



**Delhi Commission for
Protection of Child Rights**
Govt. of NCT of Delhi

Guidelines for
**Prevention of
Child Abuse**



GUIDELINES FOR PREVENTION OF CHILD ABUSE

DELHI COMMISSION FOR PROTECTION OF CHILD RIGHTS

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Foreword



The Constitution of India guarantees several rights to children and enables the State to make provisions to ensure that the tender age of children is not abused. Even though India is a signatory to a host of International Covenants and Instruments focusing on Child Protection, these along with the existing domestic legal mechanisms have not been able to provide the necessary systems which could prevent child abuse. The 12th Five Year Plan (2011-2016) of the Ministry of Women & Child Development has unequivocally stated that “Strict measures are required to ensure that abuse of the child for sexual purposes is prevented”. The National Policy for Children, 2013, recognizes that “childhood is an integral part of life with a value of its own”. One of the key priorities of the Policy mandates the State to “create a caring, protective and safe environment for all children, to reduce their vulnerability in all situations and to keep them safe at all places, especially public spaces” and “protect all children from all forms of violence and abuse, harm, neglect, stigma, discrimination, deprivation, exploitation including economic exploitation and sexual exploitation, abandonment, separation, abduction, sale or trafficking for any purpose or in any form, pornography, alcohol and substance abuse, or any other activity that takes undue advantage of them or harms their personhood or affects their development”

Despite the best intentions and plans in place, as well as two comprehensive legislations for the protection of children, The Juvenile Justice (Care & Protection of Children) Act, 2000 and the Protection of Children from Sexual Offences Act 2012, instances of child abuse have been known to occur in our schools, homes for children and other child care institutions as also in the child's own residence. Of the total crimes against children in India, Delhi accounts for 11.6% of crimes and 4.8% of rape committed on children. It is in this context that DCPCR took the initiative of putting in place comprehensive guidelines for the prevention of child abuse which would address the occurrence of such instances in all institutions, whether residential or educational, religious or charitable, registered or non-registered which deal with the care and protection of children in any manner.

The guidelines formulated by the Delhi Commission for Protection of Child Rights not only address the requirement spelt out in Rule-31 of the Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009 but have also factored in the requirements of the Protection of Children from Sexual Offences Act, 2012. The Commission followed the

procedure of wide ranging consultations in the process of the formulation of these guidelines and took note of the views of all stakeholders, including the Police, Child Welfare Committees (CWC), NGOs, representatives of concerned departments and other legal experts/child right activists, as part of the consultation process. Since such guidelines for prevention of child abuse had not existed in any systematic manner either in the National Capital Territory of Delhi, other States or even at the central level, the DCPCR wanted to ensure that the guidelines are finalized in as thorough and well researched a manner as possible so that these are not only applicable for the National Capital but could serve as a model for other States and could be suitably adopted at the central level as well. The guidelines have drawn upon the international best practices and have referred to the existing constitutional and legal framework relevant in combating child abuse. Keeping the objective of the best interest of the child in perspective, the guidelines have laid down certain broad guiding principles in the child protection safeguards proposed. There is an emphasis on the need for awareness and education regarding issues of child abuse not only in residential facilities and schools but also at the family and community level. Since Rule-60 (1) of the Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009 lays down the need for every institution to have systems of ensuring that there is no abuse, the guidelines have also incorporated a model Child Protection Policy as an Annex. It was also considered important that the prevention of child abuse guidelines should include some documents which could be relevant and useful for all stakeholders in a post abuse occurrence scenario.

The DCPCR is extremely grateful to Ms. Aditi Bhat, Advocate and Consultant whose hard work and diligence was of immense help to the Commission in the research and study which went into the collection of inputs and material for drafting and compilation of these guidelines. The Commission is also grateful to the Members of the Expert Core Committee comprising eminent child right activists, lawyers, NGOs and representatives of different institutions and departments of the Govt. who contributed their time and expertise without which it would not have been possible to put this document together. This Core Group comprised Sh. M.M. Vidyarthi, Member, DCPCR, (Convener), Smt. Paramjit Kaur Kukreja, Chairperson, Child Welfare Committee, Ms. Bharti Ali, Director, HAQ, Ms. Aparna Bhat, Advocate, Mr. Vijay Rai, State Manager, Plan India, Sh. Vikram Shrivastava, I-Thought, Sh. Anant Asthana, Advocate, Mr. Abhay Awasthi, Program Manager, Prayas, Sh. Raaj Mangal Prasad, Director, Pratidhi, Sh. Harsh Mander, Director, Centre for Equity Studies, Dr. R. Sagar, Additional Professor, Deptt. of Psychiatry, AIIMS, Mr. O.P. Arora, ACP, Special Cell for Women and Children, Delhi Police, Dr. V.K. Aggarwal,

Addl. Director, Directorate of Health Services, Mr. Ashutosh Ghosh, Education Officer, Deptt. of Education and Mr. Premoday Khakha, Assistant Director (ICPS), Deptt. Of WCD.

These guidelines have been put through a process of rigorous scrutiny and efforts have been made, as far as possible, to ensure that they are not in conflict with any existing laws. In order to make the process as transparent as possible, DCPCR had invited suggestions and inputs from the public and responses received have been suitably incorporated. We also gratefully acknowledge the contribution of Ms. Arlene Manoharan, Fellow & Programme Head – Juvenile Justice, at the Centre for Child & the Law, National Law School of India University, Bangalore in suggesting various changes to the guidelines which were incorporated appropriately. The DCPCR is also indebted to Mr. Shiva Kumar, Advisor, UNICEF for his guidance and support in the finalization of the guidelines.

The Commission would consider its work rewarding if the guidelines ensure the active involvement and participation of each and every one of us within the community, and in different spheres so that our children may be given a safe, protected and empowered environment.

Arun Mathur
Chairperson

Delhi Commission for Protection of Child Rights
May, 2014

Introduction

Child Abuse was and continues to be, one of the most heinous crimes designed and perpetuated by human beings against some of the most vulnerable and defenceless sections of the community. It is a malaise on a society that prides itself on the rule of law, democracy and the various freedoms enshrined in the Constitution. Globally, it has been recognised and seen as a particularly burdensome challenge, and numerous instruments, from the Geneva Declaration of the Rights of the Child of 1924¹ to the United Nations Convention on the Rights of the Child² and the The Stockholm Declaration and Agenda for Action³ have called upon nation States to create and enhance Child Protection Systems to ensure that *“in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”*.

According to the World Health Organisation, *“Child maltreatment, sometimes referred to as child abuse and neglect, includes all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child's health, development or dignity. Within this broad definition, five subtypes can be distinguished – physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation”*.⁴

Sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by both adults and other children who are – by virtue of their age or stage of development – in a position of responsibility, trust or power over the victim.⁵

In India, Child Abuse occurs in various spaces including the home, neighbourhood, schools, and temporary homes of shelter for abandoned and neglected children, railway platforms, jails and refugee camps. The problem is deep rooted and is one that the community is hesitant to accept and acknowledge.

¹ Adopted 26 September, 1924, League of Nations. <http://www.un-documents.net/gdrc1924.htm>

² Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989

³ Adopted at the First World Congress against Commercial Sexual Exploitation of Children, Stockholm, Sweden, 27-31 August 1996

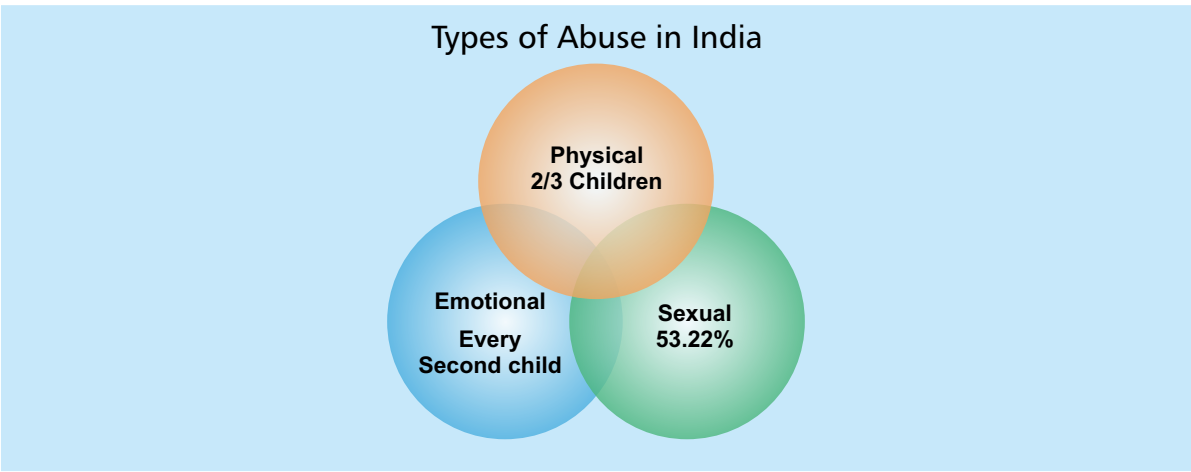
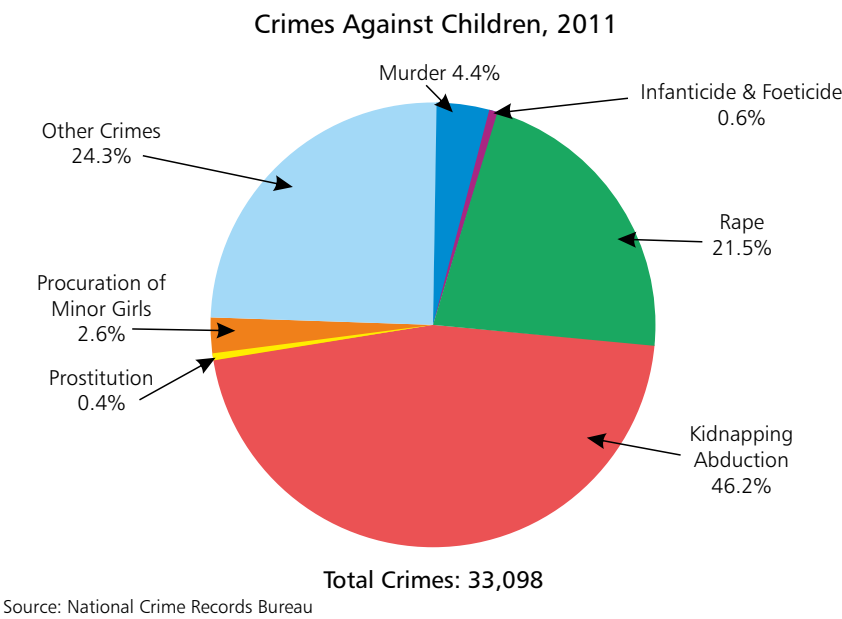
⁴ World Health Organization (1999): Report of the Consultation on Child Abuse Prevention; Geneva

⁵ Preventing child maltreatment: a guide to taking action and generating evidence : World Health Organization and International Society for Prevention of Child Abuse and Neglect, 2006.

CONSPIRACY OF SILENCE?

“Child abuse is shrouded in secrecy and there is a conspiracy of silence around the entire subject. In fact there is a well entrenched belief that there is no child abuse in India and certainly there is no sexual abuse in the country. Further, certain kinds of traditional practices that are accepted across the country, knowingly or un-knowingly amount to child abuse. Existing socio-economic conditions also render some children vulnerable and more at risk to abuse, exploitation and neglect”

Study of Child Abuse,
Ministry of Women & Child Development,
Government of India, 2007



Delhi (UT) contributes 4.86% of rape against children
in comparison to the all India total.

National Crime Records Bureau; 2012 report

Study of Child Abuse, Ministry of Women & Child Development, Government of India, 2007

Existing Constitutional & Legal Framework

Domestic Legal Provisions

Constitutional Basis

The Constitution of India is a living, dynamic constitution which ensures to all its citizens certain values enshrined therein.

Article 14: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India;

Article 15: The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them;

Article 15 (3): Nothing in this article shall prevent the State from making any special provision for women and children;

Article 19(1) (a): All citizens shall have the right (a) to freedom of speech and expression;

Article 21: Protection of life and personal liberty- No person shall be deprived of his life or personal liberty except according to procedure established by law;

Article 21A: Free and compulsory education for all children of the age of 6 to 14 years;

Article 23: Prohibition of traffic in human beings and forced labour-(1) Traffic in human beings and beggars and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law;

Article 24: Prohibition of employment of children in factories, etc. - No child below the age of

Domestic Policies and Legislations

Policies/Programmes

National Policy on Education, 1986

National Policy on Child Labour, 1987

National Nutrition Policy, 1993

Report of the Committee on Prostitution, Child Prostitutes and Children of Prostitutes and Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, 1998

National Health Policy, 2002

National Charter for Children, 2004

National Plan of Action for Children, 2005

The Integrated Child Protection Scheme, 2009

National Policy for Children, 2013

Legislations

Indian Penal Code, 1860

Guardian and Wards Act, 1890

Hindu Adoption and Maintenance Act, 1956

Probation of Offenders Act, 1958

Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960

Bonded Labour System (Abolition) Act, 1976

fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment;

Article 39: The state shall, in particular, direct its policy towards securing: (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter vocations unsuited to their age or strength; (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

International Legal Provisions

India is signatory to a host of International Covenants and Instruments focussing on Child Protection, inter alia

UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985 which endeavour to provide a stabilising environment to a juvenile and a juvenile in conflict with the law so as to reduce and reform delinquent behaviour.

United Nations Convention on the Rights of the Child, 1989 – A convention which states that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration⁶ and appropriate legislative, administrative, social and educational measures are taken to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child⁷. India ratified the UNCRC in 1992.

Optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2002)

⁶ Article 3, UNCRC
⁷ Article 19, UNCRC

- Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1987
- Immoral Traffic Prevention Act, 1986
- Child Labour (Prohibition and Regulation) Act, 1986
- Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- Persons with Disabilities (Equal Protection of Rights and Full Participation) Act, 2000
- Juvenile Justice (Care and Protection of Children) Act, 2000
- The Information Technology Act, 2000
- Commissions for Protection of Child Rights Act, 2005
- Prohibition of Child Marriage Act 2006
- Protection of Children from Sexual Offences Act, 2012
- National Policy for Children, 2013

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2002)

SAARC Convention on Prevention and Combating Trafficking in Women and Children for Prostitution (2002) emphasizes that the evil of trafficking in women and children for the purpose of prostitution is incompatible with the dignity and honour of human beings and is a violation of basic human rights of women and children

SAARC Convention on Regional Arrangements on the Promotion of Child Welfare in South Asia (2002), which recognises survival, protection, development and participatory rights of the child as a vital pre-requisite, and promotes solidarity, cooperation and collective action between SAARC countries in the area of child rights

In 2007, India ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD), and committed itself to the rights of PWDs, including the rights of children with disabilities

The Stockholm Declaration and Agenda for Action, 1996 reaffirmed by the Dhaka Consultation⁸

The latest legislation in India covering child abuse is the Protection of Children from Sexual Offences Act, 2012. The Act defines various forms of sexual offences including:

Penetrative Sexual Assault⁹

Sexual Assault¹⁰

Sexual Harassment¹¹

Use of child for pornographic purposes¹²

The reality of the issue however, belies the existence of such systems and legislations.

Moreover, the existing mechanisms, particularly ones dealing with sexual abuse, give detailed procedures on the handling of a case post occurrence; very few if any deal with prevention.

⁸ 2nd World Congress Against Commercial Sexual Exploitation of Children, South Asia strategy

⁹ Section 3, POCSO, 2012

¹⁰ Section 7, POCSO, 2012

¹¹ Section 11, POCSO, 2012

¹² Section 13, POCSO, 2012

Current Measures To Prevent Child Abuse

There are certain laws, rules and programs in place currently which contain preventive strategies. Some of them are listed below

Specific Preventive Measures within Child Protection Laws

The Protection of Children from Sexual Offences Act & Rules, 2012

While, this Act comprehensively deals with all manner of sexual offences, reporting mechanisms and subsequent penal consequences, very few parts of it look only at preventive measures. Section 19 is worth mentioning here as it makes it mandatory upon any person who has an apprehension that an offence is likely to be committed, to report the same to the SJPU or the local police

- I. Section 19 (1) : Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), any person (including the child), who has an apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to,-
 - a. The Special Juvenile Police Unit; or
 - b. The local police
- ii. Section 19 (7) : No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1)
- iii. Rule 4 (3) : Where the SJPU or local police receives information under sub-section (1) of section 19 of the Act, and has a reasonable apprehension that the offence has been committed or attempted or is likely to be committed by a person living in the same or shared household with the child, or the child is living in a child care institution and is without parental support, or the child is found to be without any home and parental support, the concerned SJPU, or the local police shall produce the child before the concerned Child Welfare Committee (hereafter referred to as "CWC") within 24 hours of receipt of such report, together with reasons in writing as to whether the child is in need of care and protection under sub-section (5) of section 19 of the Act, and with a request for a detailed assessment by the CWC

**The Juvenile Justice (Care & Protection of Children) Act 2000 and Delhi Rules 2009 –
Specific preventive provisions**

- Segregation of children in residential facilities according to their age¹³
- Provisions to create effective linkages between government, non-government organisations and community agencies. It also envisions using the NIPCCD for training and development¹⁴
- Standards of care for the physical infrastructure in place¹⁵
- Ensuring there is adequate, high quality mental health therapy and that the environment should be free of abuse¹⁶
- Individualized attention to children by developing and monitoring an individual care plan for each child¹⁷
- Establishing Management Committees and Children's Committees to document the concerns of children and report them. Children's Committees also encourage peer sharing and learning.¹⁸
- Prevention of abuse and ensuring the staff are aware of what constitutes abuse and how to respond effectively¹⁹
- Inspection committees to ensure institutions are maintaining the mechanisms under the Act²⁰
- State and District Child Protection Units to ensure the effective implementation of the Act²¹
- Duties, role and responsibilities of the staff including their training²²

The Right of Children to Free and Compulsory Education Act, 2009²³

While the RTE Act does not deal with the question of Child Abuse in particular, it is evident that children must be protected in order to fully partake of a quality education process. The Act also states that the NCPDR or SCPCR as the case may be, shall mandatorily discharge their functions as prescribed under the Commission for Protection of Child Rights Act, 2005 as well as certain other functions²⁴. The RTE Act prohibits “physical punishment” and “mental harassment”²⁵. School Management Committees also play an important role in monitoring the school and child rights violations by bringing to the notice of the local authority any deviation from the rights of the child, in particular mental & physical harassment of children²⁶

¹³ Rule 29, Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009

¹⁴ Rule 39, Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009

¹⁵ Chapter VI: Standards of Care for Institutions, Delhi Juvenile Justice (Care and Protection of Children) Rules 2009

¹⁶ Rule 46, Delhi Juvenile Justice (Care and Protection of Children) Rules 2009

¹⁷ Rule 50, Delhi Juvenile Justice (Care and Protection of Children) Rules 2009

¹⁸ Rule 55 & 56, Delhi Juvenile Justice (Care and Protection of Children) Rules 2009

¹⁹ Rule 60(1), Delhi Juvenile Justice (Care and Protection of Children) Rules 2009

²⁰ Rule 63, Delhi Juvenile Justice (Care and Protection of Children) Rules 2009

²¹ Rule 80 & 81, Delhi Juvenile Justice (Care and Protection of Children) Rules 2009

²² Rule 88,89 and 90, Delhi Juvenile Justice (Care and Protection of Children) Rules 2009

²³ No 35 of 2009; 26th August 2009

²⁴ Chapter VI, Section 31

²⁵ Section 17

The Integrated Child Protection Scheme²⁷

This is a central government sponsored scheme to significantly contribute to the realization of Government/State responsibility for creating a system that will efficiently and effectively protect children. It is based on cardinal principles of “protection of child rights” and “best interest of the child”. The ICPS' objectives are to contribute to the improvements in the well being of children in difficult circumstances, as well as to the reduction of vulnerabilities to situations and actions that lead to abuse, neglect, exploitation, abandonment and separation of children

Adolescence Education Programme - MHRD²⁸

In April 1993, a National Seminar on Adolescence Education was organised by the NCERT with a view to evolving national consensus on the salient issues. As a follow-up of the recommendations of the Seminar, adolescence education was conceptualised as an educational intervention focusing on critical elements of adolescent reproductive and sexual health (ARSH) including HIV/AIDS and substance (drug) abuse. A comprehensive set of materials was introduced for the training and awareness of adolescents and the development of life skills was considered paramount to enable a child to deal with difficult situations and circumstances

Guidelines for Eliminating Corporal Punishment in Schools²⁹

These guidelines deal with the issue of physical abuse and corporal punishment and suggest methods of eliminating such practices from schools. It also provides for certain mechanisms which hit at the root of the problem such as involving mental health professionals to conduct workshops³⁰ and guidelines for positive engagement with children³¹. Further, it envisions the creation of a Corporal Punishment Monitoring Cell consisting of teachers, parents, doctors, lawyers and counsellors.³²

These are merely a few of the measures to prevent child sexual abuse. While the Acts and Rules are comprehensive enough to delve into the issue and describe detailed standards to be maintained, implementation is sadly lacking. Even though the standards contain a plethora of rules on residential facilities, dietary requirements, classroom infrastructure and sanitation, they do not refer specifically to measures for prevention.

²⁶ Rule 3 (7) (f), The Delhi Right of Children to Free and Compulsory Education Rules, 2011

²⁷ Page 20, ICPS

²⁸ https://nacoonline.org/upload/Mainstreaming/Inter-Ministerial%20Conference%20Dec12/PPT/SESSION2/2%20_AEP_MHRD.pdf

²⁹ Guidelines for Eliminating Corporal Punishment in Schools issued by the NCPCR

³⁰ 7.1.4 of the Guidelines

³¹ 7.2 of the Guidelines

³² 7.10.5 of the guidelines

Need for Preventive Guidelines

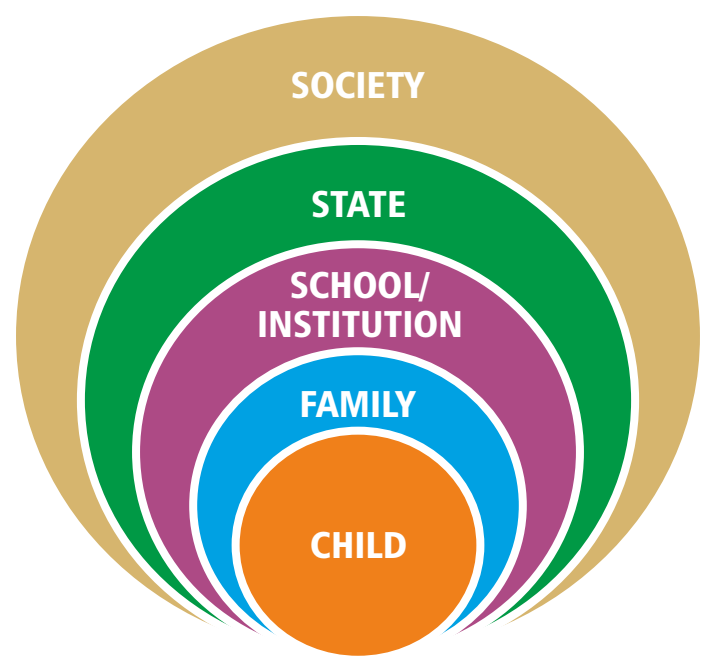
Child Abuse consists of a labyrinth of causes, factors and myths that perpetuate the issue, especially in India. Foremost among these is the closed, shameful and fearful prevailing attitude that does not allow a victim the protected and comfortable environment required to report a case. The key therefore, lies in prevention, and equipping children and society with the necessary tools to prevent an act that has harmful, deep rooted, long term effects on the psyche of a child. Prevention strategies are myriad and require multiple stakeholders to play a role in implementing them. Prevention becomes all the more complex in light of the fact that abuse is inherently a taboo subject and occurs behind closed doors, hence also hiding the offender behind a web of secrecy and unreported incidents.

*“It is important that governments don't only try to do something about violence against children after it has happened. They must also take action to prevent it from occurring in the first place.”*³³ Keeping this in mind, the Government of NCT of Delhi hopes to tackle the issue head on with a set of multidisciplinary prevention guidelines which are supported by legal provisions under the Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009 and the Protection of Children from Sexual Offences Act, 2012. These guidelines serve as a method for numerous stakeholders from teachers to community welfare associations to the police to ensure that all possible steps are taken to prevent Child Abuse and empower children to recognise symptoms of potentially abusive situations.

³³ United Nations Secretary General's study on Violence Against Children,

Rationale Behind The Guidelines

CHILD PROTECTION SYSTEM



A child lives within the broader confines of a society and is sometimes unfortunately the victim of the horrors perpetuated by that very same society. Crimes against children occur within homes, schools, institutions and the state itself, whose responsibility it is to house, educate and empower children.

Education plays a vital role in transforming a society by making its children more aware, open minded and independent. Schools and other institutions that provide education therefore, are vital in the role they play in creating a nurturing environment for children where they can learn their core values and define their initial behaviours. On the flip side however, they are also targeted breeding grounds for sexual abuse and without the right preventive mechanisms, can be the unwitting accomplices to the perpetuation of Child Sexual Abuse.

Schools are uniquely placed to break the patterns of violence by giving children, their parents and communities the knowledge and skills to communicate, negotiate and resolve conflicts in more constructive ways. However, patterns of violence are often entrenched in school culture, sometimes as a matter of policy supported and promoted by certain theories about childhood development and learning³⁴. Educational institutions can also help in preventing the creation of future abusive behaviour in children by

³⁴ Violence against children in schools and educational settings; Secretary-General's Study on Violence against Children ISBN-10 92-95057-51-1 | ISBN-13 978-92-95057-51-7

inculcating in them the right attitudes and ensuring they have access to the correct information, particularly around gender, health and myths that shroud abuse.

In most situations, the child or teacher can neither recognise early behaviours and therefore prevent the onset of sexual abuse nor do they know what to do once it has occurred. Various cases of abuse of children on the way to and from school, underline the fact that a wide variety of cases occur on the buses and transportation of children to school which neither the school nor the parent are in a position currently to prevent.

Apart from schools, there is a strong need for guidelines which will prevent sexual abuse within institutions which house children in need of care and protection and other registered or unregistered institutions where children spend a significant part of their day. Hence these child centric guidelines have been formulated which ensure that all stakeholders form a part of the preventive system.

Scope of the Guidelines

Rule 31, Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009 -
Guidelines for prevention of sexual abuse of children

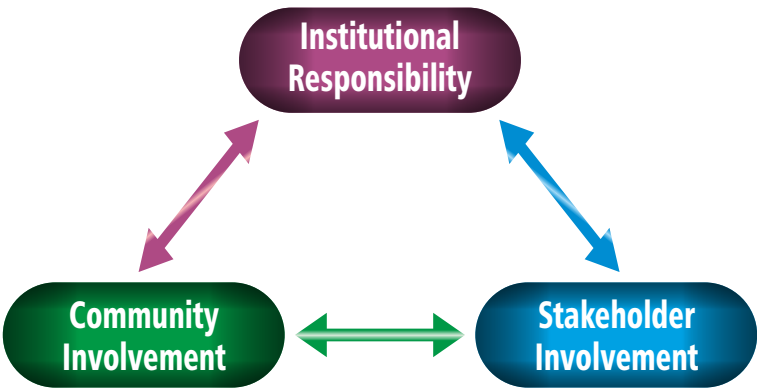
“The State Government, the Juvenile Justice Board, the Child Welfare Committee, other competent authorities and agencies shall, in the best interest of children, ensure that every person, school or such other educational institutions abide by the guidelines issued from time to time by Central Government and State Government”.

Rule 60(1) Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009 -
Abuse and exploitation of the juvenile or child

“Every institution shall have systems of ensuring that there is no abuse, neglect and maltreatment and this shall include the staff being aware of what constitutes abuse, neglect and maltreatment as well as early indicators of abuse, neglect and maltreatment and how to respond to these”.

Proposed Guidelines for the Prevention of Child Abuse

FRAMEWORK OF THE GUIDELINES



These guidelines seek to address child abuse within schools and other institutions with a focus on preventing incidents of abuse.

CHAPTERS		
PRELIMINARY& DEFINITIONS	GUIDING PRINCIPLES	RECRUITMENT PROCESSES
CAPACITY BUILDING	CHILD PROTECTION SAFEGUARDS	THERAPEUTIC INTERVENTION
COMMITTEES	AWARENESS AND EDUCATION	TRANSPORT
OUTDOOR ACTIVITIES	ONLINE SAFETY	RESIDENTIAL FACILITIES
FAMILY & COMMUNITY	REVIEW & REPORTING	MONITORING



CHAPTER I PRELIMINARY

1. Short title & commencement

- (1) These guidelines may be called the Guidelines for Prevention of Child Abuse, 2013
- (2) They extend to the whole of the National Capital Territory of Delhi

2. Definitions

- (1) In these guidelines, unless the context otherwise requires-
 - (a) **"Act"** means the Juvenile Justice (Care & Protection of Children) Act, 2000
 - (b) **"appropriate authority"** means the Govt of NCT of Delhi
 - (c) **"best interest of the child"** means a decision taken to ensure the physical, emotional, intellectual, social and moral development of a child
 - (d) **"child"** means any person below the age of 18 years
 - (e) **"child abuse"** means any form of maltreatment inflicted on a child including physical abuse and sexual abuse
 - (f) **"child sexual abuse"** means and includes penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment and use of a child for pornographic purposes³⁵ defined in The Protection of Children from Sexual Offences Act, 2012 (POCSO) as amended from time to time
 - (g) **"Delhi Commission for Protection of Child Rights"** means the Commission constituted under the Commission for Protection of Child Rights (CPCR) Act, 2005 vide a notification issued by the Govt. of NCT of Delhi on 7 July, 2008
 - (h) **"every person"** means any person above the age of 18 years who is in a position of responsibility, authority, and trust over a child
 - (i) **"expert"** means a person trained in mental health, medicine, child development or other related discipline, who may be required to facilitate communication with a child whose ability to communicate has been affected by trauma, disability or any other vulnerability

³⁵ Sections 3, 5, 7, 9, and 11

- (j) **"health centre"** includes the precincts of a hospital and the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation
- (k) **"institution"** means all formal, non-formal, registered or unregistered organizations/institutions/NGOs founded for a religious, charitable, educational, professional, commercial or social purpose including those which fall under the following legislations
 - a) the Juvenile Justice (Care & Protection of Children) Act, 2000,
 - b) The Protection of Children from Sexual Offences Act, 2012,
 - c) The Right of Children to Free and Compulsory Education (RTE) Act, 2009,
 - d) The Religious Institutions (Prevention of Misuse) Act, 1988 (41 of 1988),
 - e) Bonded Labour System (Abolition) Act, 1976,
 - f) Child Labour (Prohibition and Regulation) Act, 1986,
 - g) Contract Labour (Regulation and Abolition) Act, 1970,
 - h) Factories Act, 1948,
 - i) Guardians and Wards Act, 1890,
 - j) Hindu Adoptions and Maintenance Act, 1956,
 - k) Immoral Traffic (Prevention) Act, 1956,
 - l) Maternity Benefit Act, 1961,
 - m) Medical Termination of Pregnancy Act, 1971,
 - n) The Transplantation of Human Organs Act, 1994,
 - o) Mental Health Act, 1987,
 - p) Orphanages and other Charitable Homes (Supervision and Control) Act, 1960,
 - q) Hospitals,
 - r) Any institution or infrastructure which is established and maintained for the reception, care, education and development of children.

Expln: For the purposes of this section, institution includes those unregistered organisations such as play-schools, temporary and permanent crèches, day care centres, private tuition centres and other organisations that provide or run child services

- (l) **“offences”** means any offence punishable under any law for the time being in force.
- (m) **“physical abuse”** means use of force and / or inflicting of physical injury upon a child and includes burning, hitting, punching, kicking, beating or otherwise harming a child
- (n) **“RTE”** means The Right of Children to Free and Compulsory Education Act, 2009 as amended from time to time
- (o) **“school”** includes schools as defined in Section 2(n) of the Right of Children to Free and Compulsory Education (RTE) Act, 2009.
- (p) **“SJPU”** means the Special Juvenile Police Unit designated for handling of juveniles or children under Section 63 of the Act
- (q) **“person familiar with the manner of communication of the child”** means a parent or family member of a child or a member of his shared household or any person in whom the child reposes trust and confidence, who is familiar with that child's unique manner of communication, and whose presence may be required for or be conducive to more effective communication with the child;
- (r) all words and expressions defined in the Act and used, but not defined in these guidelines, shall have the same meaning as assigned to them in the Act



CHAPTER II

GUIDING PRINCIPLES

(3) Principles to be followed in the administration of these guidelines

- (1) The Delhi Government, the Juvenile Justice Board, the Child Welfare Committee, the School Management Committee, or other competent authorities or agencies, as the case may be, while implementing these guidelines, shall abide and be guided by the principles specified in sub-rule (2).
- (2) The following principles shall, inter alia, be fundamental to the application, interpretation and implementation of these guidelines
 1. **Best Interest of the Child:** In all actions, processes and decisions taken to prevent Child Sexual Abuse, the best interest of the child shall be the primary consideration.
 2. **Safety:** For ensuring safety of children, restrictive and coercive measures and processes shall not be resorted to in the name of care and protection.
 3. **Non stigmatizing decisions & actions:** All decisions and actions taken should be in the best interest of the child. In furtherance of this, all initiatives should strive to reduce the stigma and taboo around child abuse and sexual abuse related issues and the language used should be child friendly and inclusive.
 4. **Empowering Children:** Children's participation in peer to peer sharing and learning, shall be promoted in all settings and children shall be assisted by all possible means to be able to effectively participate in such exercises. Any disability, which might prevent a child from his or her participation in such sharing and expressions shall be specifically addressed. Children shall be recognised as rights-bearing individuals, guaranteeing them, as appropriate to their evolving capacity, the right to make decisions and participate in society. These decisions can include those involving their own protection and every effort should be made to ensure that children are able to exercise their right to be heard and to participate.
 5. **Family Responsibility:** All precautions must be taken to ensure that the family environment is safe, comfortable and peaceful and parents fully

comprehend and have the necessary tools, ability and resources to keep their children safe.

6. **Simplicity:** All measures to prevent abuse must be practical and it should be easily replicable by concerned stakeholders. There are a number of institutions and spaces where children spend time and all such institutions should be able to absorb and implement these guidelines easily and within a short span of time, without requiring complicated training and rules.
7. **Zero Tolerance:** Child Sexual Abuse is perpetuated within the contours of the larger community and hence all actors within the community should be used to ensure that potential abusers and hazardous situations do not fester. There will be zero tolerance of child abuse.



CHAPTER III RECRUITMENT PROCESSES

Recruitment Processes Chapter III

- I. No candidate with a criminal record of sexual and/or physical violence will be recruited for any position within an institution. In furtherance of the same, all selected candidates must provide a signed affidavit to the institution that they have not been accused of offences under POCSO, the JJ Act and any other sexual and/or violent crimes under any other Act for the time being in force
- ii. The affidavit may also contain information pertaining to his/her character and background. In addition, two references (including a character certificate) may be provided by the person seeking employment .
- iii. A thorough investigation shall be conducted by the institution into the prior employment and engagement of the person, including a police verification and checking of the references provided.
- iv. During such time as the references can be checked by the institution, and/or the verification can be completed, the person may be employed and will be kept in probation.
- v. In case of police references, all information shall be provided only from the available records.
- vi. All affidavit and/or references shall be obtained in writing and maintained as part of the records of the institution.
- vii. All candidates, along with the appointment letter will be presented with a copy of the institution's child protection policy document and will be required to sign it.
- viii. In case of an employee or other person providing child services being accused of an offence under POCSO, the JJ Act or any other sexual crime or violence, the person so accused shall be removed from active duty with immediate effect pending enquiry as per the due process established by law.



CHAPTER IV CAPACITY BUILDING

- i. A uniform and standard teacher training module shall be developed and adopted by the institution which covers a broad spectrum of child protection issues ranging from recognising suspicious behaviours, being aware of a child who displays erratic and/or unusual behaviour and the ability to engage a child and create a safe environment as well as the legal mechanisms covering the issue of child sexual abuse.
- ii. Training should include knowledge of the relevant child care legislation, national and local agency policies, procedures and protocols (as well as a knowledge of the local network within which they work) and skills in the use of these.
- iii. All schools and educational institutions must adhere to this Uniform Training module.
- iv. Training materials should be simple, easy to understand and given to all personnel who hold a position of authority and influence over the child.
- v. If the need arises, these courses must be refreshed each academic year and a refresher course will be conducted annually to remind the staff and teachers of procedures and updates on new developments.
- vi. A full day orientation on Child Protection issues for all new recruits [staff, teachers, trainees and volunteers] shall be held within 1 month of joining.
- vii. The Delhi police and SJPU shall also undergo a specially customised training in order to upgrade their knowledge of laws as well as to sensitize them towards child friendly behaviours.
- viii. At least one training session shall include a group session alongwith parents, local police and school/institution personnel.



CHAPTER V CHILD PROTECTION SAFEGUARDS

Child Protection Safeguards Chapter V

- i. As part of the framework for child protection, each institution shall have a standard and uniform Child Protection Policy applicable to all persons employed by the institution as well as those who visit the institution from time to time. This policy shall take a child rights based approach.
- ii. This policy document will be signed by all personnel, outside instructors, visitors and anyone who is put in a position of responsibility and authority over children.
- iii. These policies should broadly outline the responsibilities and role of each stakeholder in the institution and lay down guidelines on how to report any concern or incident of abuse.
- iv. The policies should ensure that all persons are committed to the prevention of child abuse.
- v. The Child Protection Policy should be summarised and a one pager must be displayed at the reception or main lobby area of the institution along with the 1098 Childline number and be available in English as well as Hindi.
- vi. Children should be given appropriate training and orientation on the institution's protection policy and complaints & reporting mechanism.
- vii. The policies should outline a zero tolerance policy towards Child Abuse which will result in the immediate dismissal of any employee convicted of an offence under POCSO and/or any other sexual or violent crime under any other law for the time being in force.
- viii. The institution shall develop and implement guidelines for the prevention of ragging within its premises.
- ix. The Child Protection Policy shall become a part of the Human Resource policies of the institution.
- x. Complaints mechanisms for children must be established and made known to children and their parents/guardians. The mechanism so established shall be effective and impartial whereby children can notify complaints or concerns regarding their treatment or conditions of placement.
- xi. Children and their parents/representatives should be informed of the outcomes or resolutions of their complaints and should get the information they seek from time to time.
- xii. All decisions taken by the management against a complaint of sexual or physical abuse should be given in writing to the parents/representatives of the child on behalf of whom the complaint has been made.



CHAPTER VI THERAPEUTIC INTERVENTION

Therapeutic Intervention Chapter VI

- i. Therapeutic intervention in the form of counselling services must be made available to every child and the availability of such intervention should be made apparent through relevant signage and indicators.
- ii. It is desirable that institutions designate an area/space as a counselling centre. This centre shall be a child friendly space with adequate provisions to protect the privacy of a child who has come to share his/her grievances.
- iii. Each institution should employ at least one expert and may make use of the services of para counsellors as and when required in addition to a career counsellor.
- iv. The Counselling centre must have the capacity to cover the needs of special children and/or disabled children.
- v. If requested by family members, in case of an incident of abuse, the institution may provide access and information about the availability of counselling services for the family within the institution.
- vi. Confidentiality must be maintained at all times during counselling and any other therapeutic intervention. The institution shall be liable for any breach of confidentiality of the identity of the child or details of the issues brought to the counsellor.



CHAPTER VII COMMITTEES

- I. Every institution shall constitute or designate, from an existing Management Committee³⁶ or otherwise, including the School Management Committee³⁷, a Child Abuse Monitoring Committee (CAMC) whose primary responsibility shall be prevention of child abuse and the monitoring and implementation of these guidelines within the institution.
- ii. At least one member of the committee shall be an independent person, with experience of child rights issues to ensure that the Committee works in an impartial manner. In case of a school, this could also be a parent on the School Management Committee.
- iii. In case of a school, the CAMC may also have two student representatives. In co-ed schools, one boy and one girl would be included.
- iv. To this end, the Committee shall meet as frequently as required.
- v. The Chairperson of the Committee shall appoint one representative who will be responsible for communication and reaching out to the community, police, SJPU and Child Welfare Committees.
- vi. All incidents of child abuse shall be reported to the Committee and the committee shall be responsible to make all persons and children within the institution or availing of services or providing services to the institution, aware of the procedure of reporting incidents of child abuse.
- vii. There shall be at least 2 parent-teacher meetings a year to ensure parents are aware of child protection policies and implement them within family environments as well.
- viii. Every institution shall have a suggestion/complaint box at a prominent place within the premises.
- ix. Each class will have a children's committee which act as fora for peer to peer sharing and learning. This committee shall meet as frequently as desired to discuss ideas relating to prevention of child sexual abuse and the implementation of these guidelines.
- x. Confidentiality of cases will be maintained in case they are brought to the notice of the children's committee and reported to the concerned teacher or care giver.

³⁶ Rule 55, Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009

³⁷ Rule 26 of Delhi Right of Children to Free and Compulsory Education Rules, 2011



CHAPTER VIII AWARENESS AND EDUCATION

Awareness and Education Chapter VIII

- i. Institutions should have standard and uniform training modules on sexuality and gender education where the thrust has to be inculcation of respect for another person especially that of the other gender.
- ii. Training modules focussing on children should be developed or adopted which teach gender awareness and notions of sexual activity and appropriate sexual behaviour.
- iii. In schools teachers should promote group interactive practices so that the idea of a male child having masculinity and which necessarily implies an implied repudiation of femininity or sensitivity is discouraged. The attempt of education should be to liberate children from social constructs and not to reinforce them.
- iv. The training should remove the taboo on gender sensitisation and education such that it does not allow abusers to hide behind the shame that is usually associated with a victim. Schools must encourage learning modules which are uniform, consistent and rendered in child friendly language. Moreover, they must be clinical and objective, allowing no space for it to be misunderstood.
- v. Training modules must be age appropriate.
- vi. Training modules can also be in electronic form so that it is easy to use and understand.
- vii. Children must be trained to recognise predatory and suspicious behaviour and what constitutes abuse.
- viii. The staff of the institution must develop a manual in child friendly language to be used specially in relation to sexuality topics and abuse. This ensures that children are able to express themselves in a comfortable manner and are not ashamed of using certain taboo words and expressions.
- ix. All residential institutions must have adequate extra-curricular and vocational activities to create an environment for the overall growth and development of a child. For this purpose, institutions can use the services of NGO's, the community and other individuals trained to provide such courses and activities.
- x. A time table must be developed within residential institutions for extra-curricular and vocational activities being conducted after school hours. This schedule must be displayed at prominent places within the institution and every child should be made aware of the same.

- xi. Children should be taught "Safety Rules" such as moving in groups, alerting school personnel if a stranger is on school premises, and reporting situations that threaten their own and others safety, etc.



CHAPTER IX TRANSPORT

[In addition to existing guidelines (Annexure C) on school transport issued from time to time by the Directorate of Education and other school boards, and/or the Govt of India the following guidelines shall apply for prevention of child abuse on board school transport]

- i. At least one female ward/guard should be present on the bus until the last child is dropped home, irrespective of whether the child is male or female.
- ii. The child and women helpline numbers, the number of the police stations in the locality as well as the contact details of the SJPU and DCPU must be prominently displayed inside the bus in English as well as Hindi.
- iii. The School's child protection policies and protocols for reporting offences must be prominently displayed in English as well as Hindi inside the bus.
- iv. Any and all reports of bullying and/or physical dominance reported or seen in the bus must be quelled immediately and the victims separated immediately from the perpetrator.
- v. While dropping off a child at a bus stop/public place, the bus must wait until the parent/caregiver is present. For this purpose, all teachers/guards travelling on the bus should have the phone numbers of the parent/caregiver as well as the emergency contact person to facilitate easier communication.
- vi. School buses and vans which are not in use shall be locked and parked in the school allotted parking facility and the keys shall remain with the school administration.
- vii. Old school buses and vans which are in disrepair or a dilapidated condition shall not be parked or housed anywhere on school premises.



CHAPTER X TRAVEL, PICNICS AND OUTDOOR ACTIVITIES

Travel, Picnics and Outdoor Activities

Chapter X

- i. Parents/guardians and caregivers must give their permission in writing before children can be taken out of the institution premises for activities and outings.
- ii. The exact route, destination and timings must be communicated well in advance to parents/guardians and caregivers as well as Delhi police/SJPU at the destination.
- iii. Participants must be made aware at least 3 days prior to the program, of safety precautions, helpline numbers etc..
- iv. The relevant applicable guidelines mentioned in Chapter IX will also apply to this chapter.
- v. In case of public transportation, the school must ensure that all local rules in force applicable to public vehicles are adhered to.
- vi. In case of outstation travel, at least one female teacher or care giver must accompany the group for the duration of their stay, except if it is an all-boys trip.
- vii. Whenever possible, no outing or trip should be initiated after dark
- viii. No outing or trip should be made compulsory for children



CHAPTER XI ONLINE SAFETY

[In addition to the guidelines issued from time to time by the Govt of NCT of Delhi or Govt of India (Annexure D) the following guidelines on online safety shall be adhered to]

- i. Internet safety protocols must be established and implemented in schools
- ii. Teachers/staff should not be allowed to email or call children except and unless it is related to school work.
- iii. All emails sent to children by teachers/staff should be copied to the parent/guardian or caregiver unless a teacher or staff member is suspicious that a parent/guardian/care giver is abusing the child.
- iv. Teachers should not engage in any relationships with students on social media platforms unless in officially approved group settings
- v. No child must be recorded in any manner that makes them uncomfortable and children must always be asked permission before taking of any photographs/recording videos



CHAPTER XII RESIDENTIAL FACILITIES & INFRASTRUCTURE

Residential Facilities & Infrastructure

Chapter XII

- i. Residential Facilities, including bathrooms in a school/educational institution shall be maintained separately for boys and girls and at a suitable distance from each other.
- ii. The corridors and landings shall be well lit and airy and have convenient exits.
- iii. Dead-end hallways and staircase hideaways should be eliminated, and restrooms should be located closer to administrators.
- iv. CCTV cameras must be installed and maintained at appropriate public spaces within the premises.
- v. There must be at least one full time warden for each hostel; and in the case of a female hostel, it must be a female warden.
- vi. All staff, cleaning persons, administrative staff etc in the female hostel are required to be female.
- vii. Strict rules and timings will be adhered to for hostels and male visitors should not be allowed in female hostels, or vice versa after dark.
- viii. Child and women helpline numbers and the numbers of the local police/SJPU must be prominently displayed inside dormitories. There must be at least 2 phones for the use of students within easy access.
- ix. Dormitories must be divided by age and care must be taken to see that no opportunities are left open for older children to be left alone with younger children without the supervision of a teacher/counsellor.
- x. A hostel committee shall be formed whose functions are similar to the Child Abuse Monitoring Committee.
- xi. All gates should be duly manned by security personnel. Registered visitors can be given a pass or badge to display prominently to let staff and students know that they have been acknowledged by the administration.
- xii. Schools should ask parents to give the names of adults who are allowed to pick up a child, and require those individuals to show identification to school personnel when signing a student out. In case of a visitor, other than the parent or guardian or care giver of the child, taking a student outside the class or school premises, a

proper check, including a phone call to the child's parent, guardian or care giver, must be done by the class teacher prior to sending away the child.

Expln: In case of a child in need of care and protection, or any child without a known relative, the phone call should be made to a responsible person from the place of residence of the child.



CHAPTER XIII

FAMILY & COMMUNITY AWARENESS

Family & Community Awareness Chapter XIII

- i. In case of a child who is allegedly abused, once the family of a child is contacted, the concerned CWC, if it sees fit to do so, may organise a counselling session within the concerned institution with the child and family. The family shall be counselled on matters of child protection including abuse and how to recognise the symptoms and behaviours.
- ii. The institution must afford access to communication, such as telephones, for children to use in case of an emergency. Children and women helpline numbers, as well as the numbers of the DCPU, Delhi police and SJPU must be displayed next to the phone.
- iii. Local Residents welfare associations, community associations, traders associations etc should be approached by institutions and the police in order to help build awareness and spread the message.
- iv. Certain days such as Children's Day, World Disability Day and World Day for Prevention of Abuse and Violence against Children can be used to run community programmes through skits, plays and musicals.
- v. Neighbourhood watch teams can be formed to patrol/keep a vigilant eye out for predatory behaviour or inform the residents welfare association about strangers in the locality who display suspicious behaviour.
- vi. As frequently as possible, Parent-Teacher Associations of various schools should set aside time to have a meeting and exchange ideas and strategies on how best to be involved in creating more awareness.



CHAPTER XIV REVIEW & REPORTING

Review & Reporting Chapter XIV

- i. The appropriate authority shall review the implementation and impact of these guidelines annually based on surveys and other monitoring mechanisms
- ii. The appropriate authority shall revise the guidelines, if so required, annually.
- iii. A comprehensive report based on institutional data and other means may be released by the appropriate authority in order to better understand the scope and depth of the issue and develop better solutions



CHAPTER XV MONITORING OF IMPLEMENTATION OF THE GUIDELINES

Monitoring of Implementation of the Guidelines

Chapter XV

- i. These guidelines shall be implemented by the Government of NCT of Delhi through the concerned departments.
- ii. The Delhi Commission For Protection of Child Rights instituted under the Commissions for Protection of Child Rights (CPCR) Act, 2005, Section 17, shall, in addition to the functions assigned to it under that Act, also monitor the implementation of the provisions of these guidelines.
- iii. Any institution that does not have in place existing guidelines for the prevention of child sexual abuse or in the event that such existing guidelines are conflicting with these guidelines, shall adhere to these guidelines and will implement the same within 3 months of the guidelines being notified.
- iv. The Head of the institution will be the overall responsible for the implementation of these guidelines.
- v. The implementation of these guidelines shall be checked from time to time by the concerned authority, in addition to their existing functions, and shall be an assessment indicator for registration of institutions.
- vi. It shall be the responsibility of all concerned Government departments to ensure that institutions under their jurisdiction become aware of the existence of these guidelines.
- vii. The appropriate authority shall set aside needed funds for the implementation of these guidelines.

ANNEXURES

Annual Reporting MechanismAnnexure A

Name of Institution:

Address & Contact Details:

Registration No.:

of Children (Boys/Girls):

[Please indicate with a X]	YES	NO
Does your institution have a Child Protection Policy? [If yes, please attach the same]		
Is the Child Protection Policy displayed at prominent locations across the premises? [Please attach photographs if possible]		
Does your institution collect a signed undertaking from all appointed candidates as required under Chapter III of the guidelines?		
Has an awareness/training program been conducted for the staff on prevention of child abuse and child protection in the last year? [Please provide a broad outline of the sessions]		
Has an awareness/training program been conducted for the children on preventing abuse, gender sensitization and/or adolescent health in the last year? [Please provide a broad outline of the sessions]		
Has a Child Abuse Monitoring Committee been set up within the institution?		
Has the Child Abuse Monitoring Committee conducted meetings in the last year? [Please indicate here the # of meetings held ____]		
Does your institution have a Children's Committee? [Please indicate here the # of meetings held ____]		
Does your institution conduct vocational training and/or other extra curricula activities and sports for residents?		

Does your institution have an online safety/internet safety protocol?
[If yes, please attach the same]

Have CCTV cameras been installed in your institution?
[If yes, please indicate the # here ____]

Have incidents of child sexual abuse been reported and/or observed within your institution in the previous year?
If yes, please indicate the # of such incidents and follow up action taken for each

General comments and information

Date:

(Signature)

Place:

Child Protection Policy

Annexure B

FRAMEWORK



[To be filled in by the institution]

SECTION I

I. Vision, Mission, Values & Principles of the Institution

Vision

Mission & Objective

Values & Principles

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SECTION II

Fundamentals of Child Protection

Who is a child?

Any person below the age of 18 years is considered a child

What is a Child Protection Policy?

A Child Protection Policy is a statement of intent that demonstrates the commitment to safeguarding children from harm and makes clear to all in an institution and who come into contact with it what is required in relation to the protection of children, and that child abuse in any form is unacceptable. It consists of child safe practices that protect children from harm, abuse, neglect and exploitation in any form³⁸.

A Child Protection Policy is a broad term to describe philosophies, policies, standards, guidelines and procedures to protect children from both intentional and unintentional harm. It applies particularly to the duty of individuals associated with children in their care. Though the main purpose of the policy is to protect children from all forms of harm and create an enabling environment, it is also a tool to enhance the commitment of the organisation to provide a child friendly environment through sensitising persons associated and enforcing this policy.

What is Child Abuse?

Child abuse means any form of maltreatment inflicted on a child including physical abuse, sexual abuse and emotional abuse.

³⁸ Plan International, Inc, Child Protection Policy

Child sexual abuse means and includes penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment and use of a child for pornographic purposes defined in The Protection of Children from Sexual Offences Act, 2012 (POCSO) as amended from time to time.

Emotional abuse means and includes acts or omissions by parents or caretakers that have caused or could cause, distress, serious behavioural, cognitive, emotional, or mental trauma to the child.

Physical abuse means use of force and / or inflicting of physical injury upon a child and includes burning, hitting, punching, shaking, kicking, beating or otherwise harming a child.

Indicators of Abuse

Physical Abuse

- Unexplained burns, cuts, bruises or welts in the shape of an object
- Bite marks
- Anti social, violent and/or abrasive behaviour
- Problems in school
- Fear of adults
- Drug or alcohol abuse
- Self destructive or suicidal behaviour
- Depression or poor self image

Sexual Abuse

- Nightmares and bedwetting
- Drastic changes in appetite
- Over compliance or excessive aggression
- Fear of a particular person
- Withdrawal, secretiveness or depression
- Suicidal behaviour
- Eating disorders
- Self-injury

Emotional Abuse

- Apathy
- Depression
- Hostility
- Lack of concentration
- Eating disorders

Note: these are not exhaustive indicators

The United Nations Convention on Rights of the Child

Article 3

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order, or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal

guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

Article 28

1. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

Article 34

1. States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:
 - (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
 - (b) The exploitative use of children in prostitution or other unlawful sexual practices;
 - (c) The exploitative use of children in pornographic performances and materials.

Legal framework for Child Protection in India/Delhi

- A. **The Constitution of India**
- B. **The Protection of Children From Sexual Offences Act, 2012:** An Act which comprehensively deals with all manner of sexual offences, the reporting mechanism and subsequent penal consequences.
- C. **The Juvenile Justice (Care & Protection of Children) Act, 2000 and The Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009:** Act & supporting rules to consolidate and amend the law relating to juveniles in conflict with law

and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs and by adopting a child friendly approach.

D. The Right of Children to Free and Compulsory Education Act, 2009

SECTION III

Appropriate Standards of Behaviour for Staff & Employees

Adults should:

- i. Provide an enabling environment for children's personal, physical, social, emotional, moral and intellectual development.
- ii. Encourage and respect children's voices and views.
- iii. Be inclusive and involve all children without selection or exclusion on the basis of gender, disability, ethnicity, religion or any other status.
- iv. Be aware of the potential for peer abuse (eg: children bullying, discriminating against, victimising or abusing children).
- v. Develop special measures/supervision to protect younger and especially vulnerable children from peer and adult abuse.
- vi. Be aware of high risk peer situations (eg: unsupervised mixing of older and younger children and possibility of discrimination against minors).
- vii. Avoid placing oneself in a compromising or vulnerable situation when meeting with children.
- viii. Meet with a child in a public, central location whenever possible.
- ix. Immediately report the circumstances of any situation which occurs which may be subject to misinterpretation.
- x. Make oneself aware and educated on the laws, rules and guidelines related to child protection as amended from time to time.

Inappropriate/Offensive behaviour for staff and employees

- i. Hit or otherwise physically assault a child.
- ii. Turn out a child from the residential facility.
- iii. Use language that will mentally or emotionally abuse the child.
- iv. Act in any way that intends to embarrass, shame, humiliate or degrade a child.

- v. Show discrimination of race, culture, age, gender, disability, religion, sexuality, political persuasion or any other status.
- vi. Develop a sexual relation with a child.
- vii. Kiss, hug, fondle, rub or touch a child in an inappropriate or culturally insensitive way.
- viii. Do things of a personal nature that a child could do for him/herself, including dressing, bathing and grooming.
- ix. Initiate physical contact unless initiated by the child (eg: holding hands).
- x. Suggest inappropriate behaviour or relations of any kind.
- xi. Allow children to engage in sexually provocative games with each other.
- xii. Stand aside when they see inappropriate actions inflicted by children on other children because it is frequent and commonplace.

Behaviour Protocols for volunteers & other visitors

- i. Should not give cash or any kind of gifts directly to the children, but always channelize the same through officials.
- ii. Should not collect photos, videos, or stories of children and/or upload the same on blogs or any social networking sites without prior permission from the authority.
- iii. Should not ask personal details of the child and if known, then not to divulge it to others.
- iv. Should not enter without accompanying staff to girls or boys residential facilities.
- v. Should not encourage any kind of infatuation especially in cases of adolescent children.
- vi. Should not ask any child to meet alone outside campus.
- vii. Should take children for outings only in groups and with prior permission of senior staff.

Behaviour protocols for children

- i. Respect all staff, teachers, parents and outsiders.
- ii. All relevant information should always be given to the concerned staff.
- iii. Share information and learning with other children.
- iv. Never physically assault or sexually abuse another child.

- v. Never tease another child or call out nicknames.
- vi. Never threaten another child.
- vii. Never spread rumours about another child, or details about the child which could be socially humiliating.
- viii. Never force another child to give away his/her personal belongings.
- ix. Never use abusive language.

This protocol must be encouraged by staff among children.

SECTION IV

Institutional Responsibilities

- i. This institution maintains a zero tolerance policy towards child abuse and towards that end, will immediately suspend any staff/employee/teacher accused of abuse.
- ii. All laws, rules and guidelines related to child protection and children shall be adhered to strictly.
- iii. The recruitment policy will ensure that potential child abusers are screened through all reasonable means.
- iv. The premises will be a child safe space and all necessary safeguards and precautions will be taken towards this end.
- v. The institution will work actively with parents, the community, police and other engaged stakeholders to prevent incidents of child abuse.
- vi. Discrimination will not be tolerated and towards this end, the guidelines issued by the Ministry of Human Resources Development, Govt of India, under Section 35(1) of the Right of Children to Free and Compulsory Education Act, 2009 will be implemented.
- vii. All residential and classroom premises will be constructed in a manner so as to keep children in a safe and protected zone.
- viii. In all decisions, the best interest of the child will be taken as the primary consideration. This also implies that in case of conflicts, the child's welfare will be a priority.
- ix. Counselling services and therapeutic intervention will be available to all children and/or family if and when the need arises and/or it is requested.

- x. It is the responsibility of this institution to ensure that the child protection Policies are understood and signed by all employees, teachers, staff and volunteers.

Complaint Mechanism

- i. Children in institutional care or their representatives can make individual requests or complaints to the director / management of the institution.
- ii. In case of complaints against professional staff such as nurses or teachers, among others, working with and for children, a complaint can be made to the Child Abuse Monitoring Committee.
- iii. The Committee will appoint a person responsible for attending to all complaints brought before it.
- iv. In case of complaints on living conditions, children or their representatives can put forward their grievances to the Management through the suggestion box or otherwise. A designated person from the Child Abuse Monitoring Committee shall be responsible for opening the suggestion box once every week and sharing concerns with the Committee.
- v. The outcome of complaints and the redressal mechanism shall be informed to the child or their representative within 15 days of the complaint being made.

UNDERTAKING

I/We have read and understood the Child Protection Policy of [Institution name]_____. I hereby declare and affirm that I agree to adhere and abide by the said policy and guidelines. In case of any violations of the said policy in my direct and indirect interactions with the children, the institution may terminate the partnerships/relationship/employment/association and/or take suitable disciplinary and legal actions as per the applicable laws and rules.

Signed _____ Dated: _____
Name _____
Signature of the Head of the Institution & seal _____

Transport Guidelines Annexure C

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
TRANSPORT DEPARTMENT
5/9 UNDER HILL ROAD, DELHI

No. F.10(97)/AS/STA/Tpt/2013/20

Dated : 14.02.13

Subject :- Permit conditions for Safety of School Transport

The Transport Department had prescribed the permit conditions for Contract Carriage Buses including School Buses and transport hired by Schools. These permit conditions may be downloaded from the Transport Departments website – www.transport.delhigov.nic.in. These permit conditions also incorporate guidelines issued by the Hon'ble Supreme Court for safety of school transport.

These conditions are summarized below:-

1. The driver should have at least 5 years of experience of driving of a vehicle of the concerned category.
2. A driver who has been challaned more than twice in a year for offences like red light jumping, violation of lane discipline or allowing unauthorized person to drive cannot be employed.
3. A driver who has been challaned even once for the offence of over speeding drunken driving and dangerous driving etc. cannot be employed.
4. The driver should be accompanied with a conductor holding effective conductor's licence.
5. The driver should be dressed in a uniform of grey trousers and jacket with his name plate along with name of the owner of the vehicle distinctly embossed.
6. The driver of all the Buses should have minimum qualification of 10 + 2 (class 10th for DTC drivers) and the conductor should be at least 10th class pass.
7. The bus shall be driven by a driver having valid public service vehicle badge issued by the Transport Department.
8. Details of the driver (i.e. name, address, licence number, badge number) and Telephone No. of the owner of the bus, Transport Department's Helpline No. 42-400-400 and registration no. of the vehicle shall be displayed at a conspicuous place for passengers in the bus.
9. School buses should be painted yellow.

10. School Bus must be written on the back and front of the Bus. If it is hired bus "On School Duty" should be clearly indicated.
11. Global Positioning System (GPS) shall be installed in vehicles and it shall be ensured by the owner of the bus that the GPS thus installed, is kept in working condition at all time.
12. The bus shall not be fitted with curtains or glasses having films.
13. The bus shall have sufficient internal white lighting in the bus. Activities inside the bus should be visible from outside whenever the bus is plying on road.
14. Bus should be fitted with speed governor of specified standard.
15. The windows of Bus should be fitted with horizontal grills.
16. Bus should have a First Aid Box.
17. There should be a fire extinguisher in the Bus.
18. The doors of the Bus should be fitted with reliable locks.
19. No bus of this category shall carry more than 1-1/2 times the number of passengers authorized in the registration certificate.
20. The bus shall carry a copy of the valid agreement with the Educational Institute and complete list of the school children along with the route plan duly attested by the Head of the Educational institution.

The permit conditions should be adhered to strictly, by all the Heads of Schools. Schools should not own / hire any such transport services which does not have a valid permit or do not fulfil the requisite permit conditions.

PERMIT CONDITIONS FOR ALL CNG PROPELLED CONTRACT CARRIAGES (LOCAL, SCHOOL, INTERSTATE)

(Updated As On January 2013)

1. The permits shall be subject to the conditions/provisions as laid down in the Motor Vehicles Act, 1988 and rules subject to the conditions/directions laid down by the STA, Delhi from time to time. Further, terms and conditions of specific schemes will be additional permit conditions for the permit granted under the particular scheme.
2. The permit holder will follow all the general conditions attached to permit under Section 84 of Motor Vehicles Act 1988 which are reproduced as under:
 - a. that the vehicle to which the permit relates carries valid certificate of

fitness issued under section 56 and is at all times so maintained as to comply with the requirements of this Act and the rules made there under;

- b. that the vehicle to which the permit relates is not driven at a speed exceeding the speed permitted under this Act;
- c. that any prohibition or restriction imposed any fares or freight fixed by notification made under section 67 are observed inconnection with the vehicle to which the permit relates;
- d. that the vehicle to which the permit relates is not driven in contravention of the provisions of section 5 or section 113;
- e. that the provisions of this Act limiting the hours of work of drivers are observed in connection with any vehicle or vehicles to which the permit relates;
- f. that the provisions of Chapter X, XI and XII so far as they apply to the holder of the permit are observed; and
- g. that the following information shall be painted on every vehicle to which the permit relates on the exterior of the body of that vehicle on both sides thereof in a colour or colours vividly contrasting to the colour of the vehicle conferred as high as practicable below the window line in the dimensions not less than the size of letters and numeral prescribed for registration plate:

Private Bus/Mini Bus	Name of owner
	Address of owner
	Phone No. of owner

- 3. The permit holder shall carry complete list of the passengers with copy of agreement attested by him, all the time in the bus.Copy of the contract shall also be furnished to STA Branch from time to time.
- 4. That the crew (driver and conductor) wherever applicable shall assist and extend all possible help to disabled persons trying to board in and out of bus/ vehicle. Further, in case driver or conductor fails to stop the bus to allow a disabled person to board at the designated bus stop or fails/ refuses to assist the disabled person(s) to board the bus/ vehicle, it would be violative of the Persons with Disabilities (Equal Protection and Full Protection Right) Act 1995 by attracting action under Section 62-A of the said act and would also be liable for action by the State Transport Authority for suspension/ cancellation of the permit.

5. In case an incident of indecent behaviour, molestation or eve-teasing etc. against any woman takes place in any bus which tantamounts to outraging her modesty it shall be the duty of the crew of the vehicle (i.e. driver and conductor as the case may be) to inform the Police immediately and take the vehicle to the nearest police station/ police post/PCR van and hand over the culprit to the police.
6. Global Positioning System (GPS) shall be installed in vehicles and it shall be ensured by the owner of the bus that the GPS thus installed, is kept in working condition at all time.
7. The bus shall not be fitted with curtains or glasses having films. Further, in case of the tinted glasses of windscreen, rear window and side windows provided by the manufacturer shall be maintained in such conditions as prescribed under rule 100 (2) of the Central Motor Vehicles Rules 1989 and judgement of the Hon'ble Supreme Court in WPC No.265 of 2011 dated April 27, 2012.
8. The bus shall have sufficient internal white lighting in the bus. It shall be ensured that at all the time the bus is moving (whether on duty or not), sufficient internal light shall be on. Activities inside the bus should be visible from outside whenever the bus is plying on road during the day or night.
9. The bus shall be driven by a driver having valid public service vehicle badge of the concerned category issued by the Transport Department.
10. Details of the driver (i.e. name, address, licence number, badge number) and Telephone No. of the owner of the bus, Transport Department's Helpline No. 42-400-400 and registration no. of the vehicle shall be displayed at a conspicuous place inside the bus in contrast colour, so as to be clearly visible to all passengers in the bus.
11. All off duty buses shall be parked with the owners and not with the drivers or other staff members.
12. Permit holder shall ensure that no driver is allowed to perform duty for more than eight hours in a day and second driver is engaged where buses ply more than eight hours.
13. In case of involvement of bus in fatal accident, action shall be taken as per the policy of the STA prevailing at that time.
14. In case a heavy vehicle transits through Delhi or is being driven in Delhi, it will be driven by a person who has undergone training and refresher course prescribed by Transport Department of Government of National Capital Territory of Delhi and

shall possess a certificate to that effect from the Driving Training Institute, Loni Road or any other institute prescribed by the Transport Department.

15. The permit holder shall ensure the compliance of following directions of Hon'ble Supreme Court of India in CWP No.13029/85
 - (i) The permit holder shall not permit his bus to be operated on the roads of NCR and NCT of Delhi unless it is fitted with suitable speed control device so that it does not exceed the speed limit of 40 kmph.
 - (ii) No bus shall be permitted to overtake any other four wheeled motorized vehicle.
 - (iii) Wherever it exists, buses shall be confined to the bus lane.
 - (iv) Buses shall halt only at bus stop designed for the purpose and within the marked area.
 - (v) Permit holder shall not allow to ply his bus unless it carries a proper authorization card, containing the name, photograph and other such particulars of the driver, issued by the State Transport Authority authorizing such driver to drive the vehicle. The authorization card shall be displayed in the vehicle at a conspicuous place.
16. The permit holders and drivers of the bus, shall, in the event of any fire incident/fatal accident or overturning of bus under their control, submit an information in writing to the Secretary, State Transport Authority, Government of National Capital Territory of Delhi, 5/9, Under Hill Road, Delhi-110054 within twenty four hours of occurrence of such incident/ accident, as the case may be.
17. The permit holders and drivers of the bus, shall ensure that the repair and maintenance work of Compressed Natural Gas System including engine shall be carried out preferably at authorized workshop of the respective manufacturer of the bus at regular intervals as per the recommendations of the manufacturer and, in any case, the details of the work carried out including the replacement of genuine parts, at the authorized service center shall be entered into a logbook to be maintained by the permit holder and shall be duly signed by the permit holder and duly attested by the service engineer of an authorized workshop of the manufacturer of the bus. The logbook should be maintained on a foolscap register with hard board binding. Each page of the register shall be numbered and signed by the permit holder on the left top corner. Those CNG propelled Omni Buses, which do not have such logbooks, shall not be subjected to fitness at Inspection Unit (Burari) at all. At the time of grant and renewal of certificate of

fitness, Chief Motor Vehicle Inspector (Burari) shall inspect and countersign the logbook after having been satisfied. For Delhi Transport Corporation buss the Assistant Engineer or the Foreman having technical qualification shall maintain the logbook in aforesaid manner. The driver of the bus, in any public place, shall on demand produce the said logbook for examination.

18. In order to ensure safety of the commuters and other road users, the permit holders and drivers of the Compressed Natural Gas propelled Omni Buses permits, shall ensure that the Omni Bus under their control shall undergo quarterly safety checks at any of the centres approved by the Commissioner, Transport Department, Govt. of NCT of Delhi and shall also hold a certificate as approved by Commissioner, Transport Department, Govt. of NCT of Delhi to this effect issued by the competent authority as approved by Commissioner, Transport, Govt. of NCT of Delhi and the driver of the motor vehicle in any public place, shall, on demand produce the certificate for examination.
19. The contract carriage bus can ply in NCR after obtaining counter signatures of the concerned state.
20. The following shall be additional permit conditions for educational institution owned buses or any other Omni Bus Transport Vehicle used for the purpose of school:-
 - (i) The bus shall not be driven by a driver who:-
 - (a) has less than five years experience of driving a vehicle of the category that is being driven.
 - (b) has been challaned more than twice in a calendar year or account of violation of stop line or violating the Rule 111 requiring driving within the bus lane or track, or violating the restriction in respect of overtaking or jumping red (stop) lights or violating parking regulations or allowing unauthorized person to drive.
 - (c) is not dressed in a uniform of grey trousers and jacket with name plate on which his name and name of the owner of the vehicle are distinctly embossed.
 - (ii) No bus shall be driven by a driver who has been challaned or charged with the offence of over speeding, drunken driving or driving dangerously or for the offences under Sections 279 (rash driving or riding on a public way): 337 (causing hurt by act endangering life or personal safety of others): 338 (causing hurt by act endangering life or personal safety of others): or 304

(culpable homicide not amounting to murder) of the Indian Penal Code 1860 (45 of 1860).

- (iii) No bus of this category shall
 - (a) be driven unless secured firmly on the front (but not on the windscreen) and the rear exterior of the vehicle for display of the fact that the vehicle is being used for the purposes of a school. The colour of the board shall be golden yellow on which an iconographic representation of two school children (one girl and one boy) shall be painted of height not less than 250mm in black colour. Below the iconographic representation the words "SCHOOL BUS" shall be written in black colour and the height of the letters must be at least 100mm and the line thickness (width) of the type must be at least 16 mm.
 - (b) operate unless it is fitted with doors which can be closed and such doors shall be kept closed when the vehicle is in motion:
 - (c) operate, unless it is equipped with pneumatically closeable doors:
 - (d) operate unless it is accompanied by a conductor who holds effective conductor's licence issued to him authorized him to act as such conductor.
 - (e) The driver should be accompanied with a conductor holding effective conductor's licence.
- (iv) No bus of this category shall be driven by a person unless he holds valid driving licence issued to him by a licensing authority of the National Capital Territory of Delhi and an authorization card shall be displayed conspicuously in the vehicle.
- (v) No bus of this category shall carry more than 1½ times the number of passengers authorized in the registration certificate.
- (vi) Horizontal window steel bars shall be fixed on the exterior of the bus in such a manner that the distance between any two bars does not exceed twenty centimeters.
- (vii) The bus shall carry a copy of the valid agreement with the Educational Institute and complete list of the school children showing in respect of each student, the name, class, residential address and the points of stoppage for his/her embarkation and disembarkation near his/her residence against his/her name. The list will also indicate the route plan duly attested by

the head of the educational institution showing the place of origin, termination and detailed route it has to follow.

- (viii) The buses owned by schools shall be painted in golden yellow colour with a stripe below the window panel and the stripe shall be of colour distinctive of the school and twenty five centimetres in width.
- (ix) Height of the first step of the board shall not exceed 325 mm from the ground and all steps shall be fitted with non-slip treads.
- (x) The bus shall be equipped with convex cross view mirrors by which the driver can see the exit door and entrance door and the front of the rear wheels of the motor vehicle clearly and it is also equipped with large parabolic rear view mirror to enable the driver to have a clear view of the inside of the bus.
- (xi) The bus shall be provided with hand-rails along the steps at the front door, which shall also be used both as entry and exit door. The height, material design of the hand rails shall be such as is approved by the Commissioner (Transport), Delhi
- (xii) The bus shall have vertical stanchions, appropriately spaced from each other and firmly rooted to the roofs and the surface of the stanchions and floor of the vehicle is made of material which is non-slippers of such material which is approved by Commissioner (Transport), Delhi.
- (xiii) The bus shall not be fitted with any pressure horn or any other device for producing tonal sound which is operated on air pressure drawn from the braking system.
- (xiv) The bus shall be equipped with the following, namely:
 - (a) First-aid box with glazed front, with contents as mentioned in Rule 66 and as may be directed from time to time by Commissioner (Transport), Delhi
 - (b) Fire extinguisher, dry powder type located near the engine compartment;
 - (c) It has provision for bag racks under the sets.
- (xv) Amber flashing lights shall be erected of the top four corners (but not on roof) in the exterior of the bus which shall be activated when such a bus is stopped for mounting or alighting of its occupants.

21. Except for the exemption specifically granted in the judgement in the matter of

(Court on its own motion) W.P.C. No.16565/2006 and W.P. CrI. No.207/2004, the drivers of all the Buses should have minimum qualification of 10+2 (class 10th for DTC drivers) and the conductor should be at least 10th class pass.

22. No figure(s) or icon(s) or symbol(s) or religious slogan(s) or religious symbol(s) or any writing, other than the inscriptions mandated by the existing provisions of the Motor Vehicles Act, 1988, Central Motor Vehicles Rules, 1989, Delhi Motor Vehicles Rules, 1993 and permit conditions, shall be exhibited on any stage carriage buses.
23. The State Transport Authority, may after giving notice of not less than one month:-
 - a) Vary the conditions of permit.
 - b) Attach to the permit further conditions.

Cyber Crime Advisory Annexure D

F. No. 24013/07/Misc/2011-CSR.III
Government of India/ Bharat Sarkar
Ministry of Home Affairs/GrihMantralaya

North Block, New Delhi.
Dated the 4th January, 2012

To,

The Chief Secretaries,
All State Governments/UT Administrations.

Subject: Advisory on Preventing & Combating Cyber Crime against Children.

Sir/Madam,

Introduction

With the spread of computers and internet, cyber-crime has emerged as a major challenge for law enforcement agencies. The younger generations, which use the internet and other online technologies extensively for staying connected for all day to day work and entertainment, including information, e-mails, social Networking, e-banking, e-shopping, web-TV, news, education, home-work research, online gaming, downloading music, videos, movies and other contents etc, are more vulnerable to targeted cyber-crime. This often happens in the form of cyber stalking, cyber bullying, child pornography, harassment, hacking of email or social networking accounts, identity theft, unwanted exposure to sexually explicit material etc. (Brief description of the above terms is attached at Annexure).

2. The following key action points have been worked out in collaboration with various Stake holders for effective prevention and combating of cyber crime against children.
 - i. The Law Enforcement Agencies i.e. Police, Prosecution and Judiciary etc. And the Public at large may be made aware and trained through special training programmes /seminars and workshops for the effective implementation of Information technology Act, 2000 read with Information Technology (Amendment) Act 2008 and Rules made there under, as these are effective laws to deal with Cyber-Crime, including crime against Children. The training should be with the specific purpose of handling crimes against children.

- ii. Special Juvenile Police Units constituted under sec. 63 of Juvenile Justice (Care and Protection of Children) Act, 2009 may be sensitized and trained to deal with children in conflict of law with respect to cyber-crimes as well.
- iii. Parents, teachers & children should be encouraged to play an active role by reporting suspicious behaviour and give information regarding websites hosting exploitative images, videos and efforts to recruit or groom children for sexual abuse. Special precautions will need to be taken to monitor and regulate the spreading awareness of cyber crime among children so that it does not have any negative effect. Use of electronic and print media may also be made appropriately.
- iv. It is essential to monitor and regulate social networking sites and services because it has been seen that it hosts most of the obscene materials which induce children to sexually explicit act or other crimes. Parents, teachers and owners of the online computing facilities should be trained to implement "parental control software" in such a manner that spoofing of age, gender and identity is mitigated. In their implementation, multifactoral authentication and other security techniques should be employed.
- v. Training to protect and seize digital evidence in a secure manner should be provided to law enforcement agencies and also to examiners of digital evidence.
- vi. Maintaining confidentiality of the child victim and providing him/her guidance and support to deal with the after effects of such crimes should be ensured.
- vii. Obtaining help and support of NGO's working in the field of online child protection.
- viii. Conducting special sensitization programme and skill development for those manning child help lines such as 1098 or Police Control Room etc. may be considered.
- ix. On the State Police websites, social networking websites and web browsers it is suggested to have a children's corner where Internet safety tips in simple language can be explained to them and helpline number or e-mail addresses provided for, in case of any problem.
- x. Efforts can be made to develop some mechanism by which online checking of registers, records of each cybercafé can be done from a central location.
- xi. Mobile Internet security must be promoted among parents and children.

- xii. It is often seen that processing of digital evidence in Computer Forensic Laboratories takes a long time. States must consider as take him their own central as well as regional computer forensic laboratories. Mobile Cyber Forensic Vans would also be useful in seizing electronic evidence from the spot in a proper manner. Assistance of NASSCOM may also be taken to establish cyber labs & training. In addition to NASSCOM help of other agencies like NTRO, CERT-In etc. may also be taken for training.
- xiii. In appropriate cases, police officers may carry out undercover cyber patrol operations to identify internet criminals, lure them by posing as minors and arrest them. The exercise should be done in accordance with Section 72 and Section 72 (A) of Information Technology Act, 2000.
- xiv. Apart from legal provisions for search under Section 100 and 165 Cr. P. C., Section 80 of IT(Amendment) Act, empowering any police officer not below the rank of a Police Inspector for search, can also be used appropriately.
- xv. "Cyber Crime Investigation Manual" published by Data Security Council of India is a useful book and may be referred to.
- xvi. Whenever it is noticed that the investigation requires information or help from outside India, CBI Interpol Division may be approached and provision of Mutual Legal Assistance Treaties and Letter of Rogatories (LRs) may be used. Ministry of Home Affairs circular No.25016/14/2007-Legal Cell, dated 31-12-2007, may be referred to for guidelines in this regard. However, it should be kept in mind that LR's are often time consuming and by the time LR's are issued, the digital foot prints (evidence) is already lost. G8 24x7 Desk of CBI, which looks after network and international aspects of cyber crime, may be contacted.
- xvii. Wherever any material which is covered under Section 67, Section 67 A and Section 67 (B) of Information Technology Act, 2000 and seen on the Web, which is covered under Section 69 (A) of the IT Act under 'Public Order' or 'preventing incitement to commissioning of cognizable offence' in such cases, police may consider invoking provisions of IT Procedure and Safeguards for Blocking of Information by Public Rules, 2009. Provisions of Section 67 (C) of IT Act should be used for preservation of evidence by intermediaries.
- xviii. Websites hosting online gaming or children centric contents must issue specific guidelines regarding internet safety. Those transmitting, publishing

or storing obscene material in contravention with the provisions of Section 67, Section 67 (A), Section 69, Section 69 (A) and Section 69 (B) of the IT Act, must be acted against.

- xix. In appropriate cases, police should request Social Networking sites to remove undesirable contents. Most frequently visited and popular sites should be audited for security concerns. Many of these are being used either for compromising of systems or for luring and incitement of children.
3. The aforesaid measures are only indicative and the State Governments/UT Administrations may consider any additional measures for the preventing & combating cyber crime against children as necessary. This Ministry may also be kept apprised of any special measures/mechanisms introduced in their respective jurisdictions so that the same could be circulated to the other State Governments and UT Administrations for consideration/ adoption.
4. The receipt of this letter may kindly be acknowledged.

Yours faithfully,

(B. Bhamathi)
Additional Secretary to the Govt. of India

ACP & SJPU Contact Details

Annexure E

DISTT	ACP	MOBILE NUMBER	SJPU	NUMBER	OFFICE NUMBER
NEW DELHI	SH SATBIR SINGH	9971433333	MEENA KUMARI	9868811765	011-23361233
EAST	GAJENDER SINGH	9911083949	KUSUM MANDOLA	9968875545	011-22099184
WEST	INDRA SHARMA	9350094599	ANAND LAKRA	9891166110	011-25913702 011-25915314
NORTH	RAGHUBIR PRASAD	9971600127	PAWANJEET KAUR	9811059945	011-23814803 011-23828880
SOUTH	ASHA THAKUR	9868103616	REKHA	9868115087	011-26562731 011-26563367
SOUTH EAST	JATINDER MANI	9910874580	RAMESH CHAND	9891469175	011-26310052 011-26264645
SOUTH WEST	BRAHAM PARKASH	9810042262	SUMAN RISHI	9968096776	011-25989961 011-25088987
NORTH EAST	AVTAR SINGH	9811188884	SHASHI	9711392525	011-22137210 011-22598851
NORTH WEST	JAGDISH PRASAD	9810016193	RAJINI SAROHA	9871566150	011-27123566 011-27315254
CENTRAL	M.D MEENA	9990011757	B.P SHARMA	9811454443	011-23242670 011-23233569
OUTER	M.S DWIVEDI	9810813690	PARVATI DEVI	9871231801	011-27511848 011-27511752
C & R	GURBACHAN SINGH	8750871301	B.S JAKHAR	8708713423	011-23923015- 16 011-23994004
IGI	M.I HAIDER	8750871363	RAJ KUMAR	9871599166	011-25675291 011-25674416

Please Note: Refer to the following websites in order to obtain updated contact information

<http://dpjju.com/>

http://dpjju.com/index.php?option=com_content&view=article&id=106&Itemid=181

International Practices: A Study of Specific Child Protection Manuals

Annexure F

[Note: Certain international Child Protection Manuals were studied in order to gain a better understanding of how to frame and formulate these guidelines. Given below are certain key excerpts and findings which could prove useful for future child protection policies]

INDONESIA
National Standards of Care for Child Welfare Institutions

Framework of the document

- 1. Introduction:** This contains a brief background of the issue in the country, the process followed in drafting the standards, the need for standards, objectives it seeks to achieve and the legal framework under which these standards exist.
- 2. Chapter II** sets the main principles of alternative care for children which includes children's right to a family, responsibilities and the role of parents and family, prevention from family separation, the continuum of child care, support for the family in its child rearing role, the role of the government, alternative care for children, residential care, assessments of children's care needs, decision making on the placement of a child in alternative care, maintaining the sustainability of the child's education and social-cultural life, and child's involvement in deciding the type care he/she should have.
- 3. Chapter III** sets the standard on how to determine the appropriate response to the children, which include the role of Child Welfare Institutions in providing services for the child and in planning the care method.
- 4. Chapter IV** sets the standards for services.
- 5. Chapter V** sets the organizational standards that include the vision, mission, and objectives of Child Welfare Institutions; rules around establishment and operating authorization, the role of the Social Authorities/Affairs Offices, accreditation of Child Welfare Institutions; and facilities.

Relevant provisions

- In order to ensure that the standards apply across the board to all institutions, the document states *“In the context of these standards, any institution or organization that provides care for children, whatever the name it uses, is referred to as a Child Welfare Institution”*.
- The document is the solution to a survey carried out by children (child lead survey) itself that live in child care institutions. Hence the standards prescribed come as answers to specific problems that stood out in the survey.
- The document outlines who are the users of the document and how each different user should use it.
- The standards contain the following definitions.

Family: “The smallest unit in society and shall consist of husband and wife, or husband, wife and child, or father and child, or mother and child, or a family consisting of blood relations in a straight line up to the third degree”.

Substitute Family: “The substitute family that replaces the role of the nuclear family in providing care for children; consisting of kin, foster family, adoptive family and guardians”.

Bullying: “Various types of behavior conducted by one or more child (usually intentional) that lead to pain, anxiety, shame, or social exclusion to other children in the form of physical or verbal behaviour, as well as destruction or theft”.
- The document contains what to do followed by the practical steps on how to achieve it.

AUSTRALIA
CHILD PROTECTION GUIDE TO POLICY AND PRACTICE: New South Wales

1. **Quick Guides:** One page guides on pivotal aspects such as important phone numbers, a reporting mechanism, promoting child safety in the workplace.
2. **Policy followed by Procedure:** It contains the policy followed by the procedure on how it can be achieved. For example:

POLICY: PROMOTING CHILD SAFETY IN THE WORKPLACE

To ensure the safety of children and young people receiving services from the agency by

following legislative requirements for screening of paid staff, contractors and volunteers who provide services to children and young people and addressing all allegations made by children and young people against agency employees, in compliance with relevant legislation.

PROCEDURE: A series of exact “how to” steps to achieve that particular policy.

- 3. The document is a **“live” document**, i.e. institutions can simply adopt it and fill in their particulars.
- 4. The **language used is directed at the person using the document**. For eg: “Where a child has disclosed sexual abuse, do not tell the parent about the disclosure or the need to make a report. There is a high risk in sexual abuse allegations of a child feeling pressure to retract their disclosure.” Or “If you are not sure whether to tell a parent that you need to make a report of risk of significant harm, or if you have any doubts about the possible consequences of telling a parent that a report has been made, you should check with your supervisor”.
- 5. Every policy provision contains **examples and case studies** that explain the policy. These are called practice examples. For eg:

“Jen is a youthworker assisting 13 year old Selma. Selma has told Jen that her uncle has recently moved in with the family. When Jen is talking to the school counsellor at Selma's school, the school counsellor advises that Selma's uncle has convictions for sexual abuse of children and is a registered sex offender. The school counsellor was not aware that Selma's uncle had been released from custody and had moved in with Selma's family. The school counsellor checks the Mandatory Reporter Guide and receives a Final Decision that a report of risk of significant harm should be made. The school counsellor immediately makes the report. Jen records in her file that the school counsellor has made the report. She does not make an additional report because she does not have any additional information. The school counsellor provides her with a copy of the Final Decision, and later advises her of the feedback from the report.”

- 6. Each policy also contains existing legal provisions relevant to it

UNITED STATES
Preventing Child Sexual Abuse Within Youth-serving Organizations: Getting Started on Policies and Procedures

- 1. The document identifies **six components of child sexual abuse prevention**.

- a. Screening and selecting employees and volunteers
- b. Guidelines on interactions between individuals
- c. Monitoring behaviour
- d. Ensuring safe environments
- e. Responding to inappropriate behaviour, breaches in policy, and allegations and suspicions of child sexual abuse
- f. Training about child sexual abuse prevention.

Each component is described in detail, including the prevention goals, critical strategies, and additional strategies that could be considered depending on the context and resources of individual organizations.

- 2. The sections that follow offer suggestions for addressing challenges to developing and implementing a strategy to prevent child sexual abuse and provide tools to help organizations move forward.

3. **Definitions:**

Children and youth: Anyone between the ages of zero and 17 years. In this document, these terms are used interchangeably.

Child sexual abuse: “Child sexual abuse involves any sexual activity with a child where consent is not or cannot be given. This includes sexual contact that is accomplished by force or threat of force, regardless of the age of the participants, and all sexual contact between an adult and a child, regardless of whether there is deception or the child understands the sexual nature of the activity. Sexual contact between an older and a younger child also can be abusive if there is a significant disparity in age, development, or size, rendering the younger child incapable of giving informed consent. The sexually abusive acts may include sexual penetration, sexual touching, or non-contact sexual acts such as exposure or voyeurism.”

- 4. **Challenges table:** the document contains a table of challenges commonly faced by organisations and the strategies that could be used to combat these challenges. These challenges are divided into:

- a. Beliefs that hinder child sexual abuse prevention
- b. Structural issues that hinder child sexual abuse prevention (financial, infrastructure related)

For example:

Challenges	Strategies
Denial related to child sexual abuse	Use statistics to justify your organization's efforts.
Belief that child sexual abuse never happens in "my organization."	Use current events to highlight the need for child sexual abuse prevention within your organization.
Belief that offenders can be identified by a stereotype (e.g., offenders are "monsters" and not the nice employees/volunteers that you know in your organization).	Present actual cases (i.e., personal stories) to make people aware of the need for child sexual abuse prevention and to show that offenders are not easily identified by stereotypes.

5. A Child Sexual Abuse Prevention **Planning Tool for Organizations** which is a matrix/table that allows organisation to chart out how successful their prevention strategies are in relation to existing guidelines, laws and policies. It also serves as a planning tool; a measure of how and when each policy will be implemented in organisations; i.e. in one month, in six months, one year

UNITED KINGDOM
Children First: National Guidelines for the Protection and Welfare of Children

Framework of the Document

- 1. Key Messages
- 2. Principles, Aims and Use of the guidelines
- 3. Definitions and Recognition of Child Abuse, Basis for reporting concerns and Standard Reporting Procedure, Interagency Cooperation
- 4. Special Considerations: Especially vulnerable children, Peer abuse

Relevant provisions

- 1. Initial one page **summary** with guidance on which page each provision can be found
- 2. **Fatal child abuse:** In the tragic circumstances where a child dies as a result of abuse or neglect, there are three important aspects to be considered: criminal, (other) child protection and bereavement

3. The existence of **standard reporting forms**.
4. **Confidentially:** All information regarding concern or assessment of child abuse should be shared on 'a need to know' basis in the interests of the child.
5. **Roles & Responsibilities of various stakeholders.**
6. **Child Protection Notification System (CPNS)** is a HSE record of every child about whom there is an ongoing child protection concern. A child's name is placed on the CPNS by the HSE Child Care Manager/equivalent designated person following notification after initial assessment and consultation.
7. The provision for **"Organised Abuse"**. Essentially, organised abuse occurs either when one adult moves into an area or institution and systematically entraps children for abusive purposes (mainly sexually) or when two or more adults conspire to similarly abuse children, using inducements. Organised abuse can occur in different settings, such as the community, the family or extended family, or an institution.
8. **Important Definitions** (not previously occurring)
 - a. **Sexual abuse by children and young people:**

Normal sexual exploration: This could consist of naive play between two children that involves the exploration of their sexuality. This type of behaviour may be prompted by exchanges between children, such as 'You show me yours and I'll show you mine'. One of the key aspects of this behaviour is its tone: there should not be any coercive or dominating aspects to this behaviour. Usually, there is no need for child protection intervention of any kind in this type of situation.

Abuse reactive behaviour: In this situation, one child who has been abused already acts out the same behaviour on another child. This is serious behaviour and needs to be treated as such. In addition to responding to the needs of the abused child, the needs of the child perpetrator in this situation must also be addressed.

Sexually obsessive behaviour: In this type of situation, the children may engage in sexually compulsive behaviour. An example of this would be excessive masturbation, which may well be meeting some other emotional need. Most children masturbate at some point in their lives. However, where

children are in care or in families where care and attention is missing, they may have extreme comfort needs that are not being met and may move from masturbation to excessive interest or curiosity in sex, which takes on excessive or compulsive aspects. These children may not have been sexually abused, but they may be extremely needy and may require very specific help in addressing those needs.

Abusive behaviour by adolescents and young people: Behaviour that is abusive will have elements of domination, coercion or bribery, and certainly secrecy. The fact that the behaviour is carried out by an adolescent, for example, does not, in itself, make it 'experimentation'. However, if there is no age difference between the two children or no difference in status, power or intellect, then one could argue that this is indeed experimentation. On the other hand, if, for example, the adolescent is aged 13 and the child is aged 3, this gap in itself creates an abusive quality that should be taken seriously.

- b. Bullying can be defined as repeated aggression – whether it be verbal, psychological or physical – that is conducted by an individual or group against others. It is behaviour that is intentionally aggravating and intimidating, and occurs mainly among children in social environments such as schools. It includes behaviours such as teasing, taunting, threatening, hitting or extortion by one or more persons against a victim. Bullying can also take the form of racial abuse. With developments in modern technology, children can also be the victims of non-contact bullying, via mobile phones, the Internet and other personal devices.
9. Important **Appendices** include a standard reporting form, signs of child abuse, etc.



POST OCCURENCE INTERVENTION

Post Occurrence Intervention

Role of the Institution

- i. All institutions shall maintain the contact details for the nearest local police station, hospitals, Special Juvenile Police Unit and Child Welfare Committee.
- ii. In case an offence against any child is apprehended by or comes to the notice of the management or staff of an institution or any other person, such person shall provide the relevant information regarding the offence to the Child Abuse Monitoring Committee who will depute a counsellor and/or another adult who the child may be comfortable with, to counsel the child.
- iii. The institution shall, within a period of twenty four hours, intimate the emergency contact person, a responsible family member or guardian of the child, of the offence and ensure that such person is aware of the reporting procedure to be undertaken by the institution.
Exception: In case the offence has or apprehended to have been perpetuated by a family member or such emergency contact person, the institution shall inform any other family member or guardian.
- iv. In case the offence results in a medical or health related emergency, it shall be the responsibility of the institution to ensure that the child is taken to the nearest health centre for treatment immediately.
- v. If there is a requirement for any forensic test or DNA profiling, the institution shall ensure that at all times through that process, a responsible adult with whom the child is comfortable, accompanies the child.
- vi. The institution shall ensure that a competent person, preferably from the Child Abuse Monitoring Committee, takes over the supervision and responsibility of filing the FIR. A copy of the FIR shall be maintained by the institution.
- vii. The institution shall be liable for any breach of confidentiality of the identity of the child and details of the offence during the reporting procedure.
- viii. In accordance with the Protection of Children From Sexual Offences Act, 2012, if the statement of the child is to be recorded within the institution, adequate arrangements shall be made such that the child is in a comfortable and friendly environment enabling him or her to disclose all the necessary information.
- ix. The institution shall, based on the recommendation of the Child Abuse Monitoring Committee, suspend the accused pending the outcome of the enquiry.

- x. An enquiry, in accordance with the Child Protection Policy of the institution, shall commence no later than 24 hours after the incident has been reported.
- xi. A report shall be prepared by the institution upon immediate conclusion of the enquiry with a copy being given to the parent/guardian, and the Child Abuse Monitoring Committee.
- xii. The whole redressal mechanism within the institution, must, as far as practicable, not stretch beyond a period of 15 days.

Role of the Child Abuse Monitoring Committee (within the Institution)

- i. In case an offence against any child is apprehended by or comes to the notice of the management or staff of an institution or any other person, such person shall provide the relevant information regarding the offence to the Child Abuse Monitoring Committee who will depute a counsellor and/or another adult who the child may be comfortable with, to counsel the child.
- ii. The Committee referred to here in above will also proceed with the procedure for reporting of offences under the Protection of Children from Sexual Offences Act & Rules, 2012 as amended from time to time.
- iii. The Committee may sit together as soon as possible but not later than 2 days from the day of the incident to confer on the same.
- iv. A report should be given to the Special Juvenile Police Unit or local police which will contain the necessary details of the incident as well as a recommendation for a counselling mechanism to commence at the earliest within forty-eight hours. The report to be given shall be prepared by the Child Abuse Monitoring Committee. A copy of this report shall be maintained with the institution.
- v. The Committee will recommend immediate removal from active duty of the person accused and then conduct an enquiry based on the child's version and statements of witnesses (if any). In these cases, the welfare and best interest of the child will be of paramount consideration. The burden of proof will lie with the adult to prove his/her innocence.

Role of the Police

- i. In case an offence is committed, or apprehended that it is likely to be committed, the police must act immediately. A D.D. entry must be made in all cases and read over to the informant. This report will then be entered in the book/Register.

- ii. An F.I.R. will be registered under the relevant Section of POCSO and a free copy will be handed over to the person making such report.
- iii. The medical examination of the child should be conducted in accordance with Section 164 CrPC. The medical examination must be in the presence of a parent/guardian/support person or a woman nominated by the Head of the hospital. In case of a girl child, the examination must be conducted by a woman doctor.
- iv. If the child is a CNCP, the IO shall, after recording the reasons in writing, make immediate arrangements to give him such care and protection (including admitting him into the nearest shelter home or hospital) within 24 hours of making the report.
- v. The victim cannot be called to a police station; if at all, the statement of the victim is to be recorded at the victim's residence or any other place by women police officers (as far as possible).
- vi. The IO must submit a report to the CWC and Special Court without unnecessary delay but within 24 hours for all cases under POCSO.
- vii. Only the following categories of children are required to be produced before the CWC:
 - a. If the offence is committed by a person living in the same or shared household with the child.
 - b. If the child is living in a child care institution and is without parental support.
 - c. The child is found to be without any home or parental support.
- viii. Only a S.I. or above can handle cases under POCSO.
- ix. The following information is to be given to a child and parent/guardian/support person by the IO:
 - a. The availability of private and public emergency and crises centres
 - b. The procedural steps involved in a criminal prosecution
 - c. The availability of victim compensation benefits
 - d. The status of the investigation of the crime to the extent it will not interfere with the investigation
 - e. The arrest of a suspected offender
 - f. The filing of charges against suspected offenders

- g. The schedule of court proceedings that the child is required to attend or is entitled to attend
- h. The bail, release or detention status of an offender or suspected offender
- i. The rendering of a verdict after trial
- j. The sentence imposed on an offender

Role of the HEALTH PROFESSIONAL

Role of the general physician:

The physician is often the first professional from whom a concerned caretaker requests consultation about possible child abuse. In case a general physician comes in contact with a child brought to him/her with the signs that could reflect abuse then the initial step would be elicit history regarding circumstances that led to the same. If the injury/presentation seems not in keeping with what is expected in the child (considering its developmental age) or if the explanations seem implausible, then further careful examination needs to be conducted entertaining the possibility of child abuse. As far as possible an examiner who is familiar to the child should do the detailed examination, as it would help in better cooperation from the abused child. Additionally, a child may be entertained or distracted by the television or any other means. Careful documentation of findings is a must. Further course of action when abuse seems an evident possibility would include reporting to concerned authorities and referral to a mental health professional, apart from management of the physical condition at hand.

Role of Mental health professionals

What is expected of the mental health professional could primarily include one or more of these aspects:

- an assessment to aid in ascertaining if abuse had taken place
- evaluating the nature of symptoms/problem behavior with which the child presents
- providing psychotherapeutic/ pharmacotherapeutic treatment as deemed appropriate

The initial task of assessment may involve clinical interviews with or without the aid of certain scales, conducting mental status examinations, gathering additional information from relevant reports like from schools, child protection/law enforcement agencies (if any)

and using psychological tests as appropriate.. It may also be necessary to evaluate other individuals like the caretakers, grandparents, and teachers.

It has often been seen that asking direct questions pertaining to suspected abuse at the first go could be faced with resistance in the form of inhibition, reluctance to answer and sometimes complete refusal to respond and hence this approach is generally avoided. The task of eliciting history from the child typically goes through a more long-winded route, proceeding gradually through steps of initially building rapport, asking general, open – ended questions before shifting to the issue at hand. The child is then encouraged to narrate his/her version with initial probing questions and finally with leading, highly specific questions. Hence, this requires skill, patience and takes time. Mental State Examination which is an integral part of the whole process of reaching to a diagnosis rests on establishing a good rapport, keeping the interviews to a minimum and use of open-ended questions.

As mentioned, associated psychological aids like drawings, anatomical dolls, projective tests (Rorschach, Child Apperception Test) have been found useful .Behavioral checklists; other instruments and scales have also been used. Sexualized behavior in child is recognized as one of the signs of child sexual abuse.

The role of the mental health professional does not end with assessment and providing an opinion with regards to the likelihood of abuse and its consequences. It is important to remember that one of the most worrisome repercussions of child abuse is its psychological consequences. More troubling than the immediate consequences is the danger of a delayed/ long-lasting detrimental effect on the child's psychological development and its professed link with subsequent psychiatric disorders. Hence, it is expected that the mental health professional involved address this concern by initiating interventions in accordance to the demands of the situation.

Goals of treatment include providing support, validating the child's experience and symptom relief, besides preventing future abuse by changing the victim's environment and/or behaviors and awareness. Interventions range from psycho education and screening, to short-term, abuse-focused cognitive-behavioral therapy with family involvement, play therapy ,supportive therapy besides more comprehensive long-term plans for multiproblem cases. The choice of treatment modality is influenced by the child's manner of presentation and family circumstances. Parent-involved treatment (or treatment that involves a non-offending caregiver) has been touted to be beneficial in comparison to individual child –only treatment strategies.

Amongst others the usefulness of Cognitive behavioral therapy (CBT) has been widely cited. CBT includes child sessions focused on safety education and assertiveness training. Parent sessions addressed belief in the child's abuse, providing appropriate support to the

child, management of inappropriate behaviors and management of the child's fear and anxiety. Sessions used techniques such as cognitive reframing, thought stopping, positive imagery, contingency, reinforcement programmes, parent management training and problem-solving. Drug treatment is warranted for diagnosable psychiatric illnesses e.g. depression.

Irrespective of the individual method chosen, equipping the child with information and skills that include addressing issues of responsibility for the abuse, knowledge about sexually abusive behavior, and future safety is of immense value and does not require specialist involvement/expertise either.

Collaborating with caregivers

In the stages of evaluation by health professionals, in the investigative or rehabilitative steps or during referral to Child protection Service (CPS), frequently caregivers appear helpless and are at a loss. Maintaining a collaborative relationship with caregivers in the context of concerns for child maltreatment and reporting to CPS is important. The first step is to assess the caregiver's perception of the concerns. A health professional who shows patience and a willingness to take the time to ensure that the caregiver has understood what was said, can aid in lessening the confusion. Using open-ended questions, and evaluating the caregiver's understanding, potential misconceptions can be addressed. Informing the caregiver of the decision to report can help unless it is a situation where this would be contraindicated. The health professional may need to handle strong emotion (anger, fear, and sadness). However, maintaining composure in the face of these emotions and responding with empathetic statements is helpful.

Reporting

Mandatory reporting of suspected or confirmed child abuse to law enforcement agencies/Child Protection services represents one common, key strategy to address violence against children. Legally requiring individuals to report child abuse is justified with the assumption that early detection of abuse helps prevent serious injuries and relieves the victims of the responsibility to seek help for themselves, thus enhancing coordination between legal, medical, and service responses. While health professionals are in a unique position to identify child abuse and carry out the task of reporting, this responsibility is not just that of the health practitioner. It can be carried out by any individual who happens to be aware of its occurrence, be it a neighbor, a family member, a teacher etc.

Physicians have identified that they do not feel that they have received adequate training in the identification of child maltreatment. Professionals who received training specific to reporting child maltreatment demonstrated improved knowledge of legislation and relevant clinical skills and were more likely to identify maltreatment. This only highlights the importance of training practitioners in this regard besides measures to increase awareness among the public about the need to report.

Others

- i. In case of an emergency, 100 should be dialled. For reporting an emergency, please refer to the following website:
http://dpjju.com/index.php?option=com_content&view=article&id=90&phpMyAdmin=531f807a0fceb2f7e6ca6d45d38ab06&Itemid=216
- ii. For non emergency cases, the following online complaint mechanism can be availed of:
http://dpjju.com/index.php?option=com_content&view=article&id=215&task_submitmail=no&Itemid=216

The Govt of NCT of Delhi and various functionaries have, from time to time, issued circulars, orders and standing instructions on how to deal with incidents of abuse among women and children. Attached below, are certain relevant circulars/orders/guidelines

POLICE CIRCULARS

Instructions with respect to victims of sexual offences/rape etc

OFFICE OF THE COMMISSIONER OF POLICE : DELHI.

CIRCULAR No. 01/2012

Delhi Police

Sub : Instructions with respect to victims of sexual offences/rape etc.

It has been learnt that accused persons arrested in sexual exploitation case get acquittal due to failure of the police to produce the victim. Non availability of the victim reflects a grim picture on the part of police. On the occasions, the Learned Courts have taken serious view in this regard. This situation can be avoided if the investigating officers exercise professional attitude while handling such cases.

At the time of recording of First Information Report, the victim of such cases should be interacted by the I.O. in a peaceful environment to ensure maximum information about

the incident and victim herself. After getting initial information, a responsible lady police official should talk to the victim at length to yield purposeful personal information about the victim. This will help prosecution to produce the victim in the Court during trial. During this interaction, expert members of NGOs working in this filed can also be associated so that the victim may feel more comfortable. During the course of interaction with victim the I.O. should try to get maximum details from victims such as to enable victim to produce before court.

1. Name/address and contact number of the victim in Delhi as well as of her native place.
2. Complete detail about the family members of the victim. It should include parents of the victim and parents of her husband also, if she is married.
3. Detail of property/vehicle if any, in the name of victim or any of her family members.
4. Her birth place with name of concerned Police Station, Tehsil and District.
5. Detail about school/college if relevant, with class/date of admission/leaving the institution.
6. Name, address and contact number of any friend / teacher who have been in regular contact with her.
7. Details of other persons with whom she has been in regular contact.
8. Detail about land lord, if she is a tenant. The land lord should be requested to inform the I.O. if the victim changes her address.
9. Concerned beat staff should also be briefed to remain in contact with the victim/witness.
10. In case, victim is minor, Child Welfare Committee/concerned court should be requested by the IO to get verified the address and actual relation of the person to whom victim is handed over before passing such order.

(SUNIL GARG) I.P.S.
JOINT COMMISSIONER OF POLICE
POLICE HEADQUARTERS: DELHI.

No. 01-100/Record branch / PHQ, dated Delhi, the 03-01-2012.

Copy to:-

1. All Special Commissioners of Police, Delhi.

2. All Joint/Addl. Commissioners of Police, Delhi.
3. All Dy. Commissioners of Police, Districts/Units Delhi, including FRRO, IGIA & Spl. Cell, Delhi/New Delhi.
4. SO to CP & LA to CP, Delhi.
5. DCP/Legal Cell/PHQ, Delhi.
6. All SHO's in Delhi.
7. I/C Library, PHQ Delhi with 5 spare copies.
8. HAR/PHQ with 10 spare copies.
9. Guard file/Legal Cell/PHQ.

DELHI POLICE

STANDING ORDER NO. 303/ 2010

GUIDELINES TO BE FOLLOWED BY THE POLICE WHILE INVESTIGATING CASES OF RAPE

INTRODUCTION

The need to issue comprehensive instructions regarding investigation of rape or sexual assault cases has been felt to improve the quality of investigation and to secure maximum conviction. Earlier, SO No. 303 issued on 17.12.02 titled 'Functioning of Rape Crisis Intervention Centres in Police Districts of Delhi' with its addendum and SO No. 313 of 2005 were in vogue. In the past few years the Hon'ble High Court of Delhi and the Hon'ble Supreme Court have passed guidelines for the investigation of sexual assault cases. In addition to the statutes and directions of the Hon'ble Courts, certain other important directions have been incorporated in this standing order which are equally important and are to be followed while investigating sexual assault cases.

GUIDELINES OF THE HON'BLE HIGH COURT

The Hon'ble High Court of Delhi in the Writ Petition (Crl.) No. 696/2008 titled 'Delhi Commission for Women Versus Shri Lalit Pandey and another' passed comprehensive guidelines to be followed by the police, hospitals/doctors, child welfare committees, courts, prosecutors and other authorities. This includes setting up of 'Crisis Intervention Centres' by the Delhi Commission of Women. The guidelines which are relevant to the police are reproduced as under:-

- "a. "Crises Intervention Centre" The Hon'ble High Court of Delhi defined a Crises

Intervention Centre as an agency recognized by the Delhi Police and Delhi Commission for Women (DCW) for responding to calls of sexual assault at the police station to provide counseling and other support services to victims of rape. The Districts have been associating with various NGOs including Swanchetan for the purpose. However, it needs to be noted that NGOs which have not been recognized by the Delhi Commission for Women do not meet with the directions/requirements of the Hon'ble High Court of Delhi. It is imperative that one of the following agencies which are recognized as Crisis Intervention Centres by the DCW should be associated with the investigation of cases. These agencies along with their addresses, telephone numbers of nodal persons is as follows:-

NAME, ADDRESSES AND TELEPHONE NUMBERS OF THE NODAL OFFICER AND MEMBERS OF CRISES INFORMATION CENTRE FUNCTIONING IN DISTRICTS/UNITS FOR PROVIDING HELP TO VICTIMS OF RAPE / SEXUAL ASSAULT.

Sl. No.	Name of CIC's	Address	Ph.No.	District	Contact Person
1.	SAMPURNA	Basement 35, VinobaKunj, Sector-9, Rohini, Delhi – 85	27862242	North West	Dr. Shobha Vijayan 9868104665
2.	CENTRE FOR SOCIAL RESEARCH	2, Nelson Mandela Marg, VasantKunj, New Delhi – 70 maneesh@csrindia.org	26899998 26125583 FAX No.: 26137823	South West	Mr. Maneesh Singh 9873660315
3.	NARIRAKSHA SAMITI	2, Rajniwas Marg, Civil Lines, Delhi - 54	23973949 23945932 23867771	North	Mr. J.P. Saini
4.	PRAYATAN	E – 103, Kalkaji, New Delhi–19	26415831/32 26448394	South East	Ms. Garima 9911078039
5.	PRATIDHI	Shakarpur Police Station Complex, Room No.25, 1st Floor, Ramesh Park, Pusta Road, Delhi – 92	22527259 22450100 FAX No.: 22058718	East	Ms. Ranju Sethi
6.	ANGAJA FOUNDATION	A-7, Amrit Nagar, Behind South Ext.-I New Delhi–03	24617414/612 24616717	North East New Delhi	Ms. Raka Sinha Bal 24634978 25634978
7.	Prayas	59, Tuglakabad Institutional Area, New Delhi – 62	29955505	South	Ms. Astha 9718205995
8.	NavShrishti	House No.447, Neb Sarai, Maidan Garhi Road, New Delhi – 68 navshrishtidel@rediffmail.com	29565697	Outer	Ms. Reena Banerjee 9810226459 Nazma(Nangloi) 9213766564 Kishor 9873852979

9.	AIWC	Sarojini House, 6 Bhagwan Das Road, New Delhi	Mahila Helpline 10921 23070834 23070858	West	Ms. Bulbul Das 9910816106
10.	PRATIDHI	Shakarpur Police Station Complex, Room No.25, 1st Floor, Ramesh Park, Pusta Road, Delhi – 92	22058728	North East	Ms. Neeru
11.	RAPE CRISIS CELL	Delhi Commission for Women, C-Block, Vikas Bhawan, IP Estate, New Delhi	23370557	Central	Ms. Madhulika Ms. Raj Kumari Banju

- a. However, as mentioned in'd', here-in-after, on receipt of information regarding commission of a rape, the IO/SHO has to inform the Rape Crisis Cell at their helpline No. 23370557 who in turn would depute a member from the Crisis Intervention Centre. However, in order to avoid delay, the IO/SHO may also directly contact the Crisis Intervention Centre approved by the Delhi Commission for Women as mentioned above.
- b. "Expert" means a person who is qualified and has experience in dealing with cases of sexual violence;
- c. "Guardian" includes besides the natural guardian, support person or any person appointed by the Child Welfare Committee for a specified period to take care of the victim during the pendency of the trial;
- d. "Rape Crisis Cell" – On receipt of an information regarding commission of a rape, the IO/SHO shall immediately inform the Rape Crisis Cell established by the Delhi Commission for Women at 2nd Floor, C Block, Vikas Bhawan, New Delhi-110002. The DCW has a 24 hour helpline number 23370557. The High Court of Delhi has clearly stated that this cell is to provide legal assistance in the cases of sexual assault who could coordinate the Crises Intervention Centres and provide legal support to the victim and her family.
- e. "Support Person" means a person working in the capacity of a counselor working with a recognized and registered Crises Intervention Centres, approved by the Delhi Commission for Women;
- f. The expression "offence" for the purpose of these guidelines shall mean and include offences of rape, attempt to rape and unnatural offences.

POLICE

- a) Every SHO shall ensure that at his Police Station a lady police official/officer not below the rank of a Head Constable available round the clock.
- b) As soon as a complaint of the offence is received, the duty officer receiving the complaint/information shall call the lady police official/officer present at the police station and make the victim and her family comfortable.
- c) The duty officer, immediately, upon receipt of the complaint/ information intimate the "Rape Crises Cell" on its notified helpline number.
- d) After making preliminary enquiry/investigation, the Investigation Officer along with the lady police official/officer available, escort the victim for medical examination.
- e) The Assistant Commissioner of Police shall personally supervise all investigation into the offence.
- f) The statement of the victim shall be recorded in private, however, the presence of family members while recording statement may be permitted with a view to make the victim comfortable. In incest cases, where there is a suspicion of complicity of the family members in the crime, such family members should not be permitted.
- g) The Investigation Officer shall bring the cases relating to "child in need of care and protection" and the child victim involved in incest cases to the notice of Child Welfare Committee.
- h) The accused should not be brought in the presence of victim except for identification and that too in the Court during TIP proceedings on the direction of MM.
- i) Except the offences which are reported during the night, no victim of sexual offence shall be called or made to stay in the police station during night hours. The Social Welfare Department of the Government of NCT of Delhi shall ensure that Superintendents of the Foster Home for Women will provide necessary shelter till formal orders are secured from the concerned authorities.
- j) The Investigating Officer shall endeavour to complete the investigation at the earliest and he shall ensure that in no case the accused gets the undue advantage of bail by default as per the provisions of Section 167 Cr.P.C. It is desirable that in cases of incest the report under Section 173 Cr.P.C. is filed within 30 days.
- k) Periodical Training to deal with rape cases should be provided to the Police Officers,

Juvenile Police Officers, Welfare Officers, Probationary Officers and Support persons. A Training Module be prepared in consultation with the Delhi Judicial Academy.

- l) The Police should provide information to the Rape Crisis Cell regarding the case including the arrest and bail application of the accused, the date of filing of the investigation report before the Magistrate;
- m) The police should keep the permanent address of the victim in their file in addition to the present address and such other information which may help in finding the prosecutrix during trial if she leaves her reported addresses. They should advise the victim to inform them about the change of address in future;
- n) Subject to the outcome of the W.P. (C) 2596/2007 titled Rajeev Mohan Vs State, pending before the Hon'ble High Court in cases where the victim informs the police about any threats received by the accused family, the concerned DCP should consider the matter and fresh FIR must be registered under Section 506 of the Indian Penal Code.

Directions to be followed by IOs while investigating the child sexual abuse cases

Directions issued by the Hon'ble High Court of Delhi in W.P. (Crl.) No. 930/2007 titled "Court on its own motion Vs State &Anr"

The Hon'ble High Court of Delhi in W.P. (Crl.) No. 930/2007 titled "Court on its own motion Vs State &Anr" has issued following directions to be followed by IOs while investigating the child sexual abuse cases.

"The children by reason of their physical and mental status need special safeguards and care. Child victims of sexual abuse are to be treated with compassion and dignity. All concerned associated with Criminal justice System need to be sensitized about their protective role to prevent further victimization of child victims." To secure this end it is rendered imperative to lay down certain guidelines, which we do and direct as follows:-

POLICE

1. On a complaint of a cognizable offence involving a child victim being made, concerned police officer shall record the complaint promptly and accurately.
2. The investigation of the case shall be referred to an officer not below the rank of Sub-Inspector, preferably a lady officer, sensitized by imparting appropriate training to deal with child victims of sexual crime.

3. The statement of the victim shall be recorded verbatim.
 4. The officer recording the statement of the child victim should not be in police uniform.
 5. The statement of the child victim shall be recorded at the residence of the victim or at any other place where the victim can make a statement freely without fear.
 6. The statement should be recorded promptly without any loss of time.
 7. The parents of the child or any other person in whom the child reposes trust and confidence will be allowed to remain present.
 8. The investigation officer to insure that at no point should the child victim come in contact with the accused.
 9. The child victim shall not be kept in the police station overnight on any pretext, whatsoever, including medical examination.
 10. The investigating officer recording the statement of the child victim shall ensure that the victim is made comfortable before proceeding to record the statement and that the statement carries accurate narration of the incident covering all relevant aspects of the case.
 11. In the event the investigating officer should so feel the necessity, he may take the assistance of psychiatrist.
 12. The investigating officer shall ensure that the child victim is medically examined at the earliest preferably within twenty four hours (in accordance with Section 164-A Cr.P.C.) at the nearest government hospital or hospital recognized by the government.
 13. The investigating officer shall ensure that the investigating team visits the site of the crime at the earliest to secure and collect all incriminating evidence available.
 14. The investigating officer shall promptly refer for forensic examination clothing and articles necessary to be examined, to the forensic laboratory which shall deal with such cases on priority basis to make its report available at an early date.
 15. The investigation of the cases involving sexually abused child may be investigated on a priority basis and completed preferably within ninety days of the registration of the case. The investigation shall be periodically supervised by senior officer(s).
 16. The investigating officer shall ensure that the identity of the child victim is protected from publicity.
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Instructions issued in cases where the victim of sexual offence is minor/ child

Instructions issued by Hon'ble High Court of Delhi in Mahender Singh Chhabra vs. State of N.C.T. of Delhi &Ors. (Writ Petition (Criminal) No. 1242/2003), Court on Its Own Motion vs. State &Anr. (Writ Petition (Criminal) No. 930/2007) and Virender S/o MeelalVs. State of N.C.T. of Delhi (Crl. Appeal No. 121/2008)

The following instructions issued by Hon'ble High Court of Delhi in Mahender Singh Chhabra vs. State of N.C.T. of Delhi &Ors. (Writ Petition (Criminal) No. 1242/2003), Court on Its Own Motion vs. State &Anr. (Writ Petition (Criminal) No. 930/2007) and Virender S/o Meelal Vs. State of N.C.T. of Delhi (Crl. Appeal No. 121/2008) also need to be complied with, more particularly in cases where the victim of sexual offence is minor/ child:-

1. Upon receipt of a complaint or registration of FIR for any of the aforesaid offences, immediate steps shall be taken to associate a scientist from Forensic Science Laboratory or some other Laboratory or department in the investigations (Crime Team). The Investigating Officer shall conduct investigations on the points suggested by him (complainant) also under his guidance and advice.
2. Whenever the SDM / Magistrate is requested to record a dying declaration, video recording also shall be done with a view to obviate subsequent objections to the genuineness of the dying declaration.
3. The material prosecution witnesses cited in any of the aforesaid offences shall be ensured safety and protection by the SHO concerned, who shall personally attend to their complaints, if any.
4. To ensure that the complainant or victim of crime does not remain in dark about the investigations regarding his complaint /FIR, the complainant or victim shall be kept informed about the progress of investigations. In case the complainant gives anything in writing and requests the I.O., for investigations on any particular aspect of the matter, the same shall be adverted to by the I.O. Proper entries shall be made by I.O. in case diaries in regard to the steps taken on the basis of the request made by the complainant. The complainant, however, shall not be entitled to know the confidential matters, if any, the disclosure of which may jeopardize the investigations.
5. Wherever possible, the I.O. shall ensure that the statement of the child victim is also video recorded.
6. The child victim shall not be separated from his/ her parents/ guardians nor taken out from his/ her environment on the ground of "Ascertaining voluntary nature of statement" unless the parents / guardian is reported to be abusive or the

Magistrate thinks it appropriate in the interest of justice.

7. Efforts should be made to ensure that there is continuity of persons who are handling all aspects of the case involving a child victim or witness including such proceedings which may be out of criminal justice system. This may involve all steps commencing from the investigation to the Prosecutor to whom the case is assigned as well as the Judge who is to conduct the trial.
8. The police and the Judge must ascertain the language with which the child is conversant and make every effort to put questions in such language. If the language is not known to the Court, efforts to join an independent translator in the proceedings, especially at the stage of deposition, should be made.
9. It must be ensured that the number of times that a child victim or witness is required to recount the occurrence is minimized to the absolutely essential. For this purpose, right at the inception, a multidisciplinary team involving the investigating officer and the police; social services resource personnel as well as the Prosecutor should be created and utilized in the investigation and prosecution of such cases involving a child either as a victim or a witness. This would create and inspire a feeling of confidence and trust in the child.

MEDICAL EXAMINATION

- 1) In case of a girl child victim the medical examination shall be conducted preferable by a female doctor.
- 2) In so far as it may be practical, psychiatrist help be made available to the child victim before medical examination at the hospital itself.
- 3) The report should be prepared expeditiously and signed by the doctor conducting the examination and a copy of medical report be provided to the parents/guardian of the child victim.
- 4) In the event results of examination are likely to be delayed, the same should be clearly mentioned in the medical report.
- 5) The parents/guardian/person in whom child have trust should be allowed to be present during the medical examination.
- 6) Emergency medical treatment wherever necessary should be provided to the child victim.
- 7) The child victim shall be afforded prophylactic medical treatment against STDs.

- 8) In the event the child victim is brought to a private/nursing home, the child shall be afforded immediate medical attention and the matter be reported to the nearest police station.

RECORDING OF STATEMENT BEFORE MAGISTRATE

- 1) The statement of the child victim shall be recorded promptly and at the earliest by the concerned Magistrate and any adjournment shall be avoided and in case the same is unavoidable, reasons to be recorded in writing.
- 2) In the event of the child victim being in the hospital, the concerned Magistrate shall record the statement of the victim in the hospital.
- 3) To create a child friendly environment separate rooms be provided within the court precincts where the statement of the child victim can be recorded. The child victim shall not be separated from his/her parents/guardians nor taken out from his/her environment on the ground of "Ascertaining voluntary nature of statement" unless the parent/guardian is reported to be abusive or the Magistrate thinks it appropriate in the interest of justice.
- 4) Wherever possible, the IO shall ensure that the statement of the child victim is also video recorded. No Court shall detain a child in an institution meant for adults."

Guidelines in relation to legal assistance for rape victims

SUPREME COURT DIRECTIONS

The Hon'ble Supreme Court of India in "**Delhi Domestic Working Women's Forum Vs Union of India (1995) 1 SCC 14**" had laid down the following guidelines in relation to legal assistance for rape victims:-

1. The complainants, of sexual assault cases should be provided with legal representation. It is important to have someone who is well acquainted with the criminal justice system. The role of victim's advocate would not only be to explain to the victim the nature of the proceedings, to prepare her for the case and to assist her in the police station and in court but to provide her with guidance as to how she might obtain help of a different nature from other agencies, for example, mind counseling or medical assistance. It is important to secure continuity of assistance by ensuring that the same person who looked after the complainant's interests in the police station represents her till the end of the case.

2. Legal assistance will have to be provided at the police station since the victim of sexual assault might very well be in a distressed state upon arrival at the police station, the guidance and support of a lawyer at that stage and while she was being questioned would be of great assistance to her.
3. The police should be under a duty to inform the victim of her right to representation before any questions were asked of her and that the police report should state that the victim was so informed.
4. A list of advocates willing to act in these cases should be kept at the police station for victims who does not have a particular lawyer in mind or whose own lawyer was unavailable.
5. The advocate shall be appointed by the court, upon application by the police at the earliest convenient moment, but in order to ensure that victim was questioned without undue delay, advocates would be authorized to act at the police station before leave of the court was sought or obtained.
6. In all rape trials anonymity of the victim must be maintained, as far as necessary.
7. It is necessary, having regard to the Directive Principles contained under Article-38(1) of the Constitution of India to set up Criminal Injuries Compensation Board. Rape victims frequently incur substantial financial loss. Some, for example, are too traumatized to continue in employment.
8. Compensation for victim shall be awarded by the court on conviction of the offender and by the Criminal Injuries Compensation Board whether or not a conviction has taken place. The Board will take into account pain, suffering and shock as well as loss of earning due to pregnancy and the expenses of child birth if this occurred as a result of the rape.

In **CWP No.2738/06** titled as '**Ms X Vs State**' had reiterated the above guidelines and directed the Govt. of NCT of Delhi to prepare a scheme/blueprint towards ensuring compensation for victims of violent crimes, in consultation with the National Human Right Commission.

Similarly, in **Crl. Appeal No. 1365/08 – 'State of Punjab v. Rakesh Kumar'**, the Hon'ble Supreme Court of India vide judgment dated 29.8.08 has held that, "where the victim is less than 16 years of age at the time of occurrence, even though evidence show that the victim and accused were in love and the victim admitted that she had sexual intercourse with the accused out of love. Such consent has no relevance because of her age being less than 16 years, as per the legal provisions of Section 375 (6)." In nutshell, sexual intercourse by a man with a girl, who is under 16 years of age amount

to rape. Hence consensual sex with a minor amounts to rape and there can be no leniency even if she is in love with her partner. All SHOs/IOS are directed to register the child rape cases according to Section 375 (6) IPC and such cases be investigated by Inspector (Investigation)/SHO.

TRAINING

The Joint Commissioner of Police/Training shall organize seminars/ workshops for police personnel for sensitization in cases of rape and sexual offence so that they are receptive to the difficulties, suffering, pain and trauma of the victim and her family. The seminars/workshops should also cover various aspects regarding investigation of such cases. The Hon'ble High Court of Delhi has directed that a module for training shall be prepared in consultation with the Delhi Judicial Academy. It must be done at the earliest for organizing the training. Faculty/guest lecturers could be invited from the Delhi Judicial Academy, Retired Judicial/ Prosecuting officers, Retired Police Officers, lawyers etc. may be taken. This course should include officers of the rank of SI to ACP. A series of such courses need to be organized at different places so that in each police station there is corpus of officers who have been duly sensitized and trained in this regard.

COORDINATION

Joint Commissioner of Police (CAW) will coordinate and review the functioning of Crisis Intervention Centers in all Districts of Delhi Police. He will also act as the Nodal Officer for the Delhi Police for the Delhi Commission for Women, the National Commission for Women, the Central Social Welfare Board, Ministry of Human Resource Development, the concerned Government Departments and other outside agencies. Joint C.P./CAW Cell, Crime Branch & all District DCsP including DCP IGI Airport, should send fortnightly figure to C&T Branch, as per proforma attached. Joint CP/CAW should prepare quarterly reports on the functioning of Crisis Intervention Centers for the Commissioner of police.

Inspector Investigation and SHO should ensure strict compliance of the afore-mentioned guidelines/directions of the Hon'ble Supreme Court of India and Hon'ble High Court of Delhi. This must be monitored by the ACsP during their visit to the police stations. The DCsP must also ensure strict compliance. Joint CsP/CAW Cell and Joint CsP/Ranges also need to periodically check up the quality of investigation in rape cases and whether the guidelines of the Hon'ble Courts as above mentioned are being followed.

This supersedes the previous Standing Order No. 303 issued vide No. 13554-

13754/Record Branch/PHQ dated 17-7-2009 and addendum issued vide No. 21901-22150/Record Branch/PHQ dated 1-12-2009.

(Yudhbir Singh Dadwal)
Commissioner of Police: Delhi.
O.B. No. 73 /RB/PHQ dated

No.11551-1180/Record Branch/PHQ dated, Delhi the 25.10.2010.

Copy forwarded for information & necessary action to the:

1. All Special Commissioners of Police including MD/DPHC, Delhi.
2. All Joint Commissioners of Police, Delhi
3. Additional Commissioners of Police, including P/PTC, Delhi.
4. All Deputy Commissioners of Police, District/Units, including FRRO, Delhi/ New Delhi.
5. SO to Commissioner of Police, LA to Commissioner of Police, Delhi
6. ACP/IT Centre with the direction to upload the Standing Order in Intra DP Net.
7. All ACsP Sub Division, Delhi including all ACsP in PHQ, Delhi.
8. All SHOs/Delhi Police through their respective DCsP with the direction to place the Standing Order in register No. 3 Part-I of the Police Stations.
9. All Inspectors/PHQ, including Reader to CP, Delhi.
10. Librarian/PHQ.

Circular relating to DNA profiling

No.15/2012

CIRCULAR

1. DNA profiling in the form of Forensic evidence plays a very crucial role, not only in correctly identifying the accused but also in release of innocents kept in judicial custody for long periods of time and needs to be used in every case of Rape.
2. However, it is seen that in a large number of sexual assault cases, exhibits i.e. vaginal swab, blood or semen relating to the offence of rape are being referred to CFSls or FSL Rohini only for A,B,O or AB blood group examination. In these cases I.Os usually make queries as to whether the blood group of these exhibits matches

with the blood group of accused. This is not a fail proof technique as approximately 25% of population has the same group of blood and semen as does the accused. Therefore, such corroboration or filing of identity of accused has no weightage as a piece of evidence in the eyes of law and is discarded by the courts out-rightly.

3. On the other hand DNA profiling can easily establish the culpability of the individual accused beyond reasonable doubt and therefore, all the I.O.s are directed that henceforth **in all cases of sexual assault**, particularly cases involving gang-rape or cases where the identity of the accused is not known or the victim is a child, DNA profiling is conducted mandatorily.

(DHARMENDRA KUMAR)
SPECIAL COMMISSIONER OF POLICE,
LAW & ORDER, DELHI

No.1156-1255/RB/PHQ dated New Delhi, the 07-03-2012

Copy to:-

1. All Special Commissioners of Police, Delhi.
2. All Joint Commissioners of Police, Delhi
3. All District Addl. CsP/DCsP.
4. DCP/PHQ, Delhi.
5. SO to CP, Delhi
6. LA to CP, Delhi.

Circular relating to P.V./Finger Test

CIRCULAR NO. 38/2010

CIRCULAR.

The Hon'ble Court of Ms. Kamini Lau, ASJ-II/ NW, Rohini Courts in the Judgment in case a FIR No. 513/07 u/s 342/376 (2) (f) IPC, P.S. Shalimar Bagh, Delhi observed that the "P.V. Test / finger test is being conducted in routine by the Doctors on the victims of sexual abuse and rape be it a minor (as in the present case, victim is a minor girl aged about 5 years), unmarried girl or married woman, without having any regards to the fact that the opinion of the Doctors rendered after conducting such a test has no bearing with regard to the guilt or the accused". "The Hon'ble Court also observed that what has shocked her conscious is the fact that this PV Test/Finger Test is being carried out in routine on victims of

sexual offences by the doctors (even on minors as has happened in the present case) thereby reflecting a rampant violation of the Constitutional Rights of such victims. It has therefore become necessary for this court to highlight this fact before the authorities concerned so that the necessary steps are taken in the direction to ensure the protection of the Right of Privacy of the victims of sexual offence”.

1. In cases of sexual assault the doctor is only required to look into sign of violence or resistance 'if any' upon the body of the victim for which the Doctor would make a note of it by visible external examination. The Doctor is further required to report on the state of sexual organs of the victim to include information regarding puberty and attaining of sexual maturity of the victim. In case of assault or pregnancy the abdominal and vaginal examinations and thereafter the collection of samples from the clothes of the victim and the alleged attacker and from the vagina of the victim are required to establish the nature of assault and the identity of the attacker.
2. Further the Hon'ble Court observed that In case if the victim is unmarried, the Hymen Test is conducted to check if the hymen cord is intact and in case of use of force any signs of tearing or bruising, off or near the vagina are noted. After the aforesaid test no further examination is required. The P.V. Test which is normally called the finger test is being carried out in routine on victim of sexual offence even children.
3. The Hon'ble Court also quoted the ruling of the Hon'ble Supreme Court in this matter and observed that The Hon'ble Supreme Court of India has Articulated and protected the privacy as one of the features of the fundamental rights i.e Article 21 of the Constitution of India which states that no person shall be deprived of his life and personal liberty except according to the procedure established by law. The Hon'ble Apex Court has dealt with this aspect of Right of Privacy of a patient's medical record in the case of Mr. X Vs Hospital Y reported in (1998) 8 SCC 296 in case of an AIDS patient's right of life which included his right to privacy and confidentiality of his medical condition.
4. The basic requirement to establish the offence of rape is that the sexual relations are made forcibly without the concerned. In such cases the material aspect to be judged by way of medical examination is to judge the sign of violence and resistance, if any upon the body of the victim, which may be mentioned by the doctor by visible external examination. The P.V Test/Finger test is carried out only to ascertain whether the alleged victim of rape is habitual to sex or used to sex and only establishes whether vestibule is congested and whether one, two or three

fingers can be inserted. The P.V. Test thus being carried out by the doctors in routine upon the rape victims without the consent violates the fundamental right of privacy.

In view of the above, it is reiterated that the observations made by the Hon'ble court as discussed above shall be complied with. If due to any reason it is felt essential or necessary by the investigating officer to get the P.V. test conducted in order to collect evidence against the accused then this test being be carried out exclusively by a lady Doctor with the consent of the prosecutrix/her guardians (prosecutrix if she is a major and guardians if she is a minor) and that too after taking due permission from the court and not otherwise.

This be strictly complied with.

Sd/-
(KEWAL SINGH)
JOINT COMMISSIONER OF POLICE,
POLICE HEADQUARTERS, DELHI.

No.3124-3223 /HAR/PHQ, dated Delhi, the 08/12/2010.

Copy forwarded for information and necessary action to the:-

1. All Spl. Commissioners of Police, Delhi including MD.PHC, Delhi.
2. All Joint Commissioners of Police, Delhi.
3. All Addl. Commissioners of Police, Delhi including PTC, Delhi.
4. All DCsP/Distt./Units including PHQ & FRRO, Delhi/New Delhi.
5. SO to CP, Delhi.
6. FA & LA to CP Delhi.
7. ACP/IT Centre, Delhi.
8. All ACsP Sub. Division/Delhi and all ACsP/PHQ, Delhi.
9. All SHOs/Delhi Police through their respective DCsP.

Media Guidelines

Guidelines for Media Reporting

[As per Hon'ble Delhi High Court's order dated 05.12.2012 in WP (C) No. 787/2012 titled A.K. Asthana v Union of India & Ors]

GUIDELINES FOR MEDIA REPORTING ON CHILDREN:

Media coverage on matters relating to children may have long term consequences on their overall development (physical, mental, psychological, emotional, moral, social, economic etc.), life and dignity and lack of care by Media in this regard may entail real risk of children facing harm, stigma, disqualification, retribution etc. The privacy, dignity, physical and emotional development of children is of the utmost importance, which are to be preserved and protected at all times, while reporting/broadcasting/publication of news/programs/ documentaries etc. on and for children.

The guidelines are in the backdrop of the existing legal framework, as detailed in SCHEDULE hereto, to secure and protect the rights of children and to set-out the minimum parameters of responsibility to be borne by print and electronic media (hereinafter referred to as Media) in relation to reporting/broadcasting/ publication of news/programs/documentaries etc. on and for children.

1. Meaning of terms used:

- 1.1 Child or children shall mean a person(s) who has/have not completed 18 years of age.
- 1.2 Media shall include, but not be limited to, any newspaper, magazine, news-sheet or electronic media.

2. PRINCIPLES:

- 2.1 Involvement of children in news/programs/documentaries etc. must evidently be editorially justified including from a child rights perspective.
- 2.2 Media shall ensure that child victims of rape, other sexual offences, trafficking, drug/substance abuse, elopement, organized crimes, children used in armed conflicts, children in conflict with law and child witnesses etc. are automatically guaranteed anonymity for life.
- 2.3 Media must ensure that due consideration is given to a child's right to privacy and to prevent the child from being exposed to anxiety, distress, trauma, social stigma, risk to life and safety and further suffering in relation

to reporting/ broadcasting/ publication of news/ programs/ documentaries etc. on and for children

2.4 Media shall ensure that a child's identity is not revealed in any manner, including but not limited to, disclosure of personal information, photograph school/institution/locality and information of the family including their residential/official address.

2.5 Media shall not sensationalize issues or stories, especially those relating to children, and should be conscious of the pernicious consequences of disclosing/highlighting information in a sensational form and the harm it may cause to children.

2.6 INTERVIEWING A CHILD BY THE MEDIA:

This shall be governed by the following principles:

- a) That the interview is in the child's best interest.
- b) That the interview does not aggravate the child's situation further.
- c) That the manner and content of the interview doesn't affect/interfere with the child's right to privacy.
- d) That if the interview is in the child's best interest, the same shall be done under supervision and consent of the child's parent(s) or legal guardian, or in the alternative, the competent authorities for the child.
- e) That while interviewing a child, his/her consent may be obtained, depending upon his/her age and maturity.
- f) Frequent interviewing of a child must be avoided.
- g) The child's refusal to be interviewed must be honoured.
- h) Before interviewing the child he/she must be duly informed about the purpose and manner of the interview.
- i) The child and/or his/her parents/guardian or any person having control over him/her shall not be coerced or enticed in any manner including financial or other inducement to secure consent for the interview.

2.7 Media must verify the credentials and authority of individuals/ organizations whose consent is sought on behalf of the child.

- 2.8 Media shall not give any financial or other inducement to the child or parent/guardian or others in relation to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children.
- 2.9 Media must balance its responsibility to protect children from unsuitable content with the right to freedom of expression and the right to know.
- 2.10 To protect the identity of the child media shall ensure that any visual showing the face of the child must be completely morphed in cases where privacy/anonymity is required as illustrated in Principle 2.2.above.
- 2.11 Media shall orient/sensitize its editorial personnel, including editors/editorial team/reporters/correspondents/producers/photographers etc. about laws, rules, regulations and guidelines related to reporting/broadcasting/publication of news/programs/documentaries etc.on and for children.
- 2.12 The media shall proactively promote the children s right to information and freedom of expression.

2.13 PUBLICITY:

The Department of Information and Public Relations of all State Governments and U.T. Administrations, the Directorate of Field Publicity, Directorate of Advertising and Visual Publicity (DAVP) of Ministry of Information and Broadcasting, PrasarBharati (AIR and DD), Self Regulatory Bodies etc. shall give due publicity at appropriate intervals to the laws, rules, regulations and guidelines (including the Guidelines) related to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children.

2.14 MONITORING:

The compliance with the applicable laws, rules, regulations and Guidelines (including these ones) related to reporting/broadcasting/publication of news/programs/ documentaries etc. on and for children shall be monitored by the following:

- (a) the self-regulatory bodies.
- (b) the regulatory mechanisms of Ministry of Information and Broadcasting, such as, Electronic Media Monitoring Center (EMMC) and Inter-Ministerial Committee (IMC).

(c) Press Council of India through their respective procedures.

2.15 STATUS REPORT:

NCPCR / SCPCRs shall file a report in this Court on yearly basis regarding the compliance level of the applicable laws, rules, regulations and Guidelines (including these ones) by all concerned.

The foregoing are only broad Guidelines and are not meant to be exhaustive.

Hospital Guidelines

Guidelines for rapid response by hospitals in case of MLC examination of victims of sexual assault

Department of Health & Family Welfare
Govt. of NCT of Delhi 9th Level A Wing, Delhi Secretariat,
IP Estate, New Delhi-110002

To
All Directors/Medical Supdts.,
Hospital of Govt. of NCT of Delhi
(including autonomous societies under H& FW Deptt., GNCTD)

Sub: Guidelines for rapid response by hospitals in case of MLC examination of victims of sexual assault.

Madam/Sir,

The victims of sexual assault are brought to the hospitals by the police or otherwise for medical-legal examination and treatment, which is the responsibility of the attending doctor in the hospital. As per the provisions of the section 164 A (2) of the Cr. PC, the MLC examination should be done promptly and without delay.

As the victims of sexual assault are traumatized and their physical condition and state of mind are unstable, handling of their case requires sensitivity, empathy and compassion. Therefore, the examining doctor must remain throughout re-assuring, empathetic and sensitive to the victim and should also provide due privacy.

In this context, the MLC examination protocol being followed in major hospitals was reviewed and it is felt that there is need to reinforce the guidelines to be followed by the hospitals on the MLC examination of the victim, in consonance with the directions of the Hon'ble Delhi High Court in its order Dated: 23.04.2009 in the CWP no. 696/2008;

- 1) In order to provide privacy to the victim, a separate room should be identified by the Director/ Medical Superintendent and marked in all hospitals where the victims can be examined by the attending doctor.
- 2) In this regard, Director/ Medical Superintendent of the hospital will issue an order sending copies to all the HODs of the hospital and the casualty emergency for their

information. The room number should be known to the doctors in emergency duty.

- 3) The room should have proper furniture required for medical examination. The basic equipments, adequate stock of sexual assault forensic evidence (SAFE) kit etc should be kept available in the room for collection of the forensic evidence.
- 4) C.M.O. M.O. In charge of Casualty & Emergency should be nominated as Nodal Officer for putting in place the desired system and carry out day to day supervision.
- 5) The Nodal officer will ensure that good practices on proper collection of MLC evidence/material are observed.
- 6) The nodal officer will ensure that the copies of protocol/ guidelines are readily available in examination room for reference.
- 7) The hospital should also provide clothing to the victim in case the victim's clothes are taken as evidence or action otherwise requires fresh clothes to be given.
- 8) The hospital should also provide toiletries to the victim for washing up after the MLC examination has been concluded.
- 9) The Director/Medical Superintendent will arrange periodic training sessions to the doctors on the protocols and guideline on the MLC examinations/reporting in case of sexual assault victims.
- 10) The Director/Medical Superintendent will also organize sensitization workshop for hospital staff, medical & paramedical, in collaboration with the Delhi Commission for Women.
- 11) The Director/Medical Superintendent will maintain an update directory of the contact points and will intimate any change to the Health & family Welfare Department for updating directory on website.
- 12) In case where counseling of the victim is required, the same should be provided by the hospital's own pool of doctors and if that is not available, then the Crisis Intervention Centers which provide such counselor should be informed. For this purpose the name and contact numbers of the CIC should be kept available in the room

Directors and Medical Superintendents of all the hospitals of the Govt. of NCT of Delhi including autonomous societies there under, are hereby requested to implement the above said instructions diligently, in letter and spirit.

This issues with the approval of the Competent Authority.

Yours faithfully

(S.B. Shashank)
Spl. Secretary (H&FW)

Encl: Copy of the High court order in CWP No. 696\2008

Copy to:

1. Chief Secretary, Delhi
2. Commissioner of Police, Delhi
3. Pr. Secretary (Home), GNCTD
4. Pr. Secretary to Chief Minister, GNCTD
5. Secretary, Delhi Commission for Women, GNCTD
6. Director, Social Welfare, GNCTD
7. Secretary to Hon'ble Minister of Education/ Social Welfare, GNCTD
8. Secretary to Hon'ble MOH, GNCTD
9. PS to Secretary (H& FW)
10.
 - i) Director/ Medical Superintendent, AIIMS
 - ii) Medical Superintendent, Safdarjung Hospital
 - iii) Medical Superintendent, Ram ManoharLohia Hospital
 - iv) Medical Superintendent, Lady Harding Medical College & Hospital
with request to take similar action in their hospitals as well.

(S.B. Shashank)
Spl. Secretary (H&FW)

Order for providing immediate medical treatment to victims of
crimes or road accidents

MOST URGENT/SPEED POST

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF HEALTH & FAMILY WELFARE
9TH LEVEL, A-WING, DELHI SACHIVALAYA, IP ESTATE NEW DELHI-2

No. F.24/20/2003/NH/DHS/HQ/ 15341-018

Dated: 21/02/2013

16047-219 16227-238

ORDER

Sub: Providing immediate medical treatment to victims of crimes or road accidents.

In continuation with guidelines on the subject issued by this Department vide letters dated 30/10/1998, 31/03/2002, 27/11/2008 and 07/02/2011 all hospitals including private hospitals and nursing homes, functioning in the National Capital Territory of Delhi, are hereby directed to attend to victims of crimes and trauma in dire need of immediate medical treatment, including victims of rape and road accident, and provide them immediate treatment.

The above said hospitals/ nursing homes shall not refuse to provide medical treatment for any reason including that the case involved is of medico-legal nature. In such cases the hospital/ nursing home concerned shall also call/inform the nearest Police Station or the Police Control Room concerning the medico legal case.

Attention of all the above hospitals/ nursing homes is drawn to clause 14.2 of the Schedule appended with Rule 14 of Delhi Nursing Homes Registration (Amendment) Rules, 2011 which provides as under:

"14.2 The nursing home shall not refuse treatment to the injured/ serious patients brought to them due to any reason, whatsoever."

Any such victim brought to the hospital/nursing home either by the Police or the public or on their own, shall not be refused immediate medical treatment that may be required to stabilize the emergency medical condition of the victim.

Non-compliance of the aforementioned directions by defaulting hospitals/ nursing homes shall attract appropriate disciplinary/punitive action including cancellation of registration.

(S.C.L. Das)
Secretary (H & FW)

To

All Medical Directors/ Medical Superintendent of
Private Hospitals/ Nursing Homes of Delhi.

No. F.24/20/2003/NH/DHS/ HQ/Pt. I/Pr. Secy H& FW/399-409

Dated

Copy for information and necessary action to:

1. Chief Secretary, GNCTD, 5th Level, A-Wing, Delhi Secretariat, New Delhi.
2. Pr. Secretary (Home), GNCTD, 5th Level, C-Wing, Delhi Secretariat, New Delhi.
3. Commissioner of Police, Delhi Police Head Quarters, IP Estate, New Delhi.
4. Spl. Commr. (Operations), Delhi Police, Police Headquarters, ITO, New Delhi.
5. Pr. Secretary to Chief Minister, Govt. of Delhi, Delhi Secretariat, New Delhi.
6. Secretary to Hon'ble Minister of Health, 6th Level, A-Wing, Delhi Secretariat, IP Estate, New Delhi-2
7. Director, Dte. Of Health Services, F-17, Karkardooma, Delhi-110032
8. Dean/Directors/ Medical Superintendent of all Govt./ Govt. owned medical college & hospitals of Delhi.
9. PS to Secretary, Min. of Health & Family Welfare, Govt. of India, Nirman Bhawan, New Delhi-110018
10. PS to Director General Health Services, Min. of Health & Family Welfare, Govt. of India, Nirman Bhawan, New Delhi-110018.

(S.C.L. Das)
Secretary (H & FW)

Guidelines for Composition of School Management Committee

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DIRECTORATE OF EDUCATION
OLD SECRETARIAT: DELHI-110054

No. F.23(6)/DE/RTE/2011/520-533

Date: 25/03/2013

CIRCULAR

Subject: Guidelines for composition of School Management Committee (SMC) under the RTE Act and its functions

In pursuance of powers conferred by Rule 26 of Delhi Right of Children to Free and Compulsory Education Rules, 2011 following guidelines are issued regarding School Management Committees envisaged under Section 21 of the Right of Children to Free and Compulsory Education Act 2009 as amended up to date and Rule 3 of the Delhi right of Children to Free and Compulsory Education Rules 2011. All the Heads of schools of Delhi except of those specified in sub-clause (iv) of clause (n) of Section 2 are hereby directed to constitute School Management Committee in their respective Schools consisting of 16 members as under:-

S.No.	Actual Designation	Status in the Committee	No. of Members
1.	Principal/HOS	Member/Ex-officio Chairperson of SMC	One
2.	Parents/Guardians of Children	Members	Twelve
3.	Elected Representative of the Local Authority	Member	One
4.	Teacher of the School	Member/Convener	One
5.	Social worker involved in the field of Education	Member	One

- Note:-
1. One Social Science Teacher, One Math Teacher and One Science Teacher shall be special invitees.
 2. Fifty percent of the members of this committee shall be women.
 3. There shall be a proportionate representation of parents/guardians of children belonging to disadvantage group and weaker sections.

4. Vice Chairperson shall be from amongst the parent members.

The School Management Committee so constituted shall follow the following guidelines:-

Selection of Vice Chairperson

The Vice-Chairperson shall be elected by parent members of SMC from amongst themselves.

Selection of parents/guardians member

Selection of parents/guardians members shall be done through election in the General Body meeting of parents/guardians. In case where the child of the member has left or completed his/her studies in that school, such member shall be replaced by parent selected at random from among the parents or guardian of the children of that category for the remaining term of the Committee.

Elected representative of Local Authority

Instructions regarding elected members are being issued separately.

Selection of Teacher Member

Selection of teacher member and Special invitee of SMC is to be decided by teachers of school.

Selection of social worker involved in the field of Education

The social worker involved in the field of education is to be nominated by the District Deputy Director of Education or an officer of equivalent rank.

Tenure of the School Management Committee (SMC):

Tenure of the SMC shall be 2 years from the date of its constitution and reconstituted every two years.

Meetings of SMC:

The School Management Committee shall meet at least once in two months and minutes and decisions of the meetings shall be properly recorded and made available to the public.

Quorum

The Quorum of SMC must be 1/3 of the total strength and every resolution shall be passed by a proper quorum without proxy.

Functions of School Management Committee

- i) Monitor the working of the school.
- ii) Prepare and recommend School Development Plan.
- iii) Monitor the utilization of the grants received from the appropriate Government or Local Authority or any other source.
- iv) Communicate in simple and creative ways to the population in the neighbourhood of the school, the right of the child as enunciated in the Act, as also the duties of the Government, local authority, school, parents and guardians.
- v) Ensure that teachers maintain regularity and punctuality in attending school.
- vi) Hold regular meetings with parents and guardians and apprise them about the regularity in attendance, ability to learn progress made in learning and any other relevant information about the child.
- vii) Monitor that teachers are not burdened with non academic duties other than those specified in section 27 of RTE Act.
- viii) Ensure the enrolment and continued attendance of all the children from the neighbourhood in the school.
- ix) Monitor the maintained of the norms and standards specified in the schedule.
- x) Bring to the notice of the Government or local authority, as the case may be, any deviation from the rights of the child, in particular mental and physical harassment of children, denial of admission and timely provision of free entitlements as per section 3(2) of RTE Act, 2009.
- xi) Identify the needs and monitor the implementation of the provisions of section 4 of the Act which states '**where a child above six years of age has been admitted in any school or though admitted could not complete his or her elementary education, then, he or she shall be admitted in a class appropriate to his or her age**'.
- xii) Monitor the identification and enrolment of and facilities for admission of children with disabilities and ensure their participation in, and completion of elementary education.
- xiii) Monitor the implementation of the Mid-day Meal in school.

Accounts:

Money if received by SMC for the discharge of functioning under the Act, shall be kept in a separate account, to be audited annually. These accounts should be signed by the Chairperson/Vice-Chairperson and convener of the School Management Committee.

All the District Deputy Directors of Education/Education Officer are to ensure that School Management Committee is constituted in each and every Govt./Govt. Aided School under their jurisdiction immediately.

Sd/-
(Amit Singla, IAS)
Director of Education

Copy to:

1. PS to Hon'ble Lt. Governor, Delhi
2. PS to Hon'ble Chief Minister, Govt. of NCT of Delhi
3. PS to Hon'ble Minister of Education, Govt. of NCT of Delhi
4. The Commissioner, East Delhi Municipal Corporation
5. The Commissioner, North Delhi Municipal Corporation
6. The Commissioner, South Delhi Municipal Corporation
7. Chief Executive Officer, Delhi Cantonment Board.
8. Chairperson, New Delhi Municipal Council
9. P.A. to Secretary, Education
10. P.A. to Director, Education
11. All Addl. Directors of Education/Regional Directors/ District DDEs/Eos/DEOs/Head of Govt./ Govt. Aided Schools of Delhi through website of Directorate of Education
12. ONCE (IT) to paste the above said circular on official website of the Department.
13. Guard file.

Sd/-
(Amit Singla, IAS)
Director of Education

Standard Operating Procedure for Child Welfare Committees on Handling Victims of Sexual Abuse

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

CHAPTER-II

Sexual Abuse – It includes all forms of sexual assault, exploitations, harassment and pornography related offences as referred under the provision of Protection of Children from Sexual Offences Act, 2012.

Role of Child Welfare Committee

- (A) When information is received by a CWC from any source including the media regarding sexual abuse of a child under its jurisdiction the committee should take the following steps.
1. Acknowledge receiving the information on record, take suo-motu cognizance of cases brought to notice and seek a report from local police within shortest possible time.
 2. A copy of such order should be mailed / faxed or sent by hand to the Police Station and to the State/District Child Protection Unit seeking necessary support in dealing with the cases.
 3. In case of no response from Police, there must be a follow-up in a time bound manner. Matter must be brought to the knowledge of the senior police officers for necessary action. The State / District-CPU should also be kept informed about action taken.
 4. Make efforts to locate the whereabouts of the victim and provide assistance by way of counselling, medical etc.
- (B) When a child victim of sexual abuse is produced before the Committee by any

person, the Committee is required to do the following:-

- a) If the child is in an institutional care (recognized or unrecognized) action as contained in, Rule 60 (2) of the Delhi JJ Rules, 2009 should be strictly followed by all concerned and CWC should ensure compliance. The Committee should seek a detailed report from the Head of the Institution within two days of having received such information regarding abuse of child in writing from any person or verbally from the child at the time of production or inspection of the institution.
 - b) Child should be interviewed by a female member (s) separately. In case female member is not available only then the female Welfare Officer / Counsellor should interview the child in the presence of a CWC Member.
 - c) Opinion of the family members and / or relatives should be sought before taking any decision about the child's care, protection and rehabilitation. The opinion sought should be mentioned in the order.
 - d) The version of the child must be taken on record, identifying the abuser clearly, nature of abuse and need of the child for medical, psychological and psychiatric treatment. The name of the CWC member and / or Welfare Officer / Counselor who interviewed the child should be placed on record.
 - e) In case, the child is not in a position to speak due to age , mental and physical condition, committee should make such observation referring to the medical examination report.
 - f) In case committee finds any discrepancy in the statement of the child and the version recorded in the FIR and / or medical examination report, the same must be indicated in the observation of the CWC in writing.
 - g) In accordance with Rule 27 (9), the Committee shall facilitate filing of police complaint and F.I.R. in all cases of sexual violence, exploitation and abuse of child.
 - h) The Committee should also arrange for required legal aid through the legal aid counsel deputed by Delhi Legal Services Authority (DLSA) with the Committee and a copy of CWC order should be given to the concerned person.
- (C) Directions/Guidelines issued by Hon'ble High Court of Delhi in the matter W.P. (CrI.) No. 696/2008 (Delhi Commission for Women vs Delhi Police) should be strictly

followed as and where applicable in pursuance to the High Court's Order. The CWC is required to do the following :-

- (i) In cases of incest and children in need of care and protection, the Child Welfare Committee shall examine the victim to ascertain the nature of support she is getting from her family and initiate steps for ensuring best interest of the child. In such cases the Child Welfare Committee shall conduct a home study to assess and ensure the safety of the victim.
 - (ii) In cases where the child is placed in an institution the Committee shall monitor the condition of the victim closely
 - (iii) In cases of incest, while the victim stays in the children home the family members should be allowed to meet the victim only in the presence of the support persona and care be taken by the staff of the home that the meeting is not used to pressure\w/ influence the victim to chance her statement.
 - (iv) Child Welfare Committee shall ensure that rehabilitation facilities are provided to the victim in appropriate cases. In cases of prolonged stay, the victim should be given educational and vocational training in order to enable the victim to support herself after she leaves the children home.
 - (v) Before passing any order of restoration of custody of child to the family, the Child Welfare Committee shall conduct an inquiry to assess the suitability of the victim being restored to the family. The Custody of the child will be altered by the Child Welfare Committee only after consultation with the stake holders.
 - (vi) Child Welfare Committee shall ensure that the victim is provided with necessary medical and psychological aid during her stay in Children Home for the purpose of her rehabilitation.
 - (vii) Child Welfare Committee shall maintain a list of all registered Child Care Homes providing residential support, special Services and rehabilitation facilities to the victim.
- (D) The role of CWC in handling cases of Sexual abuse is well defined and prescribed under the provision of the JJ Act, Delhi JJ Rules 2009 and POCSO Act and Rules 2012. The same must be complied with in letter and spirit of the Act and Rules. The provisions under the POCSO Rules are as under:-
1. Take cognizance of the children produced by Police/SJPU, NGOs Child Lane or

by any person including child himself/herself under the provisions of JJ Act and the POCSO Act.

2. To provide a detailed assessment of the child produced by Police / SJPU under Rule 4 (3) of the POCSO Rules, 2012 to the State Commission.
 3. In case child is a victim of abuse within a family or shared household, the CWC should decide within three days whether he/she needs to be taken out of the family/shared household and placed in a children home/shelter home.
 4. CWC must take into account consent of the child and considerations listed I to VII under Rule 4 (5) of the POCSO Rules 2012.
 5. CWC shall inform the prent/guardian / support person about the decision taken regarding the custody and also explain the reasons.
 6. As per rule 4 (7) of the POCSO Rules 2012, the CWC has to provide a support person to each child to render assistance through the process of investigation and trial. The CWC may designate W.O of CWC/CIC counselor/W.O SJPU/W.O. DCPU/Social Worker of NGO as support person. The CWC must explain to the support person his/her role and responsibilities. In case of a non Govt. person, CWC must ensure willingness and competence of the person before designating him/her a support person.
 - 7 While deciding about the support person CWC must take into account the opinion of the child/parent/guardian and ensure that he/she enjoys the trust and confidence of the child/parent/guardian.
 - 8 Compensation – CWC should facilitate the child's parent/guardians in seeking the compensation under victim compensation fund through DLSA as provided under section 33 of the POCSO Act 2012. The W.O posted in CWC should provide all required support to the persons applying the compensation.
- (E) Crisis Intervention Centre – CWC should coordinate with the crisis intervention centre programme of the Delhi Commission for Women and Delhi Police and refer all cases of Child Sexual abuse for their intervention in writing and seek progress report periodically.

Copy to:-

1. PS to Joint Secretary, M/o Women & Child Development, Govt. of India, Shastri Bhawan, New Delhi
2. PS to Secretary to MWCD, (WCD & SW), 8th Level, A-Wing, Delhi Secretariat, New Delhi
3. PA to Dy. Commissioner of Police, Crime (Women Cell), P.S. Nanakpura, Delhi.
4. The Chairperson/Members, Child Welfare Committee, Sewa Kutir Complex, Kingsway Camp, Delhi.
5. The Chairperson/Members, Child Welfare Committee, Sanskar Ashram Complex, Dilshad Garden, Delhi.
6. The Chairperson/Members, Child Welfare Committee, Nirmal Chhaya Complex, Jail Road, Delhi.
7. The Chairperson/Members, Child Welfare Committee, Asha Kiran Complex, Awantika, Rohini, Delhi.
8. The Chairperson/Members, Child Welfare Committee-VII, Nirmal Chhaya Complex, Jail Road, Delhi.
9. The Chairperson/Members, Child Welfare Committee, NPS School, Near Delhi Police Apptt. Mayur Vihar Phase-I, Delhi.
10. The Chairperson/Members, Child Welfare Committee, Kasturba Niketan Complex, Lajpat Nagar, Delhi.

Sd/-
(RAJIV KALE)
DIRECTOR, WCD

Child Welfare Committees *May, 2014*

S. No.	Address & Tenure of Child Welfare Committee	Name, Address & Phone No.	Post	Tenure of Chairperson & Member
1.	Child Welfare Committee-III, Sewa Kutir Complex, Kingsway Camp, Delhi 10.05.2014 - 11.05.2017	Ms. Vimala Paul 174, Manu Apartments, Mayur Vihar Phase-I, Delhi M-9810740401	Chairperson	IInd Tenure
		Sh. Edward Daniel Mission Compound, 13-Raj Niwas Marg, Civil Lines, Delhi M-9958717242	Member	IInd Tenure
		Sh. F.C. Khandelwal Flat No. 51, IInd Floor, A-21, Madhu Vihar, Patparganj, Delhi M-9911174947	Member	IInd Tenure
		Ms. Poonam Updhaya R/o B-38, Classic Apartment, Plot No. 11, Sector-22, Dwarka, Delhi M-9873718851	Member	Ist Tenure
		Ms. Rita Singh B-7/63, Sector-18, Rohini, Delhi M-8130370460	Member	Ist Tenure

S. No.	Address & Tenure of Child Welfare Committee	Name, Address & Phone No.	Post	Tenure of Chairperson & Member
2.	Child Welfare Committee-IV, NPS School for Deaf & Dumb, Near Delhi Police Aptt., Mayur Vihar, Phase-I, Delhi 05.12.2011 - 04.12.2014	Ms. Anshu Tyagi R/o D.C. Arya, E-37B, Sector-27, Noida, Gautam Budh Nagar, U.P. M-9808157903	Member	Ist Tenure
3	Child Welfare Committee-V Sanskar Ashram, Dilshad Garden, Delhi 10.05.2014- 11.05.2017	Sh. Sardar Patel Sharma Flat No. C-288, Central Govt. Employee Complex, Minto Road, (Red Quarter), New Delhi M-9891126972	Chairperson	IIInd Tenure
		Ms. Sudarshana Chakraborti SRB 103 B, Shipra Riviera, Indirapuram, Gyankhand III, Ghaziabad, U.P. M-9891351690	Member	IIInd Tenure
		Smt. Ritu Mehra 67-D, R-Block, Dilshad Garden, Delhi M. 9899358835	Member	IIInd Tenure

S. No.	Address & Tenure of Child Welfare Committee	Name, Address & Phone No.	Post	Tenure of Chairperson & Member
		Sh. B Ramaswami 118-C, Pocket-F, Phase-2, Mayur Vihar, New Delhi M-9999605344	Member	IIInd Tenure
		Sh. George K.L F-70/5, Dilshad Colony, Delhi M-9910262159	Member	Ist Tenure
4.	Child Welfare Committee-VI, Asha Kiran Complex, Avantika, Rohini, Delhi 10.05.2014-11.05.2017	Smt. Kamla Lekhwani 23/10, Old Rajinder Nagar, New Delhi M-9910023202	Chairperson	IIInd Tenure
		Ms. Rita Darira 137, Swastik Kunj, Sec.-13, Rohini, Delhi M-9540331413	Member	IIInd Tenure
		Smt. Renu Goyal A-15, DGS Society, Plot-6, Sector-22, Dwarka M-9899931977	Member	IIInd Tenure
		Sh. Raijeet Prakesh Bhardwaj V.P.O Nangal Thakran, Delhi M-9868983978	Member	IIInd Tenure
		Ms. Madhu Sharma R/o 88-89, IIInd Floor, Pkt. 12, Sector-24, Rohini, Delhi M-9910502611	Member	Ist Tenure

S. No.	Address & Tenure of Child Welfare Committee	Name, Address & Phone No.	Post	Tenure of Chairperson & Member
5.	Child Welfare Committee-VII, Nirmal Chhaya Complex, Jail Road, Delhi 21.06.2012 - 20.06.2015	Ms. Mala Sharma RK/201, Mohan Garden, Uttam Nagar (East), Delhi M-9811181795	Member	Ist Tenure
6.	Child Welfare Committee-VIII, Kasturba Niketan Complex, Lajpat Nagar, Delhi 10.05.2014 - 09.05.2017	Ms. Vaidehi Subramani R/o C-9, 9704, Vasant Kunj, New Delhi M-9911015483	Chairperson	Ist Tenure
		Ms. Tasneema Zaidi R/o 102-A, Johri Farm, Noor Nagar Ext. Jamia Nagar, Delhi M-9999750153	Member	Ist Tenure

List of Abbreviations

ACP	Assistant Commissioner of Police
CBT	Cognitive behavioral therapy
CNCP	Child In Need of Care & Protection
CrPC	Criminal Procedure Code
CWC	Child Welfare Committee
GNCTD	Government of National Capital Territory of Delhi
H & FW	Health & Family Welfare
IO	Investigating Officer
ICPS	Integrated Child Protection Scheme
ICDS	Integrated Child Development Scheme
JJ	Juvenile Justice
JJB	Juvenile Justice Board
MHRD	Ministry of Human Resources Development
MLC	Medico Legal Case
NCT	National Capital Territory
POCSO	Protection of Children against Sexual Offences Act
P.V. Test	Per Vagina Test
RTE	Right to Education
SI	Special Inspector
SMC	School Management Committee
UN	United Nations
WCD	Women & Child Development

Important Websites & Numbers

Special Police Unit for Women & Children	Nanakpura, South Moti Bagh, New Delhi Duty Officer: 011-24673366 Police Station: 011-24672777 http://dpjju.com/
Reporting a Child in Distress	http://dpjju.com/index.php?option=com_content&view=article&id=161&Itemid=216
Delhi Police	http://www.delhipolice.nic.in/
Department of Women & Child Development, Govt of NCT of Delhi	http://wcddel.in/
Directorate of Education, Govt of NCT of Delhi	http://www.edudel.nic.in/
Delhi Commission for Protection of Child Rights	www.dcpqr.delhi.gov.in
Delhi Police	100
Child Line	1098
Child Helpline	1291
Delhi Police Women/Girls Helpline	1091



**Delhi Commission for
Protection of Child Rights**

Govt. of NCT of Delhi

5th Floor, ISBT Building, Kashmiri Gate, Delhi-110 006
www.dcpqr.delhi.gov.in