



A Report on
Availability of Quality Education and Vocational
Training in Observation Homes (2017-18)



Education Division
National Commission for Protection of Child Rights (NCPCR)
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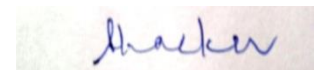
PREFACE

One of the important interventions of the Government of India has been skilling of young persons. Investment in human capital is a pre-requisite for a healthy and productive population for nation building. Apart from education, there is a need to impart skills and vocational training to children between 15- 18 years of age, especially to those children who are in conflict with law. Given the size of the child population in the country the number of children who are in conflict with law is negligible; but these children need special attention and interventions for their successful rehabilitation.

The Juvenile Justice (Care & Protection of Children) Act, 2015 provides for strengthened provisions for both children in need of care and protection and children in conflict with law. Several rehabilitation and social reintegration measures have been provided under the Act for children in conflict with law and those in need of care and protection. Under the institutional care, children are provided with various services including education, health, nutrition, de-addiction, treatment of diseases, vocational training, skill development, life skill education, counselling, etc to help them assume a constructive role in the society.

National Commission for Protection of Child Rights (NCPCR) has been mandated under section 109 of the Juvenile Justice (care and protection of children) Act, 2015 to monitor the implementation of the provisions of this Act. Interestingly, the Commission has also been mandated to monitor the Right of Children to Free and Compulsory Education Act, 2009. This Commission through its various interventions and monitoring activities observed that education, skill training and psychosocial aspects of children staying in the Observation Homes/Special Homes need special attention for their rehabilitation in order to break the cycle of crime in the lives of these children.

I congratulate Shri Priyank Kanoongo, Member, Education and his team for taking the initiative to look into the issues strategically and coming up with a set of recommendations and indicative roles for stakeholder agencies . It is my firm believe that these recommendations will bear fruitful results in mainstreaming the children in conflict with law and making them the productive citizens of the country.



(Stuti Kacker)
Chairperson

ACKNOWLEDGEMENT

Article 15 of the Constitution, *interalia*, confers upon the State powers to make special provision for children. Article 39 (e) and (f), 45 and 47 further makes the State responsible for ensuring that all needs of children are met and their basic human rights are protected. The enactment of Juvenile Justice (Care and Protection of Children) Act, 2015 is result of the provisions mentioned in the Constitution. Similarly, the Right of Children to Free and Compulsory Education Act, 2009 is being implemented as an obligation to the section 21 (a) of the Indian Constitution.

National Commission for Protection of Child Rights (NCPCR) through its various interventions, visits, and interactions with the children of the Observation Homes and Special Homes, Staff and Superintendants learned that there is a need to understand the various aspects of the education and vocational training situation of these children and the ways to ensure them quality education, skills and vocational training. Therefore, Commission has taken an initiative to understand the various aspects of the issues and recommend a set of measures for the successful integration of the children into the mainstream of society.

I would like to extend my sincere gratitude and regards to Ms. Stuti Kacker, Chairperson, NCPCR for her guidance and making the initiative a compressive one. I acknowledge the support of my fellow Members in the Commission Shri Yashwant Jain and Ms. Rupa Kapoor in this exercise. I take the privilege to acknowledge the active involvement of Prof.C.B.Sharma , Chairman, National Institute of Open Schooling and his Colleagues Dr. Mamta Srivastava, Dr.Sandhya Kumar. I would also like to thank National Skill Development Corporation (NSDC) for deputing officials for the meeting and visiting the Observation Homes and also acknowledge the Sector Skill Councils like; Apparel Madeups & Home Furnishing Sector Skill Council, Life Sciences Sector Skill Council, Health Care Sector Skill Council for their participation. I would like to thank NCERT, National Legal Services Authority, NIPCCD , Department of WCD, Govt. of NCT of Delhi and Development Agencies for their participation.

I am extremely grateful to the Technical Experts of the Commission for their inputs and participation such as Ms.Madhulika Sharma, Shri Dushyant Meher, Shri Paresh Shah & Shri Rajnikant. I would like to extend my special thanks to Shri Dushyant Meher for coordinating the activities and preparing the report.



PRIYANK KANOONGO
Member, NCPCR

(Priyank Kanoongo)
Member, Education

EXECUTIVE SUMMARY

The National Commission for Protection of Child Rights (NCPCR) has been constituted by the Government of India, as a statutory body under section 3 of the Commissions for Protection of Child Rights (CPCR) Act, 2005 (No. 4 of 2006) for dealing with the protection of child rights and related matters. Under section 13(1) of the Commissions for Protection of Child Rights (CPCR) Act, 2005, has provided certain functions to ensure that the rights of children are protected especially the most vulnerable and marginalized. Accordingly, for the purpose of devising methods to impart quality education and vocational training to the children of Observation Homes and Special Homes. This initiative has been taken by the Commission.

A strategy was adopted to consult, all the stakeholders in respect to the children living in the Observation Homes and requested National Institute of Open Schooling (NIOS)- An independent Institution of the Government of India that provides school education through open schooling to come on board. The meeting was held on 30th June, 2017 at NCPCR . It was participated by the NIOS, National Institute of Public Cooperation for Child Development (NIPCCD), National Legal Services Authority (NLSA), Department of WCD, Govt. of NCT of Delhi, National Skill Development Corporation (NSDC) and Superintendants from 10 Observation Homes. Secondly, another consultative meeting was held on 21.07.2017 at the Commission to discuss the issues in relation to the psychosocial aspects of the adolescents and skill development. The meeting was also attended by National Skill Development Corporation (NSDC), Sector Skill Councils (SSCs) along with Development Agencies working on the issues of life skills & psychosocial support.

Subsequently, a visit was planned to explore the educational & vocational training situation of children in the Observation Homes and to assess the infrastructure and resources for imparting the education and vocational training. A team comprising of Experts and representatives from National Commission for Protection of Child Rights (NCPCR), National Institute of Open School (NIOS), National Skill Development Corporation (NSDC), Sector Skill Councils (SSCs) visited the Observation Homes in Meerut, Agra & Delhi.

It was discussed and agreed that Observation Homes and Special Homes are reformation Centres for children in conflict with law. All the interventions and activities in the Observation Homes should revolve around the premise that children coming to the Observation Homes means coming to a “healing process” and the reformation process should start from the day the child enters the home.

Children in the Observation Homes are a distinct category of children who are also the children in need of care & support and vulnerable for they may fall again into the clutches of crime.

Therefore, it is pertinent to address their situation comprehensively through a package of interventions i.e. formal education, psychosocial support and vocational training/skill development. All the three interventions need to go hand in hand to complement one another for increasing its effectiveness.

Some of the recommendations (for effective rehabilitation and reintegration of children in the society) emerged in the meetings and during the fact finding visits are given, as under ;-

Education

1. Ensure that all the children in conflict with law staying at Observation/Special Homes receive quality education . Children up to 14 years of age to be provided free and compulsory education as per the RTE Act, 2009. Education to the CICL in the age of 15 to 18 years may be provided primarily through National Institute of Open Schooling (NIOS). Children who studied in a regular school before coming to the Observation Home may be provided tutorials so that child can be rehabilitated in the regular schooling.

2. There is a need for effective collaboration of all the Observation Homes with the National Institute of Open Schooling (NIOS). NIOS affiliation may be made available to the Homes and ensure that all the children are into the Education either in Regular or Open mode.

3. All the Observation Homes are to be attached with the local study centre of the National Institute of Open Schooling (NIOS) and basic study material may be made available at the Observation Homes.

Vocational Training

1. National Institute of Open Schooling (NIOS) may be requested to prepare vocational courses at the secondary and higher secondary levels based on the socio-economic conditions of the children for their suitability.

2. The Child Labour (Prohibition and Regulation) Act, 2015 may be examined to provide vocational training/skill training to the children in the age of 15 to 18 years so that the children in that age group can start working as per the regulations till they attain the age of 18 years and fulltime thereafter .

3. The Ministry of WCD, Labour & Entrepreneurships and Ministry of Skill Development & Enterprises may come to the common understanding to extend skill training to the adolescents in the age of 15 to 18 years under different schemes being implemented by them.

4.NSDC with Sector Skill Councils are to play a crucial role in developing the infrastructure in the Observation Homes as per the job roles , hand holding, guidance to the children , placement and mainstreaming of the CICL. There is a need to identify the Job Roles as per the occupational standards laid down by the Ministry of Skill Development & Entrepreneurships for the adolescents in the age of 15 to 18 years.

5.There is a need of a framework for the psychosocial wellbeing of the children for the proper rehabilitation and reintegration into the society.

6.There is a need for a dedicated budget head for Education & Vocational Training of the Children staying at the Observation Homes.

7.A separate scheme for Vocational Training/Skill training is highly crucial for these children need such training facilities for their rehabilitation.

8.There is a need for a detailed study on the educational & vocational training situation of children in the Observation Homes covering all Regions in the country to understand the situation and educational and vocational needs of the children and strategies to address them.



BACKGROUND & RATIONALE

National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 as a statutory body under the Commission for Protection of Child Rights (CPCR) Act, 2005. The Commission's mandate is to ensure that all Laws, Policies, Programmes, and Administrative Mechanisms are in consonance with the Child Rights perspective as enshrined in the Constitution of India. In respect to the children in need of care and support and children in conflict with laws; the Commission has been mandated under section 109 of the Juvenile Justice (Care and Protection of Children) Act, 2015 to monitor the implementation of the provisions of this Act.

In view of the functions and powers provided under sub-section (e) of section 13 of the CPCR Act, the Commission is mandated to look into the matters of children including children in conflict with law and recommend appropriate remedial measures and as the Commission has been mandated under section 109 of the Juvenile Justice (care and protection of children) Act, 2015 to monitor the implementation of the provisions of this Act ; NCPCR has taken an initiative to ensure the quality education, skills and vocational training to the children in conflict with laws staying in child care institutions.

Legal Provisions for Children including Children in Institutional Care

A) Juvenile Justice (Care and Protection of Children) Act, 2015: The Juvenile Justice (Care and Protection of Children) Act, 2015 has come into force from 15th January , 2016 and repeals the Juvenile Justice (Care and Protection of Children) Act, 2000. The Juvenile Justice (Care and Protection of Children) Bill, 2015 was passed by Lok Sabha on 7th May, 2015; subsequently by Rajya Sabha on 22nd December, 2015 and received Presidential assent on 31stDecember, 2015.

The JJ Act, 2015 provides for strengthened provisions for both children in need of care and protection and children in conflict with law. Some of the key provisions include: change in nomenclature from 'juvenile' to 'child' or 'child in conflict with law', across the Act to remove the negative connotation associated with the word "juvenile"; inclusion of several new definitions such as orphaned, abandoned and surrendered children; and petty, serious and heinous offences committed by children; clarity in powers, function and responsibilities of Juvenile Justice Board (JJB) and Child Welfare Committee (CWC); clear timelines for inquiry by Juvenile Justice Board (JJB); special provisions for heinous offences committed by children

above the age of sixteen year; separate new chapter on Adoption to streamline adoption of orphan, abandoned and surrendered children; inclusion of new offences committed against children; and mandatory registration of Child Care Institutions.

Under Section 15, special provisions have been made to tackle child offenders committing heinous offences in the age group of 16-18 years. The Juvenile Justice Board has to take a decision on whether to transfer cases of heinous offences by such children to a Children's Court (Court of Session) after conducting a preliminary assessment. The provisions also provide for placing children in a 'place of safety' both during and after the trial, till they attain the age of 21 years after which an evaluation of the child shall be conducted by the Children's Court. After the evaluation, the child is either released on probation and if the child is not reformed then the child will be sent to a jail for remaining term. The new law was framed in the premise that the new Act will act as a deterrent for child offenders committing heinous offences such as rape and murder and would along with protect the rights of victim.

Several rehabilitation and social reintegration measures have been provided for children in conflict with law and those in need of care and protection. Under the institutional care, children are provided with various services including education, health, nutrition, de-addiction, treatment of diseases, vocational training, skill development, life skill education, counselling, etc to help them assume a constructive role in the society. The variety of non-institutional options include: sponsorship and foster care including group foster care for placing children in a family environment which is other than child's biological family, which is to be selected, qualified, approved and supervised for providing such care to children.

Several new offences committed against children, which are so far not adequately covered under any other law, are included in the Act. These include: sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions, use of child by militant groups, offences against disabled children and, kidnapping and abduction of children.

All child care institutions, whether run by State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially for housing children, regardless of whether they receive grants from the Government, are to be mandatorily registered under the Act within 6 months from the date of commencement of the Act. Stringent penalty is provided in the law in case of non-compliance.

B) The Right of Children to Free and Compulsory Education Act, (RTE Act) 2009:

The Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to

fourteen years as a Fundamental Right in such a manner as the State may, by law, determine. The Right of Children to Free and Compulsory Education (RTE) Act, 2009, which represents the consequential legislation envisaged under Article 21-A, entails that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.

Article 21-A and the RTE Act came into effect on 1 April 2010. The title of the RTE Act incorporates the words 'free and compulsory'. 'Free education' means that no child, other than a child who has been admitted by his or her parents to a school, which is not supported by the appropriate Government, shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education. 'Compulsory education' casts an obligation on the appropriate Government and local authorities to provide and ensure admission, attendance and completion of elementary education by all children in the 6-14 age group. With this, India moved forward to a rights based framework that casts a legal obligation on the Central and State Governments to implement this fundamental child right as enshrined in the Article 21A of the Constitution.

Some of the important features of the RTE Act are;

- Right of children to free and compulsory education till completion of elementary education in a neighbourhood school.
- It clarifies that 'compulsory education' means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen years age group. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- It makes provisions for a non-admitted child to be admitted to an age appropriate class.
- It requires all private schools to reserve 25% of seats to children (to be reimbursed by the state as part of the public-private partnership plan).
- It specifies the duties and responsibilities of appropriate Governments, local authority and parents in providing free and compulsory education, and sharing of financial and other responsibilities between the Central and State Governments.
- It lays down the norms and standards relating inter alia to Pupil Teacher Ratios (PTRs), buildings and infrastructure, school-working days, teacher-working hours.
- It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as an average for the State or District or Block, thus ensuring that there is no urban-rural imbalance in teacher postings. It also provides for prohibition of deployment of teachers for non-educational work, other than the Census, elections to local authority, state legislatures and parliament, and disaster relief.

- It provides for appointment of appropriately trained teachers, i.e. teachers with the requisite entry and academic qualifications.
- It prohibits (a) physical punishment and mental harassment; (b) screening procedures for admission of children; (c) capitation fee; (d) private tuition by teachers and (e) running of schools without recognition,
- It provides for development of curriculum in consonance with the values enshrined in the Constitution, and which would ensure the all-round development of the child, building on the child's knowledge, potentiality and talent and making the child free of fear, trauma and anxiety through a system of child friendly and child centred learning.

The Homes are being run under the Integrated Child Protection Services (ICPS) – a Centrally Sponsored Scheme of the Government of India under the Ministry of Women and Child.

The scheme supporting the children staying at Observation Homes/Children Homes

Integrated Child Protection Services (ICPS): The ICPS is a centrally sponsored program for child protection, implemented across the country from 2009-10. It was conceived with the view that children are the centre of development and protection of children from abuse and exploitation was integral to their holistic growth and development. Since it is a Centrally Sponsored Scheme allocation from Central Share was made with the provision that the State Governments would have to put their share while in some of the activities/components NGOs/implementing agencies are to put 10 per cent share from their own resources.

The objectives of **Child Protection Services** are to provide safe and secure environment for children in conflict with law and children in need of care and protection, reduce vulnerabilities through a wide range of social protection measures, prevent actions that lead to abuse, neglect, exploitation, abandonment and separation of children from families etc., bring focus on non-institutional care, develop a platform for partnership between Government & Civil Society and establish convergence of child related social protection services.

Under the scheme support services have been provided for various kinds of Homes including for children in conflict with Law:

Support for various kinds of Homes :The Scheme shall provide two types of grants under this component, i) Construction and Maintenance Grant and ii) Maintenance Grant. While under the construction and maintenance grant, the scheme shall support State Governments/UTs in construction and maintenance of a new home, under the maintenance grant support to such homes/institution shall be provided for maintenance only.

Observation Homes

Children in conflict with law who enter the juvenile justice system through the Juvenile Justice Boards (JJBs) are in need of adequate residential care and protection during the pendency of any inquiry regarding them under the Juvenile Justice (Care and Protection of Children) Act 2015. The Act empowers the State Governments to establish and maintain either by itself or under an agreement with voluntary organizations, observation homes in every district or group of districts for their temporary reception under section 47 of the JJ Act . In order to facilitate and expedite setting up of Observation Homes in every district or group of districts, the scheme shall provide financial support to the State Governments and Union Territory Administrations.

Special Homes

Children in conflict with the law committed by the Juvenile Justice Boards (JJBs) for long term rehabilitation and protection require institutional services. The State Governments are empowered to establish and maintain either by itself or under an agreement with voluntary organisations, special homes in every district or group of districts for the reception and rehabilitation of juveniles in conflict with law. In order to facilitate and expedite setting up of Special Homes in every district or group of districts, the scheme shall provide financial support to the State Governments and Union Territory Administrations.



METHODOLOGY & STRATEGIES:

The National Commission for Protection of Child Rights (NCPCR) is a statutory body of the Government of India monitoring the different aspects of the rights of the children including the monitoring of the Right to Education Act, 2009, POCSO Act, 2012 & the Juvenile Justice Care & Protection of Children (JJ) Act, 2015. Accordingly, a strategy was adopted to consult all the stakeholders in respect to the children living in the Observation Homes and requested National Institute of Open Schooling (NIOS)- An independent Institution of the Government of India that provides school education through open schooling to come on board. Secondly, another consultative meeting was planned with all the concerns in relation to the psychosocial aspects of the adolescents and skill development. Accordingly, the second consultative meeting was planned especially with the National Skill Development Corporation (NSDC), Sector Skill Councils, Development Agencies working on the issues of life skills & psychosocial support to the children especially to the adolescents. In addition, a visit was planned to explore the educational & vocational training situation of children in the Observation Homes and to assess the infrastructure and resources for imparting the education and vocational training to the children staying in the Observation Homes. It was expected to get an understanding and ways to deal with the issues of education and vocational training of the children staying at the Observation Homes.

STRATEGY -A : CONSULTATIVE MEETING -1: Quality Education & Vocational Training Courses by the NIOS for the children staying at Observation Homes and Special Homes

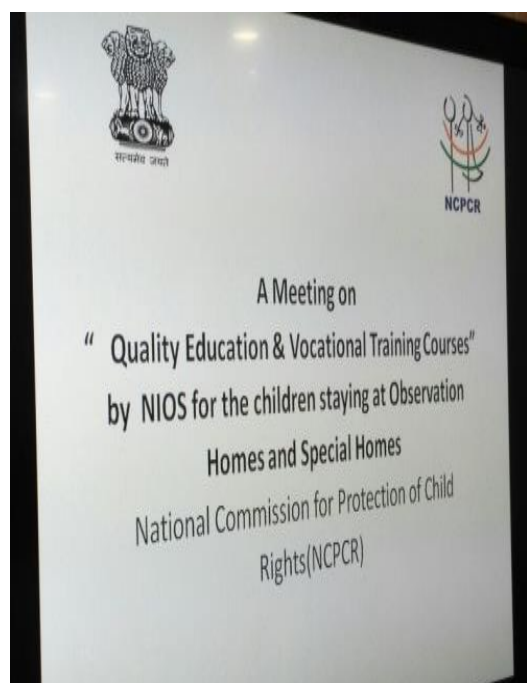
In view of the functions and powers provided under sub-section (e) of section 13 of the CPC Act, the Commission is to look into the matters related to children including children in conflict with law and recommend appropriate remedial measures; therefore, NCPCR has taken this initiative to ensure quality education, skills and vocational training to the children in conflict with laws, staying in child care institutions. For the purpose of devising methods to impart quality education and vocational training to the children of Observation Homes and Special Homes a meeting was held on 30th June, 2017 (Friday) at Conference Hall, 2nd Floor, NCPCR with National Institute of Open Schooling (NIOS) and other stakeholders to deliberate upon different aspects of the issues of education, skill and vocational training.

The mandate of the National Institute of Open Schooling (NIOS) is to develop need based Academic and Vocational Education Programmes for livelihood and lifelong learning up to pre-degree level, to develop needed action plan for making education equitable and inclusive for the marginalized and disadvantaged groups and to offer a wide spectrum of courses of study in

general, vocational and continuing education and life enrichment courses up to pre-degree level. Therefore, NIOS would be able to play an important role in developing need based appropriate educational and vocational training courses for children staying in Observation Homes and Special Homes.

The meeting was organized under the Chairmanship of Shri Priyank Kanoongo, Member, Education with Co-Chairmanship of Shri C.B.Sharma, Chairman, National Institute of Open Schooling (NIOS). In this meeting all the important stakeholders including National Institute of Open Schooling, National Skill Development Corporation (NSDC), National Institute of Public Cooperation for Child Development (NIPCCD), Department of WCD , Govt. of NCT of Delhi , National Legal Services authority (NALSA) and Superintendants/Probation Officers from eight Observation Homes were participated.

Objectives of the Meeting



(a) To understand the educational and vocational training requirements of children staying in Observation Homes & Special Homes.

(b) To identify suitable vocational trades that can be provided to the children in the premises of Observation Homes and Special Homes.

(c) To develop a broad framework of the Courses with time frame suitable to the children in conflict with law.

(d) To develop contours on implementation of the vocational training programme with details of roles and responsibilities of institutions/agencies involved

(e) To identify creating a pilot.

Issues shared & discussed in the Meeting : In the meeting provisions of Child Care Institute as provided under Juvenile Justice Act, 2015 were shared. The provision of child care institutions for the children in conflict with law i.e. Observation Homes (under section 47) for the children who are allegedly in conflict with law during the pendency of an enquiry, Special Homes (under section 48) for the children who have found to have committed an offence and Place of Safety (under section 49) to place a person who is above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or

convicted for committing a heinous offence necessitate the State parties or institutions to engage these children in quality education and meaningful skill development or vocational training programme so that these children can acquire education, knowledge and skills for their successful integration into the mainstream of society without being fall prey into the vicious circle of crimes.



It was also highlighted in the meeting about the facilities of Observation Homes & Special Homes under the Ministry of WCD. There are 293 observation homes and 47 Special Homes for children in conflict with law as in 2015-16. In order to streamline the services and smooth functioning of the Child Care Institutions, Ministry of Women and Child Development has recently (May 2017) developed a manual titled “Living Conditions in Institutions for Children in Conflict with Law” . The manual necessitates creation of an educational policy, preparation of individual education plan, aftercare plans etc. With other responsibilities, the care workers are to liaison with National Institute of Open Schooling. Regarding, vocational training it states that providing children with vocational training and ensuring that they have the capacity to be financially self –reliant, is one of the most important components of care, for children in conflict with law placed in protective and rehabilitative custody of CCI (Child Care Institution). It is also mentions that the purpose and duration of care for children in Observation Homes and Special Homes is distinct, the objective of vocational training programs for children in both these CCI would be different.

The role of National Institute of Open Schooling (NIOS) was also highlighted to the participants. In view of the institutional arrangements and the mandate of the National Institute of Open Schooling (NIOS) to develop need based Academic and Vocational Education Programmes for livelihood and lifelong learning up to pre- degree level; to develop an action plan for making education equitable and inclusive for the marginalized and disadvantaged groups and to offer a wide spectrum of courses of study in general, vocational and continuing education and life

enrichment courses up to pre-degree level; NIOS can play the most important role in developing need based appropriate educational and vocational training courses for children staying at Observation Homes and Special Homes.

It is highly important to work with the children of Observation Homes and Special Homes as well as the Place of Safety, unless they are provided with quality education and skills for their livelihood, chances of falling into the trap of criminal activities are high. Hence, it is crucial to provide them quality education, skills and vocational training. As per NCRB data more than thirty thousand children annually are in the category of children in conflict with law who commit offences requiring stays in CCIS. There is a need for concrete action for all 293 observation Homes and 47 Special Homes in the Country.

NIOS and CBSE are two School Boards of Government of India and their degree is acceptable in the country. NIOS enrolls about 5.5 lakh students annually and there are about 28 lakh students enrolled in NIOS. NIOS is popular for its flexibility, suitability, nature of courses and its presence throughout the country. There are 10 courses at secondary level and 20 courses at senior secondary level with suitable combination of educational and vocational training courses. Though there are initiatives like ASHA certification, education of weavers etc, dealing with the Observation Homes and Special Homes would be challenging because of the period of stay at the Homes is a short. But we can definitely devise pathways to skill these children and impart literacy to them.

The project “Extending Educational Opportunities to Jail Inmates” was shared with the participants. It is a special initiative of NIOS, with the objective to provide quality education to bring them into the mainstream of society and help them earn their livelihood. Thereafter mentioned that for extending free education to encourage more jail inmates to get themselves educated, self learning materials are provided free of cost to the inmates, examination centres are in Jails, facilities are extended towards completion of the study even after being released from jail. There are centres in 171 jails covering all the regions in the country. There incorporate flexible approaches like; off-line admission, admission forms to be submitted at the respective NIOS Regional Centers, Identity cards and study materials sent to the concerned jails, Personal Contact Programmes (PCPs), submission of Tutor Mark Assignment (TMA) and practical's etc. are conducted by qualified jail inmates or resource persons. There are about 2000 inmates enrolled annually in different courses of the NIOS.

There is a pilot initiative of NSDC under Pradhan Mantri Kaushal Vikash Yojana (PMKVY) in collaboration with Delhi Juvenile Boards running 2 Job Rolls for the children of Observation Homes i.e. Craft Bakery and Mobile Hardware repairing. However, it is an adhoc arrangement needs to be reviewed for sustainability and replication. It was explained the initiatives of NSDC in

skilling people in general and there is a need to work together for better result rather working in silos. There is a need for a collaboration between NSDC with NIOS for both have similar mandates.



Decisions in the Meeting :

In the meeting following decisions were taken for next course of action:

- a) **A joint team of Institutions to visit the Observation Homes/Special Homes:** It was agreed to form a joint team of institutions including ; NIOS, NIPCCD, NSDC, NCPCR to visit the Observation Homes to interact with the officials and the children to get a firsthand experience about the children in reference to their social background, education, aptitude, career interest , skills and vocational training. The team would jointly visit the observation homes/special homes in Delhi/NCR region.

- b) **Dedicated budget provision/financial component for the education and vocational training:** Some of the representatives of the Observation Homes/Special Homes mentioned that there is no designated fund provision for the education, skill /vocational training of the children of the observation Homes. It was decided that the Ministry and States would be written to make financial provision/budget allocation for the education and training of the children of the Observation Homes.

- c) **Special Meeting with NSDC** : It was discussed and noted that the Vocational Training Curriculum offered by the NSDC is for the adults and not for the children below the age of 18 years, though lately, the Corporation is undertaking some pilot projects for providing vocational training to the children. Therefore, a detailed discussion is to be conducted with the NSDC to delineate different aspects like; vocational training , skill building, job placement, market sensitization etc. NCPCR would further take the initiative in organizing the meeting.
- d) **Tools for the Baseline study to prepare Courses by NIOS** : A rapid study would be conducted with the children staying in the Observation Homes/Special Homes using the Tools to be developed by the NCPCR to capture the socio/economic background of children, educational background, geographical location of the children, skills, aptitude, career interest etc. This will form the baseline and provide insights to prepare special courses by the National Institute of Open schooling. The information Tools to be filled by all the Observation Homes of the Country.

STRATEGY -B : CONSULTATIVE MEETING -2: Skills & Vocational Training Courses for children staying at Observation Homes and Special Homes.

A meeting to provide Skills & Vocational Training to the children staying in Observation Homes and Special Homes involving Sector Skill Councils and the Civil Society Agencies was held under the Chairpersonship of Ms. Stuti Kacker, Chairperson , NCPCR. In this meeting representatives from Sector Skill Councils i.e. Health Care Sector Skill Council, Life Sciences Sector Skill Development Council , Apparel Made-ups & Home Sciences Sector Skill Council and the civil society agencies like; Justice & Care , Plan India, Care India, World Vision Foundation & Child Fund, Think Skills , & Butterflies.

National Skill Development Corporation India : National Skill Development Corporation India (NSDC), established in 2009, is a not- for- profit company set up by the Ministry of Finance, under Section 25 of the Companies Act,1956 corresponding to Section 8 of the Companies Act,2013. NSDC aims to promote skill development by catalyzing creation of large, quality and for-profit vocational institutions. Further, the organisation provides funding to build scalable and profitable vocational training initiatives. Its mandate is also to enable support system which focuses on quality assurance, information systems and train the trainer academies either directly or through partnerships. NSDC acts as a catalyst in skill development by providing funding to enterprises, companies and organizations that provide skill training. It also develops appropriate models to enhance, support and coordinate private sector initiatives. The differentiated focus on 21 sectors under NSDC's purview and its understanding of their viability will make every sector attractive to private investment.

Sector Skill Councils (SSCs) : Sector Skill Councils are set up as autonomous industry-led bodies by NSDC. They create Occupational Standards and Qualification bodies, develop competency framework, conduct Train the Trainer Programs, conduct skill gap studies and Assess and Certify trainees on the curriculum aligned to National Occupational Standards developed by them. Till date, the NSDC Board has approved proposals for 40 Sector Skill Councils. There are approximately 450 Corporate Representatives in the Governing Councils of these SSCs. The councils are formed in the areas like; automobile, healthcare, Apparel, Retail, media, gems & jewelry, Electronics & Hardware, Telecom, Food Processing, Domestic Workers, Furniture's and Fittings, Greet Jobs etc.

Objectives of the Meeting

- a) To understand the educational and vocational training requirements of children staying at Observation Homes & Special Homes
- b) To identify the suitable vocational trades that can be provided to the children in the premises of Observation Homes and Special Homes.

- c) To develop a broad framework of the Courses with time frame suitable to the children in conflict with law
- d) To develop contours on implementation of the vocational training programme with details of roles and responsibilities of institutions/agencies involved.
- e) To identify the Observation Homes/Special Homes for the purpose of Piloting.

Issues shared & Discussed in the Meeting

One of the focus interventions of the Government of India has been skilling of Youth and people. In this backdrop there is a need to think and plan to provide skills and vocation training to the children between 14- 18 years of age.

There are categories of children dealt under JJ Act, 2015 i.e. children staying with their parents and family at homes, children who are in need of care and support as their parents are unable to care for them or due to certain circumstances they are out of their homes and the children who have come in conflict with law as they have committed some crimes, however, the last category of children (children in conflict with law) could be also from the category of children needing care and support.

Given the size of the child population in the country the number of children who are in conflict with law is negligible as they may be about one lakh or around 40 thousand annually who are staying in the Observation Homes and Special Homes. It is the responsibility of all the stakeholders i.e. government, corporate sector, development sector and citizens in general to give these children a chance and provide skills and vocational training for them to join the mainstream of society and live a dignified life. There is a process involved in dealing judicially with these children and accordingly they are sent to stay in the Homes for a period of time. There is a separate category of children who have committed heinous crimes and are in the age group of 16 years to 18 years. Experience shows that if a person is economically independent he can easily lead a dignified life. These children are vulnerable and marginalized as their families generally disown them because of stigma.

Decisions in the Meeting:

In the meeting following decisions were taken for next course of action:

- (1) The approach to ensure quality education and vocational training will have three components (a) Education (b) Psychosocial Support/lifeskills/ preparatory module and (c) Vocational/Skill Training.
- (2) Pilot Projects would be run in Observation Homes/Special Homes in selected geographical regions which will be selected based on the presence of Sector Skill Councils, Development Agencies along with the required resources.

- (3) For Education, National Institute of Open Schooling (NIOS) would help providing affiliation and extend their centres at Observation Homes/Special Homes as well as formulate course modules for vocational training for the children staying at Observation Homes/Special Homes. For this initiative, a separate exercise is being undertaken by the NCPCR involving NIOS, NIPCCD, NSDC, NCERT, Observation Homes etc.
- (4) The organizations present in the meeting would extend their cooperation and support for the Skill Development Programme to be piloted in selected areas/regions.
- (5) Sector Skill Councils (SSCs) would discuss the proposals in their respective teams to extend best possible support in this initiative especially in identifying job roles for the children (16years and above), by providing training through appropriate partners, completion of course, placement and handholding.



**STRATEGY- C: VISITS TO THE OBSERVATION HOMES: OBSERVATION ON
EDUCATION AND VOCATIONAL TRAINING :**

A Team comprising of Experts and representatives from National Commission for Protection of Child Rights (NCPCR) , National Institute of Open School (NIOS), National Skill Development Corporation (NSDC), Sector Skill Councils visited the Observation Homes of Meerut, Agra & Delhi. During the visits it was observed that there are only two girls staying at Nirmal Chhhaya Observation Home, therefore, the questionnaire could not be administered in the Home for the girls. The observations are given as under:

Serial No	PARAMETERS	Meerut	Agra	Delhi-Prayas
1	Teaching Staff (RTE)	There is no teaching staff available. Two teachers were coming from the education department, however, due to lack of space for holding the class, they deputed back to the department	There are two teachers employed from SSA in the Home.	There is no teacher deployed under RTE under SSA. However, One teacher is engaged by the NGO (Prayas) running the home.
2	Teaching Staff (Beyond RTE)	There is no teacher available for to teach children beyond the age of 14 years	There is no dedicated teaching staff to teach children beyond the age of 14 years.	There is no dedicated teacher for beyond 14 years. Home caters to the children up to 16 years.
3	NIOS- Affiliation, admission etc.	The Home is not affiliated to NIOS, however, two students are enrolled in	The Home is not affiliated to NIOS	This Home is not affiliated with NIOS.

Serial No	PARAMETERS	Meerut	Agra	Delhi-Prayas
4	Infrastructure	The infrastructure is very poor. The living condition is very bad. There is no proper living room . In the dormitories children are overcrowded, they sleep on the veranda.	There are only two dormitories for children. There is no living space as the rooms are filled with the beds. Classes for the children are held under a tree in the campus.	There are proper rooms available. Infrastructure of the home is quite satisfactory. There is dedicated rooms for education and also for vocational training.
5	Exposure of Children	There is no exposure to the children regarding career options , jobs or any kind of entrepreneurship	There is no proper exposure regarding skills, vocational training or career options etc.	There are children below 16 years and they are bit aware about the skills, vocational training and career options. May be because they are from Delhi.
6	Staff in the Home	There was no dedicated staff. One staff who is the Deputy Superintendent was on leave. Only Constables are there. One Probation officer from Juvenile Board is taking care of the affairs of the Home.	There is Superintendent, Ass. Superintendent, Probation Officer and Case Workers. However, two posts are vacant.	Staff in the Home are qualified social workers and they know their jobs. Proper staff are placed as there is Superintendent, Probation Officer, Case Worker, Music Teacher , Craft Teacher.
7	Counsellor	There is no Counsellor appointed. Probation Officer from Juvenile Justice Board plays the role of Counsellor.	There is no Counsellor. Probation Officer is there.	There is provision of a Counsellor , however, no counsellor was present and the post is vacant.
8	Infrastructure for Vocational Training	There is no infrastructure for vocational training.	There is no dedicated space for Vocational	There is dedicated rooms (2) available for

Serial No	PARAMETERS	Meerut	Agra	Delhi-Prayas
			Training	vocational training. In addition, the home has space to create infrastructure for training etc. if needed
9	Dedicated fund for education and Vocational Training	There is no dedicated budget for the education or vocational training.	As mentioned 2.5 lakh is available as Developmental fund , however, no dedicated fund in the name of education	Education is part of the development fund received by the NGO. There is no separate budget head for vocational training.
10	Interest of the Children	Children shared different interests for career. Interests mostly are traditional nature i.e. driving, police etc.	Children shared different interests for career. Mostly are traditional in nature. Mechanic, electricians, driving, tailoring, police, carpentry etc.	Children do not have enough exposure regarding various vocational training. Children mentioned that they want to run the shop of their family, masson work, police men etc.

The Observations and findings of the Team is given as under:

- **Teaching Staff** : Proper teachers are available in Delhi Home visited by the team. Prayas has its own teaching staff. However, there was no teacher coming from the SSA as Prayas Home is run by the NGO. The Homes are not taking adequate benefits of the educational opportunities available under the National Institute of Open Schooling (NIOS). Only a few students have enrolled under NIOS. The number of enrollment is negligible in comparison to the number of children staying at the Homes.
- **Infrastructure & Arrangement** : Infrastructure and living arrangements are very poor in two Homes in Uttar Pradesh i.e. Meerut and Agra. As a result arrangement of proper

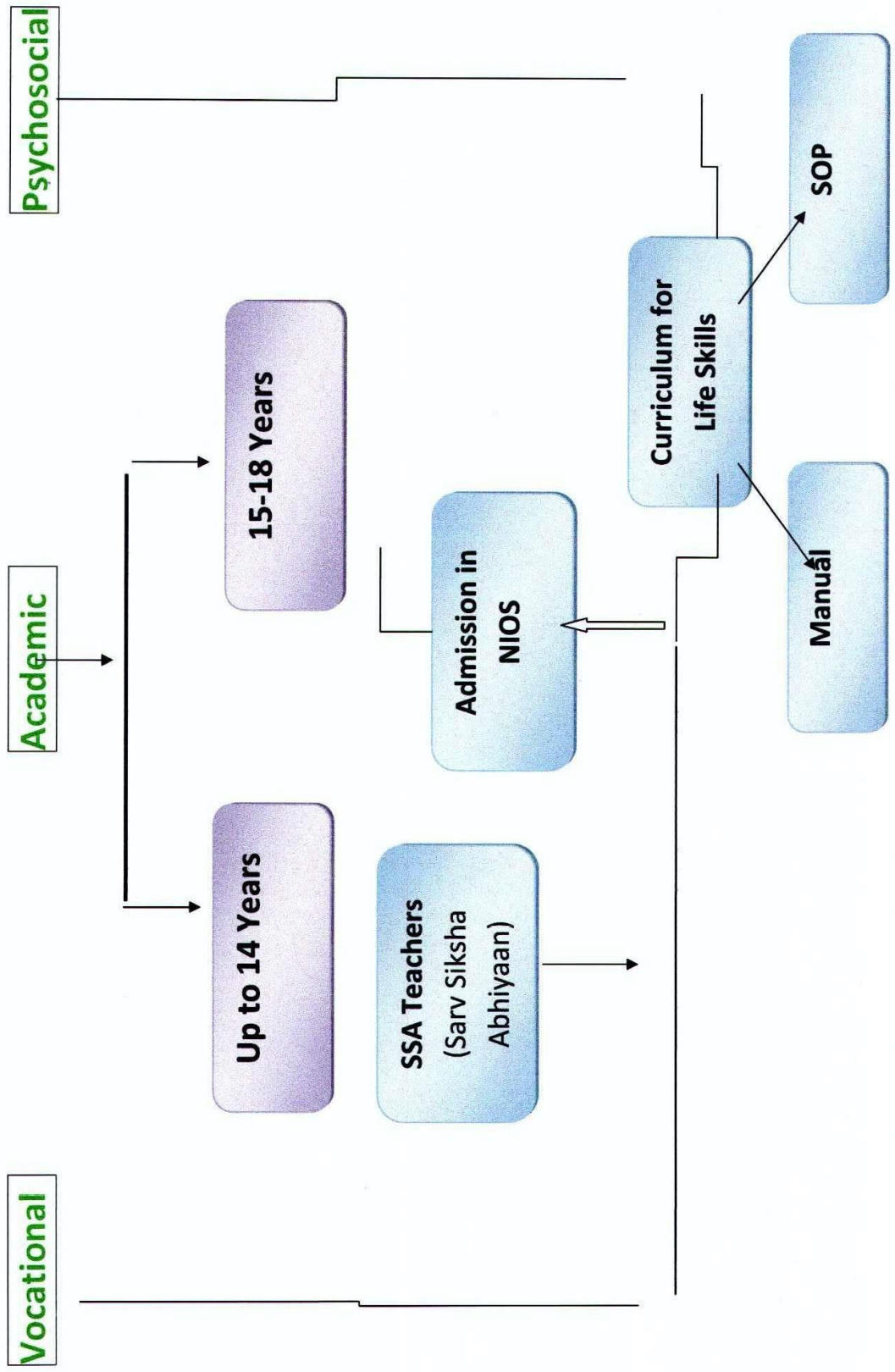
classes is not feasible. It was mentioned by the staff at the Meerut home that the two teachers coming from the Education Department have opted out as they had no space to hold classes. Regarding Agra Home, two teachers are coming and holding classes under a tree within the campus.

- **Exposure of children** : There is no exposure of children regarding the career options and vocational training programmes available . Children have very limited knowledge and mostly learn from their own peer groups. The choices of their career options are mostly traditional in nature.
- **Staff in the Homes** : There is no proper staff available in the Homes especially in the Meerut Home. There is no Superintendent , no case Worker, no Probation Officer. In other Homes , things are better. In Agra Home staff are limited. The staff position in Prayas Home is somehow better than any other Homes.
- **Counselor**: There is no post of Counselor available in any Home. Perhaps, there is no post of a Counselor in the guidelines. Probation officers handle the issues related to the emotional health of the children and counsel them. It was noted that in the Delhi home run by Prayas, partnership with NGO is there to provide counseling to the children. Partnership with civil society agencies or professional groups for the counseling of the children is an effective strategy.
- **Infrastructure for Vocational training** : Sufficient space and rooms available in the home visited in Delhi to conduct vocational training programmes. However, there is no enough space to hold any kind of vocational training programme in the Meerut Home and Agra Home. It may also be noted that, the buildings of the Homes both in Meerut and Agra were to be shifted to new premises.





Children in Conflict with Laws staying at Observation Home Process of rehabilitation reengagement



RECOMMENDATIONS & WAY FORWARD FOR EFFECTIVE INCLUSION OF CICL IN THE MAINSTREAM OF SOCIETY

Observation Home: a reformation Centre : Interventions and activities in the Observation Homes should revolve around the believe that children coming to the Observation Homes means coming to a “process” and the reformation process should start from day one. Children in the Observation Homes are a distinct category of children who are also the children in need of care & support and vulnerable for they may fall again into the clutch of crime. Therefore, it is pertinent to address their situation comprehensively through a package of interventions formal education, psychosocial support and vocational training/skill development. All the three interventions need to go hand in hand or to complement one another for making it more effective.

Recommendations for formal education, skill development/vocational training and psychosocial support /life skills :-

1. **Ensure Education of all the Children Staying at the Homes (Up to 14 Years):** Children up to 14 years of age to be provided free and compulsory education as per the RTE Act, 2009. This free and compulsory education may be ensured by the State & District Administration under Sarva Siksha Abhiyan (SSA).
 - i) Observation Homes would provide the infrastructure facilities for the education of the children including class rooms , furniture etc. The Sarva Siksha Abhiyan (SSA) or the school Education Department would provide teachers to teach in the Observation Homes. In addition to the teachers, SSA to provide the education material/teaching learning material for this purpose.
 - ii) Children who have not gone to school or were out of school prior to their coming to Observation Home may be provided special training as per section 4 of RTE for to prepare them into their age appropriate admission.
2. **Ensure Education of children (15 to 18 Years):**
 - A) Regular School Education** : Children in Conflict with Law (CICL) who studied in a regular school before coming to the Observation Homes may be provided tutorials so that child can be rehabilitated in the regular schooling. It is imperative to ensure that these children do not drop out from the school for the reason that they came to the Observation Home.

B) Education through National Institute of Open Schooling (NIOS) for children not enrolled in formal education system : Ensure that all children are into the Education either in Regular or Open mode. The education facility through NIOS may be made in such a way that children can continue with their education even after they are back to their family home after completing their term.

i) Education to the CICL in the age of 15 to 18 years who are not in any formal education system may be provided through National Institute of Open Schooling (NIOS). NIOS should enrol children in the age appropriate standard. NIOS to ensure that the identity of children is kept secret and not to be flashed in their certificates to avoid any kind of stigmatization.

ii) Observation Homes need to start intervention on education soon after the child is referred to the Home. It is observed that a considerable percentage of children are either school drop outs/out of school or never gone to a school. Therefore, if it is found that the child was not in a school before coming to the Observation Home should immediately be admitted in the NIOS stream after the counselling and deciding the course based on the interest and suitability of the child.

iii) There is a need for effective collaboration of all the Observation Homes with the National Institute of Open Schooling (NIOS). All the Observation Homes are to be attached with the local study centre of the National Institute of Opens Schooling (NIOS) and basic study material may be made available at the Observation Homes.

iv) National Institute of Open Schooling (NIOS) may be requested to prepare vocational courses at the secondary and higher secondary levels based on the socio-economic conditions of the children for their suitability.

3) Skill Development of Adolescents in view of the Child Labour Act, 2015: As per the Child Labour (Prohibition and Regulation) Act, 2015 ; the list of occupations and processes have been revised for prohibition for children under 14 and regulation for children above 14 years. Prima facie the Act allows certain occupations for the children above 14 years which are to be regulated. There is a need for analysis of the provisions under the Act and plan vocational training/skill training for the children in the age of 15 to 18 years so that the children in that age group can start working as per the regulations till they attain the age of 18 years and fulltime after that.

- 4) Convergence amongst Ministry of Women & Child Development, Ministry of Labour & Employment, & Ministry of Skill Development & Entrepreneurships:** The Ministry of WCD, Labour & Entrepreneurships and Ministry of Skill Development & Enterprises may come to the common understanding to extend skill training to the adolescents in the age of 15 to 18 years under different schemes being implemented by them.
- 5) Age Relaxation by the Ministry of Skill Development:** As per the present training programmes being run under the National Skill Development Corporation (NSDC), minimum age for receiving any training is 18 years. This deprives the adolescents from receiving the training. It may be noted that , as per the Child Labour Act, children in the ages of 15 to 17 can work in non hazardous work and processes. Therefore, there is a further need for collaboration and convergent action by the Ministry of Women & Child Development, Ministry of Labour and Ministry of Skill Development.
- 6) National Skill Development Corporation (NSDC).** NSDC with Sector Skill Councils are to play a crucial role in developing the infrastructure in the Observation Homes as per the job roles , hand holding, guidance to the children , placement and mainstreaming of the CICL.
- 7) Identification of the Job Roles by the National Skill Development Corporation (NSDC)** : There is a need to identify the Job Roles as per the occupational standards laid down by the Ministry of Skill Development & Entrepreneurships for the adolescents in the age of 15 to 18 years. The job roles may be further categorised as per the educational attainment of Class 8th, Class 10th and also for the adolescents who are just literate.
- 8) Psychosocial Support to all the children in the Homes:** There is a need of a framework for the psychosocial wellbeing of the children for the proper rehabilitation of the children in the rehabilitation and reintegration into the society. The period of stay in the Observation Home should be an opportunity for the children to go through the process of reformation to maintain the spirit of Juvenile Justice (care and protection of children) Act, 2015. Psychosocial support may be provided to all the children staying at the Observation Homes. It is recommended to take benefit of the expertise of the development partners and prepare the Modules of Life Skills for psychosocial support and the Standard Operating Procedures (SOPs). The Modules and SOPs may be administered in all the Homes in the country. This will help support children in the Homes to prepare themselves to take up education as well as positive career choices so that they can be absorbed in the mainstream of society. A model Framework may be prepared by the NCPCR with the expert agencies and institutions.

- 9) **Dedicated Budget Head:** There is a need for a dedicated budget head for Education & Vocational Training of the Children staying at the Observation Homes. The budget available is not exclusively for education and vocational education. Moreover, the available fund is not adequate for the purpose of the education and vocational training.
- 10) **A Scheme for Vocational Training:** A separate scheme for Vocational Training/Skill training is highly crucial for these children need such training facilities for their rehabilitation. These children are intelligent and have interest and energy which is required to be utilized positively. Therefore, Ministry of WCD may take up the issue with the Ministry of Skill Development.
- 11) **A detailed Study on Education & Vocational Training of Children in the Observation Homes:** There is a need for a detailed study on the educational & vocational training situation of children in the Observation Homes covering all Regions in the country to understand the situation and educational and vocational needs of the children and strategies to address them. The study should cover 10 per cent of the homes as sample for more realistic findings and authentic recommendations. The study may be more in-depth to indicate the nature of training needs for 11 to 14 years and 15 to 18 years children.





**National Commission for Protection of Child Rights (NCPCR)
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Questionnaire and parameters : Tools for visiting the Observation Homes/Special Homes for the purpose of Education and Vocational Training:

Definition of Child Care Institutions:

1. **Observation Homes:** The provision of child care institutions for the children in conflict with law i.e. **Observation Homes** (under section 47 of the Juvenile Justice Care and Protection of Children Act , 2015) for the children who are allegedly in conflict with law during the pendency of an enquiry has been provided.
2. **Special Homes :** **The provision of Special Homes** (under section 48 of the Juvenile Justice Care and Protection of Children Act , 2015) for the children who have found to have committed an offence has been provided.
3. **Place of Safety :** The provision of a place of safety (under section 49 of the Juvenile Justice Care and Protection of Children Act , 2015) to place a person who is above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offence has been provided.

Questionnaire

1. Name and Address of the Observation Home/Special Home:

2. Is the Home run by the State Government under State Department of WCD or NGO/Name of NGO.

3. When was the Home established - Year of Establishment :

4. Number of District Covered under the Home: No. of Districts and names of the District:

5. Is it a home for Boys /Girls :

6. Capacity of the Home and how many children are staying in the Home:

7. Is there a Counsellor appointed in the Home :

8. If Yes ; Qualification and experience of the Counsellor:

9. Is there any set protocols for taking session :

10. Is there any teacher/s deployed in the home under Sarva Siksha Abhiyan (SSA):

11. Is there any teacher/s available to teach children studying under distance learning mode:

12. Is the Home has the affiliation of NIOS:

13. How many children are enrolled under NIOS:

14. How many children are pursuing any kind of vocational/skill training:

15. Is there a dedicated budget or fund available at the home for the education of the children ?..... If Yes.....amount of fund for the current year....

16. Is there a dedicated budget or fund available at the home for the vocational training of the children ?..... If Yes.....amount of fund for the current year.....

17. Is there any dedicated class room/s available for the study of the children :
...If Yes..... Number of Rooms and sizes of the rooms

18. Is there a library available for the children:

19. Is there any audiovisual room available for the children :

20. Is there any Counselling cum Guidance Room available for the children:

21. Is there any dedicated room/s available for the vocational training of the children apart from the classrooms:

22. Is there any space available in the campus for to build rooms/shed for the vocational training ?..... if yes..... Specify the size of the space.....

23. Is there any dedicated Vocation lab available in the Home.

24. If Yes , What are the trades being trained.

25. Is the Home has tie up with any ITI/Vocational Training Agency :

Observations of the Team:

1) Level of Education of the Children:

2) Areas of interest of the children for vocational training:

3) Competency of the Home Superintendant and Staff to coordinate the vocational training:

4) Infrastructure to set up any vocational training Unit within :

