

Government of Punjab  
Department of Social Security and Women & Child Development  
(Social Security Branch)

**NOTIFICATION**

Dated, Chandigarh 17.11.2015

No. 5/17/2015-1SS/626465 The Governor of Punjab is pleased to framed new Guidelines (Copy attached) under the Juvenile Justice (Care & Protection of Children) Act 2000 and section 39 of the Protection of Children from Sexual Offences Act, 2012, under prevention of child abuse, for different stake holders associated with the pre-trial and trial stage to assist the child.

Dated, Chandigarh

23.10.2015


**Jaspal Singh, IAS**

Secretary to Govt. of Punjab  
Department of Social Security and  
Women & Child Development.

Endst.No.5/17/2015-1SS/626465/4 Dated, Chandigarh 11/11/2015

A copy is forwarded to the following for information & necessary action:-

1. The Chief Secretary to Government of Punjab, Chandigarh.
2. The Deputy Secretary, Government of India, Ministry of Women & Child Development (Child Welfare-I Section), Shastri Bhawan, New Delhi.
3. Registrar, Punjab and Haryana High Court, Chandigarh
4. ✓ Director, Social Security and women & Child Development, Punjab, Chandigarh.
5. Director General School Education, Punjab Chandigarh.
6. All Civil Surgeon of Punjab State through Director, Health and Family Welfare Department.
7. All Chairpersons of Child Welfare Committee of Punjab State through District Programme Officer.
8. All Senior Superintendent of Police and Police Commissioner of Punjab State through Additional Director General of Police (Crime).
9. Hon'ble Judges, Special Court created under Protection of Children from Sexual Offences Act, 2012.
10. All District Child Protection Officers of Punjab State.
11. All Government/Non-Government Organizations working for Child Welfare.

  
Deputy Secretary, Social Security

Dated, Chandigarh

Endst.No. 5/17/2015-1SS

A copy is forwarded to controller, Printing and Stationary, Punjab, Chandigarh with two spare attested copies with the request to notify in the Punjab Govt. Gazette (ordinary) and send 100 spare copies to Government.

- Sd -

Deputy Secretary, Social Security

**Guidelines for the Prevention of Child Abuse**

**The Protection of Children From Sexual Offences Act, 2012**

**Introduce By :**

**Social Security and Women & Child Development Department, Punjab**

**Head Office, SCO: 102-103, Sector- 34 A, Chandigarh**

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# Guidelines for the Prevention of Child Abuse

## 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 defenseless sections of the community. World Health Organization defines child abuse as *“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”*.<sup>1</sup>

Nonetheless, we know that for various social and cultural reasons, children and adolescents suffer violence in the home, at school, in legal and child protection systems, at work and in the community. Thus, children and adolescents are abused precisely in those spaces and places which should offer them protection, affection, developmental stimulation, shelter and promotion for their rights.

It has been observed that reports of physical and sexual abuse of children made by different institutions in sectors like Health and Education, or by family members themselves, are increasing every year. This does not necessarily mean an increase in case; rather, it likely reflects an increase in social awareness of the problem, the promulgation of laws for the protection of children and punishment of violence and the implementation of more accessible and efficient mechanisms for handling complaints.

Child abuse constitutes a violation of the most basic rights of children and adolescents, which are enshrined in the Universal Declaration of Human Rights. All persons under the age of 18 have the right to physical and psychological integrity and to protection from all forms of violence.

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<sup>1</sup>World Health Organization(1999): Report of the Consultation on Child Abuse Prevention; Geneva

In India, Child Abuse occurs in various spaces including the home, neighborhood, 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.

Educational institutions/schools can help in preventing the creation of future abusive behavior in children by inculcating in them the right attitudes and ensuring they have access to the correct information, particularly around gender, health and myths that shroud abuse.

### Definitions

In these guidelines, unless the context otherwise requires-

- (a) **“Act”** means the Juvenile Justice (Care & Protection of Children) Act, 2000
- (b) **“best interest of the child”** means a decision taken to ensure the physical, emotional, intellectual, social and moral development of a child.
- (c) **“child”** means any person below the age of 18 years.
- (d) **“child abuse”** means any form of maltreatment inflicted on a child including physical abuse, sexual abuse and emotional abuse.
- (e) **“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.
- (f) **“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.
- (g) **“every person”** means any person above the age of 18 years who is in a position of responsibility, authority, and trust over a child.
- (h) **“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.

(i) "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.

(j) "Institution" means all formal, non-formal, registered or unregistered organizations founded for a religious, charitable, educational, professional, commercial, social or any other 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) Any institution or infrastructure which is established and maintained for the reception, care, education and development of children
- e) Immoral Traffic (Prevention) Act, 1956
- f) Maternity Benefit Act, 1961
- g) Medical Termination of Pregnancy Act, 1971
- h) The Transplantation of Human Organs Act, 1994
- i) Mental Health Act, 1987
- j) Orphanages and other Charitable Homes (Supervision and Control) Act, 1960.

## **CONSTITUTIONAL AND LEGAL PROVISIONS**

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

**A. 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.

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

**C. 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.

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

**E. 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.

### **CURRENT MEASURES TO COMBAT CHILD ABUSE**

#### **A. 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.

Section 19 also makes it mandatory upon any person who has an apprehension that an offence is likely to be committed, to report the same to the local police.

Section 19 states that:

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 any person (including the child), who has 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.



2) Every report given under sub-section(I) shall be –

- (a) ascribed an entry number and recorded in writing;
- (b) be read over to the informant;
- (c) shall be entered in a book to be kept by the Police Unit.

(3) Where the report under sub- section (I) is given by a child, the same shall be recorded sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(5) Where the special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall after recording the reasons in writing, make immediate arrangement to give him such care and protection (including admitting the child into shelter home or to the nearest hospital) within twenty-four hours of the report, as may be prescribed.

(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no special Court has been designated, to the court of session, including need of the child for care and protection and steps taken in this regard.

(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section(I).

Similarly section 21 states that:

(1) Any person, who fails to report the commission of an offence under sub-section (I) of section 19 or section 20 or who fails to record such offence under sub-section (2) of section 19 shall be punished with imprisonment of either description which any extend to six months or with fine or with both.

(2) Any person, being in-charge of any company or an institution (by whatever name called) who fails to report the commission of an offence under sub-section

1) of section 19 in respect of subordinate under his control, shall be punished with imprisonment for a term which may extend to one year and with fine.

(3) the provisions of sub-section (1) shall not apply to a child under this Act.

## **B. Juvenile Justice (Care & Protection of Children) Act 2000 – Specific preventive provisions**

- Segregation of children in residential facilities according to their age;
- Provisions to create effective linkages between government, non government organisations and community agencies;
- Standards of care for the physical infrastructure in place;
- Ensuring that the environment should be free of abuse;
- Having Management Committees and Children's Committees to document the concerns of children and report them;
- Prevention of abuse and ensuring the staff are aware of what constitutes abuse and how to respond effectively;
- State and District Child Protection Units to ensure the effective implementation of the Act;
- Duties, role and responsibilities of the staff including their training.

## **C. The Right of Children to Free and Compulsory Education Act, 2009**

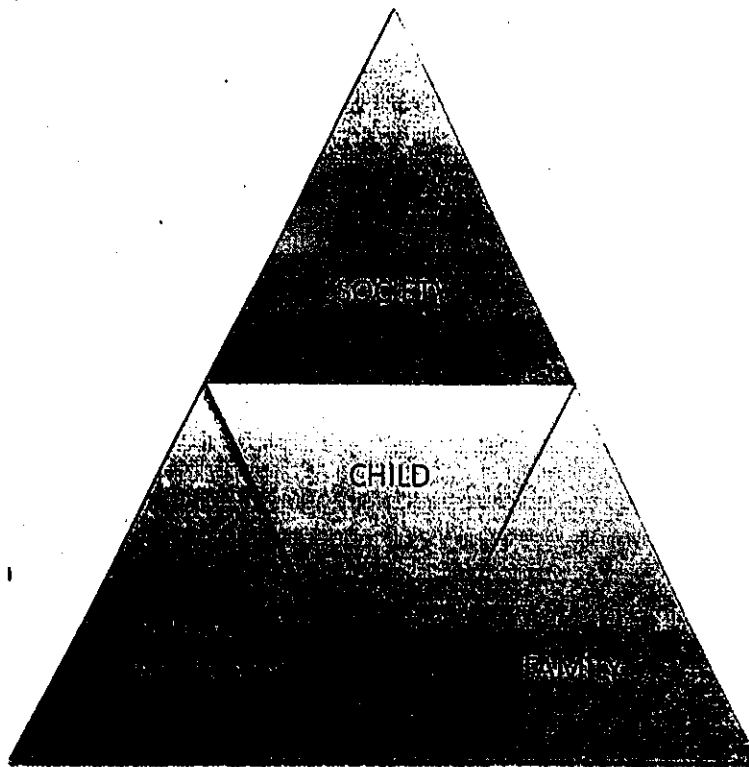
While the RTE Act does not deal with the question of Child Abuse in particular, it is evident that children must be protected in order to fully partake of a quality education process. Section 17 of the RTE Act 2009 prohibits "physical punishment" and "mental harassment". Government of Punjab has also notified that No physical, corporal punishment or mental harassment shall be caused to any child in any school situated in the State of Punjab vide notification no. 02/04/2Ed-7/2010/7212 dated 16-8-2010.

## 2. The Child Labour (Prohibition And Regulation) ACT, 1986

Employment of children below 14 and 15 years in certain prohibited employments had been prohibited by various Acts but there was no procedure laid down in any law for deciding in which employments, occupation or processes the employment of children should be banned. There was also no law to regulate the working conditions of children in most of the employments where they were not prohibited from working and were working under exploitative conditions. Accordingly it was decided to enact comprehensive laws on the subject. To achieve this objective the Child Labour (Prohibition and Regulation) Bill was passed by both the Houses of Parliament and received the assent of the President on 23rd December, 1986. It came on the Statute Book as THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986 (61 of 1986). This Bill intended to

- (i) ban the employment of children, i.e., those who have not completed their fourteenth year, in specified occupations and processes;
- (ii) lay down a procedure to decide modifications to the Schedule of banned occupations or processes;
- (iii) regulate the conditions of work of children in employments where they are not prohibited from working;
- (iv) lay down enhanced penalties for employment of children in violation of the provisions of this Act, and other Acts which forbid the employment of children;
- (v) to obtain uniformity in the definition of "child" in the related laws.

# RATIONALE BEHIND THE GUIDELINES



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 and various institutions whose responsibility 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 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 behaviors. 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. Educational institutions can also help in preventing the creation of future abusive behavior in children by inculcating in them the right attitudes and ensuring they have access to the correct information, particularly around gender, health and myths that shroud abuse.

## SCOPE OF THE GUIDELINES

### **A. Rule 31, Juvenile Justice (Care & Protection of Children) Act, 2000 - 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/schools abide by the guidelines issued from time to time by Central Government and State Government”.

### **B. Rule 60(1) Juvenile Justice (Care & Protection of Children) Act, 2000 - Abuse and exploitation of the juvenile or child**

“Every institution/school 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”.

# 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.

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 recognize symptoms of potentially abusive situations.

## GUIDING PRINCIPLES

### **1. Principles to be followed in the administration of these guidelines**

A. The State Government, the Juvenile Justice Board, Social Security Women and Child Development Department, Health Department, Department of Home Affairs, the Child Welfare Committee, the Education Department, 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.

**B. The following principles shall, inter alia, be fundamental to the application, interpretation and implementation of these guidelines:-**

- **Best interest of the child:** 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. In all actions, processes and decisions taken to prevent Child Sexual Abuse the best interest of the child shall be the primary consideration.
- **Safety:** For ensuring safety of children, restrictive and coercive measures shall not be resorted.
- **Non stigmatizing decisions & actions:** All initiatives should strive to reduce the stigma and taboo around child abuse and sexual abuse.
- **Empowering Children:** Children's participation in peer to peer sharing and learning shall be encouraged in all settings and they shall be assisted by all possible means.
- **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.
- **Zero Tolerance:** There will zero tolerance of child abuses.
- **Prohibition of publication of name, etc., of juvenile involved in any proceeding under the Act.- (1)** No report in any newspaper, magazine, news-sheet or visual media of any inquiry regarding a juvenile in conflict with law under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the juvenile nor shall any picture of any such juvenile be published:

Provided that for reasons to be recorded in writing the authority holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the interest of the juvenile.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine, which may extend to one thousand rupees.<sup>2</sup>

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<sup>2</sup> Juvenile Justice (Care and Protection of Children) Act, 2000

## **2. RECRUITMENT PROCESS**

- No candidate convicted under child abuse or sexual abuse should be recruited for any position within an institution/school. In furtherance of the same, all selected candidates must provide a signed undertaking to the institution/school that they have not been convicted of offences under POCSO and any other sexual crimes under any other Act for the time being in force. A thorough investigation shall be conducted by the institution/school into the prior employment and engagement of the person.

## **3. CHILD PROTECTION SAFEGUARDS**

- Complaints mechanisms for children must be established and made known to children and their parents/guardians.
- Children and their representatives should be informed of the outcomes or resolutions of their complaints and should get the information they seek from time to time.
- All decisions taken by the management should be reasoned and explained to the complaining child and to her/his representatives.

## **4. CYBER SAFETY**

- Cyber safety protocols may be established and implemented in schools.
- Teachers/staff should not be allowed to email or call children except and unless it is related to school work.
- All emails sent to children by teachers/staff after obtaining due permission of head of school/institution should be copied to the email of parent/guardian or caregiver in case such email id is readily available with the school/institution.
- Teachers should not engage in any relationships with students on social media platforms unless in officially approved group settings.
- 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.



## **5. SOCIAL MEDIA**

The term 'social media' refers to online channels of communication which allow users to interact in the public domain by sharing information, opinions, knowledge and interest.

While utilizing social media as a part of research study or project, all relevant ethical consideration need to be taken into account.

- Students should not be allowed to do anything using social media that could be considered discriminatory against or bullying or harassment of, any individual for example making offensive or derogatory comments relating to sex, gender, race, disability, religion or belief or age etc.
- Charts or posters in school computer labs and classrooms to remind students to responsibly use technology.
- Implement blocking/filtering software on computer network to prevent access to certain Web site and software.
- Utilize specially-created cyber bullying curricula, or general information sessions such as assemblies and in-class discussions to raise awareness among youth. Invite specialists to come talk to staff and students.
- Designate a teacher at school level who is responsible for educating him/herself about the issues and then passing on important points to other staff and students.
- Students should not be allowed to collect photos, videos or upload the same on blogs or any social networking sites within the school premises without prior permission from the authority.
- Students should switch off the mobile phones in the classrooms.

## **6. RESIDENTIAL FACILITIES & INFRASTRUCTURE**

- 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.
- The corridors and landings shall be well lit and airy and have convenient exits.
- Dead-end hallways and staircase hideaways should be eliminated, and restrooms should be located closer to administrators.

- CCTV cameras may be installed and maintained at appropriate spaces within the premises without affecting the privacy of any individual.
- 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.
- All staff which is supposed to remain in the Girl's hostel should be female.
- Male staff will not be allowed to enter the Girl's hostel.
- 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.
- Child and women helpline numbers and the numbers of the local police, local authority and school head must be prominently displayed inside dormitories.
- A hostel committee shall be formed whose functions are similar to the Prevention of Child Abuse Monitoring Committee.
- Gates should be duly secured 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
- 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.

## **7. PREVENTION OF BULLYING AND RAGGING IN SCHOOLS**

- Bullying/ragging is a damaging feature in schools. The responsibility of preventing any undesirable aspect of bullying and ragging rests on all stake holders equally, which includes the head of the institution/school, teaching and non-teaching staff, students, parents and local community.
- "Prevention of Child Abuse Monitoring Committee" (POCAMC) shall ensure that each case of reported bullying is brought to a logical conclusion.
- Students shall be sensitized about human rights, democratic values, respect for diversity and equality and also respect for privacy and dignity of others. Schools must take initiative to conduct activities to educate and

develop the understanding of students, staff and parents about the problem and effects of bullying. Schools can conduct Anti-Bullying campaigns and lay down a calendar of activities and events for different age groups such as Painting competition, Essay Writing/Slogan Writing Competition. Inter-school competition may be conducted and documentaries may be shown to spread awareness. In addition schools can take initiative to provide Adolescence Education, Human values, Gender Sensitivity, Moral Values, Life Skill Education, Dealing with anger and resisting peer pressure need to be conscientiously taken up in the activity periods. These can take the form of role plays, Nukkad Natak, Group Discussions and Debate Competitions etc.

- Parents, local community should be motivated to support the school in bullying prevention efforts. They must be sensitized to report in confidence about any act of bullying brought to their notice by their child. Orientation program may be conducted for the school staff and teachers on regular basis.
- Curriculum for teacher training course should include topics on sensitization and prevention of bullying in schools.
- Schools must create an amiable environment where learning can take place peacefully. Structures and procedures must be established to provide accessible, confidential, secure and effective means of reporting incident of bullying. Including appropriate counseling and sanctions/punishments such as oral/written warning, suspension from attending class, withholding or cancelling the results, imposition of fine, expulsion/rustication from school etc. may be given to those who engage in bullying.
- A teacher should be appointed as Day Master to ensure serene and safe environment in the school/institution.
- Unused stairs or rooms in the school/institution should be safely locked.
- Classroom locks should be opened only at the appropriate time.

## **8. CLEANING OF TOILETS AND SCHOOL PREMISES**

- Bathrooms in school premises shall be maintained separately for boys and girls and at a suitable distance from each other.
- Proper sanitary conditions are of the prime importance in ensuring a healthy school environment.

- All school heads shall ensure proper cleanliness of all school toilets as well as school premises.
- Water Tanks shall be properly cleaned and maintained regularly to enable storage of water in good condition for safe consumption by students.

## **9. TOBACCO FREE SCHOOLS/INSTITUTIONS**

To make schools/institutions tobacco free following guidelines have already been issued vide this office letter no. DSPD/RMSA/2011/R000432 Dated 13.01.2011.

- Display of "Tobacco Free School" or "Tobacco Free Institution" board at a prominent place on the boundary wall outside the main entrance.
- No smoking or chewing of tobacco inside the premises of institution by students/ teachers/ other staff members/ visitors.
- Display of sign boards "No Smoking Area- Smoking here is an offence", of 60x30cm size inside the institution.
- The principal/ head of school/ institute shall recognize tobacco control initiatives by students/ teachers/ other staff and certificates of appreciation or awards may be given.

## **10. DRUGS FREE SCHOOLS/INSTITUTIONS**

- To bring awareness among school going students against use of Drugs guidelines have already been issued vide office letter no.SSA/M.C./2012/87928.
- Any substance that is used as drug shall not be allowed in the school/institutional premises. Responsibility shall lie on the Head of the School/Institution to ensure that the premises are free from use of any type of drug.
- Posters with information about the harmful effects of drugs should be displayed at prominent places in the school/ institutions. Students should be encouraged to make their own posters on drug control themes.

## **11. SAFETY, QUALITY AND HYGIENE IN THE SCHOOLS UNDER MID-DAY-MEAL**

- Kitchen-cum-store is a vital part of the mid day meal scheme. Kitchen-cum-stores should be separate from classrooms, preferably located at a safe, but accessible distance. They should be well ventilated and designed so that there is a separate storage facility with locks to check pilferage.
- Smokeless chulhas should be used to the extent possible.
- Fuel (kerosene/fuel wood/charcoal/LPG) should be stored safely, so that there is no fire hazard.
- To the extent possible firewood should not be used in the interest of environmental protection.
- If gas is used for cooking, the cooking staff /agency should be specifically trained in safe handling of gas cylinders, etc.
- All cooks, helpers and other functionaries should also be trained in hygienic habits, for example, regular cutting of nails, washing hands and feet with soap before commencement of cooking/serving of meals to the school students.
- Kitchen-cum-storage shed must always be kept clean. There should be a raised platform for cooking, adequate light, proper ventilation and arrangement for drainage and waste disposal;
- Ingredients used for cooking, food grains, pulses, vegetables, cooking oil and condiments, should be free from adulteration and pest infestation, and should be used only after proper cleaning and washing;
- Ingredients should be stored in proper containers, which should protect them from moisture, pests, etc.
- Cooking and serving utensils should be properly cleaned and dried every day after use.
- Inculcate the habit of washing hands before and after the meals.

## **12. SAFETY AND SECURITY OF STUDENTS DURING TRAVEL, EDUCATIONAL TOURS AND OUTDOOR ACTIVITIES**

- School Head should ensure that prior permission of State head office is obtained in advance before such educational tours are undertaken.

- School Head should ensure written permission of parents/local guardian is submitted on behalf of every such student wanting to participate in an educational tour.
- If the tour is undertaken to any public places, dam cities, power plants, sea beaches etc., a written communication must be made to the concerned authorities.
- School Head should ensure issuing security I-Cards to all students and maintain a separate data base of personal details like guardian, home address, mobile, email etc of such student and the same is carried by the students also.
- School Head should ensure that a senior teacher accompany the students on such an educational tour. A senior lady teacher should also accompany if there are girl students participating in the educational tour.
- School Head should ensure that an undertaking is taken from every participating student that they would abide by all the rules and also that they have submitted the permission by their parents or local guardians before they participate in the educational tour.
- School head should also certify in the form of an undertaking that the school provides all necessary help in case of an emergency to students who are part of educational tour.
- Apart from the bus driver and conductor, no outsider should be allowed in the bus. No diversion from the already approved schedule should be allowed.
- Students should wear the school uniform during the educational tour.
- During swimming students should be kept under active supervision of teachers. Students should not be allowed to swim alone.

### 13. COMMITTEES

The Juvenile Justice (Care and Protection of Children) Act, 2000 makes it mandatory to establish one Child Welfare Committee in each district as the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of children in need of care & protection and to provide for their basic needs and protection of human rights.

Every institution/school shall constitute or designate, from an existing committee or otherwise, including the School Management Committee, a Child Abuse Monitoring Committee whose primary responsibility shall be prevention

of child abuse and the monitoring and implementation of these guidelines within the institution/school.

**"Prevention of Child Abuse Monitoring Committee" (POCAMC)** shall be constituted at state, district, sub-division and school level. The Committees shall include the following members:

**School/Institutional Level Committee**

Sr. No.	Designation	Status	No. of member
1	Head of the Institution	Chairman	01
2	Female Teacher	Member Secretary	01
3	Parents	Member	01
4	One elected member from Panchayat/M.C	Member	01
5	One member from School Management Committee	Member	01
6	One representative from local Police Station	Member	01
7	One representative from rural/urban Health Department	Member	01

**a) Responsibilities of School Level Committee**

- The primary responsibility of the committee shall be the prevention of child abuse as well as monitoring and implementation of guidelines within the schools.
- Each committee will have a teacher or care giver who is overall in charge but does not interfere in the meetings. This teacher or care giver is merely the point person to ensure that meetings of the committees are conducted in a timely manner and the agenda is relevant and appropriate.
- The committee will meet at least once a month to discuss ideas relating to prevention of child sexual abuse and the implementation of these guidelines.
- 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 environment as well.
- Every institution/school shall have a suggestion/complaint box at a prominent place within the premises.
- Each school will have a Bal Sabha or children's committee which act as forums for peer to peer sharing and learning.

- Secrecy will be maintained on any issue related to abuse brought to the notice of committee and necessary action shall be taken by the committee in an effective and impartial way.
- Unauthorized people should not have access to school premises.
- School gate should be closed within school hours.
- A logbook is to be used to record the name of a visitor, the time at which he called at school, the purpose of the visit, the registration number of the vehicle, if applicable and the time at which the visitor leaves the school afterwards. The same arrangements apply to delivery vans for the canteen.
- Only vehicles belonging to members of the staff or persons present in an official capacity and to emergency services are to be allowed inside the school compound.
- At all times during class hours, students are to be under the responsibility of teacher and should not be left unattended.
- Students should not be allowed to leave school premises during school hours. The Rules and Regulations should make it clear that permission to leave early will be given only if the student produces a note to this effect from his parents/guardian.
- Teacher (Physical Education) should see to it that maximum security measures are taken to ensure the safety of the students during their classes as well as during heats and other sports meetings.
- Special precautions must be taken in laboratories and workshops: sharp edged and pointed tools to be put away when not in use, use of machines under close supervision, hazardous chemicals kept under lock and key in a cabinet made of corrosion resistant materials, chemical storage in well ventilated space, safety information provided in safety and other instruction charts etc.
- Adequate instructions should be given to both students and attendants about special care related to electric shock, manipulation of hot materials, gases, electric arc welding and the like.
- School Level Committee along with School Management Committee shall hold a school level monthly review meeting and take stock of the measures undertaken as per the guidelines to make school/institution abuse free.
- The Member Secretary shall ensure that report of the meeting is sent to Chairman of the Sub-Divisional Level Committee within a week.



### Sub-Divisional Level Committee

Sr. No.	Designation	Status	No. of member
1	Sub-Divisional Magistrate	Chairman	01
2	Child Development Project Officer/Child Protection Officer(IC) from Social Security Women and Child Development Department	Member Secretary	01
3	DSP from Department of Home Affairs	Member	01
4	Civil Surgeon/SMO from Health Department	Member	01
5	One elected member from MC	Member	01
6	Deputy District Education Officer (SE/EE)	Member	01

#### b) Responsibilities of Sub-Divisional Level Committee

1. The Sub-Divisional level committee shall meet bi-monthly and review the reports and working of the School Level Committees and ensure implementation of Child Protection Policies as defined in the guidelines.
2. To ensure the constitution of "**Prevention of Child Abuse Monitoring Committee**" (POCAMC) in each school.
3. To review, as required, the involvement of the police, medical and hospital professionals, social security women and child development department, Child Welfare Committee, Juvenile Justice Board and other involved in the investigation and management of the case.
4. To review every case of suspected abuse referred to the committee as per procedure mentioned in sr. no. 14 sub para a, b and c of the guidelines.
5. To provide consultation in the investigation and management of the case
6. To make recommendation where it is considered appropriate or necessary to protect the child or any other child.
7. The Member Secretary shall ensure that report of the meeting is sent to Chairman of the District Level Committee within a week.

## District Level Committee

Sr. No.	Designation	Status	No. of member
1	Deputy Commissioner	Chairman	01
2	District child Protection Officer/District Program Officer from Social Security Women and Child Development Department	Member Secretary	01
3	Civil Surgeon/CMO from Health Department	Member	01
4	SSP/SP from Police Department	Member	01
5	District Education Officer (SE)/(EE)	Member	01
6	One representative from Child Welfare Committee	Member	01
7	One representative from Juvenile Justice Board	Member	01
8	Assistant District Labour Commissioner	Member	01
9	One representative Special Juvenile Police Unit	Member	01

### c) Responsibilities of District Level Committee

The committee shall act as the competent authority to take final decisions in the matter of children in need of care and protection at the district level. Committee shall also be responsible for disposal of cases for the care, protection, treatment, development and rehabilitation of children for the best interest.

1. The District Level Committee shall meet quarterly and review the reports submitted by the Sub-Divisional level committee, review the implementation, gaps on the functioning of School level and Sub-divisional level committees.
2. To understand the issues, concerns and challenges faces by the School Level Committee, Sub-Division Level Committees in their effective functioning.
3. To encourage and develop good working relationship between different services, professional and community groups with the aim of developing trust and mutual understanding
4. To provide consultation in the investigation and management of the case, if need be and shall act as per procedure mentioned in sr. no. 14 sub para

a, b and c of the guidelines.

5. The Member Secretary shall ensure that report of the meeting is sent to Chairman of the State Level Committee within a week.

#### **State Level Committee**

Sr. No.	Designation	Status	No. of member
1	Principal Secretary School Education	Chairman	01
2	Director General School Education/State Project Director	Member Secretary	01
3	Special Secretary or IG from Department of Home Affairs	Member	01
4	Director Health Department	Member	01
5	Director, Social Security Women and Child Development	Member	01
6	One Representative each from two District level Child Welfare Committees to attend the meeting on rotation basis	Member	02
7	Two Deputy Commissioners to attend the meeting on rotation basis	Member	02
8	Representative from Punjab State Child Rights Commission (PSCRC)	Member	01
9	Labour Commissioner	Member	01

#### **d) Responsibilities of State Level Committee**

1. The State Level Committee shall meet half yearly and review the reports submitted by the District level committee, review the working of District, Sub-Divisional and School Level Committee and implement Child Protection Policies as defined in the guidelines.

2. The State Level Committee shall review the implementation and impact of these guidelines annually based on surveys and other monitoring mechanisms.
3. Strong co-ordination shall be developed with School Level Committees, Sub-Divisional Committees and District Level Committees which would ensure that child right and child protection issues are the utmost priority.
4. In case of any grievances, matter shall be placed before state level committee for requisite action. An emergency meeting of the committee may be called immediately as and when a complaint is received from parents, staff members or from students.

#### **14. Post Occurrence Intervention**

##### **A) Dos and Don'ts**

While many abused children may be frightened to tell someone about the abuse, or may even be unaware that what is taking place is not normal, some abused children may confide in an adult they consider "safe", who should follow certain dos and don'ts while dealing with the child.

##### **DO:**

- Believe the child.
- Avoid denial.
- Provide a safe environment.
- Reassure the child.
- Listen.
- React as calmly as you can.
- Document exact quotes.
- Be supportive, not judgmental.
- Understand the different types of child abuse and neglect.
- Report any suspicion of child abuse and neglect to the proper authorities.
- Remember that you do not have to shoulder the burden alone—a trained professional will be able to help.

## **DON'T:**

- Interrogate.
- Blame the child.
- Make assumptions.
- Make promises.
- Touch the child, if at all possible.

## **B) Role of the Institution:-**

- All schools/institutions shall maintain the contact details for the nearest local police station, hospitals, Special Juvenile Police Unit and Child Welfare Committee.
- In case an offence against any child is apprehended by or comes to the notice of the management or staff of a school/institution or any other person, such person shall provide the relevant information regarding the offence to the Prevention of Child Abuse Monitoring Committee who will depute a counsellor and/or another adult who the child may be comfortable with, to counsel the child.
- The school/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 school/institution. Exception: In case the offence has or apprehended to have been perpetuated by a family member or such emergency contact person, the school/institution shall inform any other family member or guardian.
- In case the offence results in a medical or health related emergency, if the incident occurs in the school/institution premises, it shall be the responsibility of the institution to ensure that the child is taken to the nearest health centre for treatment immediately.
- If there is a requirement for any forensic test or DNA profiling, the school/institution shall ensure that at all times through that process, a responsible adult with whom the child is comfortable, accompanies the child.
- The school/institution shall ensure that a competent person, preferably from the Prevention of Child Abuse Monitoring Committee, takes over

the supervision and responsibility of filing the FIR. A copy of the FIR shall be maintained by the school/institution.

- The school/institution shall be liable for any breach of confidentiality of the identity of the child and details of the offence during the reporting procedure.
- In accordance with the Protection of Children From Sexual Offences Act, 2012, if the statement of the child is to be recorded within the school/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.
- The school/institution shall, based on the recommendation of the Prevention of Child Abuse Monitoring Committee, suspend the accused pending the outcome of the enquiry.
- An enquiry, in accordance with the Child Protection Policy of the school/institution, shall commence no later than 24 hours after the incident has been reported.
- A report shall be prepared by the school/institution upon immediate conclusion of the enquiry with a copy being given to the parent/guardian, and the Prevention of Child Abuse Monitoring Committee.
- The whole redressal mechanism within the school/institution, must, as far as practicable, not stretch beyond a period of 15 days.
- Physical, Corporal punishment or mental harassment to the child shall be totally prohibited in all schools situated in the State of Punjab. Segregation of students based on their caste, religion and socio-economic status shall not be tolerated in school premises. Use of verbal abuse in the form of pre-judicial terms/phrases on the basis of caste, religion, social economic status shall also not be accepted in the schools.
- No child shall be sexually abused in school premises including hostels. The responsibility of preventing any undesirable aspect of these sexual and mental abuses rests jointly and also individually on all stake holders, which includes the head of the school, teaching and non-teaching staff, students, parents and local community.

**C) Role of the Prevention of Child Abuse Monitoring Committee (within the school/the Institution)**

- In case an offence against any child is apprehended by or comes to the notice of, the management or staff of an school/institution or any other person, such person shall provide the relevant information regarding the offence to the Prevention of Child Abuse Monitoring Committee who will depute a counsellor and/or another adult who the child may be comfortable with, to counsel the child.
- The Committee referred to herein 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.
- 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.
- 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 counseling mechanism to commence at the earliest within forty-eight hours. The report to be given shall be prepared by the Prevention of Child Abuse Monitoring Committee. A copy of this report shall be maintained with the school/institution.
- 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.

**15. ROLE OF THE POLICE**

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

- If the child is a CNCP(Child in need of care and protection), 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.
- 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).
- The IO must submit a report to the CWC and Special Court without unnecessary delay but within 24 hours for all cases under POCSO.
- 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.
- Only a Sub Inspector or above can handle cases under POCSO.
- 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 centers;
  - 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.

## **16. CAPACITY BUILDING**

- A uniform and standard teacher training module shall be developed or adopted by the institution/school 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.
- Training can be divided into Basic and Advanced Level training. Basic training includes knowledge of the relevant child care legislation, national and local agency policies, procedures and protocols. Advanced Training includes knowledge, skills and critical perspectives in specific areas of policy and practice, for example, risk assessment and working in partnership with parents/guardians. All schools and educational institutions must adhere to this module. At least one training session shall include a group session along with parents, local police and school/institution personnel.
- At least one training session shall include a group session along with parents, local police and school/institution personnel.
- All schools and educational institutions must adhere to this module.
- Training materials should be simple, easy to understand and given to all personnel who hold a position of authority and influence over the child.
- Supervisors and other staff working in Child Care Homes should be sensitized with the issues related to the Child Abuse.

## **17. AWARENESS AND EDUCATION**

- Institutions/schools 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.
- Training modules focusing on children should be developed or adopted

## 18. TRANSPORT

- 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.
- The child and women helpline numbers, the number of the police stations in the locality as well as the contact details of the area DSP must be prominently displayed inside the bus in English as well as the local language.
- The School's child protection policies and protocols for reporting offences must be prominently displayed in English as well as the local language inside the bus.
- 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.
- 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.
- The Driver of the school bus should possess a valid driving license and should not have any pending or confirmed conviction regarding traffic related offences.
- The school should have sufficient reserve staff of trained driver/attendant in case of absence of the regular staff.
- The school bus should have a valid fitness certificate.
- The driver/attendant/female ward should be appointed only after their antecedents have been verified by the Police.
- 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.

- Old school buses and vans which are in disrepair or a dilapidated condition shall not be parked or housed anywhere on school premises.

#### **19. REVIEW AND MONITORING OF IMPLEMENTATION OF THE GUIDELINES**

- The State Government shall review the implementation and impact of these guidelines annually based on surveys and other monitoring mechanisms.
- Any institution/school 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.
- The Head of the institution/school will be the overall responsible for the implementation of these guidelines.
- 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/schools.

It shall be the responsibility of all concerned Government departments to ensure that institutions/schools under their jurisdiction become aware of the existence of these guide.