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NCPCR

STANDARD OPERATING PROCEDURE FOR CARE AND PROTECTION OF CHILDREN IN STREET SITUATIONS

2020



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SOP 2.0: framework to provide care and protection to children living in street situations through application of relevant legal mechanisms and provisions provided under different schemes and programmes for their successful rehabilitation either through institutional care or family-based care by strengthening families with the benefits provided under different schemes and programmes.

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Disclaimer: This Standard Operating Procedure 2.0 is meant for reference only and should not be used or interpreted as any Act or Law. The operating procedures provided in this document are based on laws related to children currently enforced in the country, available schemes and programmes being implemented, issues pertaining to children in street situation identified through experience and learning of the commission, experiences as shared by the Save the Children and other stakeholders. However, these procedures can be modified over time with change in situations, laws, programmes, schemes or due to any other factor.

Despite the enactment of several progressive social acts, schemes and programmes, children living in street situations has been a reality because of lack of collective and concerted efforts by the civil society organizations, law enforcement agencies, juvenile justice authorities and concerned departments, and also due to lack of convergence and application of laws pertaining to children. However, we believe that with strong determination and application of all available means, the situation of children living in street situations can be elevated and addressed.

National Commission for Protection of Child Rights (NCPCR)



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FOREWORD

Today, reaching out to people, including children at last mile, is the guiding principle of governance, policies, programmes and various interventions of the Government of India. However, children in street situations, a common reality, are one of the most vulnerable categories of human beings that survive on streets without any safety net. Moreover, they are the first in sight in any major city, but are the last to be reached through any programme or services.

A life on the street constitutes one of the most serious violations of the rights of children—violating their right to education, good health, nutritious food, play, protection and proper development. Despite the enactment of several progressive social acts, schemes and programmes, children living in street situations have been a reality because of lack of collective and concerted efforts by the civil society organizations, law enforcement agencies, juvenile justice authorities and concerned departments. It is also due to lack of convergence and application of laws pertaining to children. Nevertheless, we believe that with strong determination and application of all available means, the condition of children living in street situations can be elevated and addressed without any further delay.

In recent years, the Government of India has made available several enabling provisions and mechanisms, such as Juvenile Justice (Care and Support of Children) Act, 2015 or JJ Act; Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016; revised child protection scheme under Integrated Child Development Scheme (ICDS) umbrella; and most significantly, numerous social protection schemes for the families. These enabling provisions, especially JJ Act, 2015, offer the base that has shown the way to deal with each and every aspect of the issues pertaining to this set of children.

I would like to thank the government, especially the Hon'ble Prime Minister of India, for enactment of JJ Act, 2015 without this Act, we would not have been in a position to prepare a detailed set of procedures, such as SOP 2.0, to ensure care and protection of children in street situations. The good wishes of thousands of such children would always be with him for the decision to implement this Act. The Hon'ble Minister of Women and Child Development has always been supportive and an inspiration for taking up the cause of children, for which we are grateful to her. I would like to acknowledge the support received from the Members of our Commission, namely, Shri Yashwant Jain Member (Laws Relating to Children), Dr. R.G. Anand, Member (Child Psychology and Sociology), Ms. Pragna Parande, Member (Juvenile Justice), Ms. Rosy Taba, Member (Child Labour) and Ms. Rupali Banerjee Singh, Member Secretary. I take this opportunity to acknowledge the non-governmental organizations (NGOs) and civil society organizations for their incredible work with the children in street situations. Their

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experience has also enriched the Commission to understand various nuances of the issues.

I would also like to put on record the involvement of Dr. Madhulika Sharma, Advisor, Ms. Shaista Khan, Senior Technical Expert, Ms. Nidhi Sharma, Sr. Consultant, Shri. Dharmendra Bhandari, PPS in the process of preparing the SOP and a special acknowledgement goes to Shri Dushyant Meher for drafting and giving shape to this SOP.

This endeavour of preparing the operational procedure has been carried out in collaboration with Save the Children. The core principles adopted in SOP 2.0 are: treating a child as part of the family; institutionalization as last resort; and strengthening of families by linking them with various social protection schemes. However, success lies in the implementation of this SOP 2.0 by creating a better legal and operational ecosystem to reach out to this category of children, who would otherwise remain in vulnerable conditions on the streets. Therefore, all the key stakeholders, including State Commissions for Protection of Child Rights (SCPCRs) of all the states/UTs, Child Welfare Committees (CWCs), District Child Protection Units (DCPU), Child Welfare Police Officers (CWPO), Childline-1098, NGOs, child care institutions (CCIs), officials/staff of CCIs, labour officers, police, Aadhaar Seva Kendras, are kindly requested to play their part in ensuring the rightful entitlements and benefits to the children and their families keeping in mind the principle of best interest of the child.

Last but not the least, "CHILDREN ARE SPECIAL" and while dealing with them, we have to be mindful of the different needs of infants, pre-teens and adolescents, gender and sexual minority children, children with special needs, children using substances, children who are victim of sexual assault or in any other situations requiring special attention, for every child counts in BUILDING THE NATION.

Jai Hind!


(Priyank Kanoongo)



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The Standard Operating Procedure 2.0 is a unique endeavor to streamline the processes and interventions regarding children in street situations. The experience learned from various interventions, sharing from agencies, NGOs, field Staff have played a vital role in preparing this SOP. The meetings of the Advisory Groups and their inputs have also helped immensely. The SOP was drafted by NCPDR in collaboration with the "Save the Children". We acknowledge and express our gratitude to the following individuals without whom this document would not have been possible.

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LIST OF ABBREVIATIONS

AHTU	Anti Human Trafficking Unit
BPL	Below Poverty Line
CBO	Community-based Organization
CISS	Children in Street Situations
CMO	Chief Medical Officer
CNCP	Children in Need of Care and Protection
CPCR Act	Commissions for Protection of Child Rights Act
CWC	Child Welfare Committee
CWO	Child Welfare Officer
CWPO	Child Welfare Police Officer
DCPU	District Child Protection Unit
DLSA	District Legal Services Authority
DSWO	District Social Welfare Officer
FIR	First Information Report
GRP	Government Railway Police
ICDS	Integrated Child Development Scheme
ICP	Individual Care Plan
JJ Act	Juvenile Justice (Care and Protection of Children) Act
JJB	Juvenile Justice Board
MGNREGA	Mahatma Gandhi National Rural Employment Guarantee Act
MoA&FA	Ministry of Agriculture and Farmers Welfare
MoE&IT	Ministry of Electronics and Information Technology
MoF	Ministry of Finance
MoH&FW	Ministry of Health and Family Welfare
MoHUA	Ministry of Housing and Urban Affairs
MoL&E	Ministry of Labour and Employment

MoL&J	Ministry of Law and Justice
MoMA	Ministry of Minority Affairs
MoRD	Ministry of Rural Development
MoSD&E	Ministry of Skill Development and Entrepreneurship
MoSJ&E	Ministry of Social Justice and Empowerment
MoWCD	Ministry of Women and Child Development
NCLP	National Child Labour Projects
NCPCR	National Commission for Protection of Child Rights
NCRB	National Crime Records Bureau
NCT	National Capital Territory
NGO	Non-Governmental Organization
NPAC	National Plan of Action for Children
PDS	Public Distribution System
PFRDA	Pension Funds Regulatory and Development Authority of India
PMKVY	Pradhan Mantri Kaushal Vikas Yojana
POCSO	Protection of Children from Sexual Offences (Act)
PRIs	Panchayati Raj Institutions
RTE Act	Right of Children to Free and Compulsory Education Act
SAA	Special Adoption Agency
SCPCR	State Commission for Protection of Child Rights
SDGs	Sustainable Development Goals
SIR	Social Investigation Report
SMC	School Management Committee
SOP	Standard Operating Procedure
UIDAI	Unique Identification Authority of India
ULB	Urban Local Body
UNCRC	United Nations Convention for Rights of the Child
ULB	Urban Local Body
VLCPC	Village Level Child Protection Committee

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STANDARD OPERATING PROCEDURE (SOP) FOR CARE AND PROTECTION OF CHILDREN IN STREET SITUATIONS

1. Introduction: SOP 2.0

The National Commission for Protection of Child Rights (NCPCR) is a statutory body of Government of India. It was set up in March 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005, an Act of Parliament (December 2005). The Commission's mandate is to ensure that all laws, policies, programmes, and administrative mechanisms are in consonance with the child rights perspective, as enshrined in the Constitution of India and also the United Nations Convention on the Rights of the Child (UNCRC).

India has the largest child population in the world. Well-being of children is a universal aspiration. The Commission is committed to reach out to the last child to address the violations he/she is facing and alleviate his/her status from vulnerability to a secured societal environment through complaint redressal mechanism, policy intervention, regulatory intervention, programme activity, special investigation, recommendation and studies. The Commission, through various interventions and interactions, is aware of the fact that children are found in street situations in almost all the cities and towns of the country. A life on the street constitutes one of the most serious violations of the rights of children—violating their right to education, good health, nutritious food, play, protection and proper development. These children are a subset of vulnerable and working children, a major category that comes under children in need of care and protection (CNCP), defined under the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereafter, JJ Act).

Several provisions have been provided, especially under the Constitution of India, UNCRC, the National Plan of Action for Children (NPAC), 2016 and CPCR Act, 2005, that are applicable for the “rehabilitation” of children in street situations (CiSS).

Constitutional provisions for children, provided under the Constitution of India, are affected/contravened when a child is found in street situations. These provisions are as follows:

1. 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.
2. Article 15(3): Nothing in this article shall prevent the State from making any special provision for women and children.
3. Article 21: No person shall be deprived of his life or personal liberty except according to procedure established by law.
4. Article 21(A): The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.
5. Article 23(1): Traffic in human beings and beggary and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
6. Article 24: No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

7. Article 38(1): The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
8. Article 39: The State shall, in particular, direct its policy towards securing...(e)...the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
9. Article 39(f):...[C]hildren 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.
10. Article 45 :The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years."

The UNCRC, adopted by the United Nations General Assembly in 1989, represents universal recognition of the rights of the children. While the UNCRC makes no particular reference to CiSS, all its provisions are applicable to them, as are its optional protocols. However, later, in CRC's General Comment No. 21 (2017) on children in street situations, the CRC underlined the wishes of children in street situations, offers key observations on the population, and makes recommendations for States based on a child rights framework. The Committee identifies key articles of the Convention in relation to children in street situations, within the context of- child rights approach; civil rights and freedoms; family environment and alternative care; disability and health; education, leisure and cultural activities; and violence against children and special protection measures.

The NPAC, 2016, of the Ministry of Women and Child Development (MoWCD), takes into account the current priorities for children in India. The focus of the NPAC is to reach and serve to the "Last Child First", as they are most vulnerable due to gender, socio-cultural and economic or geographic exclusion, including other vulnerable children, such as CiSS, children of migrant workers, children of sex workers and those suffering from HIV/AIDS or other diseases.

The CPCR Act, 2005 provides for the NCPCR and State Commissions for Protection of Child Rights (SCPCR) and children's courts for providing speedy trial of offences against children, or of violation of child rights, and for matters connected therewith or incidental thereto. The Commission, under Section 13 of the CPCR Act, has been provided to perform the duties, such as look into matters relating to children in need of special care and protection, including children in distress, marginalized and disadvantaged children, children in conflict with law, juveniles, children without families and children of prisoners, and recommend appropriate remedial measures.

2. Rationale of the Standard Operating Procedures (SOP) :

We are in the 30th year of the UNCRC, which has been ratified by India, meaning hereby our country also recognizes universal rights of the children, including CNCP, even while living on the streets. In articulating its image of progress, development and inclusion, India has reaffirmed its commitment to fulfilling children's rights, recognizing them as the nation's prime assets. The Government aims to abide by the Constitution of India that accords a special status to children as deserving of special rights and entitlements.

The JJ Act, enacted in furtherance of India's accession to UNCRC, is the fundamental law dealing with CNCP by catering to their needs through care, protection, development, treatment and social reintegration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interests of children. Section 2(14(ii)) of the JJ Act defines a child in need of care and protection as: "who is found working in contravention of labour laws for the time being in force or is found begging or living on the street". Thus, CiSS fall under the category of CNCP.

Moreover, when we talk about CiSS in the context of Sustainable Development Goals (SDGs), goals like "No Poverty"(SDG No. 1), "Zero Hunger"(SDG No.2), "Good Health and Well Being"(SDG No. 3), "Quality Education"(SDG No. 4) and "Clean Water and Sanitation"(SDG No. 6) have been hardly addressed. The core issues of this set of children is yet to be addressed due to lack of synergy of authorities, States, institutions and stakeholders. The CiSS is a socio-economic and legal issue that is getting worse day by day due to lack of appropriate and effective implementation of legal measures and social interventions.

Therefore, "Standard Operating Procedure for Care and Protection of Children in Street Situations 2.0" is an endeavour to strengthen the processes and interventions regarding CiSS in the view that there should not be any child in a street situation; rather, they should be with their families. In case the family needs support, it may be provided keeping in mind the best interests of the child. It is pertinent to mention that Principle XII of the JJ Act, 2015 stresses further upon the need to understand that institutionalization of these children should be assumed as the last resort and that every effort shall be inclined towards keeping the child with his/her biological parent or guardian and institutionalization of such CNCP shall be opted for only after exhausting all other available options. In both the situations, that is, whether the child is with the family or in an institution, complete care and protection, as provided under the JJ Act, 2015, shall be provided.

Accordingly, this SOP has been developed based on the learning of the NCPCR while dealing with matters under several domains, including children in conflict with law and CNCP under JJ Act, 2015, rescue of child labour under Child Labour (Prohibition and Regulation) Act, 2016, health and mental health, including substance abuse, and Right of Children to Free and Compulsory Education (RTE) Act, 2009, as well as the implementation of the earlier SOP for the years 2018 and 2019 in four States by Save the Children.

Save the Children mapped about 2 lakhs children in 10 cities of four States in India, namely, Delhi, Maharashtra, Uttar Pradesh and West Bengal, whose rights to protection, education, health, water, sanitation, and urban development and welfare were not addressed so far. This huge number of CiSS were found to be typically suffering from many denials and vulnerabilities, including: deprivation of responsible adult protection and care; forced to work to eat each day; work in unhealthy occupations on streets, like rag-picking, begging and others; subject to physical abuse and sexual exploitation; abysmally poor sanitary conditions; inadequate nutrition from begging, foraging for food; a range of psycho-social stresses; exposure to drug and substance abuse; and no access to medical care or education.

All these problems faced by CiSS are "multidimensional" and complex, and thus provide no simple answers. The existing SOP did not work for a non-homogenous population of different categories of CiSS. It did not present "processes" that were set in motion once a child has been reported as a street child, yet did not find the implementation easy and workable whilst dealing with all kinds of CiSS. There was also a need to include many more provisions of the available legal system and policy framework.

Consequently, the new version of the SOP would also seek to create a convergence of the various functionaries, institutions/agencies and the multifarious Government schemes and policies, for a more holistic approach in providing care, protection and rehabilitation of CiSS. In addition, provisions provided under different acts and institutional mechanisms, and social interventions and schematic benefits, have also been looked into in developing an operating procedure to address the core issues and reasons the children are in a street situation.

With these objectives and the concerns communicated by the Save the Children on the basis of their observations during the implementation of SOP, the NCPCR decided to improve/upgrade the SOP developed in 2016-17 for the care and protection of CiSS. Once again, the consultative process was set in motion by NCPCR and Save the Children to find the bridges that could be built between the schemes, programmes and the CiSS. The biggest question was regarding how to link the CiSS to these programmes and schemes run by the Government. This time the SOP is focused on providing social protection to children with and without families, adding processes and procedures that have worked for CiSS in the two years of the SOP implementation, excluding those programmes that did not work in bettering the lives of these children. The version 2.0 will also look at the role of the stakeholders, identified earlier, that supported in strengthening the systems that lead to improvement in the lives of CiSS. Various cross-cutting issues of disability, substance abuse, age and gender will also be clearly included for each category of CiSS in the SOP version 2.0.

While doing so, one of the core principles adopted in SOP 2.0 is looking at the child in the context of family, "since family is the first resort for a child". Child is a part of the family and family is a unit in itself. In other words, in India, family lives and moves as a unit and so do the children in the family. Therefore, many families and communities that migrate to the cities in search of jobs and means of livelihood land up on the streets and start living on the street itself. Another category of family-based CiSS is the children from nearby slums, who spend considerable amount of time on the streets just loitering, selling goods or begging. Therefore, while addressing the issues of children in street situations, a comprehensive package of interventions must be carried out with their families as well. This is keeping in view the best interests of the child.

Keeping in view the principle of family responsibility, as provided under Section 3(v) of the JJ Act, 2015—the primary responsibility of care, nurture and protection of the child shall be that of the biological family or adoptive or foster parents, as the case may be—the SOP is meant to enable the families to take care of their children.

Stakeholders, especially the Non-Government Organizations (NGOs) working with children play an important role in addressing the issues concerning CiSS. There are many promising and good practices that have exemplified as success stories. There are also instances where organizations are working and providing services to these groups of children on the street. The motivation and commitment of these organizations are well acknowledged. However, the SOP opens up a broader vision and expands the scope of work for NGOs to bring all cases of children to their respective CWC, work with CWC and DCPU for the rehabilitation of the children and families, need base demand for Open Shelter and to run open shelter, perform creative activities in the Open Shelter and help families link with social protection services. Moreover, interventions like; successful repatriation of children with their families and families in street situations with their native place along with schematic benefits to the children and families are the key in addressing the issues effectively.

3. Life of Children Living in Street Situations (CiSS): Some Issues and Concerns

A rapidly urbanizing India requires continuous understanding of the issues related to CiSS to ensure that no child lives in abject poverty or at the margins of society. The CiSS are often described as "hidden" or "invisible" due to lack of identity, recognition or social status that can make them count. All CiSS, whether living with or without parents, are extremely vulnerable to crimes of sexual abuse. All kinds of violence take place on the street and the perpetrator could be an adult or even another street child in conflict with law (under 18 years of age).

Education is an important part in the life of children for their development; however, education is missing in the lives of CiSS. They are out of school and spend most of their time working in inhuman environment. In fact, despite the constitutional guarantee of education under the RTE Act that states every child below the age of 14 years has to be enrolled in formal school education, children continue to be out of school. The fact of the matter is that if children are enrolled and attending a school, they can be protected more effectively.

Crime against children is also an indicator of the state of children. It is pertinent to highlight the data captured by National Crime Records Bureau (NCRB). The 2018 report of NCRB says that in percentage terms, major crime heads under "Crime against Children" during 2018 were kidnapping and abduction (44.2%); and cases under the Protection of Children from Sexual Offences (POCSO) Act, 2012 were 34.7%, including child rape. The crime rate per lakh children population was 31.8% in 2018 in comparison to 28.9% in 2017. It indicates that the rate of crime against children is increasing day by day, which is indeed a serious concern. Apart from crime against children, the issue of missing children is another indicator for deteriorating state of affairs pertaining to children.

It was observed that the proportion of older girls (those in 16–18 years age group) in the street child population is comparatively low as per the data collected by Save the Children, which suggests that various factors drive girls out of streets as they grow older. It could be child marriage, trafficking or entry into the brothels. However, there is a need to conduct an in-depth study on this.

Children living with family and in community environment are somehow safer than the children living in street situations or children without parental care. These CiSS are one of the most vulnerable categories of human beings who survive on streets without any safety net. They are the first in sight in any major city, but are the last to be reached out under any programme or services.

Big metropolitan cities have a higher presence of CiSS who have migrated from other States, whereas in the smaller cities, CiSS are mostly from the same State. Search for employment, slum displacement and poverty of the household are important triggers for migration of children to the city. Meanwhile, some of the reasons why a child leaves the house are: "family breakdown, divorce, step parenting, domestic violence, beating, rebuke, lack of community support, breakdown of support networks, lack of parental education about child care and development, conflict in family and stress management skills by the parents; assorted family problems including abuse, desire for consumer goods, the lure of the city", etc., leading the child to the streets.

Rag-picking is the most commonly cited livelihood option of CiSS. Other survival strategies are begging, hawking/street vending and working at roadside stalls. Most street-connected children have to work daily. Long working hours, drudgery and exhaustion are the reasons for these children to get attracted to drugs. A substantial proportion of the children spend a part of their earnings on drugs and intoxicants. Being on the street also gives them easy access to drugs, alcohol and tobacco, hence substance abuse is a major problem that these children are prone to. According to a study conducted by the NCPCR with National Drug

Dependence Treatment Centre, the common drugs of use among children and adolescents are tobacco and alcohol, followed by inhalants and cannabis. The mean age of onset was lowest for tobacco (12.3 years), followed by onset of inhalants (12.4 years), cannabis (13.4 years) and alcohol (13.6 years), proceeding to the use of harder substances—opium, pharmaceutical opioids, heroin (14.3–14.9 years)—and other substances through injecting route (15.1 years). In another study, 46.36% of slum-dwelling adolescents used both smokeless and smoking tobacco, in addition to alcohol and cannabis, and started using drugs during their childhood itself. Further, a study brought out by the ASSOCHAM Ladies League on “Situational Analysis of Street Children in Metro Cities”, covering 2,000 children, reveals that children in metros are victims of one or other substance use, including inhalants (35%), alcohol (12%), cannabis (16%), chewing tobacco and *gutka* (16%) and smoking (21%).

Injury and illness are common among the street-connected children. Diarrhoea/loose motions, viral fever and food poisoning are common illnesses that are caused and aggravated by consumption of unsafe drinking water, lack of personal hygiene and open defecation. Most CiSS depend on public sources of water. This includes tap water, hand pumps, wells and water sources at parks, bus stands and railway stations. The CiSS are often more vulnerable to sexual and reproductive health problems, sexually transmitted diseases, HIV/AIDS, unwanted pregnancies and unsafe abortions. It has been seen that sexual and reproductive health problems affect both girls and boys. In addition, the CiSS have a number of psychological problems due to insecurity, and continued anxiety, violation and maladjusted behaviour throughout their lives.

Most of the street-connected children are vulnerable to emotional, physical and sexual abuse due to lack of secure shelter and adult care. It has often been seen that because of a lack of permanent shelter and the fact that the number of CiSS is not recorded in any national survey, they are often called the “hidden children”. Most of the children do not have any identification document, such as birth certificates, and other caste-related or family income certificates, which is the biggest hindrance for children and families in availing benefits of education and other social welfare schemes. Moreover, there is a lack of comprehensive data and evidence due to lack of research studies, mapping and survey of CiSS.

While focus is on children living with family, a specific reference can be made to “children without parental care” or children who are outside the net of family safety.

4. Recognizing and Categorizing Children in Street Situations (CiSS)

The term "street child", used by the Commission on Human Rights in 1994, was developed in the 1980s to describe "any girl or boy...for whom the street (in the broadest sense of the word, including unoccupied dwellings, wasteland, etc.) has become his or her habitual abode and/or source of livelihood, and who is inadequately protected, supervised or directed by responsible adults." At that time, "street children" were categorized as: children *on* the street, who worked on the street and went home to their families at night; children *of* the street, who lived on the street, were functionally without family support but maintained family links; or abandoned children who lived completely on their own.

The terminology has continued to evolve to recognize children as social actors whose lives are not circumscribed by the street. Human Rights Council Resolution 16/12 refers to children working and/or living on the street, and the Committee on the Rights of the Child has adopted the term "CiSS", recognizing that children engage in numerous activities on the street and that if there is a "problem", it is not the child but rather the situations in which s/he finds her/himself.

The JJ Act, 2015, under Section 2(14), has defined children who are in need of care and protection. Therefore, being the principal act governing CNCP, the definitions given in JJ Act, 2015 are being used as working definitions in this SOP.

Definition of Child in Need of Care and Protection

Section 2(14) of the JJ Act, 2015 defines child in need of care and protection as a child:

- (i) who is found without any home or settled place of abode and without any ostensible means of subsistence; or
- (ii) who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or
- (iii) who resides with a person (whether a guardian of the child or not) and such person—
 - (a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or
 - (b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or
 - (c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or
- (iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or
- (v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or
- (vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or
- (vii) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or
- (viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or

- (ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or
- (x) who is being or is likely to be abused for unconscionable gains; or
- (xi) who is child of or affected by any armed conflict, civil unrest or natural calamity; or
- (xii) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnization of such marriage.

Categorization of Children for Appropriate Interventions

Thus, the JJ Act, 2015 covers all categories of children that fall under CNCP. Accordingly, on the basis of the definition and indicators provided in the Act, children of various situations and nature found in street situations can be enumerated to establish the fact that they are indeed CNCP. This would help in deciding appropriate interventions and measures to address the core issues and reasons the children are in street situations.

Defining and identifying CiSS appropriately is crucial to provide them with different sets of interventions and services, as per their circumstances and vulnerabilities. For example, those with parents/guardians on the streets will need a different approach and those who have no contact with families or are abandoned or orphans will require a diverse approach and a distinct set of services. Though SOP2.0 prescribes various measures/steps to be taken to provide care and protection to the CiSS, there will always be a possibility and need for a customized solution depending on the situation. Therefore, keeping in mind the measures provided in SOP 2.0 and the best interests of child, Child Welfare Committees (CWCs) may use their own discretion under the purview of JJ Act, 2015 and other laws related to children.

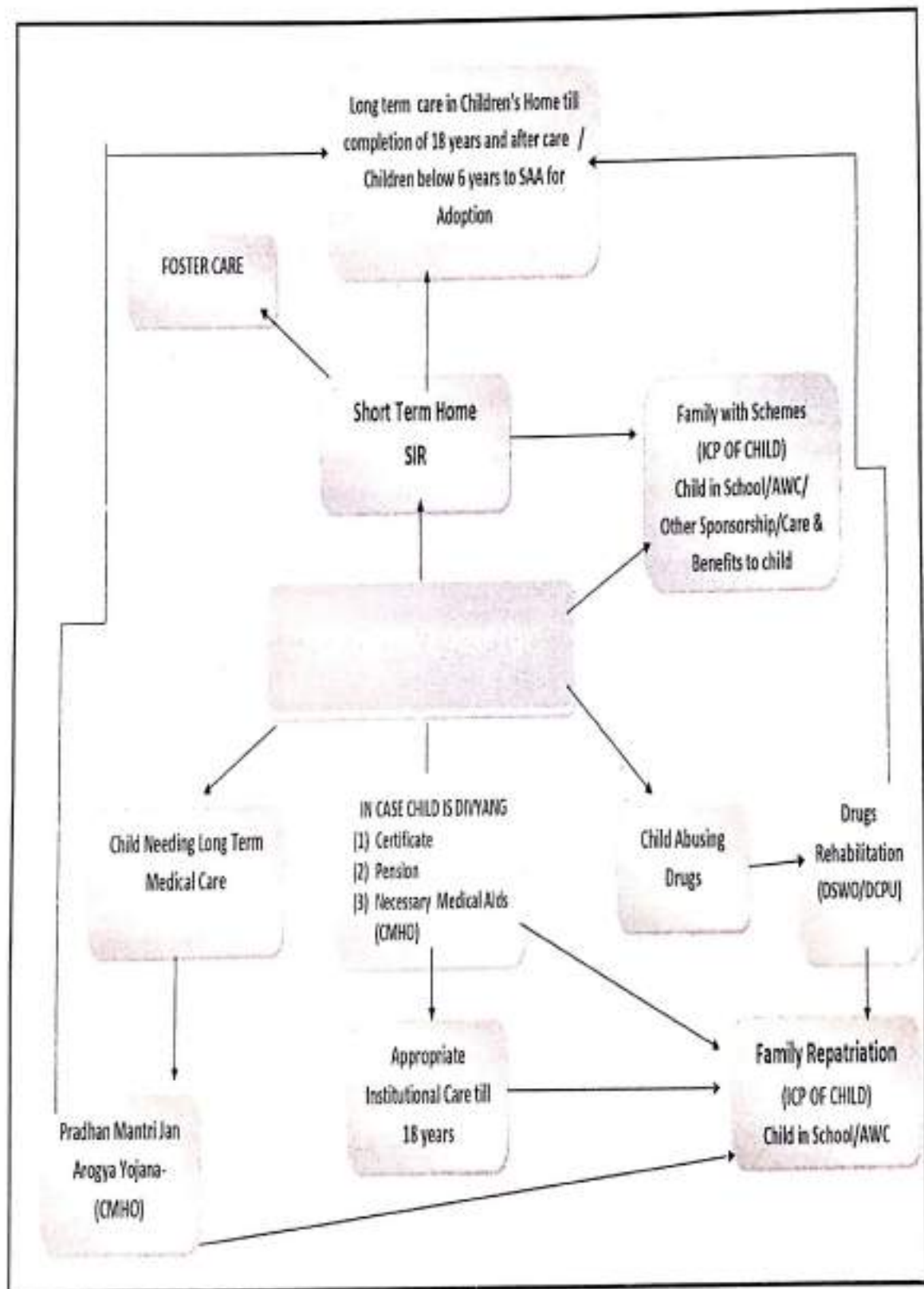
For the understanding and need for interventions, the CiSS may be categorized under three broad types as follows:

1. *Children without support living on the streets all alone:* These are children without any parental anchor or family support system living on the streets, pavements or any public places on their own. For them, street is the home. Examples are missing, runaway, abandoned and orphan children. Some of these children may be *voluntarily not in contact with family*; in other words, these children do not keep contact with parent(s), siblings, relatives or guardians, irrespective of whether they know their whereabouts. They survive on streets by working, begging, selling items/goods, performing on streets or adopting any other means.
2. *Children stay on the streets in the day and are back home in the night with their families who reside in a nearby slum/hutments:* These are children who spend their time on street, loitering in the day time. However, they go home during the night to be with their parents who live in a nearby slum or hutment. These children may be found simply loitering, begging, picking rags or selling goods/items. This set of children lacks parental guidance, as their parents too are struggling for their own survival.
3. *Children living on the streets with their families:* These are children living with their families on the streets. They are from different parts of the country and have migrated to the city to earn their subsistence. They mostly work in the unorganized sector, like temporary labour in construction. These families include seasonal as well as permanent migrants. Children of these families also live on the street with them, mostly loitering, begging, picking rags or doing child labour with their parents, selling goods/items, etc.

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

1. Abandoned child living on the streets: A child deserted by his biological or adoptive parents or guardians and now living on the streets.
2. Abandoned child with disability living on the streets: A large number of children are abandoned by parents due to physical, neurological or mental disability of the child. Many such children are often found in street situations who are mentally challenged or physically challenged/disabled which exacerbates their vulnerabilities much more than other CiSS.
3. Orphan child living on the streets: A child without biological or adoptive parents or legal guardian, or whose legal guardian is not willing to take, or capable of taking, care of the child, now living on the streets.
4. Child labour: Children who are working in contravention of labour laws in the country. It is the system of employing or engaging a child to provide labour or service to any person, for any payment or benefit, paid to the child or to any other person exercising control over the said child. There are children also in street situations who are engaged as child labour.
5. Working children: Children who polish shoes for income; work in eateries, tea stalls, roadside stalls, repair shops, construction sites, markets, etc.; and vendors (selling flowers, newspapers, fruits and other items on the roads/at traffic signals). They depend on these types of work for their survival on a daily basis.
6. Child beggars: Child beggars are those children who are soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretence, or exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal.
7. Rag pickers: Children who pick waste on the roadside or in the premises of railway station, bus terminus or any public places.
8. Children living and working on the platforms of railway stations.
9. Children living and working with families on streets/pavements/bus stands/railway stations/underflyovers, etc.
10. Children living with families in slums/hutments and working on streets; living with families at construction sites.
11. Children of commercial sex workers/children living in red light areas loitering on the streets.
12. Children loitering on the beach/living on the beach (with or without families) in tourist hotspots.
13. Children in sibling care: the CiSS themselves are CNCP; take care of their siblings who live on streets.
14. Children who are substance abusers living on the streets.
15. Children performing on the streets.
16. Children cleaning automobile windscreen, etc.

POSSIBLE SCENARIO WHEN A CHILD IS PRODUCED BEFORE THE CWC



5. Procedures to be Followed to Ensure Care and Protection of CiSS

Considering the range of care and protection measures, principles to be followed and definitions for all types of children, authorities and stakeholders provided under the JJ Act, 2015; the spirit of the Act is to bring all children needing care and protection into the ambit of this Act. The CWC is the focal authority to take decision on children needing care and protection under the purview of the Act. Therefore, effort should be made to produce all children who are CNCP, including CiSS, before the Committee. Once a child is brought into the protection mechanism, the child can lead a better life. Indeed, it is the right of a child to lead a better life and the effort to bring the child to the CWC gives this opportunity to the child.

One of the measures need to be considered is to ensure a suitable facility where there is no children home and the SIR and ICP of the children rescued is taking time. This can be done by declaring a suitable place as fit facility as per provision under Section 51 of the JJ Act, 2015. The District authority may like to look for a suitable public place/charitable place/hostel/dharamshala/vacant government quarters in a government employees colonies/school building etc. and explore the involvement & support from the departments such as Social Welfare, Education, Local Authority (Panchayat/ Municipality), Tribal Welfare, Health or any such Department to ensure the temporary arrangements suitable to the children are made including the provision of Home Guard/s for their security for the time being.

Production of Child before the CWC

The principle adopted and reflected in JJ Act, 2015, that any child/children who come under the category of CNCP is to be produced before the CWC, is established under Section 27 of the Act. It may be noted that under the juvenile justice system, there are two categories of children, namely, children in conflict with law (CICL) and children in need of care and protection(CNCP), to be dealt by the Juvenile Justice Board (JJB) and Child Welfare Committee (CWC), respectively.

According to JJ Act, 2015, Section 31(1):

Any child in need of care and protection may be produced before the Committee by any of the following persons, namely:—

- (i) any police officer or special juvenile police unit or a designated Child Welfare Police Officer or any officer of District Child Protection Unit or inspector appointed under any labour law for the time being in force.[This definition is expanded to include the "police beat officer/constable" in urban areas and, as a measure of gatekeeping, can include the *chowkidar* in the rural set-up. It also includes the Railway Police in this version of the SOP.]
- (ii) any public servant;
- (iii) Childline Services, or any voluntary or Non-Governmental Organization or any agency as may be recognized by the State Government;
- (iv) Child Welfare Officer or probation officer;
- (v) any social worker or a public spirited citizen; or
- (vi) by the child himself; or
- (vii) any nurse, doctor or management of a nursing home, hospital or maternity home,

Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.

Information, Preparation and Reporting

1. Anybody, including a spirited citizen, Childline, Child Welfare Police Officer (CWPO), District Child Protection Unit (DCPU), inspector appointed under labour laws, police, social worker, public servant, Child Welfare Officer (CWO), Non-Governmental Organization (NGO) official, nurse, doctor or management of hospital, workers in their official capacity or personal capacity as a spirited citizen having information of CiSS can produce a child before the concerned CWC, as provided under Section 31(1), or can share the information with Childline-1098 for the same purpose.
2. As provided under Section 30(xii) of the JJ Act, 2015, CWC having information on CiSS under their jurisdiction may reach out to these children (as they are in need of care and protection), who are otherwise not produced before the Committee, with the decision by at least three members.
3. Based on information for the purpose of producing before the CWC and rehabilitation of CiSS, statutory bodies, like NCPCR, SCPCR and district child protection mechanism, can constitute teams for conducting survey or adopt any other means to collect information/data on CiSS and carry out rescue operation within the ecosystem created by JJ Act, 2015, as well as other applicable acts and provisions. The concerned CWC must be informed of such operation, which is to be carried out in consultation with the CWC.
4. As provided under Section 31 regarding a public spirited citizen, it may be mentioned that Article 51 of the Constitution of India prescribes the fundamental duties of a citizen to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement. Accordingly, in the context of CiSS, all spirited citizens having information on such children should bring to the notice of police or inform Childline-1098 service for producing the child before CWC to ensure its care and protection.
5. In case of a rescue effort, if the number of children rescued is more and transportation/movement is a problem, the CWC may reach out (instead of waiting for the children to be reported to them) to the children so as to ensure their suitable placement.

Production of the Child before CWC and Initial Process

The child shall be produced before the CWC within 24 hours of his/her rescue, as given under Section 31 of the JJ Act, 2015. Accordingly, each child in street situations is to be reported to the CWC.

Inquiry about the Children Produced to CWC

As per the provision provided under Section 36(1) of the JJ Act, 2015, CWC upon production of a child shall hold an inquiry on the situation of the child. The Committee is to make preliminary inquiry from the child and/or from the individual/agency/organization/stakeholders producing the child regarding the place and the circumstances under which the child was found/ contacted, and the whereabouts of the family.

In Case the Child is Alone in the Street Situation

1. In case of the child living alone, the Committee on being satisfied through the inquiry that the child before the Committee is a CNCP, may, on consideration of social investigation report (SIR), exercise its discretion for the restoration of the child to parents or guardian under Section 37(1 and 1[b]), Section 39(1) and Section 40(3), Section 37 (1.h) of the JJ Act, 2015.

2. Through the inquiry, if it is found that the child is living alone and through SIR, it has been established that the child could not be restored with the family or could not also be declared free for adoption, the child may be provided long-term institutional care till the completion of 18 years and after that, financial support (as per Section 46 of JJ Act, 2015) may be provided till the age of 21 years in order to facilitate the child's re-integration into the mainstream of society.

In Case the Child is Living with his Family in the Street Situation

1. If the child is found to be living with his family on the street and it is a migrant family which has come to the city due to lack of means for subsistence, adopting the livelihood option of doing odd jobs, begging or selling products on the streets, or even does some other work involving children or not, but attracts the provisions provided under JJ Act, 2015 mentioned above, the DCPU may visit the family and prepare the SIR to present the family situation. It is also important that the family is counselled by DCPU/CWO/social worker/NGO/community-based organization (CBO) representative to explain to them the various reasons why the child should not be on the streets. If the family doesn't find any possible means of being in the city except on the street and they want to go back to their native place, considering the safety of the child and dignity of the family, all possible steps may be taken to rehabilitate the family to their native place. Therefore, keeping in mind the best interests of the child, CWC may consider writing to the CWC of the concerned district the family belongs to, or to the District Magistrate, to provide sponsorship for the child - if the child is eligible for sponsorship under Section 45 of the JJ Act and ensure basic facility and appropriate benefits under various schemes of the Government (both Central and State Government as listed in Section 9 – Table – 12-A & 12-B) are provided to the family so that the family does not put their children at risk. For successful rehabilitation, the following steps may also be ensured:

- (i) at the native place, the Village Level Child Protection Committee (VLCPC), with the panchayat, should also help the family to access the benefits under the Government schemes;
- (ii) VLCPC/school management committee (SMC)/local body should ensure that the child is enrolled in Anganwadi or school; and
- (iii) CWC may assign or request a local NGO/CBO for further support to the child, as per need, and to carry out family strengthening programme (the details of scheme are provided in Annexure).

2. However, on the basis of SIR, if it has been established that the family is unable to go back to their native home due to certain reasons, or is unable to go back to their native home for the time being, the CWC shall recommend for the child is to be enrolled at the Anganwadi Centre or in a school, as well as provide open shelter facility available in the area.

3. The CWC shall also recommend that the family may be provided night shelter or "Rain Basera" in the area by the urban local body (ULB) or district administration as per the administrative jurisdiction.

4. If it is found that the child is living on the street and begging with his parents or parents do any other odd jobs and cause their child to beg on street, the CWC shall order CWO/DCPU for counselling of the family and conducting social investigation. In case CWC views that the family is unduly (without any circumstances which are beyond their control) engaging their child for begging or cause for begging with criminal or professional intent, legal action may be initiated against such parents as per provisions provided under Section 76, "Employment of child for begging" (JJ Act, 2015).

In case of a child whose parents are not taking care of the child, CWC may assess the family and if it is found that such parent or guardian is unfit or incapacitated to take care for and protect the safety and well-being of the child, the child may be sent to institutional care as a last resort, after sufficient inquiry. However, removal

of child from the custody of the family should not be automatically ordered, unless there are grave circumstances to do so.

5. In case it is found that or the CWC doubts that the guardians or family actually are not biological parents or guardians, it shall request for further police investigation to find out the truth, with a copy to Anti Human Trafficking Unit (AHTU)/SCPCR. In addition, if the child mentions that he/she is controlled by any other person or group of persons, the police is to carry out further investigation into the matter and suitable action under JJ Act, 2015 shall be initiated immediately. Further, the Committee, on being satisfied through the inquiry that the child before the Committee is a CNCP, may, on consideration of SIR, exercise its discretion for the restoration of the child to parents or guardian under Section 37(1 and 1(b)), Section 39(1) and Section 40(3) of the JJ Act, 2015. In case the child could not be restored to the family, CWC may order for placement of the child into a children's home or fit facility/placement of the child with fit person with or without sponsorship or in a foster care. The CWC may also appropriately initiate process of declaring a child legally free for adoption under Section 38 of the JJ Act, 2015.

6. If it is found that the child is on the street during the day time and goes back to the family in the evening that stays in a nearby slum/hutment area, the child is to be enrolled for education and nutrition either in a school or Anganwadi Centre depending on his age. In case the child is under 6 years of age, he/she is to be enrolled in Anganwadi or crèche available in the locality; and in case the child is above 6 years of age, he/she is to be enrolled in a nearby school. In addition, the child should attend an open shelter in order to use the free time, rather than be on the street. It may be mentioned that an open shelter shall function as a community-based facility for children, with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets. Thus, the open shelter is meant for such children living in street situation with their families. Subsequently, on the basis of SIR, individual care plan (ICP) of the child is to be prepared and monitored by the DCPU.

7. In case there is no facility of an open shelter, as per provision provided under Section 51 of the JJ Act, 2015, CWC, in consultation with the District Magistrate, shall recognize a facility being run by a Government organization, or a voluntary or Non-Government Organization or a school building as a fit facility for the time being to run an open shelter for such children till the facility of a permanent open shelter starts. This open shelter shall function according to the provisions provided under Section 43 of the JJ Act, 2015. The NGOs/CBOs working in the region that have experience of working with children can provide food, education, skill building, recreation facility, playing and games to improve the quality of services to these children.

In Case the Child is Working

1. In case the child in street situation is found to be picking waste, working in a roadside tea stall/fruit cart, selling newspapers, balloons, pens, pencils, etc., are acts of child labour. It may be noted that as per the W.P.(CRL) No. 2069/2005 filed by Save the Childhood Foundation, the Hon'ble High Court of Delhi, in its judgment dated 5 November 2014, has mentioned that "all enforcement agencies should understand Child Labour as meaning the system of employing or engaging a child to provide labour or service to any person, for any payment or benefit, paid to the child or to any other person exercising control over the said child". According to this definition, person who is buying the scraps/whatever collection from the child or engaging children in such activities mentioned is to be booked under the contravention of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and provisions under Child Labour (Prohibition and Regulation) Amendment Rules, 2017 as well as Section 79 of the JJ Act, 2015.

2.If the person receiving the scraps/whatever collection from the child or who has engaged children and is giving narcotic substance instead of money or along with the money, action may be initiated under Section 77 of the JJ Act, 2015 that states: "Whoever gives, or causes to be given, to any child any intoxicating liquor or any narcotic drug or tobacco products or psychotropic substance, shall be punishable with rigorous imprisonment for a term which may extend to seven years and shall also be liable to a fine which may extend up to one lakh rupees."

In any case if a person is purchasing scraps/whatever collection from a child, action must be initiated under the relevant Sections of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986; Section 79 of the JJ Act, 2015; and any other laws applicable for this matter.

3.If it is observed in certain cases that the same person receiving the scraps/whatever collection from the child or who has engaged children and is giving narcotic substance instead of money or along with the money, also exploits the child sexually, action may be initiated under Section 77 of the JJ Act, 2015 for giving narcotics and also, to be tried under POCSO Act for sexual offence.

4.When a child in street situation is also a substance abuser and is produced before the CWC, the CWC shall immediately send the child to a fit facility identified for care, detoxification, treatment and rehabilitation of such children. Girl substance abusers should be sent to "fit facility" exclusively for girls. The CWC should direct the DCPU and district administration to create such facility for drugs de-addiction in an appropriate institution or in an appropriate manner. In case there is unavailability of such institution or any appropriate facility of the Government, it shall be the responsibility of the District Magistrate to refer the child to the other district or to a private institution, in which case the District Magistrate would arrange the required resources.

6. Child Beggars; Children Begging on Streets are a Major Category of Children Living in Street Situations

A large number of children are found begging on the streets. "Child begging on the street" shall be understood to mean a child soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, under any pretence, and exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal (Section 2(8)(i) and (ii) of JJ Act, 2015).

Bombay Prevention of Begging Act, 1959, which also extends to the whole of the National Capital Territory (NCT), Delhi, provides a wider aspect of begging. For the purpose of this SOP, which will also be implemented in Delhi, we will also use the definition of begging in the larger context. Under the Bombay Prevention of Begging Act, 1959, "begging" means:

- (a) Soliciting or receiving alms, in a public place whether or not under any pretence such as singing, dancing, fortune telling, performing or offering any article for sale;
- (b) entering on any private premises for the purpose of soliciting or receiving alms;
- (c) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or diseases whether of a human being or animal;
- (d) having no visible means of subsistence and wandering, about or remaining in any public place in such condition or manner, as makes it likely that the person doing so exist *[sic]* soliciting or receiving alms;
- (e) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms; but does not include soliciting or receiving money or food or given for a purpose authorized *[sic]* by any law, or authorized in the manner prescribed by (the Deputy Commissioner or such other officer as be specified in this behalf by the Chief Commissioner).

It has been observed that, in India, there are families who have been begging on street traditionally. To make begging a part of their profession, they migrate to the cities as seasonal migrants. These families generally beg on buses or trains and public places. There should be a study to understand their background, reasons and various aspects as to how they have made begging a profession.

The NCPDR conducted a rescue operation on 10 June 2019 on pilot basis to rescue children begging on streets, especially in the area of Janpath, New Delhi. The broad objectives of the initiative were: (i) to identify children begging on the streets of Delhi; (ii) to provide appropriate rehabilitation measures to the children found to be begging; (iii) to identify the parents or legal guardians who have engaged children for begging; (iv) to take appropriate legal action against the perpetrators; (v) to sensitize all the appropriate authorities and stakeholder agencies on the issues of child beggars and involve them in the process of addressing those issues in Delhi; and (vi) to ensure that children who are into begging in the territory of Delhi are provided education and involved in developmental programmes for their overall growth and well-being and ultimately, make Delhi free of child beggars.

Before the pilot initiative, a meeting was conducted with all authorities, stakeholders, police, NGOs, etc., and a spot survey was also carried out prior to the rescue operation on 4 and 6 June 2019. The areas identified for conducting rescue operation covered Janpath, Chandralok Building, Palika Bazaar, Jantar Mantar, Bangla Sahib Gurudwara, Hanuman Mandir, Barakhamba Road, Connaught Place-Inner Circle and Shankar Market. A preliminary meeting was organized to plan for rescue on 9 June 2019 with the District Magistrate, New

Delhi, Deputy Commissioner of Police, New Delhi, Deputy Commissioner of Police, 3rd Battalion, CWC-IX, District Child Protection Officer, District Labour Commissioner, Medical Superintendent, Ram Manohar Lohia Hospital, and Director-Principal, Lady Hardinge Medical College.

Under this initiative, 62 children were rescued, most of them with their families, and all of them have been rehabilitated successfully. However, one family, which is a habitual offender and professional beggar, has been noted for coming back to the street for begging. This family lives at a nearby place and comes to the street during the day for begging.

7. Suggested Procedures Regarding Aadhaar Card for CISS

What is Aadhaar?

Aadhaar number is a 12-digit random number issued by the Unique Identification Authority of India (UIDAI; hereafter, Authority) to the residents of India after satisfying the verification process laid down by the Authority. Any individual, irrespective of age and gender, who is a resident of India, may voluntarily enroll to obtain the Aadhaar number. The person willing to enroll has to provide minimal demographic and biometric information during the enrolment process, which is totally free of cost.

In respect to vulnerable population, including marginalized families and children, Aadhaar is a strategic policy tool for social and financial inclusion, public sector delivery reforms, managing fiscal budgets, increasing convenience and promoting hassle-free people-centric governance. Aadhaar can be used as a permanent financial address and facilitates financial inclusion of the underprivileged and weaker sections of the society; therefore, it is a tool of distributive justice and equality. The Aadhaar identity platform is one of the key pillars of "Digital India", wherein every resident of the country is provided with a unique identity.

Enabling Provision under Aadhaar Act, 2016

Special measures for issuance of Aadhaar number to certain category of persons is dealt with in Section 5: "The Authority shall take special measures to issue Aadhaar number to women, children, senior citizens, persons with disability, unskilled and un-organised workers, nomadic tribes or to such other persons who do not have any permanent dwelling house and such other categories of individuals as may be specified by regulations."

Therefore, keeping in view the spirit of the Aadhaar initiative of Government of India—which is a facility limited to residents of India; due diligence must be carried out while recommending or starting procedure for new Aadhaar card. Since it is an exercise with responsibility and accountability, following measures are suggested to follow while making Aadhaar card.

1. Children belonging to the families who live in slums/hutments: Aadhaar card may be made as per records and documents available of their families.
2. Children who have no family and are in long-term care at the children home: Aadhaar card may be made as per provision of the Aadhaar Act.
3. Children of migrant labour living on streets: Aadhaar card may be made as per records and documents available of their families.
4. Children who have no document, the documents of the family would be valid.
5. The matter pertaining to Aadhaar card for the street families may be decided by the Competent Authority, as provided under the Aadhaar Act, 2016 and ruling of Hon'ble Supreme Court on W.P. (Civil) No. 494 of 2012, connected to "Aadhaar card", dated 26 September 2018.
6. Biometric verification may be made mandatory for every child found alone or if CWC has apprehension that the guardian/family of the child may not be biological.
7. Possibility for age determination test and issuing of birth certificate/age certificate and Aadhaar card for such children so that they can be linked with public distribution system (PDS) and other social protection schemes.

8. Suggested Measures to Deal with Various Categories of CiSS

The measures have been suggested keeping in mind the provisions provided under the laws related to children, primarily the JJ Act, 2015 and Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, provisions of various compensations to the victims and benefits provided under various schemes and programmes. The basic premise upon which these suggestions are formed is that "children as well as the families should not be in street situations". In support of this, one of the most enabling provisions to be highlighted is the "open shelter" under Section 43 of the JJ Act, 2015, which, as mentioned earlier, shall function as a community-based facility for children with the objective of protecting them from abuse or weaning them, or keeping them, away from a life on the streets. The open shelter is meant for children living in street situation with their families, therefore effort has also been made to link with such provisions to deal with the issue of children and families living in street situations.

Table 1: If the Child is Alone in Street Situation

S.No.	Interventions/Measures	How	Who
1	Production of child before CWC.	Any person having information about CiSS or who comes across a child in street situation can produce the child before the CWC, with or without the help of Childline, juvenile police, CWO or any NGO.	As provided under Section 31 of JJ Act, 2015, any person or statutory bodies, like NCPCR, SCPCRs and district child protection mechanism, or any team formed by them for the purpose of care and protection of CiSS.
2	Temporary shelter.	On the order of CWC, suitable temporary shelter to be provided to the child.	DCPU and the organization running open shelter identified by the DCPU.
3	Social investigation report (SIR).	DCPU would conduct social investigation through conversation and counselling of the child.	DCPU
4	Counselling and identification of the child using Aadhaar technology.	On the order/request of CWC, child shall be taken to a nearby Aadhaar Seva Kendra.	By police, DCPU/CWO.
5	Counselling and restoration of the child who has family outside the city and CWC initiates process for restoration with his family.	On the order of CWC, the child would be restored with his parents or guardian or family, with supervision of the CWC or social workers.	By DCPU/social worker; female police/constable in case of a girl child.
6	Child who could not be repatriated, full-term care with ICP till 18 years of age for him/her; and rehabilitation and social integration from age 18 to -21 years. CWC may also appropriately initiate process to declare a child legally free for adoption under Section 38 of the JJ Act, 2015 for full-term care.	CWC may order for placement of the child into a children's home or fit facility/ placement of the child with fit person with or without sponsorship or in a foster care with ICP.	DCPU on the order of CWC.

Table 2: If Child has No Family or No Link with the Family or Family Who are Incapacitated

S.No.	Interventions/Measures	How	Who
1	Production of child before CWC.	Any person having information about CiSS or who comes across a child in street situation can produce the child before the CWC, with or without the help of Childline, juvenile police, CWO or any NGO.	As provided under Section 31 of JJ Act, 2015, any person or statutory bodies, like NCPDR, SCPCRs and district child protection mechanism, or any team formed by them for the purpose of care and protection of CiSS.
2	Temporary shelter.	On the order of CWC, suitable temporary shelter to be provided to the child.	DCPU and organization running open shelter identified by the DCPU.
3	Social investigation of the family.	The CWO would conduct social investigation through conversation and counselling of the child.	DCPU
4	Counselling and identification of the child using Aadhaar Technology	On the order/request of CWC, child shall be taken to a nearby Aadhaar Seva Kendra.	By police, DCPU/CWO.
5	If child has no family or family could not be traced, full-term care with ICP till 18 years of age; and rehabilitation and social integration from age 18-21 years.	CWC may order for placement of the child into a children's home or fit facility/ placement of the child with fit person with or without sponsorship or in a foster care. CWC may also appropriately initiate process of declaring a child legally free for adoption under Section 38 of the JJ Act, 2015.	DCPU on the order of CWC.
6	If a child has a parent or guardian and such parent or guardian is found to be unfit or incapacitated to take care for and protect the safety and well-being of the child, the child may be sent for full-term care with ICP till 18 years of age; and rehabilitation and social integration from age 18 to 21 years.	CWC may declare the family as incapacitated and order for placement of the child into a children's home. Efforts can be made to send back the child after interim and temporary support services. CWC may also explore the suitability and eligibility for sponsorship under Section 45 of JJ Act, 2015	DCPU and organization running children's home identified by the DCPU.

Table 3: If the Child has Family that Lives in the Nearby Slum/Hutment

S.No.	Interventions/Measures	How	Who
1	Production of child before CWC.	Any person having information about CiSS or who comes across a child in street situation can produce the child before the CWC, with or without the help of Childline, juvenile police, CWO or any NGO.	As provided under Section 31 of JJ Act, 2015, any person or statutory bodies, like NCPCR, SCPCRs and district child protection mechanism, or any team formed by them for the purpose of care and protection of CiSS.
2	Family counselling.	On the order of CWC, the DCPU/CWO would visit the family staying in the nearby slum/hutment for counselling.	DCPU/CWO (may take the help of NGOs working on child protection issues in the area).
3	Social investigation of the family.	On the order of CWC, during the visits to the family, CWO would prepare the SIR.	DCPU/CWO (may take the help of NGOs working on child protection issues in the area).
4	Enrolment of the child in school or Anganwadi Centre/crèches.	In case the child is not enrolled, on the order of CWC, DCPU/CWO to identify school or Anganwadi/crèches in the area for admission as per the age of the child. Education department must be informed about the child/children for their enrolment and education.	DCPU/CWO (may take the help of NGOs working on child protection issues in the area).
5	Enrolment in open shelter available in the area.	To refrain the child to be on street, on the order of CWC, the child may be enrolled in an open shelter available in the area. In case there is no open shelter available, DCPU, with district administration, to identify and declare a fit facility as open shelter.	DCPU/CWO (may take the help of NGOs working on child protection issues in the area).
6	Individual care plan (ICP)	On the order of CWC, ICP may be prepared for all such children by visiting their houses.	DCPU/CWO (may take the help of NGOs working on child protection issues in the area).
7	Family strengthening with schemes as per findings of SIR.	CWC on the basis of SIR would request the district administration to provide benefits under different schemes. DCPU would follow up with the district administration.	CWC, district administration, DCPU.

*Note: A list of schemes for family is available at Section 9-Social Rehabilitation of CiSS and Family Strengthening Table-12-A & 12-B of this SOP *.*