

**ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ನಡವಳಿಗಳು**

**ವಿಷಯ :** 2016ನೇ ಸಾಲಿನಲ್ಲಿ ರಚಿಸಲಾಗಿದ್ದ ಮಕ್ಕಳ ರಕ್ಷಣಾ ನೀತಿಯನ್ನು ಪರಿಷ್ಕರಿಸಿ ಆದೇಶ ಹೊರಡಿಸುವ ಬಗ್ಗೆ.

**ಓದಲಾಗಿದೆ:** 1. ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ: ಮಮಇ 259 ಮುಖ್ಯಾಜಿ 2014, ದಿನಾಂಕ: 30-04-2016.  
2. ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಮರನಿ/ಮರ/ಮರನಿ-01/2022-23/849, ದಿನಾಂಕ: 13-09-2023.

**ಪ್ರಸ್ತಾವನೆ:-**

ಓದಲಾಗಿದೆ ಕ್ರಮ ಸಂಖ್ಯೆ (1)ರ ಸರ್ಕಾರಿ ಆದೇಶದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಕ್ಕಳ ರಕ್ಷಣಾ ನೀತಿ-2016ನ್ನು ರಚಿಸಿ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿತ್ತು.

ಓದಲಾಗಿದೆ ಕ್ರಮ ಸಂಖ್ಯೆ (2)ರ ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಮಮಇ 259 ಮುಖ್ಯಾಜಿ 2014, ದಿನಾಂಕ: 30-04-2016 ರಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಕ್ಕಳ ರಕ್ಷಣಾ ನೀತಿ-2016ನ್ನು ರಚಿಸಲಾಗಿದ್ದು, ಸಾರ್ವಜನಿಕ ಹಿತಾಸಕ್ತಿ ಪ್ರಕರಣ ಸಂಖ್ಯೆ: W.P 10208/2018 ರಂತೆ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ದಾಖಲಾದ ಸಾರ್ವಜನಿಕ ಹಿತಾಸಕ್ತಿ ಪ್ರಕರಣದನ್ವಯ ರಾಜ್ಯದಲ್ಲಿ ಅನುಷ್ಠಾನದಲ್ಲಿರುವ ಮಕ್ಕಳ ರಕ್ಷಣಾ ನೀತಿಯು ಕೇವಲ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಸೀಮಿತವಾಗಿದ್ದು, ಇದನ್ನು ಪರಿಷ್ಕರಿಸುವಂತೆ ಸೂಚನೆ ನೀಡಲಾಗಿತ್ತು.

ಅದರಂತೆ, ಮಕ್ಕಳ ರಕ್ಷಣಾ ನೀತಿ-2016ನ್ನು ರಚಿಸಿರುವ ಭಾಗೀದಾರ ಸಂಸ್ಥೆಗಳು ಹಾಗೂ ರಿಟ್ ಪಿಟಿಷನ್ ಸಂಖ್ಯೆ: 10208//2018ರ ಅರ್ಜಿದಾರರನ್ನೊಳಗೊಂಡಂತೆ ಸಮಿತಿ ರಚಿಸಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳು ಅಲ್ಲದೇ ಸಾಮಾನ್ಯವಾಗಿ ಎಲ್ಲಾ ಮಕ್ಕಳಿಗೂ ಅನ್ವಯಿಸುವಂತೆ ಮಕ್ಕಳ ರಕ್ಷಣಾ ನೀತಿಯನ್ನು ಪರಿಷ್ಕರಿಸಿ ಸಿದ್ಧಪಡಿಸಲಾಗಿದೆ.

ಸದರಿ ಪರಿಷ್ಕೃತ ಮಕ್ಕಳ ರಕ್ಷಣಾ ನೀತಿಯನ್ನು ರಿಟ್ ಪಿಟಿಷನ್ ಸಂಖ್ಯೆ: 10208/2018ರ ಅನುಪಾಲನೆಯಾಗಿ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಬೇಕಾಗಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ 2016ನೇ ಸಾಲಿನಲ್ಲಿ ರಚಿಸಲಾಗಿದ್ದ ಮಕ್ಕಳ ರಕ್ಷಣಾ ನೀತಿಯ ಪರಿಷ್ಕರಣೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ದಾಖಲಾದ ಸಾರ್ವಜನಿಕ ಹಿತಾಸಕ್ತಿ ಪ್ರಕರಣ ಸಂಖ್ಯೆ: W.P 10208/2018 ರಲ್ಲಿ ಸದರಿ ನೀತಿಯು ಕೇವಲ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಿಗೆ ಸೀಮಿತವಾಗಿದ್ದು, ಇದನ್ನು ಪರಿಷ್ಕರಿಸುವಂತೆ ಮಾನ್ಯ ನ್ಯಾಯಾಲಯ ಸೂಚನೆ ನೀಡಿರುವುದರಿಂದ 2016ನೇ ಸಾಲಿನಲ್ಲಿ ರಚಿಸಲಾಗಿದ್ದ ಮಕ್ಕಳ ರಕ್ಷಣಾ ನೀತಿಯನ್ನು ಪರಿಷ್ಕರಿಸಿ ಸಲ್ಲಿಸಿದ್ದು, ಪರಿಷ್ಕೃತ ಕರಡು ನೀತಿಯನ್ನು ಅನುಮೋದಿಸಿ ಅಧಿಸೂಚನೆ ಹೊರಡಿಸುವಂತೆ ಕೋರಿರುತ್ತಾರೆ.

ಪ್ರಸ್ತಾವನೆಯನ್ನು ಕೂಲಂಕಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಿದೆ.

**ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಮಮಇ 102 ಮುಖ್ಯಾಜಿ 2023, ಬೆಂಗಳೂರು, ದಿನಾಂಕ:14-12-2023**

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಈ ಹಿಂದೆ ಹೊರಡಿಸಲಾಗಿದ್ದ "ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಕ್ಕಳ ರಕ್ಷಣಾ ನೀತಿ 2016"ನ್ನು ಇತ್ತೀಚೆಗೆ ಕೇಂದ್ರ ಸರ್ಕಾರದ Juvenile Justice (Care and Protection of Children) Act, 2015ಕ್ಕೆ ತಿದ್ದುಪಡಿ ತಂದಿರುವುದನ್ನು ಪರಿಗಣಿಸಿ ಪರಿಷ್ಕೃತ ಕರಡು ನೀತಿಯನ್ನು ಅನುಬಂಧದಲ್ಲಿರುವಂತೆ ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಆದೇಶಿಸಿದೆ.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,



**Platha**  
(ಆರ್. ಲತಾ) 14/12/23

ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ-3 ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಹಾಗೂ ವಿಕಲಚೇತನರ ಹಾಗೂ ಹಿರಿಯ ನಾಗರಿಕರ ಸಬಲೀಕರಣ ಇಲಾಖೆ(ಡಿ-ಶಾಖೆ).

**ಇವರಿಗೆ,**

ಸಂಕಲನಕಾರರು, ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಕೆಂಗೇರಿ ಪೊಲೀಸ್, ಬೆಂಗಳೂರು-ಮುಂದಿನ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಇದನ್ನು ಪ್ರಕಟಿಸಿ 2000 ಪ್ರತಿಗಳನ್ನು ಈ ಮುಖ್ಯ ಇಲಾಖೆಗೆ ಕಳುಹಿಸಿಕೊಡುವಂತೆ ಕೋರಲಾಗಿದೆ.

1. ಪ್ರಧಾನ ಮಹಾಲೇಖಪಾಲರು (ಎ&ಇ), ಕರ್ನಾಟಕ, ಪಾರ್ಕ್ ಹೌಸ್ ರಸ್ತೆ, ಅಂಚೆ ಪೆಟ್ಟಿಗೆ ಸಂಖ್ಯೆ:5329, ಬೆಂಗಳೂರು-560 001.

2. ಸರ್ಕಾರದ ಅಪರ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ, ಒಳಾಡಳಿತ ಇಲಾಖೆ, ವಿಧಾನಸೌಧ.
3. ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ, ಶಿಕ್ಷಣ ಇಲಾಖೆ(ಪ್ರಾಥಮಿಕ ಮತ್ತು ಪ್ರೌಢ ಶಿಕ್ಷಣ) ಬಹುಮಹಡಿ ಕಟ್ಟಡ.
4. ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ, ಕಾನೂನು ಇಲಾಖೆ, ವಿಧಾನಸೌಧ.
5. ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ, ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ, ವಿಧಾನಸೌಧ.
6. ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ, ಸಾರಿಗೆ ಇಲಾಖೆ, ಬಹುಮಹಡಿ ಕಟ್ಟಡ.
7. ನಿರ್ದೇಶಕರು, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
8. ನಿರ್ದೇಶಕರು, ಮಕ್ಕಳ ರಕ್ಷಣಾ ನಿರ್ದೇಶನಾಲಯ, ಬೆಂಗಳೂರು.
9. ಆಯುಕ್ತರು, ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.
10. ಎಲ್ಲಾ ಉಪನಿರ್ದೇಶಕರು, ಸಾರ್ವಜನಿಕ ಶಿಕ್ಷಣ ಇಲಾಖೆ, ಬೆಂಗಳೂರು. (ಆಯುಕ್ತರ ಮುಖಾಂತರ).
11. ಎಲ್ಲಾ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು/ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಹಣಾಧಿಕಾರಿಗಳು (ಮಕ್ಕಳ ರಕ್ಷಣಾ ನಿರ್ದೇಶಕರ ಮುಖಾಂತರ)
12. ಕಾರ್ಯದರ್ಶಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಕ್ಕಳ ಹಕ್ಕುಗಳ ರಕ್ಷಣಾ ಆಯೋಗ, ಕೃಷಿ ಭವನ, ನೃಪತುಂಗ ರಸ್ತೆ, ಬೆಂಗಳೂರು.
13. ಕಾರ್ಯದರ್ಶಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಹಿಳಾ ಆಯೋಗ, ಬೆಂಗಳೂರು.
14. ಎಲ್ಲಾ ಉಪ ನಿರ್ದೇಶಕರು/ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆ. (ನಿರ್ದೇಶಕರ ಮುಖಾಂತರ).
15. ಜಿಲ್ಲಾ ತಾಲ್ಲೂಕು ಮತ್ತು ಗ್ರಾಮ ಮಟ್ಟದ ಕಾವಲು ಸಮಿತಿಗಳ ಎಲ್ಲಾ ಸದಸ್ಯರು (ನಿರ್ದೇಶಕರು, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಇಲಾಖೆಯವರ ಮುಖಾಂತರ).
16. ಮಾನ್ಯ ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಹಾಗೂ ವಿಕಲಚೇತನರ ಮತ್ತು ಹಿರಿಯ ನಾಗರಿಕರ ಸಬಲೀಕರಣ ಸಚಿವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು.
17. ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿಯವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಹಾಗೂ ವಿಕಲಚೇತನರ ಮತ್ತು ಹಿರಿಯ ನಾಗರಿಕರ ಸಬಲೀಕರಣ ಇಲಾಖೆ
18. ಶಾಖಾರಕ್ಷ ಕಡತ/ ಹೆಚ್ಚುವರಿ ಪ್ರತಿಗಳು.

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# KARNATAKA STATE CHILD PROTECTION POLICY

## 1. Introduction

The Karnataka State Child Protection Policy ("KSCPP")<sup>1</sup>, notified in 2016 vide Gazette Notification dated: 30/04/2016 by the Department of Women and Child, Government of Karnataka. As per the KSCPP 3.3 (This policy shall be reviewed from time to time to ensure that it is of relevance at all times to needs of child protection in Karnataka) and as per the order passed by Hon'ble High Court of Karnataka in W.P.No.10208/2018 on 22/07/2020 for the children up to the age of 18 years, and in complete consonance with the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and other child related laws this policy is reviewed. (Child related laws are enclosed as **Annexure -01**)

This is revised version of the KSCPP. It will be adopted and implemented by the Department of Education, Police, Social Welfare, Rural and Panchayat Raj, Backward Class and Minorities, District Administration in collaboration with other relevant departments and agencies of the State.

## 2. THE STATE VISION

The Government of Karnataka recognizes the rights of all children and their importance of upholding these rights for the achievement of India's growth and development. The State is committed to ensuring child protection within the State, based on a rights-based approach, which implies promoting the safety and security of children within the framework of their legally recognized rights including children's right to participation. Every child in the State, irrespective of his/her of gender, citizenship, religion, caste, or economic, social, political, cultural or geographical background must have access to protection at all times, from all forms of violence, abuse, neglect and exploitation; and access to child protection services across all social sectors – especially social welfare, education, health, security and justice.

The Government of Karnataka is committed to take proactive and affirmative measures in the form of child centric legislations, policies, institutions, and procedures to promote and safeguard the rights of all children to live and grow with equality, dignity, security and freedom, especially those children who are marginalised or disadvantaged; to ensure that all children have equal opportunities; and that no custom, tradition, cultural or religious practice

<sup>1</sup> <https://www.makkalahakku.com/main-control/uploads/Karnataka%20State%20Child%20Protection%20Policy-English%202016.pdf>

is allowed to violate or restrict or prevent children from enjoying their rights. This Policy reaffirms that the State has the absolute responsibility to extend and ensure access to these rights to all children. The Government of Karnataka is also committed to uphold the rights of children and its obligations under the United Nations Convention on the Rights of the Child, 1989 and other relevant international guidelines.

### 3. THE STATE MISSION

The State has a duty to protect the legal rights of all children throughout the State and take necessary steps to ensure their safety, including by meeting their physical, psychological and emotional needs. The State takes particular note of children who are marginalised and/or vulnerable, such as girl children, intersex and gender diverse children, children with disabilities, children from minority communities, victims of abuse, homeless children, migrant children, the child victims of natural/manmade disasters and conflicts and children living with or affected by chronic diseases.

The State will create an environment where children's views are heard (with due regard to the age and maturity of the child) and will create spaces for communication based on mutual respect between adults and children.

The State is committed to legal and policy reform, capacity development, planning, budgeting, monitoring and leveraging information systems and technology for child protection.

This KSCPP addresses both prevention and corrective measures to ensure that no child is exposed or subjected to any form of physical or mental, violence, abuse, neglect or exploitation. It prescribes measures to:

- o Address existing gaps in the current child protection system
- o Provide for institutional and infrastructural support through transparent and effective child sensitive governance
- o Promote and strengthen interdepartmental, interagency and multi-sectoral convergence and networking.

### 4. KEY CHALLENGES

At present, the challenges to an effective and comprehensive child protection system are many, including the following:

- a. Limited understanding of statutory framework on child protection in India; the role of the different functionaries; and the extent of India's international obligations under the different instruments
- b. Insufficient understanding and attention to vulnerabilities and violence in the home and other environments
- c. Lack of recognition that protection can be of as many types as there are children with different needs
- d. Lack of preparedness to address the unique needs of children during an infectious disease outbreak such as the COVID-19 pandemic, which gravely affected physical, emotional, mental and economic well-being of children and their communities



- e. Severely compromised situations of children's safety, nutrition, health, hygiene, and overall well being due to environmental upheavals and disasters
- f. Large scale migration, displacement or uprooting of a large number of children and their communities as a fallout of natural and man-made disasters
- g. Inadequate numbers of experienced, sensitised and trained personnel in child care and protection in sectors such as health (including mental health), education, recreation, sports, vocational training, social work, child care and protection services, law enforcement, and judiciary
- h. Inadequate budgeting and allocation of resources for investments in infrastructure, capacity building, human resources and meeting recurring costs in protection of children
- i. Insufficient monitoring of the implementation of laws for protection of children<sup>2</sup>
- j. Short falls in ensuring a child-friendly justice system
- k. Increased exploitation and vulnerability of children due to unprecedented, unregulated access and use of digital technology such as the internet, social media, cyber space.

The State is committed to addressing these gaps by institutionalizing child protection mechanisms and procedures. A key modality for achieving this will be through inter-departmental convergence and inter-agency networking.

## 5. Principles of Karnataka State Child Protection Policy

- every child has universal, inalienable and indivisible human rights;
- every child has the right to dignity and a life free from abuse and exploitation;
- rights of children are interrelated and interdependent, and each one of them is equally important and fundamental to the well-being and dignity of the child;
- every child has right to life, survival, health, development, education, protection and participation;
- right to life, survival and development goes beyond the physical existence of the child and also encompasses the right to identity and nationality;
- mental, emotional, cognitive, social and cultural development of the child is to be addressed in totality;
- activities with children and information relating to their identity should take into account the child's right to privacy and confidentiality;
- all children have equal rights and no child shall be discriminated against on grounds of religion, race, caste, sex, sexual orientation, place of birth, class, language, and disability, social, economic, nationality or any other status;
- the best interest of the child should be the primary concern in all decisions and actions affecting the child, whether taken by legislative bodies, court of law, administrative authorities, public, private, social, religious or cultural institutions;
- 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;
- family or family environment is most conducive for the all-round development of children and they are not to be separated from their parents, except where such separation is necessary in their best interest;
- any child shall be presumed to be an innocent of any *malafide* or criminal intent upto the age of eighteen years.

<sup>2</sup> As per budget analysis, child protection ranks at the bottom of the budgetary allocation for children

- every child shall be given an opportunity to have a fresh start without any stigmatization;
- institutionalization of children to be exercised as a measure of last resort;
- no waiver of any of the right of the child is permissible or valid, whether sought by the child or person acting on behalf of the child;
- safety and security of all children is integral to their well-being and children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities;
- children are capable of forming views and must be provided a conducive environment and the opportunity to express their views in any way they are able to communicate, in matters affecting them;
- the principle of natural justice shall be applied to all procedural standards;
- adversarial or accusatory words are not to be used in the processes pertaining to a child;
- children's views, especially those of girls, children from disadvantaged groups, minority groups and marginalised communities, are to be heard in all matters affecting them, in particular judicial and administrative proceedings and interactions, and their views given due consideration in accordance with their age, maturity and evolving capacities.

## 6. Key Objectives

- To create robust, child-centric and effective child protection policies and institutions.
- To build the capacity of institutions, law enforcement and care givers to provide effective and child friendly care and protection.
- Promote and strengthen interdepartmental, interagency and multi-sectoral convergence and accountability.
- To allocate adequate resources and monitor their effective utilization.
- To creatively use technology to strengthen implementation of policies.

The primary focus of the State lies on prevention of any form of violation of the right of children. A child's immediate environment consists of her family, school, community, and open public spaces. The State is committed towards creating and preserving a robust safety net around every child.

## 7. Scope of the State Child Protection Policy

The Karnataka State Child Protection Policy will apply to all government and nongovernmental departments, personnel, institutions, statutory bodies, NGOs and individuals who come in direct or indirect contact with children. The scope of this policy covers the responsibility of the State Government to ensure safety and protection of all children in all situations and contexts, including educational and other institutions for children, whether governmental or non-governmental.

### Implementation Plan

The KSCPP will be implemented using the key considerations delineated hereunder.



- i) **Karnataka State Child Protection Action Plan:** The Karnataka State Child Protection Policy will be operationalized by a Karnataka State Child Protection Action Plan which will create a clear and convergent framework to eliminate all forms of violations of child rights. It will provide for time bound action for all levels, coordination procedures, and budgetary allocations for the achievement of the mission of this policy.
- ii) **Appointment of a State Nodal Officer:** The Secretary, Department of Women and Child Development, Government of Karnataka shall be the Nodal Officer to review this policy and action plan every six months. He/she shall facilitate effective interdepartmental and interagency convergence and coordination for planning, implementation, monitoring and review and ensuring the effective and efficient implementation of the KSCPP.
- iii) **Capacity Building of Human Resource:** An element crucial to the operationalization of the Karnataka State Child Protection Action Policy and Action Plan is the training and sensitization of all personnel responsible for the implementation of the action plan and all stakeholders responsible for child protection. This includes the police, judiciary and all administrative officials involved in interacting with the children in contact with the legal system. The capacity building will include the provisions of law, the procedures for care and protection of children and child-friendly approaches.
- iv) **Create an inter-agency convergence portal:** As the Karnataka State Child Protection Action Policy and Action Plan is based on the principles of convergence and coordination involving multiple stakeholders to promote and implement a single policy, it is important to have a dedicated portal that facilitates communication by the various State departments and provides a platform for stakeholder interaction. A comprehensive process analysis is the first step required for planning the required computerization for a convergence portal. The Department of Women and Child Development, as the nodal department for child protection in the State, will take the lead to develop and implement a web-based monitoring and reporting tool, in coordination with the key departments such as Education, Police and Social Welfare.
- This will include reporting systems of all child protection functionaries and other child protection agencies such as Childlines, Child Welfare Committees etc., Ministerial and departmental data collection endorsed by the highest level of government when linked to the state development planning and included in State/national budgeting, will be an effective mechanism to keep this KSCPP relevant and progressive.
- v) **Prepare a Child Protection Budget:** The State shall set up a dedicated and non-lapsable child protection fund for issues pertaining to safety and protection of children in the State. The process of allocation and utilization of this fund will be simple, transparent and ensure accountability. It will also undertake child budget monitoring and analysis across departments and programs to assess the budgetary spend on child protection within the State to ensure that resources are allocated adequately and appropriately utilized.
- vi) **Translation:** The State of Karnataka shall ensure that every guideline, protocol or scheme developed for the welfare or protection of the child by any institution responsible for the welfare and protection of such children is translated into local vernacular language and take measures for its wider outreach, including internet.

## 8. Policy Framework For Child Protection

The primary focus of the State lies on prevention of any form of violation of the rights of children. A child's immediate environment consists of her family, school, community, and open public spaces. These are not only the source of the subsistence and upbringing of the child, but also create the most effective safety net for prevention against any form of violation of the rights of children.

The State is committed towards creating and preserving a robust safety net around every child. Every child has the right to an environment that preempts any harm and then works towards preventing it. This entails building families, educational institutions, communities and public spaces being equipped to ensure that the child must feel as safe and empowered.

### Child in the Family

For securing the child's mental health and overall holistic growth and development, the State shall ensure that the family is a secure, wholesome and self-sustained unit. The State shall take necessary measures to:

- Ensure access to quality healthcare, education and social security to the child and his/her family.
- Promote equality in all family engagements in a manner that provides all children equal access, freedom as well as a level playing field irrespective of their gender, physical disability, sexual orientation or any other aspect of their identity.
- Prevent the economic exploitation by discouraging families from engaging children in any form of employment, spreading awareness about the ill effects of such employment of children, and building linkages with local agencies and communities towards this end.
- Promote all forms of family-based support such as adoption, foster care, and sponsorship, and support the necessary integration and development of the child within this environment to ensure her long-term security and all-round development.
- Build parenting and caregiving skills of parents and caregivers through support groups, ICT material, and parenting support for a safe, loving and nurturing environment for all children.

### Child in Educational Institutions

The State shall ensure an equal right to education for all children, including special provisions for children belonging to the weaker sections of the society, both in terms of access and quality of education and safety from any kind of abuse or exploitation.

#### A. Access to free, quality and equitable education

- Build education policy in general and the school curriculum in particular, in a manner that facilitates the overall and holistic development of a child's personality through innovative pedagogy as well as non-classroom based means of learning to foster all cognitive and developmental aspects in a child.
- Create new, and optimize and expand the existing digital platforms and ICT- based educational initiatives to address the ongoing challenges in accessing education. In this regard, the State governments shall ensure that the use of technology for online



education adequately addresses concerns of equity by providing every child access to digital educational learning platforms.

- Create effective guidelines for pedagogy and teaching tools for classes through online platforms, taking into consideration the mental health of children and teachers, the need for revision of curriculums and learning outcomes, and the need for training to teachers for effective teaching.
- All processes, infrastructure and interaction with children shall have provisions and approaches that are friendly and conducive to differently abled children including provisions for braille, audio-visual communication, special means of communication and the like.
- Create and strengthen age and gender-appropriate infrastructure and facilities including running water, drinking water, medical aid, and separate toilets for boys and girls and other facilities to ensure the wellbeing and safety of a child in the learning spaces.
- Provide free education and skill development to all children up to Class 12, or children who are studying in Pre-university (P.U.) College, or diploma college and are under 18 years of age.
- The State shall extend assistance to mitigate the disruptive effects on children's education caused by forced evictions, homelessness and migration. To facilitate integration and stability, access to quality education by active enrollment in schools throughout the year, mobile van schools, night schooling for parents etc. should be ensured. Migration Cards should be issued to promote transferability of admissions of migrant children in all government schools of the country. For young children, crèche facilities, especially mobile crèches shall be ensured at all workplaces, whether formal or informal.
- Ensure that all out of school children such as child labourers, trafficked children, child victims of abuse and exploitation, children of migrant labour, street children, child victims of alcohol and substance abuse, children in areas of civil unrest, orphans, children with disability (mental and physical), children with chronic ailments, married children, children of manual scavengers, children of sex workers, children of prisoners, etc., are tracked, rescued, rehabilitated and have access to their right to education.
- Ensure that children/adolescents who have been rescued from child labour or bonded labour, in addition to their formal education are provided with age appropriate skill training.
- Ensure the appointment of well-qualified, trained and experienced counselors having expertise in dealing with mental health and other related issues in children and adolescents in schools and P.U. colleges.
- Ensure age-appropriate sex education to children.
- Ensure that the educational institutions are aware of welfare schemes for children and facilitate the same to the needy school children by linking them to appropriate authorities.
- Ensure that every child in a school, or P.U. College whether public or private, has access to compulsory routine health check-ups, including mental health at least once in every three or six months.
- Ensure the appointment of professional and experienced career guides in schools and P.U. Colleges for guiding children in choosing field in line with his/her potential and skill and also their personal development with expertise in career guidance in

highschool and colleges.

**B. Safety and protection from any form of discrimination, abuse or exploitation**

- i. Educate children in understanding, recognizing and reporting any crimes against children and other child protection issues like child labour, child trafficking, child sexual abuse, child marriage and any other form of abuse or exploitation of children through opportunities in the academic curriculum and in non-academic and non-formal spaces.
- ii. Ensure the safety and security of the child by conducting background checks and police verifications for all staff working in institutions with children as a prerequisite to any interaction with children in the school or in connection to it, including temporary staff and volunteers.
- iii. Extend safety to all children living away from family in residential or day- boarding educational institutions, childcare institutions, religious educational institutions and other non- resident educational institutions, such as crèches, anganwadis and other educational facilities, public and private both, by creating adequate minimum standards of safety, protection and care in terms of infrastructure and facilities. This further requires regulation and monitoring mechanisms ensure safety of children housed in such facilities.
- iv. The State shall ensure an enabling and protective environment in schools for children infected and affected with HIV/AIDS and any form of disability.
- v. Ensure that corporal punishment is prohibited and punished in all institutions housing children.
- vi. Ensure regular check on drug abuse and create awareness on its ill effects by developing age appropriate IEC against drug abuse in school curriculum.
- vii. Uphold a zero-tolerance policy to bullying of children in all its forms of intentional hurt (either physical or mental) motivated by an actual or perceived personal characteristic including caste, race, national origin, immigration status, sex, sexual orientation, gender identity, religion, physical attributes, socioeconomic status, physical or mental ability or disability.
- viii. Ensure that every school has its own child protection and safety policy that covers the key areas concerning the protection and holistic development of children in schools such as indicators relating to learning, safety, sports, play, psychological support, child rights and gender education, civic responsibility, recreation etc. The vision, mission and objectives of the policy should be in conjunction with this Policy.
- ix. Ensure that every school has established a 'child protection committee' consisting of parents, children and teachers.
- x. Ensure that the schools track causes of drop out or long-term absence of children from school and in case any infringement of the rights of the child comes into notice, corrective measures should be taken by the school and district legal authorities to ensure that the child continues his/ her education.
- xi. The State shall take special affirmative measures for education of transgender children.
- xii. Ensure that textbooks and delivery of education is free from prejudice or bias against a particular community or section of society to mitigate risk of violation of rights of children belonging to such community or section of society.
- xiii. Enhance the capacity of school leadership, staff and teachers to teach, understand and address child protection issues in the school by including child rights as part of teacher training courses in colleges and universities, along with the regular capacity building exercises of practicing teachers.



- xiv. Create rigorous evaluation and monitoring indicators for learning outcomes, dropout rates, pupil-teacher ratio, and retention rate to pre-empt and prevent crime against children and promote continuity of education.
- xv. Introduce vocational training courses according to the market requirements especially for children who are school drop-outs.
- xvi. Ensure that all schools follow fire safety, emergency and disaster guidelines along with safety drills and training.
- xvii. Ensure sufficient child protection measures in school and its nearby premises or places which are frequently visited by students, by installing CCTV cameras and its monitoring. Also, there is a need to ensure that the child helpline or other emergency numbers are displayed at various conspicuous places. Emergency 'panic buttons' can also be installed at appropriate places for raising alarm in case of emergency.
- xviii. Ensure reduction of examination related-stress by teachers and by trained counsellors at the school level itself.

### **Child in Community and Public Spaces**

Different actors of the state and society must take children into consideration as its crucial agents of change and rights-bearers. This child-centric decision making process should in turn drive planning and governance when conceptualizing the public space be it urban spaces or rural communities.

The State shall develop all rural, urban and suburban spaces to be child-friendly on the basis of a robust and comprehensive index of indicators formulated for this purpose. The safety and wellbeing of children should be placed at the center of all decision-making processes and actions within the community.

Develop the community as a safety net for children which can be achieved by facilitating, sensitizing and empowering communities to prevent and report cases of child exploitation, abuse or maltreatment such as child labour, child trafficking, child sexual abuse, child marriage and the like.

Ensure the sustainable, structured and gender-positive participation of children in the decision-making process of the community (in both villages and urban spaces), in a meaningful manner that is recognized and upheld by local governance bodies.

Ensure access to primary and secondary health services with quality assistance and provisions to all children.

Ensure access to facilities like safe drinking water, toilets and sanitation facilities to all children within their homes as a matter of right.

Create appropriate policies and mechanisms to prioritize the best interest of the child in times of natural or man-made disaster in coordination with the appropriate agencies.

The State shall formulate special laws and policies for the prevention and complete eradication of harmful, traditional or customary practices that sexually exploit women and children, including female genital mutilation, intergenerational prostitution, devdasi system, etc. and rehabilitation of its victims.

Create appropriate number of drug de-addiction and rehabilitation centres for children who have been rescued from situations involving drug abuse.

Ensure sufficient provisions with regards to child safety in public transport such as publicizing the child helpline number in public transport. Promote installation of CCTV cameras and emergency buttons in buses, metros, trains, bus stands and

railway stations.

Ensures safety measures by creating structures such as covered drains, covered borewells, working street lights and covered electric cables, etc.

### **Strengthening Access to Justice**

All statutory institutions established for the care and protection of the child shall ensure that the best interest of the child is the guiding principle and the prime concern in all activities and decisions having direct or indirect impact on the child. The State shall consistently build and strengthen the capacity of such institutions to deliver efficient, child-friendly, coordinated, accountable and transparent protection to all children.

**Police:** As the first point of contact for children, the Police shall be enabled to provide immediate care and protection to children and build deterrence to any form of crime against them. For this purpose, the State shall commit to the following:

Any interface between the child and the police shall uphold the rights, dignity, safety and wellbeing of the child, regardless of gender, caste, economic status or criminal background.

Bridge the gap between the police and children by making all police stations child friendly including a dedicated corner for any child with age-appropriate infrastructure, processes, and outreach activities.

Establish tech-driven effective information systems regarding trafficking routes, including creation of a database of traffickers and also create heat maps in order to guide prevention efforts in source and transit areas and rescue efforts in destination areas.

The registration and investigation of any crime against children shall be conducted in an effective, child friendly and time bound manner, with due regard to the trauma faced by the child and her family.

Child-friendly investigation procedures shall be introduced in police training institutes, and supported by regular training and capacity building training institutions for the police force.

All crimes of trafficking or commercial sexual exploitation of children, or of where a child may be involved in drugs or use/ distribution of liquor or narcotics, shall be investigated with an organised crime perspective. A child involved in such a crime shall be treated also as a 'child in need of care and protection' as per law.

Ensure economic deterrence against the commission of crime against children through the appropriate application of the provisions of the Code of Criminal Procedure 1973 with respect to seizure, attachment, freezing of accounts and fines to the offender.

Create programmes for incentivisation of police officers to deliver effectively in cases of crime against children, along with recognition and appreciation of best performances and best practices.

Data sharing and coordination shall be promoted, especially in cases of heinous crimes against children where in these offenders' registry or any such database may be of assistance to various stakeholders including the police, the child welfare committees, etc.

Ensure that various child protection systems, such as District Child Protection Unit, Special Juvenile Police Unit, etc. are well in place with well- equipped child friendly infrastructure and sufficient number of trained and dedicated staff.



**Judiciary.** The State shall work towards creating a more child-friendly justice delivery system, where the heightened vulnerability of the child is recognized and the rights of the child are prioritized and protected. Towards this end the State shall ensure the following:

The interface of the child victims and witness of crime with the regular court proceedings shall be minimized in order to prevent revictimization.

All courts shall be child friendly in terms of infrastructure, such video-conferencing and processes including exclusive or dedicated children's courts for crimes against children, child friendly spaces and rooms in the courts, expediting processes through day-to-day trial, and victim/ witness protection to the child and her family amongst other measures.

Exclusive courts for cases involving heinous crimes like rape and trafficking of children to be set up at a district level for the speedy disposal of such cases.

The State shall create systems including additional courts, commissions of inquiry or tribunals for access to justice, timely rehabilitation or compensation for damages, etc.

The State shall endeavor to ensure reintegration of child victims in mainstream society through necessary policies, institutions and engagement of experts.

Build capacity of judicial officials so that professionals have adequate professional knowledge to present and advocate for the case properly, secure prosecution and conviction and be empathetic and sensitive to the child victim and his/her family.

Appoint dedicated, experienced, qualified and compassionate advocates who are well-equipped with the necessary knowledge, skills and attitude to achieve justice for all children in contact with the judicial system. For this, modules child rights law and child friendly justice delivery shall be introduced in all law universities and colleges, along with regular training and capacity-building exercises.

Special Public Prosecutor to be recognized and awarded for their efforts for securing timely justice for child survivors of crime, especially in POCSO cases.

### **Children and the Media**

The State shall facilitate the sensitization of media to ensure adherence to the best interest of the child in all reporting of cases of child abuse and to respect the dignity and privacy of the child while doing so.

The State shall create special provisions to ensure the protection of children in audio – visual entertainment, sports or in any other form of media that depicts children.

The State shall create appropriate guidelines for traditional, digital and social media to accord space to matters concerning matters of protection of children and awareness on matters of child rights.

### **Rehabilitation and Reintegration of Child Survivors**

A child who is a survivor of crime or a child whose rights have been violated can be said to have been truly rehabilitated and reintegrated when her loss of childhood has been compensated for and she has been rehabilitated into a life that ensures her educational, social, economic, psychological, legal and medical rehabilitation and prevention of re-occurrence of crime. This form of rehabilitation shall be extended as a matter of right to every child survivor of crime. For this purpose, the State shall-

Ensure time-bound reunification of a child with her parents/legal guardians after due

assessment of the condition of the home to preserve the best interest of the child.

Promote adoption, foster care and sponsorship as alternate means of extending care and protection of the child through the love and security of the foster/adoptive/ family and community.

Formulate appropriate schemes and policies for the economic compensation of a child survivor of crime and set up robust and speedy procedures to ensure its timely and smooth disbursement to the child. The said compensation shall be extended to the child as a matter of right and thus not contingent upon the result of the trial of the case.

Introduce modules for addressing the trauma and psychological needs of a child survivor of crime in colleges and universities encouraging courses on child psychology and child-psychiatry to ensure adequate number of trained and quality counselors.

### **Children in Situations of Disaster and Conflict Zone**

Children bear a disproportionate share of the impact of natural or man-made disaster, conflict or any other minority or religion based riots or conflict situations or emergency, both in the immediate and longer-term. To protect children from violence, exploitation and neglect in such situations, the State shall create a well-coordinated and accountable response framework to mitigate its negative impact on children. Special attention to be extended to vulnerable children to protect them from getting trafficked, forcefully married, forced to work or exploited in any other manner. This should include:

#### **Pre-disaster/conflict interventions shall include**

- pre-assessment and vulnerability mapping for precautionary measures;
- creation of Standard Operating Procedures for prevention of trafficking and missing children;
- undertake sensitization programmes with Border Security Force (BSF), Police, Local Administrators and influential figures (such as religious leaders), communities and schools.

#### **During and post disaster/conflict interventions shall include**

- creation of a robust tracking system of all children affected by disaster and those residing in relief camps. All such relief camps to maintain minimum standards of care and protection.
- migration registers of every village needs to be monitored with extra precaution during disaster/conflict situations, especially in case of children.
- prioritization of assistance and support to children in hospitals including that of ambulances and vehicles for children at the onset of a natural disaster/conflict.
- set up a child-centric disaster/conflict management cadre comprised of counselors, local police (at least 2 female officers), medical professionals, social workers, representatives from civil society and village councils and disaster/conflict management professionals.
- increased patrolling and surveillance to counter trafficking of children, especially areas that are source of child labour, child marriage and child trafficking.



access to available resources of education, such as online classes and books.

special emphasis shall be given to the health, safety and education of the migratory population of children.

provision for child counselors for therapy and counseling for post-traumatic stress disorder, depression or related symptoms.

use of technology-driven solutions for reunification of missing and separated children with their parents.

assessment of the effect of the disaster on children and the increase in crime against children, and creation of a time-bound cross-department mitigation action plans.

The underlying objective of the State at each of these stages should be prioritizing assistance and support to children in situations of disaster and conflict.

### **Children with Disabilities**

- The State shall at all times uphold the rights of children with special abilities, mental challenges or any other form of disabilities and no child shall be discriminated on the grounds of disability or any disease.
- The State shall ensure prevention of diseases in children through targeted intervention, especially in areas and communities that are marginalised and difficult to reach. These interventions include awareness generation, timely and free pre-natal check-ups and tests such as ultra-sound and other procedures, which help in identifying any kind of foetus anomaly or birth defects during pregnancy.
- The State shall also ensure safe institutional deliveries and post-natal care to prevent any kind of disability and disease in newborn babies.
- The State shall ensure evidence-based and targeted interventions, early-childhood intervention services and support services for the parents of children with special needs.
- The State shall provide alternatives for the institutionalization of children with mental or physical disabilities. They must be awarded equal access, opportunity and participation in all aspects of life.
- The State shall take appropriate measures for the rehabilitation of BPL families of children with special needs suffering from 75% or more disability or children who are chronically ill.
- The State shall facilitate schemes meant for the welfare of children with special needs through hassle-free DBT.
- The State shall take appropriate measures by providing necessary facilities for children with special needs housed in various child care institutions.

### **Children suffering from Life-threatening Diseases**

All children suffering from life-threatening, or rare, or acute diseases including HIV/AIDS, pneumonia, cancer, leprosy etc. or any diseases disrupting the normal functioning and well-being of the child have to be priorities by First Referral Units at the district level and all primary and secondary public health centers. The State shall ensure that these facilities are providing free of cost services and are easily accessible. The State shall also ensure that financial support is given to parents of these children, wherever required.

### **Homeless children**

The State shall take measures in addressing issues related to homeless children, whether accompanied with their families or unaccompanied children by providing them temporary or permanent shelter, age-appropriate benefits of anganwadis, school, vocational training, health facilities.

The State shall take all necessary measures to ensure that no child is left behind to live or work on the streets (including swelling, wasteland, etc.) as a place of habitual abode, or is living and working without a place of shelter or residence, either as a temporary or permanent state. This will include children living on or off the street with adults, with other children or alone, missing or abandoned children, or children begging or earning on the street. In a case where the child is living with her parents/guardians, the principle of non-separation and family-based social and economic rehabilitation shall be promoted, including provision for identity and access to government assistance.

The State shall take extensive measures for orphaned, abandoned or unaccompanied children by providing holistic physical, mental, social, educational, legal and economic rehabilitation, while upholding institutionalization as a measure of last resort.

The State shall take special measures in identifying homeless children who are using drugs or alcohol and extend timely and quality rehabilitation services to them.

The State shall also take awareness measures on issues related to HIV/AIDS, drug abuse and various forms of abuse against children.

### **Gender Rights of Children**

The vulnerability, discrimination, abuse and exploitation related to gender identity and expression becomes manifold in case of children. It may also lead to various physical as well as mental challenges for children. The stigma attached to such identity prohibits a child from accessing his/her right to education and health and live a wholesome life. In this regard, it becomes imperative at the part of the State Government of Karnataka to State give special emphasis on the protection of rights LGBTQI (Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex) children. In this regard, the State shall create such policies or schemes which will allow for LGBTQI children:

- i. to self-determine their gender identity and potential;
- ii. equal access to education or skill development;
- iii. access to adequate standard of living and ensure their right to life, survival and development;
- iv. to choose their gender identity and consequently rely on related documentation that will permit them to identify themselves with such choice;
- v. provide financial assistance to transgender children;
- vi. strengthen child protection laws by addressing issues faced by LGBTQI and transgender children;
- vii. simplify procedure related to change of sex and gender identity on relevant IDs for children;
- viii. develop appropriate procedure for the sex re-assignment surgery of children and this will include informed consent of parents and written approval from concerned CWC;
- ix. Monitor the drop-out of transgender children and take appropriate measures to support the child in accessing education;



- x. provide easy access to vocation training, formal education, and scholarships and access to subsidized educational bank loan to transgender children;
- xi. sensitize public-at large about the issues faced by LGBTQI, especially transgender children to prevent them from facing any kind of discrimination and abuse.
- xii. The State Government to make appropriate guidelines for transgender children housed in any institution housing children and within educational institutions.

**8.12. Child who is a victim of child marriage, or the potential victim of child marriage**  
According to the National Family Health Survey (NFHS)-4, 2016 one in every six marriages in the State is child marriage. Most child marriages are followed by teenage pregnancy, depriving such victim of child marriage of his/her basic education and self-reliant life. In this regard the State Government shall:

- i. Prioritize prevention of child marriage through vulnerability mapping, targeted multi-stakeholder grassroots campaigns and appointment of one or more dedicated child marriage prohibitions officers in every district within 6 months.
- ii. Incentivize panchayats, school teachers and village/block level officers to report cases of child marriage make the village child marriage free.
- iii. Ensure compulsory registration of marriage.
- iv. Formulate a Standard Operating Procedure for dealing with cases of pregnancy in child marriage and build the capacity of officers to implement child marriage, trafficking and sexual abuse related laws.

#### **Child Protection in Businesses and Informal Sector/Industry**

- i. The State is committed to ensure the protection of the right of all children within the large informal sector of Karnataka, including agriculture. All necessary measures will be taken by the State to promote and facilitate the economic, physical and social wellbeing of children and their families in all spaces within the informal sector and to prevent any form of abuse or exploitation of the child.
- ii. The State shall issue advisories to all public and private sector industries to regulate its supply chain by directing its contractors, sub-contractors and service providers to comply with the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and other child related laws to ensure that there is no 'child labour' in their establishment or their supply chain.
- iii. Families working in the informal sector will be extended social and economic protection by means of access to health, educational and social schemes, to support the physical and development needs of such children. Children themselves working within the informal sector will be extended protection under the laws, schemes and programmes relating to child labour operating for the time being in force.
- iv. Regulation of massage parlours and spas in the State to prevent the engagement, trafficking or of children.
- v. All agencies, institutions and establishments extending and facilitating labour, placement and employment shall be regulated to prevent the trafficking of children for labour within their operations.

#### **Child Protection in Public Policy**

India is a signatory to the United Nations Convention on Child Rights. The Constitution of India contains provisions to prioritize the welfare of children and women within Indian policy.

Therefore, State shall ensure that the best interest of the child is safeguarded and promoted in all policies and programmes of the State. In addition, a meaningful and sustained participation of children shall be ensured in the policy formulation and decision-making processes.

### **Child Protection in Technology**

The safety of children in the digital space is one of the most difficult challenges of our times. Information and communication technologies (ICTs) have established themselves almost synonymously with the positive component for growth and development. However, it comes with its own cost and there is a need to recognize and counter the dangers associated with the usage of technology for violation of child rights, especially the abuse faced by children in the digital space. At the same time, technology can also efficiently be used for strengthening the protection of children in the country. The State shall:

- i. Adopt a zero tolerance towards any form of abuse of children through digital means including, but not limited to online child sexual abuse, online grooming, sexting, sexual extortion, trafficking, cyber-bullying, child sex tourism, cyber-stalking or any other visual, audio, or print, which has the potential to endanger the health, privacy, safety or wellbeing of a child. This will be aided by criminalizing the crime and issuance of strict guidelines and punishment for offences thereby combatting the crime of abuse of children through the use of technology.
- ii. Adopt a legislative framework to protect the identity and personal data of a child. Strict confidentiality regarding a child's personal information must be maintained at all times.
  - iii. Adopt various measures to protect the 'child' in online spaces and in the purview of technology including in sale, distribution or keeping any media involving a crime against a child. For example, promote digital literacy among children and parents, immediately take-down online child abuse material, issue guidelines for internet service providers, social media networks, and the like.
- iv. Build accountability of internet service providers and companies by mandating stringent mechanisms for prevention, identification and termination of any instance of online abuse of children.
- v. Develop strong coordination and partnerships at an international level to address the cross-border nature of online and digital abuse of children, including collection and sharing of Intelligence, cooperation for identification, investigation and termination, building uniformity in response mechanism, and other matters of global cooperation towards ending the abuse of children through digital means.
- vi. Ensure the utilization of best technological solutions (including Facial Recognition) as part of the Track Child Software to provide timely solutions to child victims and other stakeholders. Also, track the protection and rehabilitation of every child who is a victim or witness of crime, is in need of care and protection or is in conflict with law.
- vii. Installation of biometric systems in Child Care Institutions to prevent abuse of children in residential care, and ensure their speedy reunification.
- viii. Use of Geographic Information Systems (GIS), Artificial Intelligence (AI), Big Data analysis and other forms of emerging technologies towards creating innovative solutions to prevention of crime against children and protecting their rights.
- ix. The State shall also promote the effective use of technology by children for educational and recreational purposes when used under the guidance of parents and teachers.



**Referral systems:** The State shall put in place protocols that enable effective referrals of children who may need care and protection and the referral shall include legal services or support, medical or counseling services, educational and other rehabilitation guidance, access to central and state schemes and entitlements, victim compensation etc.

**Awareness creation- Translation and dissemination:** The State shall design and develop KSCPP and customized KSCPP materials in vernacular, Indian Sign Language and English on child protection and safety issues for the general public and all stakeholders. All Operating Procedures and Guidelines formulated by different departments shall also be translated into vernacular languages commonly used in the State, the Indian Sign Language and shall be disseminated using all available media, including the internet in order to All communication material will strive to impact behavioral changes by addressing mindsets, conventional practices, prejudices and pre-existing perceptions of all stakeholders. Material developed will also encompass legal provisions for protection of children. All mediums of mass communication such as print, visual, folk arts, theater, street plays etc., shall be used for effectively reaching out to the public and targeted stakeholders as required.

**Confidentiality and privacy:** Every State Department and stakeholder privy to any confidential information shall ensure that all information concerning a child is stored or shared in a manner that protects the privacy and legal rights of the child and protects the dignity of the child, in accordance with applicable law.

**Issue of Identity and access to rightful entitlements:** The State shall ensure that no child is deprived of accessing their rightful entitlement due to lack of state approved identity proof. This is applicable to all children, but especially to vulnerable groups such as children from the Devadas community, children from nomadic and migrant communities, children of single mothers, orphans, COVID orphans etc

**Develop and Promote Model child protection policy:** as templates and standard model that can be replicated and appropriately modified by any department/ system / institution

## 9. Monitoring and Evaluation

The meaningful realisation of the policies of the State with respect to securing the rights of children shall only be achieved through its rigorous monitoring and evaluation compliance with the principles and provisions of this policy. This shall require seamless collaboration and coordination by development and effective linkages across all agencies towards the achievement of the requirement of IT enabled tools.

The monitoring and evaluation of this policy shall be conducted with two key approaches- (i) Beneficiary- focused Monitoring, that will track the progress and the protection and realisation of rights of each child and his/ her environment with regard to this policy and also regarding the implementation of laws and schemes formed for the benefit of children; (ii) Operation focused monitoring, that will track the existence, capacity and functionality of institutions that are set up to monitor this policy and other laws and programmes in furtherance of the rights of the child.

The above approaches along with financial and compliance monitoring shall be conducted with the effective use of technology including real-time monitoring softwares that will be operational and the micro-level of operation and monitored at the State and Central level. Such exercises shall regularly collect, analyze and disseminate data that shall be made publically available to facilitate data-driven decision making for Government and Non-Governmental agencies.

The lived experience of children in all situations is the most effective means of evaluating the effectiveness of the implementation of this policy. Thus, the consistent and meaningful participation of children shall be ensured in the monitoring and evaluation of the quality of care and protection extended to them.

## 10. Resource Allocations and Utilization

The quality implementation of this policy requires that adequate financial, material and human resources are allocated and released to implementing parties in a timely and transparent manner. The State also commits to zero tolerance for child labour, trafficking and exploitation in the procurement policy of the Government of India in order to ensure that supply chains in Government procurement are free from child labour or any form of violation of child rights. For the purpose of effective resource allocation and utilization, the State commits that it shall:

- Endeavor to allocate at least 10% of the Union and State Budget to matters of the development, protection and wellbeing of children.
- Integrate 'Child Budgeting' into all the budgets and programmes of the State and Central Government of India and various central and state undertakings.
- Track allocation and utilization of resources and their impact on outcomes for children with regard to budgets and expenditures on children by all related Ministries and Departments.
- iv. Integration of child protection and safety in Schedule VII of the Companies Act 2013 pertaining to corporate social responsibility, in order to direct greater corporate investment on all issues of child protection.
- v. Track the timely and adequate allocation release and utilisation of resources against its achievement of desired outcome and impact through regular collection and analysis of data. The same shall be made accessible and updated regularly on the website of the concerned Ministry.
- vi. Ensure quarterly review of the expenditure of budget allocated for children at the District and the State level.
- vii. Ensure optimum utilization of budgets allocated for children while timely increasing the budget in view of evolving needs.

## 11. Accountancy and Transparency

This policy shall be implemented through a dedicated budget and time bound action plans that shall assign specific roles and responsibilities to appropriate Government agencies. The outcome of such targets need to be monitored and evaluated through centralized



technology-driven monitoring mechanisms.

## 12. Review of Policy

- There shall be a 'Review Committee' to review the implementation of the Karnataka Child Protection Policy.
- The Committee shall be headed by the Secretary, Department of Women and Child Development as 'State Nodal Officer' with representatives from Department of Labour; Department of Health; Department of Education, Home Department; State Legal Services Authority; State Commission for Protection of Child Rights; NGO dealing with issues related to children, etc.
- The Committee shall review the 'Action Taken Report' of various departments responsible under the mandate of the Karnataka Child Protection Policy every six months. iv. A comprehensive review of this Policy shall be taken up after three years of the adoption of the policy in consultation with all stakeholders, including children.
- Every year an annual report shall be prepared and submitted to the Chief Secretary of the State of Karnataka for review purposes.

## 13. COMPLIANCE

Compliance under this KSCPP advocates a two-pronged, collaborative, approach to build the capacity of organizations and institutions to adopt child protection policies and processes. The State will support them in developing such systems and policies and make a template policy available on the website.

Failure to comply after due time and support would result in the organization being held responsible for this lapse and will be required to make good the lapse in a time frame defined by the State or face being penalized for (as in point b.) based on the following.

- a. Child friendly governance is the **only** acceptable form of addressing child protection.
- b. Accountability - Penalising non-compliance for deliberate violations through multiple ways such as monetary compensation, cancellation of permissions or registrations, suspensions, or criminal action.

In addition, the KSCPP supports and recognises all legal obligations and redressal mechanisms and consequences prescribed under other existing central or state legislations such as under the JJ Act, rules and guidelines, POCSO Act and Rules, IPC. The KSCPP stands firmly committed to ensuring that the legal responsibility in following all procedures, guidelines, and penal consequences stated therein is strictly followed.

The assessment and certification of compliance with the KSCPP and any customised KSCPP shall be undertaken by a body, agency as appointed/notified by the government. The State shall endeavor to ensure that such a compliance monitoring body or authority shall be consist of a team of members that include an external/independent member, and members of the wider stakeholder community such as the SDMC/PTA member in the case of educational institutions and an official of the concerned State Department to ensure fair and impartial assessment.

Any non-compliance or negligence or violation of the guidelines issued under the KSCPP or any customized KSCPP shall attract penalty including penal proceedings depending on the severity of the violation. The penal procedures as indicated in the Table annexed (Annexure No: 2) shall be initiated against concerned persons relating to particular violations of the KSCPP guidelines.

That said, the Departments, other mandatory bodies, functionaries under various laws shall set procedures and measures in place over a stipulated time period and in phased manner, and in the event of non-compliance enforce the prescribed penalty clause, incrementally, with provision for corrective measures.

For e.g. on implementation of Operating Guidelines and Procedures for Educational Institutions

- a six months to one year time frame should be provided to all schools to develop and set in place their own Child Protection Policy. The institution will be supported in developing and implementing their CPP. The Department will extend its support and also put up a template that could be used by the institution to customise it to their needs. If there is non-compliance even after that, then the institution will be held accountable and would face disciplinary/penal action. However, caution will be exercised to ensure that no penalty or disciplinary action/measures are taken up that affect children or hinder their education or place them in further difficult circumstances. For e.g. closure of school with no prior sufficient notice to parents/guardians or at the time of examination.



## Annexure -01(Child related laws)

### THE GUIDING LEGAL FRAMEWORK

Child protection under the KSCPP is based on globally accepted definitions and principles of child protection. The following international and national laws and guidelines lay the foundation for this KSCPP.

- a. **Constitution of India:** Child protection is articulated in several provisions of the Constitution of India including Article 14 (right to equality and equal protection of the law), Article 15(3) (fundamental right of the State to make any special provision for women and children), Article 21 (right to life and personal liberty), Article 21A (right to education), Articles 23 and 24 (rights against exploitation) Article 39(e) (right to health and freedom from abuse due to economic necessity) and Article 39 (f) (right to development with dignity) and Article 51A(k) (duty of parents or guardians to provide opportunities for education). The State under the Constitution has a primary responsibility to ensure that all the needs of children are met and that their basic human rights are fully protected.
  
- b. **Immoral Traffic (Prevention) Act, 1956:** enacted in 1956 and amended in 1986, in pursuance of the International Convention signed by India in 1950 pertaining to the Prevention of Immoral Trafficking, is a comprehensive act that makes the sexual exploitation of male and female especially for commercial purposes or vested gain a cognizable offense.
  
- c. **The United Nations Convention on the Rights of the Child, 1989 (“UNCRC”):** The UNCRC signed and ratified by India, recognises that every child is entitled to an umbrella of protective rights based on principles and standards developed in the best interest of the child. The UNCRC consists of 41 different types of rights that work in harmony in four basic areas to form one integrated set of child rights.
  - I. **Survival:** includes the right to life, right basic nutrition, shelter, access to medical services and an adequate living standard;
  - II. **Development:** includes the right to education, play and leisure, information, freedom of thought, conscience and religion
  - III. **Protection:** includes the right to protection from all forms of physical or mental abuse, neglect and exploitation against any person, including parents and care-givers. The State is urged to provide safeguards for children in the criminal justice system, protection of children in employment and protection and rehabilitation of victims of abuse, neglect or exploitation.
  - IV. **Participation:** recognises the right of children to express themselves and be heard and have their voices included in matters affecting them, it also recognizes the right of children to form association and assemble peacefully.
  
- d. **The National Charter for Children in 2003 (“Children’s Charter”):** This Charter emphasizes protection from economic exploitation and all forms of abuse; protection of the girl child; care, protection, welfare of children of marginalised and disadvantaged communities; and ensuring child-friendly procedures.

- e. **National Plan of Action for Children, 2005 (“NPA 2005”)**: The NPA 2005 was formulated and adopted as India’s response to the UN General Assembly Session on Children, set out in the “World Fit for Children” outcome document. India became a signatory to this UN session in May 2002 decisions and the NPA 2005 re-enforces state’s commitment on protection issues highlighted in the outcome document.
- f. **The Commission for Protection of Child Rights Act 2005**: This provides for the constitution of a National Commission and State Commissions for protection of child rights and children’s courts for providing speedy trial of offenses against children or of violation of child rights and for matters or incidental to it. It also ensures the monitoring of implementation of legislation and policies at all levels of governance for upholding child rights and action for non-compliance.
- g. **Right of Children to Free and Compulsory Education Act 2009 (“RTE”)**: Section 17 prohibits physical punishment and mental harassment. Further under section 29(2) (f) while laying the procedure for curriculum transaction emphasizes making the child free from fear, trauma and anxiety and helping the child to express views freely.
- h. **The Protection of Children from Sexual Offences Act, 2012 (“POCSO”)**: places an obligation on the state to prevent sexual violence against children, identify and respond to such violence and notify guidelines that must be adhered to by various stakeholders including educational institutions. It seeks to protect all children from sexual assault, sexual harassment and pornography and provides for stringent penal action against offenders, including presumption of guilt.
- i. **The National Policy for Children, 2013 (“NPC 2013”)**: The NPC 2013 drew extensively from and reiterated the commitments for upholding rights of children already enshrined in the Children’s Charter and the NPA 2005. Guiding Principles X of the NPC 2013 emphasises child protection and mandates that “children are to be protected from all forms of harm, abuse, neglect, violence, maltreatment and exploitation in all settings including care institutions, schools, hospitals, crèches, families and communities.”
- j. **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH)**: is a central legislation that seeks to protect women from sexual harassment at their place of work, however this Act has been interpreted to extend protection to the girl child in schools, workplaces or other similar environments.
- k. **The Juvenile Justice (Care and Protection of Children) Act 2015 and The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 (“JJ Act”)**: Founded on the principles of the UNCRC, the JJ Act provides a framework for the care, protection, treatment and rehabilitation of children in the purview of the juvenile justice system.
- l. **Child and Adolescent Labour (prohibition and regulation) Act 2016**: is a central legislation that provides for complete prohibition of work or employment of children below 14 years in any occupation and process and adolescents in the age group of 14 to 18 years in hazardous occupations and processes. The Act also provides for stricter punishment of employers for violation of the Act and made the offense as cognizable.
- m. **Prohibition of Child Marriage Act 2006 with amendment in 2016**: is a central legislation that aims to provide for complete prohibition of child marriage, to protect and provide relief



to victim and enhance punishment for those who abet, promote or solemnize such marriage.

- n. **National Disaster Management Guidelines: School Safety Policy 2013:** is centrally sponsored to ensure that all children and their teachers in India, and other stakeholders in the school community are safe from any kind of risks due to natural hazards. The Guidelines focus upon the urgent need to strengthen risk resilience of schools in rural as well as urban areas of the country.
- o. **Karnataka Child Policy:**
- p. **Karnataka Girl Child Policy 2018:** is a state policy that outlines the State Government's vision and commitment to girl children from 0-18 years of age in the State and outlines the goals, priorities and provisions for guaranteeing all girl children of the state the rights of survival, development, protection and participation. It articulates priorities and actions that are relevant and specific to girl children in the State while endorsing its commitment to the National Policy for Children, the State Child Protection Policy, and the Global Sustainable Development Goals.
- q. **The Mission Vatsalya Scheme:** A centrally sponsored scheme implemented by the Ministry of Women and Child Development, Government of India, to bring elements of all child protection programmes under one umbrella, it sets in place child protection mechanisms with trained personnel, from national to local level.

And other legislation such as:

- r. Bonded Labour System (Abolition) Act, 1976
- s. Factories Act, 1948
- t. Infant Milk Substitutes, Feeding Bottles and Infant Foods Act 1992
- u. Pre-natal Diagnostic Techniques Act, 1994
- v. Persons with Disabilities Act, 1995
- w. The Medical Termination of Pregnancy Act, 1971 and the MTP (Amendment) Act 2021
- x. Guardians and Wards Act, 1890
- y. Hindu Adoption and Maintenance Act, 1956
- z. National Food Security Act(NFSA), 2013
- aa. Scheduled Castes and Scheduled Tribes Act, 1989
- bb. National Disaster Management Act, 2005
- cc. Karnataka Victim Compensation Scheme, 2011
- dd. Karnataka Gram Swaraj and Panchayat Raj Act, 2020