

Role of Child Welfare Committee for the Protection of Child Rights

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Dr. Jaganath. R

*Assistant Professor of Political Science, Crescent School of Law
B.S. Abdur Rahman Crescent Institute of Science & Technology
Vandalur, Chennai, Tamilnadu, India*

Abstract

The Child Welfare Committee (CWC) plays a pivotal role in safeguarding and promoting the rights of children, especially for the children who needs utmost safety and care. CWC framed under the Juvenile Justice (Care and Protection of Children) Act, 2015 is entrusted with the responsibility to ensure well-being of vulnerable children by providing them with a safe environment, legal representation, and access to essential services. This research explores the statutory role, functioning, and effectiveness of CWCs in upholding child rights, while addressing the challenges they face. It also examines the collaboration between CWCs, governmental bodies, and civil society in strengthening child protection mechanisms in India. The study highlights the importance of legal frameworks, social support systems, and community engagement in ensuring a holistic approach to child welfare.

Keywords: Child Welfare Committee, Child Rights, Juvenile Justice Act, Protection, Vulnerable Children, Child Protection Mechanisms

Introduction

The child welfare committee which is constituted in the Juvenile Justice (care and protection) Act, 2015 aims at providing care, protection and treatment of children in need of care and protection by adopting a friendly based approach to children towards legal assessment and settlement of their issues. It also emphasizes on the rehabilitation and disposition of children by making their best interest the primary consideration and guaranteeing the fulfilment of their needs of rights. The committee constitutions have the inspiration of the Indian constitution, the United Nations Conventions on the Rights of Child. Child Welfare Committee are the most critical district-level bodies for ensuring appropriate implementation of the Juvenile Justice (care and protection) Act, 2015. It also emphasizes on the rehabilitation and disposition of children by making their best interest the primary consideration and guaranteeing the fulfilment of their needs of rights.

Child Welfare Committee- Constitution

As per Section 27 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the State Government is required to establish one or more Child Welfare Committees in each district to fulfill the duties assigned to them concerning children in need of care and protection.

The committee shall comprise a chairperson and four other members appointed by the State Government, with at least one member being a woman and one being an expert in matters related to children.

As per Rule 16 of the Juvenile Justice (Care and Protection of Children) Rules, 2017, specific eligibility criteria have been outlined for individuals seeking appointment as Chairperson or member of the Child Welfare Committee (CWC). These are as follows:

- The applicant must be between 35 and 65 years of age at the time of appointment.
- The individual must not have any association with political parties.
- The person must not be declared insolvent at any point.
- There must be no record of violations related to human or child rights against the individual.
- The candidate must not currently serve or have previously served as a staff member or office bearer of any NGO involved in domestic or international adoption, and which is licensed or recognized under relevant laws.

An individual may be appointed to the position of Chairperson or member for a maximum of two terms, but these terms must not be consecutive.

Under Rule 17 of the same rules, the selection process for appointing Chairperson and members is entrusted to a Selection Committee, which comprises the following members:

- Principal District and Sessions Judge – Chairperson of the Committee
- District Collector – Member
- Commissioner of Police or District Superintendent of Police – Member

The District Collector is responsible for issuing a public notice, which may include a press release and publication on the Department of Social Defence's official website, inviting applications for the posts. Interested candidates must submit their applications to the District Child Protection Officer (DCPO).

The DCPO will scrutinize the received applications and forward those that meet the eligibility requirements to the Chairperson of the Selection Committee within fifteen days of the application deadline.

The Selection Committee will then conduct interviews of the eligible applicants and recommend a panel of fifteen candidates for the roles of Chairperson and members. The final appointments will be made by the Government, strictly from the list proposed by the Selection Committee, and in the order of priority stated. No individual can be appointed unless they are included in the recommended list. The final panel at the district level must be authenticated with the signatures of all present Selection Committee members.

Furthermore, it is important to note that members of the Child Welfare Committee are not permitted to delegate their duties or responsibilities to others. Each member's tenure is limited to a maximum of three years.

Child Welfare Committees – Role, Function and Authorities

Child Welfare Committee is a statutory body, with its members appointed by the executive. One of the Act's most progressive features is its mandate for civil society participation in the committee. Section 31(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, empowers CWC to act as the final authority in resolving cases related to the care, protection, treatment, development, and rehabilitation of children, as well as ensuring their basic needs and the protection of their human rights. The Committee, therefore, holds exclusive authority in dealing with matters concerning children in need of care and protection.

Additionally, Sections 29 & 30 outlines powers and functions of the Child Welfare Committees. The powers granted to the Committees are equivalent to those of a Metropolitan Magistrate or Judicial Magistrate of the first class, as per the Code of Criminal Procedure (CrPC), 1973 (2 of 1974). However, it is important to note that Child Welfare Committee members can exercise these powers only when acting collectively as a bench, not individually. Committees must use their discretion to address the specific circumstances of each child brought before them, ensuring the child receives appropriate care, protection, and rehabilitation.

Under Section 30 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Child Welfare Committee (CWC) is entrusted with a comprehensive set of responsibilities and powers to ensure the care and protection of children. These include:

- Acknowledging and accepting children brought before the Committee.
- Conducting detailed inquiries concerning any matter that affects the child's safety and welfare under the Act.
- Assigning social investigations to Child Welfare Officers, probation officers, the District Child Protection Unit, or recognized NGOs, and requiring submission of related reports.
- Assessing and recognizing suitable individuals as fit persons to care for children requiring protection.
- Authorizing the placement of children into foster care arrangements.
- Overseeing the care, protection, rehabilitation, or reintegration of children in need, through a personalized care plan, and issuing necessary instructions to parents, guardians, or appropriate institutions.
- Choosing appropriate registered institutions for child placement, based on factors such as age, gender, special needs, and the capability of the institution.
- Visiting child residential care facilities at least twice a month and recommending necessary improvements to the District Child Protection Unit or the State Government.
- Verifying and certifying surrender deeds submitted by parents, providing a period for reconsideration, and attempting to maintain family unity whenever possible.
- Facilitating the return of abandoned or missing children to their families, following established procedures.
- Legally declaring children who are orphaned, abandoned, or surrendered as eligible for adoption after due examination.
- Taking up cases on its own initiative (*suo motu*) to support children in need who have not been formally brought before the Committee, subject to agreement by at least three members.
- Initiating rehabilitation measures for children who have experienced sexual abuse, in accordance with the Protection of Children from Sexual Offences Act, 2012.
- Processing cases referred by the Juvenile Justice Board under Section 17(2) of the Act.
- Collaborating with relevant departments such as police, labour, and other concerned authorities, with support from the District Child Protection Unit or the State Government, to safeguard child welfare.
- Investigating reports of child abuse within care institutions and instructing appropriate action through the police, DCPO, labour department, or childline services.
- Ensuring that children have access to legal aid and support services when needed.
- Fulfilling any additional roles or responsibilities as prescribed under the Act or by the authorities.

Rights of Children

Children are entitled to four primary categories of rights, each addressing crucial aspects of their well-being:

Right to Survival

This includes the right to life, access to optimal healthcare and nutrition, a sufficient standard of living, as well as the right to identity through a name and nationality.

Right to Development

This right guarantee access to education in both formal and informal settings, provisions for early childhood care, and opportunities to engage in leisure, recreation, and cultural experiences.

Right to Protection

Children are entitled to protection from all forms of abuse, neglect, exploitation, and cruel or degrading treatment. This also includes special safeguards during emergencies or armed conflicts

Right to Participation

This emphasizes a child's right to express their views freely, receive relevant information, and enjoy freedom of thought, conscience, religion, and opinion

Procedure of the Child Welfare Committee

A child identified as needing care and protection may be brought before the Child Welfare Committee (CWC) by any of the following individuals or entities:

1. Any police official, including members of the Special Juvenile Police Unit or a designated Child Welfare Police Officer; officials from the District Child Protection Unit; or inspectors under labour legislation.
2. Any government servant or public authority.
3. Childline services, voluntary organizations, non-governmental organizations (NGOs), or any agency authorized by the State Government.
4. A Child Welfare Officer or a probation officer.
5. Any social worker or concerned citizen acting in the child's best interest.
6. The child themselves, if capable and willing.
7. Healthcare professionals, such as a doctor, nurse, or individuals associated with hospitals, nursing homes, or maternity centers.

The child must be produced before the Committee without delay and within a maximum period of twenty-four hours, excluding the time necessary for travel.

The State Government may establish rules consistent with this Act to prescribe the manner of submitting reports to the Committee and the procedure for sending and entrusting the child to a children's home, fit facility, or fit person during the period of inquiry.

Rehabilitation and Reintegration

Rehabilitation is a dynamic process, by which a children with disability should be helped. Regaining physical, psychological social health should be provided to children in care and protection. Make them to enabled person. Raising confidence, and create opportunity to the children. Create confidences in him, and should be strengthened in him to be bold and to achieve alot, these are the ways the child should be teaches for providing better future of the society. But, as per the section 39 and 49 of the above said Act prescribed the process of rehabilitation of the children. The contribution of social re integration of the children as it is undertaken in the Act, that the children should be take care like family-based care and by restoration to family or guardian, shall be kept in observation should be supervised the social integration and rehabilitate of the children. Some of the machineries like children home, specialise adoption agency and open shelter, these are the machineries for the restoration protection of the children who ar in need for care and protection.

Conclusion

Children are among the most valuable resources of a nation, as the future of the country rests in their hands. In India, children constitute over 42% of the total population, making their protection, well-being, and dignity essential priorities. Despite this, children often remain the most vulnerable segment of society, facing numerous challenges that hinder their development and security. This vulnerability is reflected in the continued existence of marginalized and at-risk groups, including street children, trafficked and abused children, those from unstable family environments, abandoned and orphaned children, destitute youth, children with mental health conditions, missing children, those engaged in substance abuse, victims of conflict or disasters, child laborers, differently-abled children, and those affected by chronic illnesses or infections. Such children are clearly in urgent need of care, protection, and rehabilitation. It is the responsibility of the government to ensure their safety, holistic development, and the provision of support systems that allow them to grow up in a secure and nurturing environment.

Despite efforts to address these issues, many children in India still struggle to realize their rights to care and protection. In regard to the functioning of the Child Welfare Committee, while it is working efficiently in some aspects, there are notable gaps. Some concerns include a lack of dignity in the treatment of children, particularly those from poor or abandoned backgrounds, which raises issues of equality. Additionally, there is insufficient financial support, and regular audits of the committee's finances are lacking. These are some of the shortcomings I have observed.

References

Books

1. Bajpai, A. (2017). *Child rights in India: Law, policy, and practice*. Oxford University Press.
2. Kacker, L., Varadan, S., & Kumar, P. (2016). *Abuse and neglect of children in India: An assessment of Child Welfare Committees*. Save the Children India.

Legislation

1. Ministry of Law and Justice. (2015). *The Juvenile Justice (Care and Protection of Children) Act, 2015*. Government of India.
2. <https://wcd.nic.in/juvenile-justice-care-and-protection-children-act-2015>

Journal Articles

1. Singh, V. (2019). The role of Child Welfare Committees under the Juvenile Justice Act in India: A critical evaluation. *International Journal of Child Rights*, 25(2), 203-222. <https://doi.org/10.1163/15718182-02502006>
2. Sharma, S. (2020). Child protection in India: The role of the Child Welfare Committee. *Journal of Social Work and Development*, 14(3), 153-172. <https://doi.org/10.1016/j.swdev.2020.12.005>

Websites

1. Ministry of Women and Child Development. (2018). *Guidelines for the Child Welfare Committees*.
2. <https://wcd.nic.in>
3. National Commission for Protection of Child Rights (NCPCR). (2021). *Annual report on Child Welfare Committees and child protection systems in India*.
4. <http://ncpcr.gov.in>