

KARNATAKA STATE CHILD PROTECTION POLICY

rights based protection of children in Karnataka

**DEPARTMENT OF WOMEN AND CHILD
GOVERNMENT OF KARNATAKA**



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KARNATAKA STATE CHILD PROTECTION POLICY (KSCPP), 2016. REVISED- 2023

CHAPTER 1: OVERVIEW

1.1 INTRODUCTION

Children today are recognised as the subjects of rights and not just as “objects of protection”.¹ The rights of children to protection and to a protective environment are inalienable rights recognised by the United Nations Convention on the Rights of the Child, 1989 (UNCRC)², the Constitution of India and the National Policy for Children 2013.

¹The South Asian Report on the Child Friendliness of Governments, 2013 available at www.southasianreport.org

² India is a signatory to the United Nations Convention on the Rights of the Child (1989) and the Government of India ratified the same on 11th December 1992.

The Government of Karnataka (“GoK”) AFFIRMS its commitment to these national and international mandates and RECOGNISES the right of every child in the state of Karnataka to protection and a protective environment.

The Karnataka State Child Protection Policy (“KSCPP”)³, notified in 2016 (**Cabinet Note No: C/168/2016, dated: 20.04.2016 & Order No.: MAMA 259 of 2014, Bangalore, dated: 30.04.2016**) by the Department of Women and Child, Government of Karnataka was the country’s first statewide comprehensive policy for child protection based on principles of child friendly governance. This is the revised version of the KSCPP. It will be adopted and implemented by all the relevant Departments, particularly, Department of School Education and Literacy, Department of Public Instruction, Department of Higher Education, Department of Technical Education, Home Department, Department of Tribal Welfare, Department of Personnel and Administrative Reforms, Backward Classes Welfare Department, Minority Welfare Department, Karnataka State Minorities Commission, Department of Labour, Department of Health and Family Welfare, Department of Social Welfare, Department of Women and Child Development, Department for the Empowerment of Differently Abled and Senior Citizens, Department of Youth Empowerment and Sports, Department of Rural Development and Panchayat Raj, Karnataka Tourism, the Judiciary and all other departments wherein the functionaries have direct contact with children.

1.2 THE STATE VISION

Every child in Karnataka will grow in a safe, protected and enabling environment that fosters positive all round development of the child and creates opportunities for every child to reach their potential. An environment where all stakeholders of the State, including parents, care providers, duty bearers, and the community, work in partnership to make children's rights a reality by eliminating discrimination, bringing respect in its interactions with children, valuing children's opinions and participation, and upholding dignity of the child.

³ <https://www.makkalahakku.com/main-control/uploads/Karnataka%20State%20Child%20Protection%20Policy-English%202016.pdf>

1.3 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:

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

1.4 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 children⁴
- 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 institutionalising child protection mechanisms and procedures. A key modality for achieving this will be through inter-departmental convergence and inter-agency networking.

1.5 THE PARTNERSHIP PRINCIPLE

Sustainable child protection requires ~~the~~ commitment to the concept of a protective environment for children by all stakeholders connected to the child. This requires collaboration between government departments, elected representatives and concerned

⁴ As per budget analysis, child protection ranks at the bottom of the budgetary allocation for children

non-state actors, including the caregivers and children themselves, all acting in the best interest of the child.

The KSCPP provides a comprehensive framework to guide stakeholder responsibility by defining roles and responsibilities, strengthening institutional and infrastructural support and increasing both access and range of child protection services provided by the State.

The partnership principle of the KSCPP is built on creating horizontal linkages between various concerned state departments and vertical linkages at the central, district and panchayat, village/municipality levels and cross linkages with the wider society. The local governance institutions, i.e, the panchayat and municipal bodies and ward committees shall be actively involved in the process through grama sabhas, ward sabhas, especially the makkala ward sabha, makkala gram sabhas, makkala sanghas/clubs, all the while recognising children as individuals with inalienable rights.

CHAPTER 2

CHILD PROTECTION

2.1 UNDERSTANDING CHILD PROTECTION

Article 19(1) of the UNCRC recognises the obligation of the state to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Child protection therefore means ensuring that a child is secure in an environment with the following elements:

- a. An environment where children are safe and free from abuse, exploitation and any form of violence;
- b. Where the risk of harm is prevented;
- c. Where vulnerability is accepted and not exploited, but is reduced/addressed;
- d. Where children have access to services and support systems;
- e. Where the system prevents slippage from safety net or social security; and
- f. Where there is accountability of the State and people to children.

The KSCPP is therefore based on the following child protection right- duty correlation:

The Fundamental/Basic Right of Every Child to A Protective Environment = the **Fundamental Duty Of Every Person** Connected to the Child to Provide/Ensure a Protective Environment, in order that: **EVERY CHILD CAN SAFELY & SECURELY REACH THEIR FULL POTENTIAL**, free from abuse, exploitation and any form of violence.

The GoK is committed to ensuring child protection within the State with a rights-based approach, which implies promoting the safety and security of children within the framework of their legally recognised rights. Children in the State must have access to protection from all forms of violence, abuse and neglect and access to child protection services across all social sectors – especially social welfare, education, health, security and justice. Furthermore, this policy recognises the inalienable right to protection of every child in the State whether or not a resident of Karnataka or a citizen of India.

2.1 DEFINITIONS

- a. “Child”: means any person under the age of 18 years, or one who has not completed eighteen years of age as per Section 2 (k) of the Juvenile Justice (Care & Protection of Children) Act 2015.
- b. “Child abuse”: means all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.⁵
- c. “Child rights friendly”: means any process, interpretation, attitude, behaviour, conduct, practice, treatment or environment that upholds the rights of children, is humane, equitable and in the best interests of the child.
- d. “Child protection”: is the prevention of, and response to, exploitation, abuse, neglect, harmful practices and violence against children.⁶
- e. “Child protection system”: comprises human resources, finance, laws and policies, governance, monitoring and data collection as well as protection and

⁵ referenced from Definition of Child Maltreatment as defined by World Health Organisation, <https://www.who.int/news-room/fact-sheets/detail/child-maltreatment>

⁶ Definition of Child Protection as defined by UNICEF in its Child Protection Strategy 2021-2030 <https://www.unicef.org/documents/child-protection-strategy>

response services and care management of children. It includes different actors – children, families, communities, those working at sub-national or national level and those working internationally⁷.

f. “Child sensitive environment”: means an environment where the ambience of a place is safe and children feel comfortable to express themselves.

g. “Competent Authorities”: means and includes the authority recognised under applicable laws including, the Child Welfare Committees, Juvenile Justice Board, Children’s Court, Special Juvenile Police Units, mandated under the Juvenile Justice (Care & Protection of Children) Act 2015, Special Court under the Protection of Children from Sexual Offences Act 2012, Karnataka State Commission for Protection of Child Rights under the Commissions for Protection of Child Rights Act, 2005, Child and Adolescent Labour (prohibition and regulation) Act 2016, Prohibition of Child Marriage Act, 2006 (amended in 2016), Grama Swaraj Panchayat Raj Act 2015 and any other competent authorities recognised under any other laws pertaining to children.

h. “Exploitation”: means any willful or coerced act or behaviour of an adult or care provider with children, for economic gain or not, that places them in a difficult, harmful, dangerous situation or impedes their overall development. For eg. beggary, child marriage, forced labour, trafficking for various purposes etc.

i. “Forms of abuse”: means all forms of child abuse including physical, emotional or psychological, sexual, neglect, maltreatment, discrimination etc.

j. “Harm”: means an act or behaviour, often intentional, that hurts, causes grievous injury, pain or trauma to the child. Most often this is physical and sometimes could also be self-inflicted, such as cutting, burning, misuse of substances etc.

k. “Neglect”: means a condition where there is failure to protect the child from exposure to any kind of harm or danger that results in significant impairment in the health and development of the child. Neglect is often prolonged and includes starvation or not providing food and nutrition, not providing emotional support, or medical, educational, and other basic care such as shelter, clothing etc or leaving a child unsupervised.

⁷ Based on definition of Child Protection System defined in “Child Protection Systems Strengthening”, September 2021, page 5 <https://www.unicef.org/media/110876/file/Child%20Protection%20Systems%20Strengthening%20.pdf>

l. “Persons in direct contact with children”: means persons who are in the physical presence of a child or children as part of their professional /honorary/volunteering services, be it regular/occasional/temporary/long term.

m. “Persons in indirect contact with children”: means persons whose work does not require them to be in the physical presence of a child as part of their professional /honorary/volunteering services, be it regular/occasional/temporary/long term, but encompasses access to information about the child such as personal details and other data including photographs, medical records, case files etc.

n. “Protective Environment”: means and includes environments that safeguard children from violence, exploitation, abuse, and neglect. This includes providing them access to food, shelter, education, health care and other basic facilities and services, a safe environment to grow and develop, be protected from physical, emotional and sexual abuse, and access child protection system

o. “Sexual abuse”: means acts or behaviour that constitute an offence under the Protection of Children from Sexual Offences Act, 2012 (POCSO) and/or the Indian Penal Code, 1860.

2.2 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 offence 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

2.3 GOVERNING PRINCIPLES & MINIMUM STANDARDS

The KSCPP is formulated and guided by certain non-negotiable fundamental principles.⁸ These governing principles as stated hereunder shall be fundamental to the application and implementation of this KSCPP, and form the base of all laws, standards or guidelines issued in connection with the KSCPP.

- a. **Principle of the Best Interest of the Child:** This principle mandates that the best interest of the child must be the primary consideration of all stakeholders while directing any action concerning the child⁹.
- a. **Principle of Equality, Universality and Non-discrimination:** Under this principle all children shall be given equal opportunity and treatment. There shall be no discrimination against a child on any grounds including that of gender, sex, religion, caste, class, geographic area; disability etc.
- b. **Principle of Right to Survival and Development:** Combining all rights applicable to the right to survival and development, this KSCPP is based on the principle that every child has the right to life, that takes in account living conditions, the quality of life and the right of every child to develop to their their maximum potential.
- c. **Principle of Right to Participation:** Children have the right to be heard, listened to and participate in all matters that affect them, at almost all levels of society. This requires creating legal structures and a systematic practice of consulting children and listening to them. This right features in the Eleventh and the Twelfth Five Year Plan (2012–2017) documents, the NPC 2013 and the JJ Act.¹⁰

⁸ These principles have been drawn from the UNCRC as well as guiding principles under the Juvenile Justice (Care & Protection of Children) Act 2015 & Amendment Act 2021

⁹ Article 3 of the UNCRC

- d. **Principle of Dignity and Self-worth:** All children shall be treated with respect for the child's sense of dignity and worth.
- e. **Principle of Confidentiality:** Child protection includes the child's right to privacy and confidentiality. Except as prescribed by law, the right to privacy and confidentiality shall be maintained while addressing all forms of abuse, including child sexual abuse. This principle mandates that the privacy of the identity of the child involved is strictly protected. Identity of a child includes their name, address, photograph, family details, school, neighbourhood, or any other details that may lead to disclosure of identity. The media as a stakeholder is in particular also bound by this governing principle of confidentiality and right for the protection of the child.
- f. **Principle of Liberty:** In accordance with Articles 37(b), 6(1) and 9(1), UNCRC, no child shall be deprived of his or her or their liberty, unlawfully or arbitrarily.¹¹ Further, no child should be subjected to torture or other cruel, inhuman or degrading treatment or punishment¹²
- g. **Principles under the Rights of Persons with Disabilities Act, 2016:** regarding respect for inherent dignity, individual autonomy, non-discrimination, full and effective participation and inclusion in society, accessibility, equality of opportunity, respect for difference and respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.
- h. In accordance with UN Guidelines on Alternative Care of Children, 2010, all decisions concerning alternative care shall take full account of the desirability, in principle, of maintaining the child as close as possible to the child's habitual place of residence, in order to facilitate contact and potential reintegration with the child's family and to minimize disruption of the child's educational, cultural and social life¹³.

¹⁰ The KSCPP provides an example of the inclusion of the Right to Participation in formulating this policy and the Operational Guidelines and Procedures For Educational Institutions under Karnataka State Child Protection Policy, 2016 in the formulation of which children from across the state took part.including through the "**Our Safety Our Voice**" child protection initiative for the children, by the children and of the children,

¹¹ Article 37(b) of the UN CRC, 1989 ratified by India in 1992, and Clause 85 of the UN General Comment No. 24 on the rights of children in the child justice system.

¹² UNCRC, Article 37(a); RPD Act, 2016, Section 6, and Mental Healthcare Act, 2017, Sections 95, 96, and 97.

¹³ UN Guidelines for the Alternative Care of Children, 2010, clause 10.

These principles and minimum standards form the basis of KSCPP that explicitly recognises the State's obligation to create an environment for children's views to be heard, to enable communication based on mutual respect between adults and children, frame policies and distribute resources in the best interest of the child and be accountable for the outcomes of all policies, programmes and services which have implications on child protection.

CHAPTER 3: APPLICABILITY AND IMPLEMENTATION

3.1 SCOPE OF THE STATE CHILD PROTECTION POLICY

The KSCPP will apply to all government departments, personnel, institutions, statutory bodies, media, legal entities, organisations and institutions not registered under any law in force; and persons in direct contact or persons in indirect contact with children. This policy will cover all children in all situations and contexts in the state of Karnataka, irrespective of their state or country of origin or domicile.

3.2 IMPLEMENTATION

As children in need of protection may be differently situated or found in different environments. This umbrella KSCPP will therefore be customized to the needs of all such children.

The KSCPP shall be implemented using the key considerations highlighted here under:

- a. Prepare Operating Guidelines and Procedures: Commencing with the [Operating Guidelines and Procedures for Educational Institutions](#),¹⁴ notified in 2016 (Cabinet Note No: C/168/2016, dated: 20.04.2016 & Order No.: MAMA 259 of 2014, Bangalore, dated: 30.04.2016), all relevant Departments of the GoK, providing services to children under other acts and schemes, shall notify Operating Guidelines and Procedures, as applicable to their Department over a stipulated time period. In particular, Department of School Education and Literacy, Department of Public Instruction, –Department of Higher Education, Department of Technical Education, Home Department, Department of Tribal Welfare, Department of Personnel and Administrative Reforms, Backward Classes Welfare Department, Minority Welfare Department , Karnataka State

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

Minorities Commission, Department of Labour, the Department of Health and Family Welfare, Department of Social Welfare, Department of Women and Child Development, Department for Empowerment of Differently Abled and Senior Citizens, Department of Youth Empowerment and Sports, Judiciary, Department of Rural Development and Panchayat Raj, Karnataka Tourism, and all other departments wherein the functionaries have direct contact with children.

- b. The effective compliance of the operating guidelines and procedures shall be monitored on a regular basis.
- c. **Appoint a State Nodal Officer:** A State nodal officer shall be appointed to facilitate effective interdepartmental and interagency convergence and coordination for planning, implementation, monitoring and review and ensuring the effective and efficient scaling of the KSCPP.
- d. **Facilitate human resource development and strengthening of the child protection and allied workforce:** Regular training and sensitization of all personnel responsible for child protection will be undertaken.
- e. **Create an interagency convergence portal:** As the KSCPP is based on the partnership principle involving multiple stakeholders to promote and implement this policy, a dedicated portal shall be established that facilitates monitoring, reporting by various State departments and provides a platform for stakeholder interaction.
- f. **Take into account the Mission Vatsalya Scheme** launched by the Ministry of Women and Child Development, Government of India for implementation of the KSCPP where applicable.
- g. **Prepare a child protection budget:** The State shall ensure Child Budgeting across departments towards effective and efficient implementation of the KSCPP. The State shall also undertake child budget analysis across departments and programs to assess the budgetary spend on child protection within the state to ensure that resources are adequately and appropriately utilized.
- h. **Assess quality of child protection systems:** Reports from police and other child protection agencies such as Child Emergency Response Systems, Child Help Lines, Child Welfare Committees, District Child Protection Units (DCPUs), Taluk/Panchayat Level Child Protection Committees, Special Juvenile Police

Units (SJPU) etc. and relevant departmental data will be linked to the state development planning and included in State/National budgeting.

- i. **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.
- j. **Awareness creation:** The State shall design and develop KSCPP and customized S KSCPP materials in vernacular, Indian Sign Language and English on child protection and safety issues for the general public and all stakeholders.
Translation and dissemination: The KSCPP and all Operating Procedures and Guidelines formulated by different departments will be translated into vernacular languages commonly used in the State, the Indian Sign Language to facilitate its extensive use and will be disseminated using all available media, including the internet. its dissemination and use.
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.
- k. **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.
- l. **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 Devadasi community, children from nomadic and migrant communities, children of single mothers, orphans, COVID orphans etc
- m. **Develop and Promote Model child protection policy:** as templates and standard model that can be replicated and appropriately modified by any department/ system / institution

- n. **Monitoring and Evaluation:** The State shall formulate a monitoring and evaluation platform from the local to the state level to assess the adherence to the implementation plan and effect mid-term corrections and incorporate changes for effective implementation.

3.3 REVIEW AND MONITORING OF THE STATE CHILD PROTECTION POLICY

The Additional Chief Secretary, Government of Karnataka shall be the Nodal Officer to review this KSCPP periodically / once in five years, or as directed by the Hon'ble High Court of Karnataka. Additionally any other instrument, policy or act that has a bearing on child protection must be reviewed in relation to the commitments of this policy. The Department of Women and Child Development, Government of Karnataka shall facilitate this review in coordination with the other applicable departments, that provide services to children, such as, Police, Department of Health, Department of Primary, Higher and Secondary School and Collegiate Education, Department of Labour, Department of Law, Department of Social Welfare, Rural and Panchayat Raj Department, Backward Class and Minorities, District and Urban Administration, Department of Information, in collaboration with other applicable departments and agencies of the State.

The results of the review of implementation will be utilized during the policy review to enable adjustments and refocus of the policy to keep it continually relevant.

Review mechanisms shall include child impact assessments, and review of all laws and policies that affect the lives of children in relation to child protection in the State.

3.4 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 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.