process of identification and review of CISS in Time Limit meetings on a regular basis and other such important meetings held at the Commissioner's level.*
- A report on the review done by the DMs on a regular basis in the Time Limit meetings or any other meetings regarding children in street situations shall be submitted to the Regional Secretary, Department of WCD/Social Welfare.
- Prepare duty chart of officials (Senior Superintendent of Police (SSP)/(SP), District Development Officer (DDO), Block Development Officer (BDO), Panchayat Officer, Rural Development Officer (RDO), CDPO, DCPO, DSWO, DEO/DEEO/Dist. ISE, CWC, JJB, SJPU, AHTU, CMO, PHED,

RTO, District Employment Officer) regarding their individual roles and responsibilities for identification and rehabilitation of CiSS.

- The identification and rescue of CiSS is a time bound process which needs to be carried out on regular basis by the officials.
- The District Collector/Deputy Commissioner/District Magistrate may issue directions for creating a pool of trained counsellors in the district and have formal engagement of such counsellors in the district who can provide necessary counselling and mental health care and support for CiSS and their vulnerable families.
- The DM shall effectively implement the Ministry of Health & Family Welfare's circular no X-11029/6/2010-DDAP to devise ways and means to regulate and control the sale of correction fluid and thinner, which are substances generally used in offices, but reportedly being widely misused by children as an intoxicating substance, drug inhaling them to get stimulating effects like drugs.
- In case there is no facility of an open shelter as per provision provided under Section 51 of the JJ Act, 2015, the DM shall ensure that CWC recognizes a facility being run by a Government organization, or a voluntary or Non-Government Organization or a school building as a fit facility for the time being to run an open shelter for such children till the facility of a permanent open shelter starts. This open shelter shall function according to the provisions provided under Section 43 of the JJ Act, 2015. The NGOs/CBOs working in the region that have experience of working with children can provide food, education, skill building, recreation facility, playing and games to improve the quality of services to these children. The children living in the fit facility can be linked with mid day meal kitchen for making provisions of food requirement of children. *(Refer page 14 of SOP 2.0 of NCPCR)*

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- To identify such individual or corporates/industries who are willing to provide financial assistance to the child and get them enrolled in a private sponsorship programme of the State under Section 45 of JJ Act, 2015.

○ POST IDENTIFICATION AND RESCUE

- The District Magistrates shall facilitate services of medical officer of the district and para-medics for health screening of children that have been rescued.
- The District Magistrates shall facilitate services of counsellors to the children being produced before CWC post rescue.
- The children who are being kept in temporary shelters like open shelter/fit facilities shall be enrolled in neighbourhood schools and transportation facilities from the shelter to school shall be facilitated by the District Magistrates.
- The District Task Force shall ensure that children are attending school regularly as per *Rule 2B (2) of Child & Adolescent Labour Rules, 2017*
- Sponsorship

**Child
Welfare
Committees**

- Procedure as prescribed under Section 36 and 37 of the JJ Act, 2015 shall be followed by the committee after a child in street situation is produced before it.
- For children living on the streets alone
 - The Committee to conduct inquiry as per Section 36 of JJ Act, 2015. On being satisfied through the inquiry that the child before the Committee is a CNCP, may, direct for preparation of social investigation report (SIR).
 - The Committee may place the child in institutional care or exercise its discretion for the restoration of the child to

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

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

217
doing odd jobs, begging or selling products on the streets, or even does some other work involving children, the DCPU may visit the family and prepare the SIR to present the family situation.

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