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GOVERNMENT OF KERALA

Abstract

Social Justice Department - Code of conduct for the Chairperson and Members of the child welfare committees - Framed Orders issued.

SOCIAL JUSTICE (A) DEPARTMENT

G.O (MS) No. 57/2015/SJD.

Thiruvananthapuram, Dated, 10. 09.2015.

Read:- D.O No. ICPS 3/009757/15 dated 02.06.2015 from the Director of Social Justice.

ORDER

As per the letter read above the Director, Social Justice has stressed the need to implement code of conduct for the chairpersons and members of Child Welfare Committees and suggested Code of conduct in delivering their duties and responsibilities.

Government have examined the matter in detail and are pleased to approve the code of conduct for the chairpersons and members of the child welfare committees as appended with this order:

By order of the Governor
A. Shajahan,
Special Secretary

To

The Director, Social Justice Department.

Chairperson Members, Child Welfare Committees (Through the Director, SJD)

The Secretary, Kerala State Commission for Protection of Child Rights, Sree Ganesh Vanrose Junction, University. P. O, Thiruvananthapuram.

The Secretary, Orphanage Control Board, Vikas Bhavan, Thiruvananthapuram.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General (A&E), Kerala, Thiruvananthapuram

Web & New Media Wing, Information and Public Relations Department, (for publishing in the website).

The Stock file Office copy.

Forwarded/By order,

Section Officer.

Code of Conduct for the Chairperson and Members of the Child Welfare Committees

Being the Chairperson or Member of the Child Welfare Committee is a rare honour and it calls for a discipline which is exemplary. The Chairperson and Members of the Committee shall observe the following code of conduct in carrying out their responsibilities:

1. The Chairperson and Members shall participate in all sittings of the Committee, and shall not absent themselves from the Committee sittings except for unavoidable reasons, or for participating in conferences, workshops or training programmes conducted or sponsored by the Government.
2. The Chairperson and Members participating in other functions on the days in which the Committee sittings are scheduled, will be construed as lacking in interest in the Committee work.
3. The Members shall ensure that they have three fourth attendance in the Committee sittings, or else withdraw voluntarily from the Committee, if such participation level cannot be maintained.
4. The Chairperson and Members shall ensure that they arrive at the Committee Hall at least half an hour in advance of the commencement of sittings and familiarize themselves with the cases being posted for the day. Coming late and leaving early will not be allowed. A minimum of four hours' involvement in each of the Committee sitting is required to qualify a Member to sign on the attendance register. Each Member shall sign in the attendance register on every sitting day, indicating his/her time of arrival and departure from the Committee Hall.
5. The use of mobile phones within the committee hall is to be regulated. On entering the Committee hall the Members and the staff shall keep their mobiles on silent mode, and shall avoid conversation unrelated to the cases under consideration.
6. No Member shall be allowed to record statements from the child or their parents or others, on electronic equipment personally owned, without the permission of the Chairperson in writing stating reason therefor. In every such case where permission is obtained, the transcript of the recordings shall be handed over to the Chairperson immediately thereafter, and the file be deleted from the personal instrument.
7. Every Member is required to keep a 'work diary' detailing his/her involvement in the Committee, and make it available for scrutiny, as and when required by the Chairperson.
8. No Member of the Committee is allowed to copy any part of the Minutes of the Committee without written permission of the Chairperson
9. The Members shall not be allowed to carry any file or document in relation to the Committee to his/her personal custody, unless specifically authorized by the Chairperson
10. The Chairperson and the Members shall not meet any child, whose case is under the consideration of the Committee, in their residences or personal offices, or visit such child in his/her residence, without the decision of the Committee. In case such meetings are held in exceptional situations, the Chairperson shall be briefed on that at the earliest, and a detailed report be submitted to the Committee at the subsequent sittings
11. The Chairperson and Members of the Committee shall not do anything which may be construed as aiding the accused. *They shall not meet the accused, in any case under consideration, in their residences or offices, and any chance meeting with such persons be reported to the Chairperson at the earliest*
12. *The Chairperson and the Members shall not offer any professional service to the accused or his/her relations, while being Members of the Committee. The Chairperson and*

Members shall ensure that his/her family Members or close relatives also do not offer professional services to such clients,

13. The Chairperson and Members shall keep every information related to cases under consideration of the Committee confidential, and shall not divulge any such information to anyone outside the Committee, unless so advised by the former
14. The Chairperson and Members of the Committee shall not comment on any decision of the Committee, in any fora outside the Committee,
15. The Chairperson and Members of the Committee, shall not accept any monetary or other benefits or services from the child's family or the institution caring for such children.
16. The Chairperson or Members giving reports or issuing orders which go against the rights of the child, or any law of the land, shall be treated as violating child rights,
17. The Chairperson or the Members of the Committee shall not consume alcohol, tobacco or such substances
18. The Chairperson and Members should ensure that they do not do anything which may be construed as belittling the status and responsibility of being a Bench of Magistrates, endowed with the final authority to provide for the care, protection, treatment, development, and rehabilitation of children.

ROLE AND FUNCTIONS OF MEMBER, CHILD WELFARE COMMITTEE

1. Qualifications:

1. Age: 35 - 70 yrs,
2. Education: Post Graduate Degree in Social Sciences, or Degree in Health/ Education / Law with minimum 7 years of experience.
3. Disqualification: Conviction under any law involving moral turpitude, Involvement in any case of child abuse, child labour, or any act of human rights violation, or immoral act.

2. Job Summary:

Each Member, along with the Chairperson is individually and jointly responsible for the care, protection, treatment, development, and rehabilitation of the children residing in the District, as well as providing for their basic needs and protection of human rights. He/She is required to intervene urgently as and when children are found suffering from cruelty, neglect or abandonment. The Chairperson will be the leader of the Team.

3. Specific Duties: The Member of the Child Welfare Committee will have the following specific duties to perform.

1. Actively participates in the sittings of the Committee, and employs his/her expertise in dealing with the children, to enable the Committee to take the most appropriate decisions in cases brought before it.
2. Accurately records statements of the children, whose cases are under consideration of the Committee, and shares them in the Committee sittings and passes them on to the Chairperson for follow up action,
3. The decisions of the Committee are to be made after consultations among the Members present. If any Member holds a different view, he/she is to write out a separate dissenting note, and that to be attached to the main document, and the matter to be entered in the Minutes Book.
4. The Member will meet children in his/her residence or office, in cases, where the child needs to be urgently presented, when the Committee is not in sitting. The Member shall personally meet the child in his/her residence or office with intimation to the Chairperson,
5. The Member shall pass on to the Committee, any additional information, relevant to the case under consideration, which he/she acquires outside the Committee sittings from any source,
6. The Members make visits to the children's institutions in the District, or to the residences of children whose cases are under the consideration of the Committee, as and when required, and make observations, which may be followed up by the Committee,

7. The Member participates, in trainings, conferences, or meetings as per the direction of the Director of Social Justice, the Selection Committee, Judiciary, or other statutory bodies, with prior intimation to the Chairperson. The Members shall also represent the Committee in meetings and conferences as and when delegated by the Chairperson.
8. The Member helps the Chairperson to carry out his/her duties as and when required, and also to maintains the records of the Committee,
9. Initiates suo motu action, in emergency cases involving violation of child rights, when the Committee is not in sitting, and the Chairperson is not available. He or she shall provide support and help in any such case in which the Chairperson or any Member of the Committee is involved,
10. The Member shall file any grievance he/she has against any other Member of the Committee, or any others involved in carrying out his/her duties as Member, to the Chairperson. Any complaint against the Chairperson shall be submitted to the Director of Social Justice,
11. The Member shall submit his/her application for leave from the sittings of the Committee to the Chairperson, well in advance, so that he/she can schedule the sittings accordingly.

The Member shall report to the Chairperson of the Committee, on all matters related to the functioning of the Child Welfare Committee.

Undertaking

I, _____
 hereby agree to diligently carry out my responsibilities as Member of the Child Welfare
 Committee _____ and do my best to protect the rights of children in my District.

 Name

 Date:

ROLE AND FUNCTIONS OF CHAIRMAN, CHILD WELFARE COMMITTEE

1. Qualifications:

1. Age: 35 - 70 yrs,
2. Education: Post Graduate Degree in Social Sciences, or Degree in Health, Education or Law, and 7 years of experience.
3. Disqualification: Conviction under any Law involving moral turpitude, involvement in any case of child abuse, child labour, or any act of human rights violation, or immoral act.

***2. Job Summary:** Responsible for the safety and well being of all children, especially those found to be in need of care and protection, residing in the District. Required to intervene urgently as and when children are found suffering from cruelty, neglect or abandonment. The Chairperson shall be the leader of the Committee.*

3. Specific Duties: The Chairperson of the Child Welfare Committee will have the following specific duties to perform, which may be grouped as: (A) Management of Cases, (B) Administrative Responsibilities.

A: Management of cases:

1. Calls the Committee sittings to order, presides over the sittings, and ensures that the Minutes of the proceedings are accurately recorded,
2. In all cases in relation to the Committee, the child is the primary source of information. The child is heard in the Committee, as well as personally, by one or more Members, as and when needed. The Chairperson will assign each case to the Member with appropriate competence to deal with such situations. The Chairperson shall ensure that the Committee reaches out to the child's parents, teachers, friends or anyone capable of giving relevant information to provide care to the child,
3. In dealing with cases under POCSO Act, 2012, the Chairperson shall:
 - a. Immediately pass on to the police any information received in the Committee, indicating that a child or children have been subjected to any offence under the POCSO Act, 2012, with the direction to investigate and initiate appropriate action,
 - b. Receive the reports from the police, examine the statement of the child, study the report of the medical examination, and peruse the First Information Report,
 - c. Advise the parents, police, accredited NGO-s including the Childline, or anyone else involved in the case, to present the child in the Committee sitting, if need be,
 - d. Direct a Member of the Committee to talk to the child in confidence and record the child's statement, if found necessary,
 - e. Provide for the shelter of the child, if she/he is not safe if the original place of stay,
 - f. Require the police to record the child's statement again if need be,
 - g. Pass on to the police any additional information it has in its possession, with the advice to make additions in the FIR.

- h. Appoint support persons to help the child through the investigation and trial,
 - i. Report the matter to the Kerala State Commission for Protection of Child Rights,
 - j. Monitor the progress of the child, and
 - k. Follow up on the investigation.
4. Convenes special sittings of the Committee as and when required, and presides over such meetings,
 5. Receives the petitions, signs on each petition with dates indicating their acceptance and priority, carefully studies them, and arranges to allot them register numbers
 6. Takes suo motu action on urgent situations related to the protection of the rights of children in the District, and ensures that appropriate action is initiated,
 7. On receipt of petitions, requiring urgent action, the Chairperson shall initiate urgent measures, including direction to the police for urgent intervention, and keep the Committee Members informed of such action, and brief them at the subsequent sittings of the Committee,
 8. Directs the Police, District Child Protection Unit, Childline, NGOs, the empanelled volunteers, etc. to conduct detailed inquiries and submit reports, in order to facilitate proper decision making.
 9. Provides for shelter for children who are without homes, or are unable to stay in their own homes. Such children will be placed for short term care, pending enquiry, or long term care, in the Government Children's Homes, Nirbhaya Homes, Fit Institutions, or those found fit by the Committee and having recognition under the Kerala State Orphanage Control Board. Girls in need of care and protection can be given temporary shelter in the Govt. Mahila Mandiram in the Districts, where Govt. Children's Homes for Girls are not presently available.
 10. Ensures that the cases are discussed in the Committee sittings, and the most rational decisions are made. Holds consultation with experts before taking decisions in complicated cases,
 11. The Chairperson ensures that the final orders of the Committee are properly prepared, and shares the drafts among the Members before finalizing them,
 12. Is available to the petitioners, and be willing to provide information on the action taken by the Committee on their petitions,
 13. The Chairperson along with another Members is required to sign on the final orders related to the cases under consideration. The Chairman alone signs on all other communications related to functioning of the Committee,
 14. Responsible for the proper maintenance of files, and registers, and shall be the custodian of all records related to the Committee.
 15. Conducts institution visits, as and when needed, along with other Members of the Committee and prepares reports.
 16. Takes up any other activity which may be perceived as helping in the protecting the rights of the children in the District.

B. Administrative Responsibilities: The Chairperson is the administrative head of the Child Welfare Committee. In this capacity, he/she will perform the following functions:

1. All communications on behalf of the Committee shall be initiated by Chairperson, and will bear his/her signature, and seal of the Committee. All such communications shall be entered in the outward register, and copies will be maintained in the respective files.
2. He will receive all communications addressed to the Committee, and ensure that all such communications are initialed by him/her, are entered in the inward register, assigned a number, and safely maintained in the respective case file. He will initiate appropriate action with regard to the matter contained in the letter, and reply those letters if need be, without any delay.
3. Chairperson shall be the Official Spokesperson of the CWC, and will talk to the media when needed, on issues related to children in need of care and protection, or on cases under consideration of the Committee, by himself or along with the Members of the Committee.
4. All financial transactions in relation to the CWC shall be conducted by the Chairperson. Any bank account in the name of the Committee, shall be operated by the Chairperson, individually, or jointly with any other person(s) nominated by the Government.
5. Leave of Members shall be sanctioned by the Chairperson. The Members are advised to submit their leave application forms to the Chairperson, well in advance, to enable him/her to plan the sittings accordingly. The Chairperson will be the leave sanctioning authority to the staff attached to the CWC as well,
6. The Chairperson shall submit periodic reports to the Government, the Judiciary or any other statutory body, or to the public as and when required.
7. Chairperson represents the Committee in all statutory bodies, where the Child Welfare Committee is officially invited. One or other Member of the Committee can be delegated to represent the Committee by the Chairperson as and when required.
8. The Chairperson shall arrange to review the functioning of the Committee at regular intervals, and take corrective action as and when needed. The Minutes of such reviews be shared with all the Members and the Government.
9. Receives complaints from the public, children, or the parents about the conduct of the cases by the Committee, action taken by it, or on the behavior of the Chairperson or any Member of the Committee and take appropriate action,
10. He will appoint one Member of the Committee, as Public Information Officer and ensure that the queries made as per the Right to Information Act is provided on time. The Chairperson shall be the Appellate authority.
11. The Chairperson will keep the Members informed about all matters related to the Committee, he/she is called upon to initiate while the Committee is not in Sitting.

The Chairperson is collectively responsible to the Members of the Committee. and be reportable to the State Government, represented by the Director, Social justice.

Undertaking

I, -----
 hereby agree to diligently carry out my responsibilities as Chairperson of the Child Welfare Committee ----- and do my best to protect the rights of children in my District.

 Name

 Date: