

Chapter 3

Working of Child Welfare Committees

CWCs did not ensure follow up of progress of children produced before them after issuing orders with regard to their care and protection nor uploaded the orders on the designated portal for promoting transparency and accountability. They also did not upload photographs of recovered children on Facial Recognition System so as to match against the details of missing children indicating lack of concern towards reducing the trauma of separation for parents and children.

The prime function of Child Welfare Committee (CWC) shall be ensuring care, protection, appropriate rehabilitation or restoration of children in need, based on the child's individual care plan, and passing necessary directions to parents, guardians, fit persons, children's homes or fit facilities in this regard.

Whenever a child in need of care and protection is found, he/she is to be produced before the Child Welfare Committee (CWC) by police/DCPU/social worker/voluntary/non-governmental organization and any public servant, etc., within 24 hours of the child being found.

Functions of CWCs *inter alia* include:

- taking cognizance of and receiving the children produced before it;
- conducting inquiries on all issues relating to and affecting the safety and well-being of the children under JJ Act;
- conducting inquiries for declaring fit persons for the care of children in need of care and protection, ensuring care, protection, appropriate rehabilitation or restoration of these children;
- issuing necessary directions to parents or guardians or fit persons or children's homes or fit facility in this regard;
- declaration of orphaned, abandoned and surrendered child as legally free for adoption after due inquiry, etc.

CWC is required to hold an inquiry and pass orders to send the child to his/her parents, guardians, fit person or Child Care Institution (CCI). Any child leaving a Children Home on completion of eighteen years of age may be placed in an After Care Home till the age of 21 years.

Audit assessed the functioning of four test-checked CWCs and observed the following lapses/inadequacies in their functioning:

3.1 Follow up of progress of children not done by CWC

As per Rule 19(18) of JJ Model Rules, 2016, while finally disposing off the case, the CWC shall give a date for follow-up of the child not later than one

month from the date of disposal of the case and thereafter once every month for the period of first six months and thereafter every three months for a minimum of one year or till such time as the CWC deems fit.

Audit noted in one test checked CWC no follow up was carried out by the CCI/DCPU concerned as mentioned in the order and children were not produced to CWC on next date of hearing. However, the CWC did not pursue the matter.

In its reply, DWCD stated (December 2021) that the progress of the child is reviewed in the meetings of the Management Committee as per provisions under the JJ Model Rules, 2016. Periodical Review of individual cases is also done by the respective Child Welfare Committee and directions as considered necessary are passed for their well-being with required interventions i.e., restoration, rehabilitation, transfer of custody or allowing the child to continue in the CCI as the case may be. However, no documentary evidence in this regard was provided.

3.2 Delay in taking action by CWCs to use Facial Recognition Software

Separation of a child from family is traumatic for both the child and the family. Based on a petition regarding a missing child, Hon'ble High Court, Delhi expressed grave concern and observed that out of a total number of 19,916 cases of missing children from January 2016 to December 2018, only 14,756 children have been traced and reunited with their family members whereas, 5,160 children were yet to be traced. A meeting was held (28 March 2019) amongst various stakeholders on the directions (22 January 2019) of the Hon'ble High Court, Delhi, wherein it was decided that CWC was to upload photographs of the recovered children on the Facial Recognition Software (FRS) so as to match the details of missing child. However, only CWC-II, Lajpat Nagar and CWC-X, Alipur uploaded 56 and 12 photos respectively in FRS and the details and photographs of the children produced before other CWCs were not uploaded and checked against records of missing children during 2018-19 to 2020-21.

In its reply, DWCD stated (December 2021) that FRS is being maintained by Delhi Police and details of Chairpersons/Members of CWCs are being provided for creating user ID and Password. However, the reply does not provide reasons for the delay in taking action to use FRS for identifying missing children from amongst the children produced before the CWCs.

Recommendation no. 5: Child Welfare Committees may ensure uploading photographs of children brought before them in Facial Recognition Software so as to match with the details of missing children.

3.3 Failure to upload orders of CWC

As per Sub Rule 19 (21) of the JJ Model Rules, 2016, all orders passed by CWC in respect of a child is required to be uploaded on a designated portal with due regard to the confidentiality and privacy of child. As child care is an issue of

social importance placing information on the portal promoted transparency and accountability for information in public domain is open to scrutiny by any person. Audit observed that no such report was uploaded on the portal.

In its reply, DWCD stated (December 2021) that all the CWCs have been provided Tabs for quick access to available portals and Apps. Further, DWCD jointly with DCPCR has entered into an agreement with NICSI in December 2021 for developing a Juvenile Justice MIS to track and monitor progress of each child brought before the CWCs and placed in the CCLs which will enable maintenance of transparency and privacy and at the same time facilitate follow up with appropriate interventions. The fact remains that orders of CWCs are not placed in public domain as required.

3.4 Training to staff of CWCs

Rule 89 of JJ Model Rules, 2016 stipulates mandatory training to the staff of CWC (for period of minimum 15 days), within a period of sixty days from the date of appointment.

Audit noted that requisite mandatory training was not imparted to staff during the years from 2018-19 to 2020-21. In the absence of any formal training, the staff of CWC were ill equipped in terms of statutory responsibilities and specific jobs requirements.

In its reply, DWCD stated (December 2021) that Chairperson and Members appointed in the Child Welfare Committee are given mandatory training in phased manner so as to ensure that the functioning of the Committee is not interrupted. Details of trainings given to CWC Members from January 2021 to October 2021 was also given. However, as per information provided to Audit by test checked CWCs, the staff were not provided mandatory training.

3.5 Waiting room not provided to children and families

As per ICPS Guidelines for setting up of CWCs, a waiting room was to be provided to children and families. It was observed that waiting room was available only in two out of four selected CWCs, viz. CWC –III, Kingsway Camp and CWC-V, Dilshad Garden.

Thus, CWCs, which have a big role to play in care and protection of children in difficult conditions, were not functioning in a way that inspires confidence in their competence and intent.

In its reply, DWCD stated (December 2021) that all the CWCs have adequate space earmarked as waiting area for children, families and visitors and are properly maintained. However, the reply is not in consonance with the information provided by two out of four selected CWCs which had confirmed that there was no separate waiting room in the remaining two selected CWCs viz CWC-II (South) and CWC-X (North).

3.6 Counsellor services not provided to CWC

Guidelines of ICPS provide that the Children's Home where the CWC is holding its proceedings shall provide support of Counsellor to the CWC on those days when the sitting is taking place. Such Counsellor may help the CWC in deciding the best course of action for the child considering the mental and emotional status of the child. Audit observed that two⁶ out of four CWCs were not provided with the service of counsellors thereby depriving the children of professional assessment with regard to his/her needs.

In its reply, DWCD stated (December 2021) that counsellors from DSLSA and DCPU staff are already posted in every CWC. However, no supporting documents were produced to audit. Reply is not acceptable as CWC had confirmed unavailability of counsellors.

⁶ CWC- II (South), Lajpat Nagar and CWC-III (Central), Kingsway Camp.