

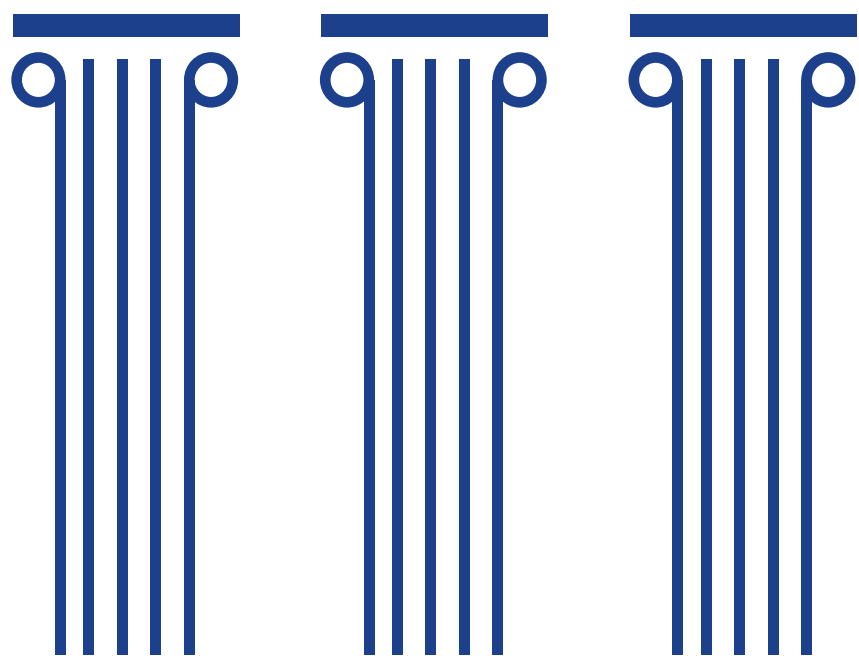


SCHOOL SAFETY & **CHILD PROTECTION** **MANUAL**





SCHOOL SAFETY
&
CHILD PROTECTION
MANUAL



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FOREWORD

A holistic learning experience can only take place when all children are in a safe and secure environment, and this is one guiding principle that ever one should live by. Children are our future, and their safety & security is paramount.

Today children are exposed to physical, emotional and digital threats. The accelerated adoption of hybrid learning has shifted the way we think about student safety. What once was a simple approach to protecting students within the four walls has shifted to protecting them beyond school boundaries and now also include the digital space. In order to be effective, civic society efforts must be anchored to a common philosophy on safety in schools where the child's overall well-being and physical security is seen as a single objective.

Recent unfortunate incidents in schools have brought to focus the important issue of child safety in schools. Unfortunately, these events have also led to knee jerk reactions from various authorities and a public test by the media. We need to look at the entire issue holistically and we need to adopt a balanced approach in developing mechanisms that ensures the safety of every child. It is important to determine whether such incident is consequence of any negligence of the school or not. Furthermore, in incidents where the victim is an innocent child, it is imperative for all stakeholders, be it the school, parents, community, authorities or the media to maintain caution and sensitivity. The race of being 'first to report' mostly leads to distorted facts and unwarranted sensationalisation.

There cannot be a one-size-fits-all solution as schools vary greatly in terms of their setting and access to resources. Yet one cannot discriminate safety of any child. FICCI ARISE in collaboration with Mundkur Law Partners (MLP) had studied various legislations, guidelines and checklists issued by various authorities, tested them in real ground situation and came out with a comprehensive manual and toolkit for child safety in schools in 2018.

Following the direction of Hon'ble Supreme Court, Ministry of Education (MoE) released comprehensive guidelines for School Safety and Security in Schools on October 1, 2021. MoE had examined several manuals and guidelines including the FICCI ARISE edition released in 2018 and issued these comprehensive set of guidelines which are to be read alongside NCPDR and NDMA guidelines.

Since then, FICCI ARISE undertook a practical review of the MoE guidelines, NCPDR and NDMA reports and has come out with the updated version of the Manual and Checklist that entails the following:

- Comprehensive Child Safety Guidelines that states can prescribe.
- Draft Child Protection Policy that schools can adopt – covering POCSO, POSH, JJA etc.
- Safety Checklist that schools can fill periodically.
- Compliance mechanism - School Safety Committee having regular meetings and taking Checklist on record.

With our true commitment to the motto 'Student First,' we are certain that schools and authorities alike would find this manual and checklist wholesome, useful and feasible to implement in the best interest of our school children.



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PREFACE

Responsible change makers, creating safer spaces for children!

India has a wide range of laws to protect children and child protection is increasingly accepted as a core component of social-emotional development. The challenge is in implementing the laws due to lack of awareness and understanding, inadequate human resource capacity on the ground and absence of quality prevention and rehabilitation services. As a result, millions of children are prone to violence, abuse and exploitation. However, progress has been made in generating awareness, enhancing legislation and nurturing action towards ending violence, abuse and exploitation of children, but more needs to be done to ensure children and their families benefit from timely and efficient protection and services.

Schools fill a special institutional role in society. Educators, having the opportunity to closely observe and interact with children, are in a unique position to identify those who are in need of help and protection. This helps to ensure that children receive the support and assistance they may require and families may obtain services that will remedy situations posing a threat to the child's welfare, including physical, sexual and/or emotional abuse and neglect.

We need to provide a safe and secure environment for children to learn and grow. The safety of children is of paramount importance at all times and all places. It is in this respect that I felt it necessary to address the challenges faced by schools. This manual is an endeavor to promote enhanced safety for all learners. The objective of this manual is three fold:

- Creating awareness and capacity building for all stakeholders of schools in relation to child protection;
- Mandating the use and implementation of the concept of school safety widely; and
- Ensuring active implementation of all child safety protocols.

The manual is comprehensive and easy to use. It is designed to serve as a guide for all schools.



Sanah Batta

Author

Sanah Batta, is an Advocate and Educationist. She holds a degree in law from the O.P. Jindal Law School, India and a Masters in law. She practiced as an Advocate for a few years, however, for the love of education, decided to enter into policy and academia. Her area of expertise is Education Law and she is a child protection specialist.

As the trustee and legal advisor to Bloom Public School, New Delhi, India, she advises and assists the school on various issues such as employment matters, labor concerns, compliances, student safety, communication with governmental authorities etc.

She is a Resource Person for the Central Board of Secondary Education (CBSE) which conducts the National school leaving examinations in India. Her role as a resource person is three-fold. It entails creation of question papers, revision of the legal studies textbooks and spreading legal awareness.

Sanah is a member of the steering committee of FICCI ARISE (Federation of Indian Chambers of Commerce & Industry, Alliance for reimagining school education) and has authored the School Safety & Child Protection Manual for schools in India which will serve as a guide for implementation of child protection laws.

She is also the founder of NAVASHA, meaning new hope, a community outreach initiative that aims to protect children from violence and abuse. She conducts capacity building workshops for all stakeholders who work with children. She has successfully trained teachers and counselors across the country, impacting the lives of many children.





Introduction

Every child has the right to live free from violence, exploitation and abuse. Their well-being, safety and security is of utmost importance for all stakeholders and communities. Children today face multiple forms of abuse and violence such as physical, emotional, sexual and digital. It is the duty and responsibility of all stakeholders to provide a safe and secure environment for children.

Children spend anything between 6-8 hours over 180-200 days in a year in school. While there is substantial amount of time that child spends outside the school environs where too safety should be ensured, the quality and safety of school life is quintessential to their development. Keeping this in mind, it becomes imperative for us as responsible citizens to provide a safe and nurturing environment for students.

We live in a fast-paced society characterized by change. Law to be prevalent, must keep up with the changing times and cater to the needs of all citizens. We have in the recent past, witnessed many instances of child abuse and have also seen a paradigm shift in our legal system to address the changing scenario. As responsible and well-informed educators, it is our duty to spread awareness and effectively implement child protection laws.

FICCI ARISE motto is 'Student First'. Experiences through a schooling journey create life-long impressions and influences in a student's life. FICCI ARISE propagates to follow extreme sensitivity while dealing with various kinds of incidents. There could be incidents or situations that may draw ethical dilemmas. In such situations it is important to involve all stake holders and collectively ensure that every child's well-being and future remains fully protected.

Aims and Objectives

- a) To create an understanding on child protection and a safe and secure school environment for holistic development.
- b) To create awareness about the acts, policies, procedures and guidelines available for different aspects of security and safety of children.
- c) To empower stakeholders and enable clarity on their role in the implementation of the acts and policies.
- d) To affix accountability on all stakeholders for keeping children safe and secure in schools.
- e) To understand the consequences of negligent behavior in relation to child safety and security.

Who is this Manual meant for?

This manual is meant for stakeholders of all schools in India.

How to use this Manual?

This manual provides guidance on child protection and the implementation process for various laws and policies. While every effort was made to cover all aspects of safety and security of children in schools and to provide recommendations to schools, it is important to mention that some circumstances might require additional information and we urge stakeholders to refer to additional documents such as state specific laws/ policies. This manual has been prepared by referring to various manuals/ documents listed below:

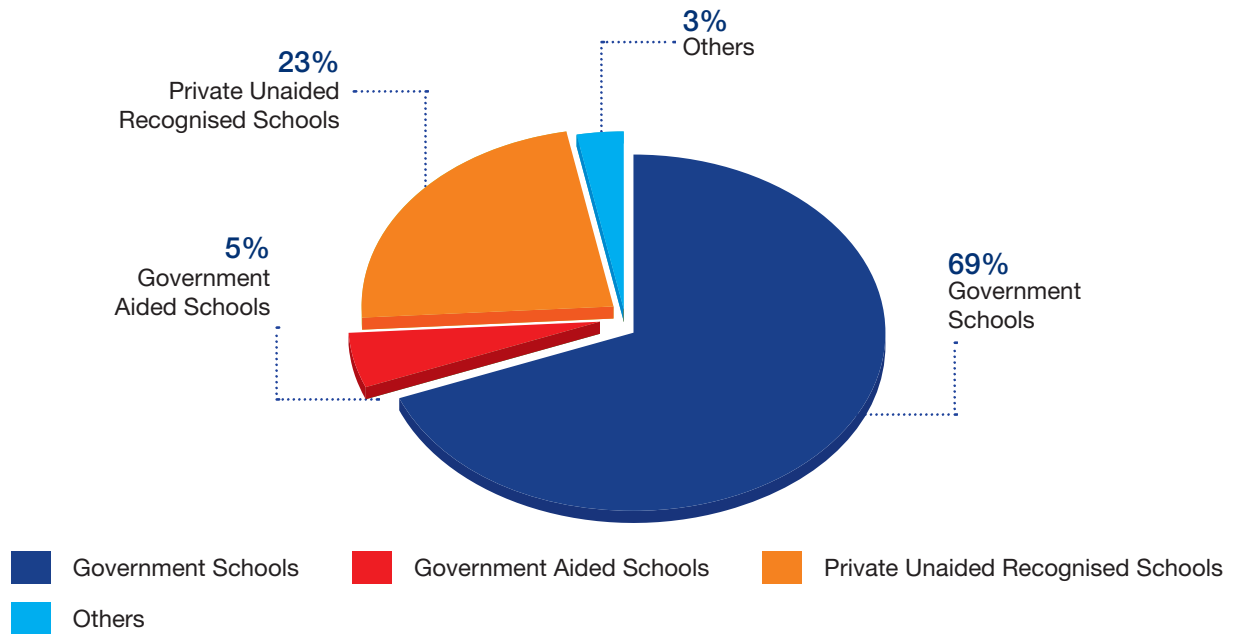
1. Ministry of Education, Guidelines on School Safety and Security
<https://ncert.nic.in/pdf/notice/GuidelinesSchool%20SafetySecurity.pdf>
2. National Disaster Management Authority, NDMA Guidelines, School Safety Policy
https://www.education.gov.in/en/sites/upload_files/mhrd/files/upload_document/Guidelines_feb.pdf
3. National Commission for Protection of Child Rights, Manual on Safety and Security of Children in Schools
https://schooledn.py.gov.in/download/forms/Manual_School_Safety_Security.pdf
4. National Commission for Protection of Child Rights, User Handbook on Protection of Children from Sexual Offences Act, 2012
<https://www.pmc.gov.in/sites/default/files/69301171.pdf>
5. Handbook for adolescents/students on cyber safety
<https://cybercrime.gov.in/UploadMedia/CyberSafetyEng.pdf>

Ground Reality: A Numeric Overview

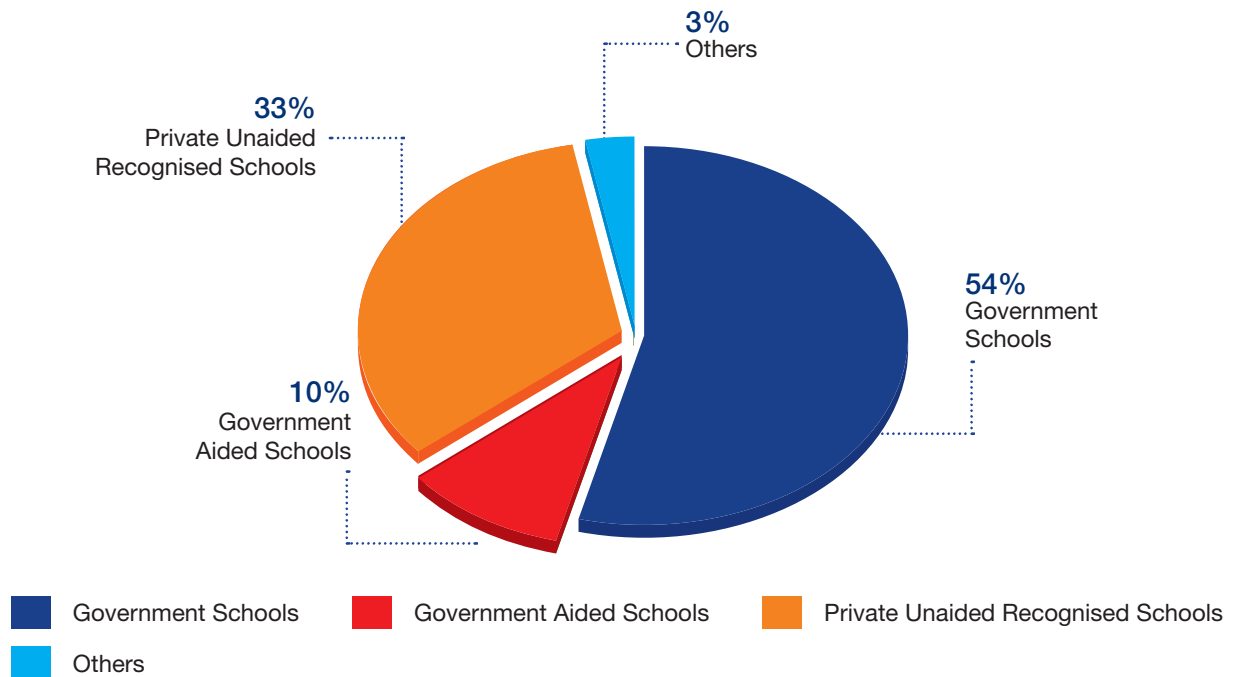
The Indian school Education System is one of the largest in the world with nearly 14.89 lakh schools, more than 95 lakh teachers and nearly 26.52 Crore students of pre-primary to higher secondary level from varied socio-economic backgrounds.

The distribution of number of schools and enrolment across government (which includes government aided schools), private and others is shown below. (UDISE+ 2021-22)

Number of schools by management and school category, 2021-22



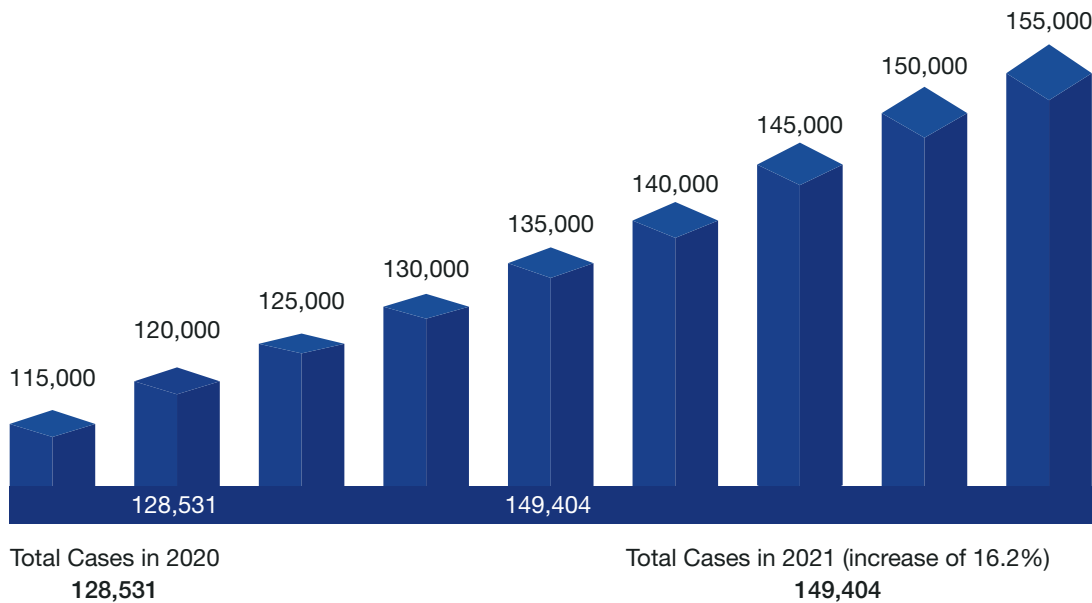
Enrolment of students by school management and level of school education, 2021-22



The high share of enrolment in private schools points to an increasing preference and growth of private school system but the sheer volume of government school enables them to dominate the market.

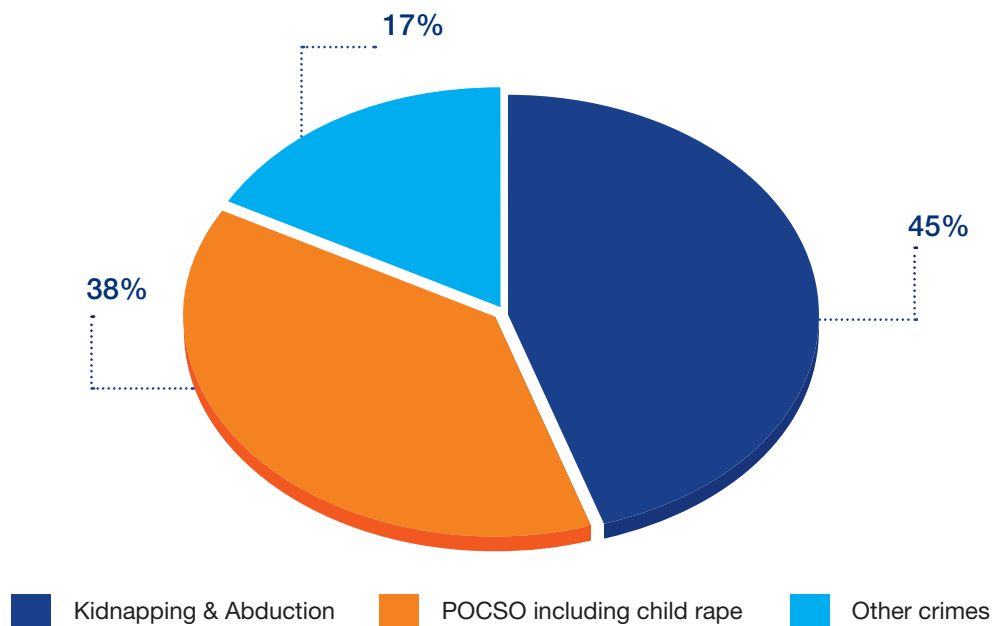
Crimes Against Children

As per National Crime Records Bureau statistics (2021), the rate of violence against children (irrespective of gender) is rising with every passing year.



Type of Crimes Reported against Children

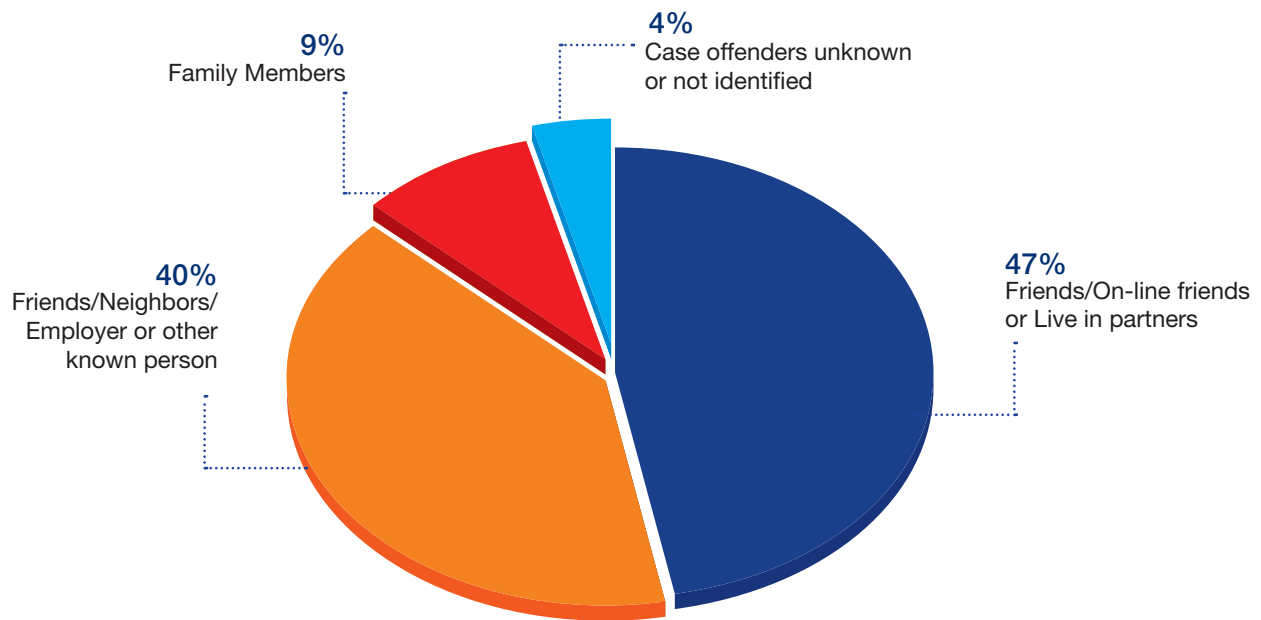
As per the latest National Crime Records Bureau Report, in percentage terms, major crime heads under 'Crime Against Children' during 2020 were Kidnapping & Abduction (45.0%) and Protection of Children from Sexual Offences Act, 2012 (38.1%) including child rape.



Protection of Children from Sexual Offense Cases

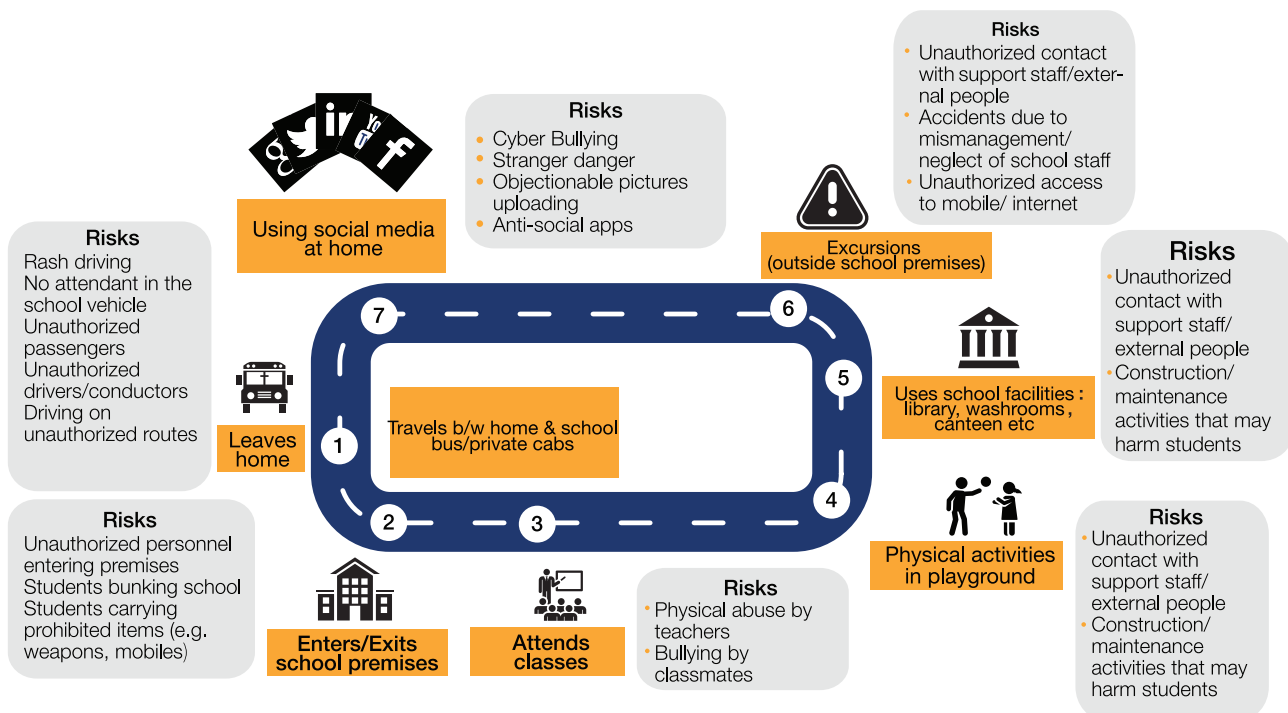
The POCSO Act 2012 has criminalized any form of sexual assault, sexual harassment and pornography against children and made knowledge or even apprehension of the commission or attempt to commit the offence, mandatorily reportable. The statistical data below clearly shows that in a large number of cases the offenders were either relatives or someone known to the victim. According to the National Crime Records Bureau, 96% of child rape cases were perpetrated by someone the child knew, such as a family member or neighbour, not a stranger.

Offenders Relation to Child Victims 2020



Risk Mapping Student Safety – ‘home to school to home’

The various forms of potential risk around school ecosystem to which a child might be exposed are illustrated with the help of the following figure.



Key Safety Challenges Unique to Schools

| S.No. | ISSUE | CHALLENGE | SOLUTION |
|-------|--|--|---|
| 1. | Multiple & Varied Vulnerabilities of Student Body | Most safety frameworks do not adequately recognise or address safety of vulnerable children, including disabled, street connected children, migrant and provides a 'one-size-fits-all' solution based on the assumed safety needs of children. | Include flexibility in regulation to address special needs of children as per their development. Adopt a rights-based approach for child protection. |
| 2. | Lack of experienced teachers or certified personnel/safe recruitment systems | <ul style="list-style-type: none"> • Training Lack of specialised training or standard prescribed child safety and protection curriculum on child protection in schools, and for key stakeholders including police, medical, social work, related NGOs and parents. • Recruitment Due to a lack of centralized professional records or registry it becomes difficult for schools to track past history and professional conduct of candidates being hired for teaching and non-teaching positions. • Service Providers Verification of safety and regulatory compliance of third party service providers pose great challenges for schools outsourcing specialized services such as vehicle hire on out station field trips. | <ul style="list-style-type: none"> • Training Child safety and protection curriculum to be included in B.Ed and other teacher training curriculum. Certification program for continuation teacher and related stakeholder education in this field to be considered. • Recruitment Centralized repository for teacher professional conduct and records comprising of academic details, working details and details pertaining to professional conduct, - e.g., Maharashtra has initiated the process of on-line recruitment of teachers and capturing of the essential data. • Service Providers A safety accreditation agency, or similar certifying system for third party services provided to schools. |
| 3. | Inadequate budgets and funds for child protection | According to the HAQ Centre for Child Rights, the share for children in the Budget 2017 remains the same as last year-3.2% of which the share for children protection in the budget even with a 55% increase from last year stands at only 0.05% of the total Union Budget. | Recognise child safety in schools as a separate budgetary head with allocable funds for qualitative and continuous development of safety curriculum, norms, training. |
| 4. | Lack of child friendly justice system | Most children lack "immediate and confidential access to child-sensitive advice, advocacy and complaints procedures" and to special courts and integrated spaces with trained personnel in police and medical centers, which decreases reporting. | Efficient & child centric law enforcement is critical for protection of children to ensure speedy trials and justice for children. |
| 5. | Regulatory conflict and lack of common minimum safety standards | Multiple laws & guidelines from different agencies leading to regulatory conflict and inefficiencies. | Single agency with expert stakeholder representation to integrate school safety regulations. |



UNDERSTANDING CHILD PROTECTION

Who is a Child?

International Conventions and domestic legislations, more specifically the Protection of Children from Sexual Offences Act, 2012 (“POCSO Act”) define a ‘Child’ as ‘*any person below the age of 18 years*’.

What is Child Protection?

Child Protection is any measure or initiative that addresses or prevents children from situations of violence, abuse, neglect and exploitation. It also means protecting children against social, psychological and emotional insecurity and distress.

The World Health Organization states that child maltreatment, “*includes all forms of physical and emotional ill-treatment, sexual abuse, neglect, and exploitation that results in actual or potential harm to the child’s health, development or dignity. Within this broad definition, five subtypes can be distinguished – physical abuse; sexual abuse; neglect and negligent treatment; emotional abuse; and exploitation*”.

Child Protection must ensure that no child falls out of the social security and safety net and those who do, receive necessary care and protection to be brought back into the safety net. It is relevant for all settings- home, school, neighborhood, community, and institutional/ residential care.

International Context: Four Core Principles for all Safety Initiatives & Key Questions

Principle of Best Interest of the Child (art.3.1 UNCRC)

The Principle

This principle mandates that the best interest of the child must be the primary consideration of all stakeholders while directing any action concerning the child. This requires that balancing the rights and duties of parents, guardians, educators and all other individuals legally responsible for child safety and protection, with the primary interest of the child.

Key questions to ask when applying the principle

- How does my decision affect the student individually and students collectively;
- Have I looked at all stakeholder perspectives – such as the child’s views and the parents/caregivers view;
- Have I considered the safety of the child, child’s identity, impact on health, education and other rights;
- In case of a conflict between rights can I write down all the reasons why my decision is in the best interest of the child – can I clearly identify the criteria and reasons to arrive at this conclusion.

Principle of Equality, Universality and Non-discrimination (art. 2):

The Principle:

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, religion, caste, class, geographic area; disability etc. Based on this principle, safety must be equally applicable to all students, subject to any special provision made for the girl child or any other marginalized or particularly vulnerable section of children.

Key questions to ask when applying the principle

- Does my decision or policy target any particular group of children and if so why?
- Have I looked at the impact on individual and groups of children not involved;
- How does my decision affect the student individually and students collectively;
- Does this discriminate against any individual or group of children (including those in the target group).

Principle of Right to Survival and Development (art. 6):

The Principle:

Combining all rights applicable to the right to survival and development, this principle emphasises the right to life taking in account living conditions, the quality of life and the right of every child to develop his or her maximum potential.

Key question to apply this principle:

- How does this initiative help increase safety and other rights;
- Does it pose any risks
- What measures protect the safety, dignity and well-being of the students?
- How does it protect children with vulnerabilities?

Principle of Right to Participation (art.12):

The Principle:

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, and State Rules and all child related international conventions.

Key question to apply this principle:

- Whose idea was it – student or adult?
- Did the students have a say or were their views heard/considered;
- To what extent were they involved in the planning, implementation monitoring or evaluation;
- How has their participation contributed to changing attitudes and strengthening system in the medium and long term.

Constitutional Provisions

Provisions of the Constitution of India for the protection and safety of children are as given below:

| Constitutional Provision | Details |
|--------------------------|---|
| Article 14 | Fundamental right to equality before the law and equal protection of the law |
| Article 15 (3) | Fundamental right to special provisions for women and children |
| Article 21 | Fundamental right to life and personal liberty |
| Articles 21 A | Fundamental Right to free and compulsory education for all children of the age of six to fourteen |
| Articles 23 and 24 | Fundamental right against exploitation |
| Article 39 (e) | Directive Principle followed by the State to ensure health and freedom from abuse due to economic necessity |
| Article 39 (f) | Directive Principle followed by the State to ensure development with dignity and guaranteed protection of childhood and youth against exploitation and against moral and material abandonment |
| Article 46 | Directive Principle followed by the State to ensure special educational care and protection from social injustice and all forms of exploitation |
| Article 47 | Directive Principle followed by the State to raise level of nutrition and standard of living and improve public health |
| Article 51 A (k) | Fundamental Duty of parents or guardians to provide opportunities for education |

Child Right Related Laws

- The Protection of Children from Sexual Offences Act, 2012
- The Juvenile Justice (Care and Protection of Children) Act, 2015
- Prohibition of Child Marriage Act, 2006
- Right of Children to Free and Compulsory Education Act, 2009
- Guardians & Wards Act, 1890
- Hindu Minority & Guardians Act, 1956
- Factories Act, 1948
- Mines Act, 1952
- Immoral Traffic (Prevention) Act, 1956
- Young Persons (Harmful Publication) Act, 1956
- Bonded Labour System (Abolition) Act, 1976
- Child Labour (Prohibition & Regulation) Act, 1986 & 2016
- Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994
- The Commissions for Protection of Child Rights Act, 2005
- Information Technology Act, 2000

For the purposes of this Manual, we will focus on the main legislations dealing with children, which are:

- The Protection of Children from Sexual Offences Act, 2012 (POCSO Act)

This Act is applicable to victims less than 18 years of age and to perpetrators who are older than 18 years of age. The purpose of the law is deterrence and retribution.

- The Juvenile Justice (Care and Protection of Children) Act, 2015 (“JJ Act”)

This Act is applicable to victims who are either below or above 18 years of age and to perpetrators who are less than 18 years of age. The purpose of the law is restoration and rehabilitation.

POCSO Act and JJ Act are applicable across India.

State Specific Provisions

Majority of the States and UTs have made provisions relating to management and safety measures in the State/UT Education Act. The detailed State and UT wise provisions are provided in Annexure 5 of this Manual.

Reasons for Child Protection

Given below are some of the reasons to reiterate the importance of child protection.

- Inability to advocate for themselves;
- Unable to recognize risks or cope with effects;
- Less able to defend themselves;
- May be weaker, more vulnerable to abuse, exploitation and trauma;
- Less resilient to harmful experiences;
- Unable to access help without an adult;
- Unclear on right and wrong without having developed a moral compass;
- Unable to understand long term impacts or consequences of behavior;
- Dependent upon adults for their needs; and
- Exercise less control and choice in their lives.

Responsibility of Schools to Protect Children

In every country, educators and those who work with children are held to a higher standard than other professionals. They have a legal balancing act in their responsibilities to protect children. Their special role is defined by the legal concept of *loco parentis* (which means “*in place of a parent*”). Educators are held to this higher professional standard because of their position of authority over children and responsibility to be role models for them.

When children attend school or are involved in any school related activity, the responsibility to ensure their safety and security lies with the school authorities and if the school willfully neglects the child, in any manner likely to cause the child unnecessary mental or physical suffering, it may be treated as violation of the law. Hence, it is the school i.e., School Management, Principal/Head of school, teachers and all stakeholders that have the responsibility of ensuring safety of children.

Having said that, it is important to remember that there are factors that are out of one’s control and accidents may occur, whether at home or school. However, it is the duty of all educators to fulfill their responsibility to the best of their ability and ensure that all systems, protocols and procedures are kept in place.

Negligence, Accident and Vicarious Liability

As stated above, the objective of this Manual is to affix accountability on all stakeholders for keeping children safe and secure in schools. Schools have a legal duty of care to put reasonable safeguards in place to prevent injuries and other harm to students. This includes implementing safety protocols, maintaining safe premises, vetting employees, supervising students and taking all steps to ensure well-being of students. However, even after taking all necessary steps, accidents may occur. But whether the school and its employees can be held liable will depend on the facts and circumstances of each case.

It is recommended that schools abide by and implement all safety procedures, maintain proper documentation and quarterly review the Child Safety Checklist as provided in School Safety & Child Protection Checklist to ensure that safety protocols are intact and thus safeguard itself from criminal liability.

Certain judicial pronouncements in this regard are laid down below:

1. In the case of *M.S. Grewal & Anr. v. Deep Chand Sood & Ors.*, (24.8.2001), fourteen students died by drowning in a river during the school picnic due to the negligent act of teachers deputed to look after them.

Dealing with what constitutes negligence, the Hon’ble Supreme Court, observed as under:

“Negligence in common parlance means and implies failure to exercise due care, expected of a reasonably prudent person. It is a breach of duty and negligence in law ranging from inadvertence to shameful disregard of safety of others. In most instances, it is caused by heedlessness or inadvertence, by which the negligent party is unaware of the results which may follow from his act. Negligence is thus a breach of duty or lack of proper care in doing something, in short, it is want of attention and doing of something which a prudent and a reasonable man would not do. Clerk & Lindsell on Torts (18th Ed.) set out four several requirements of the tort of negligence and the same read as below:

- (1) *The existence of law of a duty of care situation, i.e. one in which the law attaches liability to carelessness....;*
- (2) *Breach of the duty of care by the defendant, i.e. that it failed to measure up to the standard set by law;*
- (3) *A casual connection between the defendants careless conduct and the damage;*
- (4) *That the particular kind of damage to the particular claimant is not so unforeseeable as to be too remote. While the parent owes his child a duty of care in relation to the child’s physical security, a teacher in a School is expected to show such care towards a child under his charge as would be exercised by a reasonably careful parent.*

It was contended on behalf of the school that they had taken all due care and hence cannot be held responsible for the neglect and callous conduct on the part of the teachers escorting the students. The Hon’ble Supreme Court, rejecting the contention, held that, “*Negligence is a method of performing an act: instead of it being done carefully, it is done negligently. So liability for negligent acts in the course of employment is clear.*”

In view of the above referred legal proposition approved and laid down by the Hon’ble Supreme Court, it can be safely said that the teachers accompanying the complainant and the other children, **were negligent in performance of their duty** and the appellants, they being the employers of those teachers, are **vicariously liable for the loss**, resulting from the said negligence.

2. The Hon'ble High Court of Judicature at Madras in the case of *K.Kala v. The Secretary, Educational Department & Ors.* (03.11.2022) has stated that a teacher or other school authorities could be blamed for a student's death only if there is direct evidence of them having misbehaved with the student or having resorted to corporal punishment. The court held that, ***“The practice of defaming the Headmasters and Teachers in general at all circumstances cannot be accepted. Teachers and Headmasters are liable only if their misconduct, misbehaviour or otherwise are established through sufficient evidence. If any Teacher or Headmaster imposed a corporal punishment, which is prohibited by the Education Department guidelines, then alone the Teachers or Headmasters shall be prosecuted and not otherwise. For each and every act of students in a School, the Teacher or Headmaster cannot be blamed. Whenever a case of suicide is found, the parents are not expected to blame the Teachers and Headmasters alone in the absence of any evidences. General blaming or causing dis-reputation would affect the image of the School and cause prejudice to the interest of the other children studying in the very same School. Causing dis-reputation may be an easy way out, but maintenance of discipline in Government Schools and achieving good results are difficult tasks. Therefore, the allegations if any are to be established beyond any pale of doubt through acceptable evidence.”***

Further, the court elaborated on the role of parents by stating that, ***“The physical and mental health of the children are to be consistently monitored by the parents too, and the duties of the parents under the Indian Constitution are also to be borne in mind. In a School, large number of children are studying. One teacher has to take care of number of students in a classroom. Thus, he / she may not be in a position to assess the mental health of every child attending the School. The overall monitoring may be possible and therefore, the mental health of a child must be always protected by the parents at the first instance.”***

Categories of Negligence

The negligence committed by the school management/authorities/principal/head of school/teaching and non-teaching staff may be broadly categorized as follows:

- Negligence in establishing a secured infrastructure for the students and children with special needs.
- Negligence of the quality, standard of the food served and portability of water provided to students in school for consumption.
- Negligence related to security measures adopted by the school authorities for the safety of students.
- Negligence in providing timely medical aid to the students.
- Negligence in taking action against a complaint reported by a student.
- Negligence on corporal punishment including mental, emotional harassment.
- Negligence in preventing bullying, discriminatory actions, substance abuse in the school premises.
- Negligence in regular monitoring and reporting to appropriate authority as required.
- Negligence in delaying actions in case of crime or disaster.
- Negligence in suppression of facts and not reporting to the appropriate authority.

Legal Provisions in case the offense has been established

| Accountability of School Management | Legal Provisions & Rules Attracted |
|---|--|
| Criminal Negligence | Sections 304, 308 etc. of Indian Penal Code, 1860 Section 75 JJ Act |
| Medical Aid Negligence | Section 77 of the JJ Act |
| Corporal Punishment | Section 75 of the JJ Act |
| Conspiracy | Section 16 of the POCSO Act, Section 34 and 120 etc. of the Indian Penal Code, 1860 and Section 87 of the JJ Act |
| Concealment/non-reporting of offense | Section 21 of the POCSO Act and Section 202 of Indian Penal Code, 1860 |
| Tampering Evidence | Section 201, 203 etc. of the Indian Penal Code, 1860 |
| Sexual abuse | Section 19 of the POCSO Act |
| Cyber Safety and Security | Section 67 B of IT Act, 2000 and Sections 13 and 15 of the POCSO Act |
| Infrastructural Safety and Security | The National Building Code of India ,2004 |
| Food Safety | Sections 272, 273 of the Indian Penal Code, 1860 |
| Environmental Safety | Section 278 of the Indian Penal Code, 1860 |
| Sexual harassment and Sexual Assault | Section- 4, 6, 8, 10, 12, 14 and 15 of the POCSO Act |
| Children With Special Needs | |
| 1. Legal Rights of Children With Special Needs | Section 16, 17, 31 & 32 of the Rights of Persons with Disabilities Act, 2016 Section 31 of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 |
| 2. Punishment for rights of Children With Special Needs violating the rights of Children With Special Needs | Section 89 of the Rights of Persons with Disabilities Act, 2016 |
| 3. Punishment for offenses against Children With Special Needs | Section 5 and 9 of the POCSO Act and Section 85 of the JJ Act |
| Constitutional Provisions for rights of Children | Article 15 (3), 21 (A), 23,24,39 (e),39 (F), 46, 47 and 51A (k) of the Constitution of india |



PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

This law was enacted in the year 2012 to protect children from sexual offenses. It is a child centric and gender-neutral law that protects children below the age of eighteen. The law deals with cases of child sexual abuse.

What is Child abuse?

All forms of physical and emotional ill-treatment, sexual abuse, neglect or negligent treatment or other exploitation resulting in actual or potential harm to the child's health, survival, development, education or dignity.

Children may be abused by an adult or adults, within their family, working in school, or in the wider community. They may also be abused by another child or children. A fundamental part of protecting children is being aware of signs that a child may be suffering from abuse, or that a child or an adult in school may be abusing another child. Abuse can take many forms, including physical, emotional, sexual and neglect.

Salient features of the POCSO Act:

1. The Act is applicable across India.
2. The National Commission for the Protection of Child Rights ("NCPCR") and State Commissions for the Protection of Child Rights ("SCPCR") are responsible for monitoring the implementation of the Act.
3. Types of offenses under the Act - Penetrative Sexual Assault, Aggravated Penetrative Sexual Assault, Sexual Assault, Aggravated Sexual Assault, Sexual harassment, Use of Child for Pornographic Purposes. (Details provided below)
4. Special in-camera trial, child friendly and district wise fast track courts have been set up exclusively to deal with offenders.
5. The special court can award compensation to the victim.
6. The child is not brought in contact with the accused at any time.
7. The burden of proof is on the accused to prove that he/she is innocent of the charges.
8. An offense must be reported to the local police or Special Juvenile Police Unit (SJPU).
9. Anonymity/Privacy to be strictly maintained by all agencies.
10. Media debarred from publishing the identity of a child including his/her name, address, photograph, family details, school, neighborhood or any other particulars which may lead to disclosure of identity of the child.
11. Consent of a child is not considered a valid defense.
12. Refusal by the police to register an FIR is punishable.
13. Destruction of evidence is an offense under Section 201 of the Indian Penal Code, 1860.
14. A victim can report an offence at any time, even a number of years after the abuse has been committed.

Offenses and punishments under POCSO Act

| Offense | Definition | Punishment | | |
|---|---|---|---------------------------|------|
| | | Minimum Imprisonment Term | Maximum Imprisonment Term | Fine |
| Penetrative Sexual Assault (u/s 3 and 4) | Any form of penetration in private parts or other body parts or application of the mouth to the private parts of a child or forcing the child to penetrate the offender or someone else. | <u>Offense committed on a child between the age of 16 to 18 -</u> 10 years | Life Imprisonment | ✓ |
| | | <u>Offense committed on a child below 16 years of age -</u> 20 years | Life Imprisonment | ✓ |
| Aggravated Penetrative Sexual Assault (u/s 5 and 6) | When penetrative sexual assault is committed by a person in a position of trust or authority such as police officer or <u>whoever being on the management or staff of an educational institution</u> | 20 years | Life Imprisonment/ Death | ✓ |
| Sexual Assault (u/s 7 and 8) | All acts of physical nature without penetration. For example, stalking a child, showing dirty pictures, touching private parts of a child or making a child touch the private parts of someone else etc. | 3 years | 5 years | ✓ |
| Aggravated Sexual Assault (u/s 9 and 10) | Offences of sexual assault if committed by a person in a position of power or <u>whoever being on the management or staff of an educational institution</u> | 5 years | 7 year | ✓ |
| Sexual Harassment (u/s 11 and 12) | Sexual Harassment is committed upon a child when such person with sexual intent: <ul style="list-style-type: none"> • Carries out any act with sexual connotations; or • Makes a child exhibit his/ her body; or • Shows any object to a child in any form or media for pornographic purposes; or • Repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or • Entices a child for pornographic purposes or gives gratification therefor. | - | 3 years | ✓ |

Offenses and punishments under POCSO Act

| Offense | Definition | Punishment | | |
|--|--|---|---|--|
| | | Minimum Imprisonment Term | Maximum Imprisonment Term | Fine |
| Pornographic Purposes (u/s 13, 14 & 15) | Whoever uses a child in any form of media for the purposes of sexual gratification Storage of pornographic material involving a child | For 1st conviction - <u>5 years</u> For 2nd or subsequent conviction - <u>7 years</u> - | Not prescribed Not prescribed - | ✓ ✓ For 1st conviction- Minimum 5,000 rupees For 2nd/ subsequent conviction - Minimum 10,000 rupees |
| Media Obligations (u/s 20 and 23) | If the media discloses the identity of the victim or fails to report about the crime to the police | 6 months | 1 year | And/ Or |
| Failure to record or report crime (u/s 21) | Failure to record or report a crime | <u>Any person</u> - No minimum punishment <u>Person being incharge of any company or institution</u> - No minimum punishment | 6 months 1 year | And/ Or ✓ |
| False information or complaint (u/s 22) | Anyone who provides false information or making a false complaint except child | <u>Any person against any other person</u> - No minimum punishment <u>Any person against a child</u> - No minimum punishment | 6 months 1 year | And/ Or And/ Or |
| Abetment (u/s 16 and 17) | Intentionally instigates, aids by any act or illegal omission, the doing of that offense or be part of a conspiracy with others. | Same as the punishment for that offense. | | |
| Attempt (u/s 18) | Attempts to commit any act towards the commission of any of the offenses | One-half of the imprisonment for life or, one-half of the longest term of imprisonment provided for that offense or with fine or with both. | | |

The scope and interpretation of section 7 of the POCSO Act was recently dealt with by the Hon'ble Supreme Court. The judgment of the Hon'ble Supreme Court of India in *Attorney General for India v. Satish and another (2021)*, centers around the interpretation of Section 7 of the POCSO Act given by the High Court of Bombay in two cases. A brief description of the cases is given below.

In the first case, the accused lured the victim, who was 12 years of age, to his house and “*pressed her breast and tried to remove her salwar*”, however, the victim started to shout, and the accused prevented her by pressing her mouth. The Special Court convicted the accused under Section 342, 354 and 363 of the Indian Penal Code, 1860 (IPC) and Section 8 of the POCSO Act. On appeal preferred by the accused, the conviction under Section 8 POCSO Act was set aside and the accused was convicted for the offenses under Section 342 and 354 of IPC.

In the second case, the accused went to the house of the victim, who was aged about 5 years, when neither of the parents were present and the accused had “caught the hands of the victim and moved her frock upward with one hand and lowered her pants with the other hand. He, thereafter, unzipped his pants and showed his penis to her and then asked her to lay down on a wooden cot”. The Special Court, in this case, convicted the accused for the offenses punishable under Section 448 and 354-A (1)(i) of IPC and Sections 8 and 10 read with section 9 (m) and 12 of the POCSO Act. On appeal, the High Court of Bombay set aside the conviction for the offenses under Sections 8 and 10 of the POCSO Act and upheld the conviction for the offenses under Sections 448 and 354-A(1)(i) of IPC read with Section 12 of the POCSO Act.

The question before the Hon'ble Supreme Court was whether the interpretation of the High Court of Bombay, that unless there is “direct skin to skin physical contact with sexual intent” the act does not tantamount to the offence of sexual assault as defined under Section 7 of the POCSO Act, is correct?

The Hon'ble Supreme Court stated that the most important ingredient for constituting the offense of sexual assault under Section 7 of the POCSO Act is the ‘sexual intent’ and not the ‘skin to skin’ contact with the child. The prosecution is not required to prove a skin-to-skin contact to prove that the offense has taken place.

The Hon'ble Supreme Court held that Section 7 of the POCSO Act would cover both direct and indirect contact, that is, irrespective of whether there was skin-to-skin contact or not, an offense under this section would be constituted. The intention of the offender to touch a child inappropriately is enough to attract the provisions of this section. Therefore, the court clarified and widened the interpretation of Section 7 of the POCSO Act.

Reporting Obligation under POCSO Act

What is the mandatory reporting obligation?

Section 19 and 21 of the POCSO Act imposes duties on teachers, management, and all employees of educational institutions to report instances of child abuse.

| S.No. | Who must report (Section 19) | Punishment for non-compliance (Section 21) |
|-------|---|--|
| 1 | <ol style="list-style-type: none"> Any person (including a child) who has knowledge that an offense under POCSO has been committed against a child; OR believes that it is likely to be committed; OR where there is an apprehension that a sexual offence is likely to be committed against a child. | Imprisonment which may extend to six months or with fine or with both. |
| 2 | Any person, being in-charge of an institution who fails to report the commission of an offense, as stated above, in respect of a subordinate under his/ her control. | Imprisonment for a term which may extend to one year and with fine. |

Where/ Whom to report?

1. Local Police -100
2. Special Juvenile Police Unit
3. POCSO e-box (<https://ncpcr.gov.in/pocso/public/>)
4. Childline 1098 (a 24/7 emergency phone outreach service)
5. NCPCR
6. SCPCR

What to Report?

It is important to explain, as well as you can, what happened or is happening to the child. Describe the nature of the abuse or neglect and the involved parties. Be as specific as possible. Be prepared to give the name, address, and telephone number of the child and also the name of the parent or caretaker, if known. Even if you do not know all of this information, report what you do know.

Important points to remember:

1. Children are under an obligation to report offenses but they cannot be punished for failure to report an offense.
2. No person shall incur any liability, whether civil or criminal, for giving the information in good faith.
3. It is important to remember that intent to commit an offense, even when unsuccessful for whatever reason, can be penalized.
4. The attempt to commit attracts up to half the punishment prescribed for the commission of the offense.
5. Abetment of the offense, is punishable in the same manner as the commission of the offense.

When to report?

The POCSO Act states the grounds under which a person is ought to report, however, the provisions of the POCSO Act are silent on a specific timeframe within which a person is supposed to report.

To understand this better, we may look at certain judicial pronouncements.

1. *In Kamal Prasad Patade v. State Of Chhattisgarh* (2016), the principal of a school in Chhattisgarh was informed of an incident of penetrative sexual assault allegedly committed by the peon against a Class III student, at 8:00 am. Before the principal could complete a local-level investigation into the complaint, an FIR was filed at 10:30 am., the very same day. The principal was arrested the next day for allegedly failing to report the incident as mandated by Section 19 of the POCSO Act.

A Single Judge of the Chhattisgarh High Court held that the head of an institution (such as the principal) is expected to conduct an institutional-level inquiry into the alleged offense and collect material evidence before reporting the matter, and reasonable time must be given to them to do so before charging them with the offense of failing to report under Section 21(2) of the POCSO Act.

2. The Hon'ble Supreme Court in the case of *Tessy Jose and Ors. vs. State of Kerala (2018)* has stated that, "the provisions of Section 19(1)..., put a legal obligation on a person to inform the relevant authorities, inter alia, when he/she has knowledge that an offense under the Act had been committed. The expression used is "knowledge" which means that some information received by such a person gives him/her knowledge about the commission of the crime. There is no obligation on this person to investigate and gather knowledge. The knowledge requirement foisted on the Appellants cannot be that they ought to have deduced from circumstances that an offense has been committed."
3. The Hon'ble Supreme Court in the case of *The State of Maharashtra & Anr. v. Dr. Maroti s/o Kashinath Pimpalkar(2022)* has stated that, "a legal obligation for reporting of offense under the POCSO Act is cast upon on a person to inform the relevant authorities specified thereunder when he/she has knowledge that an offense under the Act had been committed. Such obligation is also bestowed on a person who has apprehension that an offense under this Act is likely to be committed. Besides casting such a legal obligation under Section 19, the Legislature thought it expedient to make failure to discharge the obligation thereunder as punishable, under Section 21 thereof." Further, the Court held that, "Prompt and proper reporting of the commission of offence under the POCSO Act is of utmost importance and we have no hesitation to state that its failure on coming to know about the commission of any offence thereunder would defeat the very purpose and object of the Act.....non-reporting of sexual assault against a minor child despite knowledge is a serious crime and more often than not, it is an attempt to shield the offenders of the crime of sexual assault."

In light of the above, we recommend that upon knowledge of an offense or belief/apprehension of the likelihood of an offense, the school authorities should send a preliminary report/ intimation to the concerned authorities (local police) and immediately begin their institution level inquiry with proper documentation. In no manner should there be an inordinate delay in reporting and reporting must be done in a timely and efficient manner as per the provisions of the POCSO Act.

Reporting Procedure

1. Report must be recorded in writing by the concerned authority.
2. The child's statement can be recorded at his residence or any other place where he is comfortable, preferably by a woman police officer not below the rank of sub-inspector.
3. Child's statement is to be recorded in the presence of parents or any other person the child is comfortable with. Audi-video recording is permitted.
4. No child to be detained in the police station in the night for any reason.
5. Police officers must not be in uniform while recording the statement of the child.
6. Under s. 24 (5) the police have a legal duty to protect the identity of the child from the public media.
7. The statement of the child must be recorded as spoken by the child.
8. Assistance of an interpreter or translator or an expert must be provided if needed and if the child is disabled a special educator or any person familiar with the manner of communication of the child should be used.
9. Medical examination of the child to be conducted in the presence of the parent of the child or any other person in whom the child has trust or confidence.
10. In case the victim is a girl child, the medical examination shall be conducted by a woman doctor.
11. Within 24 hours the police will inform the Child Welfare Committee and the Special Court.
12. Copy of the final police report must be provided to parents and child.

Consequences of False Complaints or Information

If a person (other than a child) provides any false information or false complaint in respect of an offense under POCSO Act, solely with the intention to humiliate, extort or threaten or defame him, such person shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

When the accused is a child

As per Section 34 of the POCSO Act, when the alleged abuser is a child, then he/she must be treated as a child in conflict with law and the process of responding will be as per the provisions of the JJ Act. The case against the child lies before the Juvenile Justice Board. The child cannot be tried by the special courts set to deal exclusively with cases of POCSO.

Confidentiality of the Child and the Family

Media has to secure the identity and privacy of the child. Disclosing or publishing the identity of the child victim by mentioning name, address, neighborhood, school name and other particulars is punishable with imprisonment of not less than six months but extendable to one year or with fine or both. It also prohibits making negative reports that cause harm to the child's reputation. Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.

Role of Special Juvenile Police Unit (SJPU)/ Local Police

The POCSO Act mandates the police to adopt child friendly procedures while dealing with cases of child sexual abuse.

1. Recording the statement of the child
 - 1.1 Statement taken at a place comfortable to the child.
 - 1.2 Recorded by a woman police officer not below the rank of Sub-Inspector.
 - 1.3 Statement of the child must be recorded in the presence of the child's parent/s or in the presence of an adult whom the child trusts.
 - 1.4 Child should not come in contact with the accused during statement recording and also investigation.
 - 1.5 Child cannot remain at the police station at night for any reason.
 - 1.6 magistrate or the police officer may take the assistance of a translator or an interpreter while recording the statement of the child.

- 1.7 Magistrate or the police officer may seek the assistance of a special educator or any person familiar with the manner of communication of a child having a mental or physical disability to record the statement of the child.
 - 1.8 Statement can be recorded by audio-video electronic means.
 - 1.9 The police must maintain privacy and confidentiality of the child from the public and media.
2. Assessing the child
 - 2.1 If the police are convinced that the child is without support or, in case is living with the abuser or is in a situation of extraordinary risk at home, they need to record the reasons in writing.
 - 2.2 Make immediate arrangements for the child's care and protection. This may include admitting the child to a hospital or shelter home within 24 hours of the report.
 - 2.3 If the child is living with the abuser, or is in an institution or is without a home and parental support, the police shall produce the child before the Child Welfare Committee within 24 hours.
3. Medical examination
 - 3.1 The police must take the child to the hospital for medical examination within 24 hours of having received the report.
 - 3.2 Samples received to be sent for forensic testing to the Forensic Laboratory at the earliest.
4. Recording of Statement by Magistrate
 - 4.1 Record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.
 - 4.2 The Magistrate shall provide to the child and his parents or his representative, a copy of the document.
5. Reporting to Special Court and Child Welfare Committee

The SJPU or local police shall report to the Child Welfare Committee and the Special Court about every case of POCSO within a period of 24 hours. If the child was assessed as a child in need of care and protection, information of the steps taken to provide the same to the child must be sent along with the information about the case.
6. Information to Informant and Victim
 - 6.1 Right of the child to legal aid and representation and contact information of District Legal Services Authority (DLSA) [Section 40 of POCSO Act and Rule 4 (2) POCSO Rules].
 - 6.2 Availability of private and public health services and emergency crisis services.
 - 6.3 Procedures related to the case.
 - 6.4 Status of investigation.
 - 6.5 Status of arrest of accused and status of the bail application.
 - 6.6 Availability of compensation.
 - 6.7 Filing of charge-sheet.
 - 6.8 Schedule of Court proceedings including information about time, date and venue.
 - 6.9 Contents of judgment and its implications.

POCSO Act provisions to be read along with other Acts

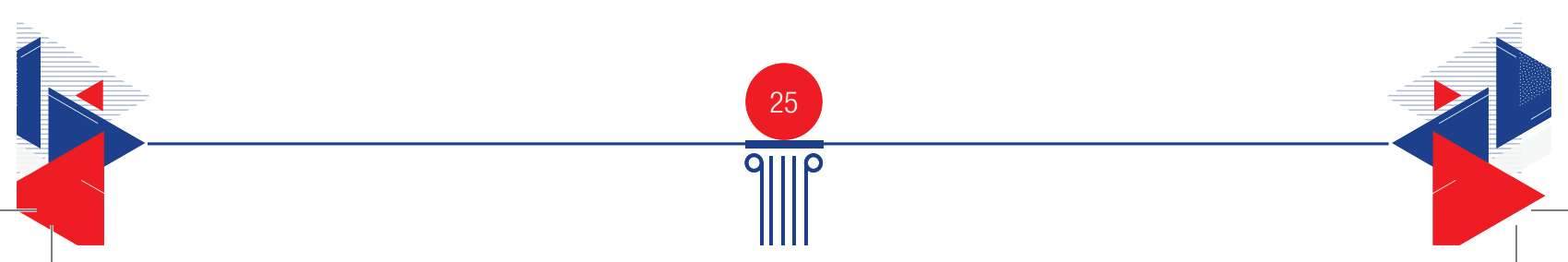
Section 42A of the POCSO Act clearly states that, *“The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.”*

Legal Aid

Section 40 of the POCSO Act states that, *“the family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offense under this Act. Provided that if the family or the guardian of the child are unable to afford legal counsel, the Legal Services Authority shall provide a lawyer to them.”*

Indicators/ flags of abuse

| | | | |
|-------------------------------|--|---|--|
| | <p>child's development by repeatedly treating and speaking to a child in ways that damage the child's ability to feel and express their feelings.</p> <p>Some examples are: constantly criticizing, shaming or threatening a child or showing little or no love, support or guidance.</p> | <ul style="list-style-type: none"> • Lethargy or fatigue | <ul style="list-style-type: none"> • Excessively shy or withdrawn • Excessively neat or clean • Wetting, soiling, smearing • Low self-esteem • Poor peer relationships • Aggressive or delinquent behavior • Reluctance to go home • Lack of trust • Highly anxious • Fearful when approached by an unknown person • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse |
| <p>Family Violence</p> | <p>Family violence is a reference to: (a) violence, or a threat of violence, by a person towards a family member of the person; or (b) any other behavior by the person that coerces or controls the family member or causes the member to be fearful. A child is exposed to family violence or personal violence if the child sees or hears the violence or otherwise experiences the effects of the violence.</p> <p>Examples of exposure to family violence include: overhearing threats of death or personal injury to a person; or seeing or hearing an assault of a person; or comforting or providing assistance to a person who has been assaulted; or cleaning up a site after property damage; or being present when police or ambulance officers attend an incident involving the violence.</p> | <ul style="list-style-type: none"> • Injuries which are excused as accidents' • Easily startled • Lethargy • Wetting, soiling, smearing | <ul style="list-style-type: none"> • Changes in personal behaviors, e.g. an outgoing student becomes withdrawn • Concentration difficulties • Highly anxious • Constant and abrupt absences from school • A fear of the parent • An extreme fear of conflict • Tendencies towards isolation and avoidance of friends and family • Sudden anger or violent outbursts • Hyper-vigilance • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issues |



| Types of Abuse | Definition | Possible Physical Indicator | Possible behavioral Indicators |
|---------------------|--|--|---|
| Neglect | <p>Omission of care. Neglect is when a child is not provided with adequate food or shelter, effective medical, therapeutic or remedial treatment, and/or care, nurturance or supervision to a severe and/or persistent extent where the health or development of the child is significantly impaired or placed at serious risk. Cumulative harm.</p> <p>The term 'cumulative harm' refers to the effects of patterns of circumstances and events in a child's life. The unremitting daily impact of these experiences on the child can be profound and exponential, and diminish a child's sense of safety, stability and wellbeing. Cumulative harm may be Caused by an accumulation of a single recurring adverse circumstance or event, or by multiple circumstances or events.</p> | <ul style="list-style-type: none"> • Poor hygiene • Dirty and unwashed • Lack of adequate or suitable clothing • Lack of medical or dental care • Development delays untreated physical or medical problems, e.g. sores, boils or lice | <ul style="list-style-type: none"> • Always attends school even when sick • Frequent lateness or absence, early arrival at school or reluctant to leave • Falling asleep in school, constant fatigue • Dull, apathetic appearance • Steals, hoards or begs for food • Constantly hungry • Engages in vandalism • Frequent illness, minor infections or sores • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issues |
| Sexual Abuse | <p>Sexual abuse includes sexual behavior in circumstances where</p> <ul style="list-style-type: none"> • the child is the subject of bribery, coercion, a threat, exploitation or violence; or • the child has less power than another person involved in the behaviour; or • there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour. | <ul style="list-style-type: none"> • Bruises or bleeding from external genitalia, vagina or anal regions • Blood-stained clothing • Pregnancy • Signs of pain, itching or discomfort in the anal or genital area • Urinary tract infections • Wetting, soiling, smearing | <ul style="list-style-type: none"> • Sexual behavior or knowledge of sexual matters inappropriate to age or development • Sexual behavior that is harmful to self or others • Disclosure of involvement in sexual activity directly to an adult, indirectly to a friend or in a disguised way, e.g. "I know a person who..." • Decline in school performance • Poor attention or school refusal • Regression to infantile behavior, e.g. thumb sucking, rocking • Unexplained fears • Anxiety, sadness • Running away from home • Resistance to having contact with or fear of a parent/care-giver/relative • Eating disorder • Volatile substance use • Criminal sexual behavior • Anger and defiance • Deliberate cruelty to animals • Helplessness • Aggression • Social withdrawal or isolation • Disclosure directly or indirectly through drawings, play or writing • Drug or alcohol abuse • Non-suicidal self-injury • Suicidal ideation • Attempted suicide • School attendance issues |

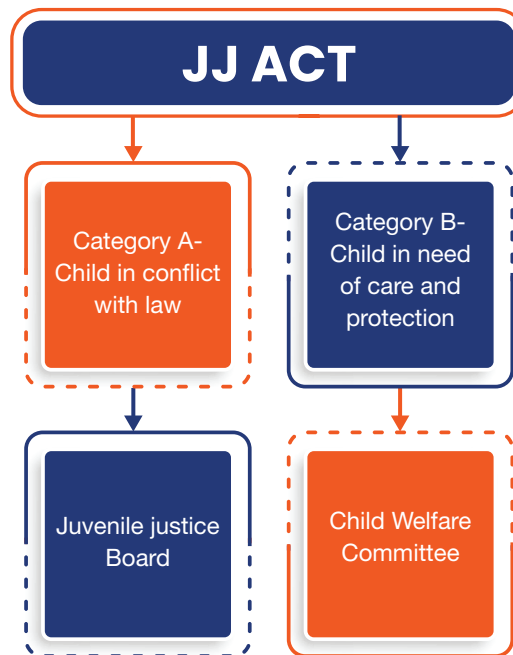
| Types of Abuse | Definition | Possible Physical Indicator | Possible behavioral Indicators |
|---------------------|--|--|---|
| Online Abuse | Online abuse is any type of abuse that happens on the internet. It can happen across any device that's connected to the web, like computers, tablets and mobile phones. Children might experience different types of online abuse such as cyberbullying, emotional abuse, grooming, sexting, sexual abuse, sexual exploitation, pornography etc. | <ul style="list-style-type: none"> • anxiety • self-harm • eating disorders • suicidal thoughts. | <ul style="list-style-type: none"> • spend a lot more or a lot less time than usual online, texting, gaming or using social media • seem distant, upset or angry after using the internet or texting • be secretive about who they're talking to and what they're doing online or on their mobile phone • have lots of new phone numbers, texts or email addresses on their mobile phone, laptop or tablet. |

Recruitment Process in Schools

1. No candidate with a criminal record of sexual and/or physical violence will be recruited for any position within an institution. In furtherance of the same, all selected candidates must provide a signed affidavit to the institution that they have not been accused of offences under POCSSO Act, JJ Act and any other sexual and/or violent crimes under any other act for the time being in force. In addition, two references (including a character certificate) may be provided by the person seeking employment.
2. POCSSO Rules, 2020 mandate police verification of every staff, teaching or non-teaching, regular or contractual, or any other person being an employee of an educational institution coming in contact with the child. While the application is pending, the school should maintain a record of the application form.
3. During such time as the references can be checked by the institution, and/or the verification can be completed, the person may be employed and will be kept in probation.
4. All affidavit and/or references shall be obtained in writing and maintained as part of the records of the institution.
5. All candidates, along with the appointment letter will be presented with a copy of the institution's child protection policy document and will be required to sign it.
6. Ensure that supporting staff is employed only from authorized agencies and proper records are maintained.
7. An investigative approach needs to be taken for standardized recruitment, screening and selection process of all employees, contractors, trustees, officers and volunteers — whether paid or unpaid, full time or part-time, temporary or long-term — who have direct or indirect contact with children. Reference checks and inclusion of questions on child protection and safety, during interviews will help assess candidates on these issues.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

The Juvenile Justice (Care and Protection of Children) Act, 2015 is the core law relating to 'child in need of care and protection' and 'child in conflict with the law', providing for care, protection, development, treatment, social reintegration, and rehabilitation through a child-friendly approach. This Act provides for setting up of institutional mechanisms to adjudicate and provide services to children in a comprehensive and holistic manner. The two categories provided under the JJ Act are:



Category A: 'Children in conflict with the law' means a child who has broken the law.

Category A is handled by the Juvenile Justice Board.

Category B: 'Children in need of care and protection' means a child who is living in abusive conditions or is in danger of abuse or is without support and hence needs care, protection, treatment, development and rehabilitation.

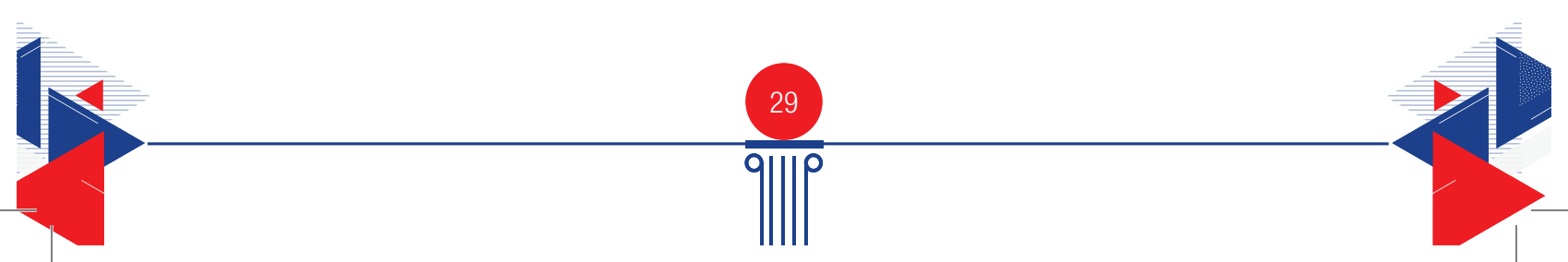
Category B is handled by the Child Welfare Committee (CWC).

Child Welfare Committee

The Functions and Responsibilities of the Child Welfare Committee are mentioned in Section 30 of the JJ Act. Few functions and responsibilities are listed below:

- Cognizance of children that are produced before it. Children who are neglected can be produced before this committee.
- Conducting inquiry on issues relating to and affecting the safety and well-being of the children under this Act.
- To direct the Child Welfare Officers, District Child Protection Unit and Non- Governmental organizations for social investigation and also to submit a report before the Committee.
- To conduct an inquiry for the declaration of fit persons for the care of children in need of care and protection.
- To direct placing of a child in a foster care facility.
- To ensure care, protection, restoration and appropriate rehabilitation of those children that are in need of care and protection. This is based on that child's individual care plan. It also includes the passing of necessary directions to parents or guardians or the people who are fit or children's homes or fit facilities in this regard.

- To select a registered institution for the placement of every child that requires support which is based on that child's gender, age, disability and needs. This should be done by keeping in mind the available capacity of the institution.
- To recommend action that is for the improvement in the quality of services provided to the District Child Protection Unit and the Government of a State.
- To certify the performance of the surrender deed by the parents and to make sure that they are given time to think about their decision as well as to make a reconsideration to keep the family together.
- To make sure that all the efforts are made for the restoration of the lost or abandoned children to their families by following due process which is prescribed by the Act.
- To declare children legally free for adoption after due inquiry who are orphans, abandoned and surrendered.
- To take suo moto cognizance of cases and also to reach out to the children who are in need of care and protection.
- To take action against the rehabilitation of children who are abused sexually and are reported as children in need of protection and care from the Committee, by the Special Juvenile Police Unit or the local police as the case may be.
- To coordinate with various departments that are involved in the care and protection of children. These departments include the police, the labor department and other agencies.
- To conduct an inquiry and give directions to the police or the District Child Protection Unit in case of a complaint of abuse of a child.
- To access appropriate legal services for the children.





CORPORAL PUNISHMENT

Section 2(24) of the JJ Act defines 'Corporal Punishment'. It means the subjecting of a child by any person to physical punishment that involves the deliberate infliction of pain as retribution for an offense, or for the purpose of disciplining or reforming the child. Further, Section 82 of the JJ Act prohibits persons-in-charge or those employed at a child care institution from subjecting a child to corporal punishment in order to discipline a child. Apart from criminal sanctions, a person convicted under this section can be dismissed from service and debarred from working directly with children. Managements of child-care-institutions are mandated to cooperate with inquiries under the law. Failure to do so can result in persons-in-charge of the institution facing criminal prosecution.

It is important to note that the Right of Children to Free and Compulsory Education Act, 2009 (RTE) under Section 17 prohibits physical punishment and mental harassment. In keeping with the provisions of the RTE, corporal punishment could be classified as physical punishment, mental punishment and discrimination.

Physical punishment is understood as any action that causes pain, hurt/injury and discomfort to a child, however light. Some examples of physical punishment include:

- Causing physical harm to children by hitting, kicking, scratching, pinching, biting, pulling the hair, boxing ears, smacking, slapping, spanking or with any implement (cane, stick, shoe, chalk, dusters, belt, whip, giving electric shock etc.);
- Making children assume an uncomfortable position (standing on bench, standing against the wall in a chair-like position, standing with school bag on head, holding ears through legs, kneeling etc.);
- Forced ingestion of anything (for example: washing soap, mud, chalk, hot spices etc.);
- Detention in the classroom, library, toilet or any closed space in the school.

Mental harassment is understood as any non-physical treatment that is detrimental to the academic and psychological well-being of a child. Some examples include:

- Sarcasm that hurts or lowers the child's dignity;
- Calling names and scolding using humiliating adjectives, intimidation;
- Using derogatory remarks for the child, including pinning of slogans;
- Ridiculing the child with regard to her background or status or parental occupation or caste;
- Ridiculing the child with regard to her health status or that of the family.

Discrimination is understood as prejudiced views and behavior towards any child because of her/his caste/gender, occupation or region or for being a student admitted under the 25% reservation to disadvantaged groups or weaker sections of society under the RTE, 2009. It includes but is not restricted to the following:

- Using belittling remarks against a specific social group or gender or ability/disability;
- Assigning different duties and seating in schools based on caste, community or gender prejudices;
- Commenting on academic ability based on caste or community prejudices;
- Denying mid-day meal or library books or uniforms or sports facilities to a child or group of children based on caste, community, religion or gender;
- Deliberate neglect

Suggestive Guidelines for Positive Engagement with Children

1. Arriving at a consensus with children about expected behavior and consequences;
2. Framing rules and guidelines in consensus with children;
3. Focusing on every child's positive and appreciating good behavior;
4. Using different strategies to encourage and promote positive behaviors;
5. Never comparing one child's performance with another;

6. Setting limits and developing clarity on boundaries;
7. Providing children an opportunity to explain before any other response;
8. Giving a warning or chance before any response;
9. Actively listening, remaining calm and ensuring the safety of other children while handling troublesome or offensive behavior;
10. Addressing perceived 'severe or problematic behavior' through consultation with parents, child and counselor/psychiatrist;
11. Discussing (with children) and adopting a time-out strategy as the last resort with children;
12. Empathy building through the art of storytelling.

Bullying and Ragging

Bullying can be directly from the bully to the victim (e.g., through physical intimidation or attacks, verbal abuse, unwanted attention and advances, damaging property), or it can be indirect (e.g., through spreading malicious rumors). It can also include cyber-bullying (e.g., sending unpleasant SMS messages, photographs or emails, to the victim or to others).

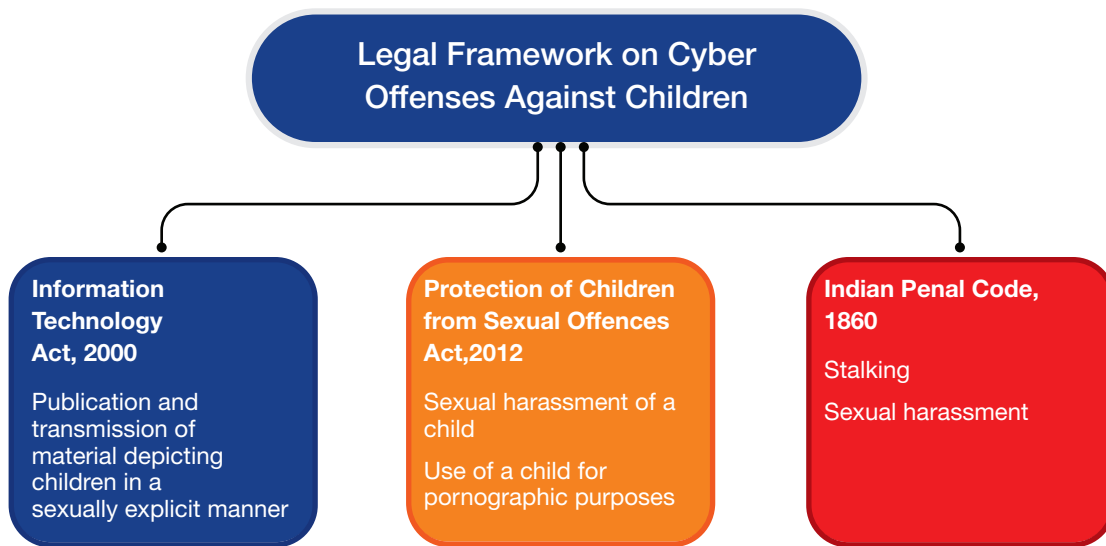
Bullying has severe detrimental effects on those who are bullied. The effects can be immediate. They can also be long-term and can cause lifelong damage. In every bullying situation, there are typically three key parties: the victim, the bully or bullies, and those who stand by (by-standers), who are aware of the bullying. Each of these three parties is affected negatively by bullying.

Some indicative interventions which schools might consider are outlined below:

1. An Anti- Bullying Committee may be constituted in school, composed of Vice- Principal, a Senior teacher, School Nurse/ Doctor, Counselor, PTA representative, School Management representative, Legal representative, Peer Educators.
2. A reporting system may be established that allows students to report victimization.
3. Schools should keep a complaint /suggestion box and regularly monitor the feedback received.
4. Strategies may be developed to reward students for positive behavior.
5. It is recommended that there be a graded response system to address the cases of bullying and a clearcut process needs to be followed by schools.
6. The role of parents must be reinforced in Parent Teacher Meetings and representation in various other school Committees.
7. It is essential that schools take initiatives to provide Adolescence Education, Values Education, Human Rights, Gender Sensitivity and Awareness. Life Skills education including- building of positive Self-Esteem, Empathy, Interpersonal Communication skills, coping with stress and emotions, dealing with anger, and resisting peer pressure need to be conscientiously taken up in the activity periods. These can take the form of role-plays, street- theater (nukkad-natak), group-discussions, debates, special assemblies in schools, poster competitions, etc. Anti-bullying campaigns and training programmes may also be organized.

ONLINE SAFETY

Children tend to surf the web to access educational information and content for entertainment. This helps them develop their digital skills to acquire new opportunities, or to maintain their online/digital identities and social relationships. However, increased access to information at various web-platforms also leads to increased exposure to materials which are neither age-appropriate nor suitable for children for viewing, and/or risks/threats that children face online. Owing to their young age and evolving development capabilities, children and young people are vulnerable to abuse and exploitation at the hands of cyber-predators and perpetrators.



On November 18, 2022, the Ministry of Electronics & Information Technology issued the draft Digital Personal Data Bill, 2022 (DPDB) which is currently open for public consultations. The DPDB restores and limits the proposed law's focus to digital personal data with the aim to prescribe processing norms that balance an individual's rights in their personal data, and the economic need to process personal data for lawful purposes. Personal data of children is a special category on account of the identifiable group i.e. children in need of greater protection. Recognizing this, it has been provided in DPDB that no processing of personal data that is likely to cause harm to a child should be done. Further, special role of parents and guardian in the context of children's personal data has been recognized.

Types of cybercrime on children

1. Exposure to Inappropriate or obscene material (also known as child sexual abuse materials or CSAM)
2. Misuse of private and personal information
3. Harmful and illegal content
4. Sexual Harassment
5. Invasion of Privacy
6. Excessive gaming
7. Hacking Digital Identity
8. Digital Reputation/ Cyber defamation
9. Cyber Stalking
10. Cyber Bullying
11. Cyber Predation
12. Cyber Pornography
13. Grooming
14. Trolling
15. Scams and Schemes

Action plan for Schools

1. Schools should implement Unified Threat Management Systems such as antivirus, gateway firewalls, content filtering, email and web filtering, anti-spam etc.
2. Develop an Internet Technology Policy or incorporate child online safety in the child protection policies of the school regarding positive uses of technology, protocols to deal with instances of online bullying and harassment, protocols for reporting offenses and supporting children who have been victimized or are at risk etc.
3. Ensure provision of ICT and digital skills development for teachers and staff, supported by raising awareness about risks and online safety of their students.
4. Teach students to develop a critical eye in order to learn to assess and select trustworthy information, and keep track of their digital footprints.
5. Be proactive in discussing cyberbullying with students; how it occurs, why it occurs, and the consequences of such behavior.
6. Organize periodic orientation on online safety for children and teachers and encourage them to keep the conversation on online safety with children ongoing.
7. Establish a cyber cell and share the reporting mechanism with all stakeholders.

Reporting procedure

National Cyber Crime Reporting Portal

This portal is an initiative of Government of India to facilitate victims/ complainants to report cybercrime complaints online. This portal caters to all types of cyber crime complaints including complaints pertaining to online Child Pornography (CP), Child Sexual Abuse Material (CSAM) or sexually explicit content such as Rape/Gang Rape (CP/RGR) content and other cybercrimes such as mobile crimes, online and social media crimes, online financial frauds, ransomware, hacking, cryptocurrency crimes and online cyber trafficking.

The portal also provides an option of reporting an anonymous complaint for reporting online Child Pornography (CP) or sexually explicit content such as Rape/Gang Rape (RGR) content.



WHOLE SCHOOL SAFETY APPROACH

Schools are generally seen as spaces where communities of learners are expected to develop in a safe and secure environment. School management, principal, teachers, other staff and students, all spend around 1/3 part of a day and around 220 days in a year in schools across the states/UTs in India. Schools are thus accountable for a substantial chunk of the child's life, and thus have a huge responsibility to make the stay in schools of all children comfortable, joyful, secure and safe.

The National Education policy, 2020 states that - Adequate and safe infrastructure, including working toilets, clean drinking water, clean and attractive spaces, electricity, computing devices, internet, Libraries, and sports and recreational resources will be provided to all schools to ensure that teachers and students, including children of all genders and children with disabilities, receive a safe, inclusive, and effective learning environment and are comfortable and inspired to teach and Learn in their schools. For implementing the whole school safety approach, following aspects of the school system need to be addressed with a mind-set of: (i.) understanding children's interest and (ii.) making their stay comfortable and safe in school including outdoor camps, sports activities, educational fairs and festivals etc.

1. Infrastructure safety and signage

- a. Availability and maintenance of essential physical resources is crucial for making the physical environment of the school safe.
- b. Schoolheads, teachers, other staff, students and even parents need to be oriented for critical observation of infrastructure facilities (entry, classrooms, laboratories, libraries, sports, grounds, toilets, dispensary, (first aid arrangements), other secluded places and transport in schools, etc. and report if there is a need of additional facility or maintenance of the existing facility.
- c. Continuous supervision of every nook and corner in the school as well as access control, signage, etc.
- d. There should be child safety posters, POSCO E-Box details and Child helpline numbers on display in prominent locations of the school.
- e. Section 19 of the RTE Act lays down norms for school buildings in the schedule of the Act: (a) Schools should have at least one classroom for every teacher and one office cum store room cum Head's room (b) Barrier-free access (c) Separate toilet for boys and girls (d) Safe and adequate drinking water facility for all children (d) Kitchen where Mid-Day Meal is cooked (f) Playground (g) Arrangement for secure building with a boundary wall or fencing. These need to be complied by all schools.
- f. Schools should conduct mock drills on emergency preparedness and disaster management for students and staff at least once a year.
- g. Every school should prepare and display the School Safety Plan including a School Disaster Management Plan containing classroom wise disaster sub-plans as per the template provided by NDMA. The school and each classroom/room in the school must display the related disaster management plan, clearly showing exits, etc.
- h. Every school should also undertake/ensure the following:
 - Provide barrier-free infrastructural facilities and necessary equipment to differently abled children as per state/UT policy.
 - Provide sufficient and safe drinking water.
 - Provide sufficient number of well-lit, airy toilets with proper fittings, with safe and secure access for boys and girls.
 - Ensure compliance with Building Codes.
 - Provide a boundary wall or a fence to mark the safe area.
 - Ensure that the secluded/isolated areas are well lit and there is frequent invigilation of such areas.
 - Regularly monitor communication systems in the school such as landline phones, safety alarms, etc. for their functionality.
 - To the extent and only if and wherever possible, CCTV cameras may be installed at the entry points, exit points and vulnerable locations in the School. Proper monitoring and storage of recordings in such cases must be ensured.

2. Residential Schools

- a. Schools should ensure minimum living space for each student to be approximately 40 sq. feet excluding kitchen, toilet and other common space.
- b. Sufficient number of well-lit and airy bathrooms with proper fittings and safe and secure access.
- c. Provision of functional sanitary napkin vending machines and incinerator in girl's hostels;
- d. Wherever hostels have internet facilities, internet security provisions for cyber-safe usage may be provided for.
- e. There should be child safety posters, POSCO E-Box details and Child helpline numbers on display in prominent locations of the hostel.
- f. Every hostel should have a warden/in-charge teacher who can devote time for interacting with students on a day-to-day basis concerning adolescence problems and other conflicting situations if any.
- g. Warden/in-charge teacher/resident teacher and all other staff/workers working in or looking after a girl's hostel should all be females only.
- h. Sensitization of other hostel staff- guards, caretaker, staff in the mess, etc. to be done regularly by the principal and concerned teacher on child and substance abuse.

3. Psycho-social safety

- a. Stress-free environment for conducive teaching learning in the classrooms, which promotes positive student-teacher relationships, violence prevention in schools and ensures socio-emotional development in students.
- b. Unusual behaviors, continuous absence from classes or any other signs of stress or depression, if observed, may be brought to the notice of parents for follow up with the counselor at nearest Adolescent Friendly Health Clinics (AFHCs) / Health & Wellness Centres (HWCs).
- c. Schools should make provision for strong action against teaching and non-teaching staff in case of any involvement in or negligence of physical or sexual violence, bullying and/or corporal punishment, subjecting the child to physical or psychological harassment.
- d. Schools should ensure inclusive practices and under no circumstances subject any child to discriminatory practices on the grounds of caste, creed, religion, disability and gender.
- e. Schools should be sensitive towards the confidentiality of all personal issues shared by students.
- f. All the efforts, the humane qualities and other talents of the child should be appreciated rather than just emphasizing on scores to reduce exam-related stress and suicidal tendencies.
- g. As recommended in NEP 2020, group counseling and guidance can be provided through an online, offline or blended mechanism. Students can also avail counseling through Mano Darpan (<https://mhrd.gov.in/covid-19/index.html>) an initiative of MoE, which mobilizes psychosocial support for Mental Health and Well Being of Students during and post COVID outbreak. A National Toll-free Tele counseling helpline- 8448440632 has also been developed under Manodarpan, which should be widely disseminated.

4. Health and Physical Safety

- a. Sports, Yoga and physical activities/exercises must be encouraged for each child in an age-appropriate manner. The importance of physical fitness in productivity of an individual must be explained appropriately to the child and the parents.
- b. Every school should have a basic medicine/first aid kit and emergency medical care numbers including ambulance services on display.
- c. Schools should conduct health check-ups at least once in a year and maintain health cards. The school health cards must be comprehensive covering both physical and psycho-social aspects of child development and also include the child's medical history, any serious ailment/allergy that child has, or other disability issues.
- d. Schools should follow Central/State Govt. notifications/circulars/SOPs on Health and Physical Safety issued from time to time.
- e. Mid-day meal served should be as per the guidelines on calorific value, Food Safety and Hygiene.
- f. Schools should sensitize students and parents on important health issues such as the role of nutrition in physical and mental growth, nutritious alternatives to junk food, the importance of balanced diet, etc., and its impact on child behavior and Learning.

5. Training of School Personnel

- a. It will be the responsibility of School Principals/Heads and Management to ensure that teachers and other school staff are trained in safety and integration of safety and security aspects in education. They should be well aware of all legal provisions in this regard too.
- b. Teachers should also be trained to address unseen situations under different disaster conditions and keep the children safe.
- c. Training of all general teachers on dealing with emotional aspects of children must also be arranged to provide essential counseling to children. However, it is advisable to also have a regular qualified counselor in school.

6. School preparedness for disaster

- a. Every school must have its own school disaster management plan.
- b. The plan must identify the first responders and lay down their roles and responsibilities, along with the roles and responsibilities of all concerned stakeholders. The first responders may be given requisite training.
- c. The inventory of school resources available for responding to a disaster must be listed.
- d. The school disaster plan must be disseminated to all concerned.
- e. Utilize the opportunities provided by social media and mobile technologies for dissemination.
- f. Drills must be conducted in school to familiarize all to this plan and the plan must be updated frequently.

7. Other Recommendations for schools to comply

- a. Every child in the school should have an identity card on it that displays the child's photo, name, class in which the child is studying, school name, parent name and mobile number, residential address, blood group, etc., on it.
- b. Children and teachers should ensure the identity cards are being worn by the students during school hours and on their way to and from school.
- c. Every school should maintain an updated contact details list of parents/guardians for every student of the school.
- d. Schools can consider establishing Youth Clubs and/or Topic Circles as a platform for strengthening self-esteem, confidence and empowerment amongst students.
- e. Life skill-based education for students across all levels in schools may be taken up (integration in the curriculum as also stand-alone enhancement programmes).
- f. Schools should have a recruitment and verification procedure for all teaching and nonteaching staff including contractual employees.
- g. Parent Teacher Meetings should always start with discussion on unique things about the Child.
- h. All vehicles used by children for transportation to and from the school must have a fitness certificate and the school's name, address and telephone number should be prominently displayed on these vehicles.
- i. Parents may be encouraged to use school buses rather than private vans, if found economically equally or more viable. Schools should also ensure adequate and regular maintenance of school vehicles.
- j. There should be a responsible staff member assigned to be in the school bus/vehicle to make a safe arrangement for transporting, boarding and deboarding of children to and from the school bus.



ROLES AND RESPONSIBILITIES OF KEY STAKEHOLDERS

1. Roles and responsibilities of Principal/ School Heads

- a. Orient all teachers and students at the beginning of the session regarding the school safety plan.
- b. Regular meeting with teachers and members of the School Safety Committee to discuss issues related to school safety and security and decide appropriate actions.
- c. Ensure display of the School Safety and Disaster Evacuation plan at prominent places in the school.
- d. Regular health check-ups to be conducted in school and teachers to be instructed to maintain health cards.
- e. Orienting teachers, parents and students on the purpose and process of conducting Parent Teacher Meetings and its impact on all-round development.
- f. Sensitizing parents and teachers on releasing children's stress and anxiety by focusing on uniqueness, strengths, his/her coping strategies, attitudes and values along with the academic areas of improvement and making PTMs as Child-Parent-Teacher-Dialogue (CPTD).
- g. In case of a complaint against a teacher or other staff of the school, conduct a discreet enquiry to protect the identity of the victim/complainant.
- h. Equipping the school with basic supplements and medicines.
- i. Daily monitoring of maintenance of sanitation and hygiene particularly in washrooms and drinking water areas, and generally in the entire school premises' including classrooms/canteens/laboratories/libraries/etc.
- j. Identifying students with positive leadership qualities and making them part of the Antibullying Task Force or the School Safety committee to act as peer counselors and educators to develop a bullying and violence-free school campus.

2. Roles and responsibilities of Teachers

- a. Supporting the Principal in gently orienting students towards the safety and security in general.
- b. Teachers should also help set classroom norms and standards that support child safety and security.
- c. Collaboratively develop (with students) healthy classroom norms and conduct of behavior which ensures a safe and secure classroom environment.
- d. Encourage the habit of inquiry and sharing through placing of Question box'/ Opinion box' and addressing regularly the curiosity and problems of all children.
- e. Conduct relaxation exercises such as mindful breathing/yoga either in assembly or in between different periods to improve concentration and reduce stress.
- f. Being sensitive in the use of language and refrain from passing judgment on child behaviors to nurture positive attitudes and relationships amongst and with children.
- g. Being vigilant and observant about unusual behaviors and signs of stress or depression in students and informing and holding discussions with parents accordingly.
- h. Highlight the strengths of every child not just within the classroom but also in the PTMs so as to promote self-esteem and confidence. Appreciate efforts more than the scores to reduce the exam-related stress which is increasingly affecting the child and parent psyche.
- i. Engage in inquiry and dialogue in classrooms around challenging stereotypes among students with regards to gender, caste, class, ethnicity, language, etc.

3. Roles and Responsibilities of the Parents

- a. Developing a friendly relationship with the child so as to have hesitation/fear-free dialogues.
- b. Connecting with schools and school related activities so as to develop a symbiotic relationship.
- c. Regularly attending the Parent Teacher Meetings and PTA meetings (in case of membership).
- d. Following guidelines circulated by the school from time to time on child safety and security.
- e. Ensure that their wards leave for schools with masks and sanitizers and are following the safe distance and hygiene norms during school hours.
- f. In incidents involving other's ward, maintaining a sensitive and balanced approach treating other's ward also as one's own ward.

4. Roles and Responsibilities of Warden

- a. Creating a friendly and trustworthy environment in the hostel and regularly interacting with students. b. Implementing rules and code of conduct (provided by the school authority) including timings for various activities.
- b. Building the capacity of other hostel staff (canteen staff, cleaners, caretakers in various aspects of safety and security.
- c. Take the onus and responsibility of work assigned in the context of safety and emotional well-being of students.
- d. Maintaining Diary with updated phone numbers of school principal and staff, teachers, school bus drivers, parents of students, etc.

5. Roles and Responsibilities of a Counselor

- a. Building strong rapport and trust with all students to encourage fear-free interaction and dialogue.
- b. Ensure confidentiality of all personal issues shared by students in confidence.
- c. Being vigilant about unusual behaviors and intervening to give professional help.
- d. Facilitate students to build personal connectivity/bond with each other, understanding their views and helping them to clear their confusions and cope with their challenges by realizing their strengths and building resilience.
- e. To support holistic development of the students by empowering them with psycho-social competencies, instilling responsible behavior and inculcating skills for help seeking so as to ensure their preventive, curative and developmental needs and a safe and healthy childhood.

6. Roles and Responsibilities of Students

- a. Every student needs to follow the guidelines on the safety and security issued by the school principal and teachers, from time to time.
- b. In case, students observe tobacco/drug/related substances supply activities outside the school premise or inside the premise, they may intimate the school authorities through the Complaint Box.
- c. Senior Students may discuss various issues like bullying and sexual harassment with other younger students under guidance of teachers.
- d. Act as peer support or peer educator for other students, wherever possible.
- e. Stay physically active.
- f. Do not hesitate to seek support from teachers/Counselors/parents when required.

7. Roles and Responsibilities of Non-teaching Staff

- a. Every staff member is a stakeholder in protection of child rights and safety.
- b. Ensure that they are well informed on all aspects of safety and security of students and comply with all aspects.
- c. Being observant to their Interpersonal relationships, disposition towards students and staff temperament, effective communication, conflict management, risky behaviors, knowledge, and awareness of Child rights and safety etc.
- d. Be vigilant about infrastructure safety.
- e. Inform school head of untoward behavior by any stakeholder in the system.

8. Roles and Responsibility of School Nurses/Health Workers/Visiting medical personnel

- a. Monitoring and Supervision through regular visits in the school.
- b. Provide education on important health issues such as sanitation, hygiene including menstrual hygiene, substance misuse, mental health and healthy nutrition (alternatives to junk food, importance of a balanced diet etc.) to the canteen supervisors, students and stakeholders.
- c. Promote Yoga and practice of Meditation.
- d. Promote FIT India Campaign by organizing intra class activities.
- e. Participate in annual health check-ups of 100% students and maintain the records of past medical history for all students and staff.

Roles & Responsibilities of External Stakeholders towards Student Safety

| | |
|--|---|
| Neighboring Hospital/ Medical Institutes & practitioners | <ul style="list-style-type: none"> • Availability of on-call doctor/practitioner in case of medical emergency. • Conducting Medical Camps in schools. • Training of staff members in general First-aid and CPR. |
| Transport Agency/ Authority | <p>Mentor schools in ensuring implementation of safety measures like:</p> <ul style="list-style-type: none"> • Window grills in a school bus, • Valid fitness certificate and other documentation, • First-aid box in the vehicle, • Emergency exit window, • Mentioning contact numbers on the backside of the bus etc. It can help schools in active and timely verification of qualified driver and conductor of the bus with no criminal background. |
| Police Department | <ul style="list-style-type: none"> • Organizing workshops on Road safety lessons for students in order to avoid possible accidents. Timely communication by school management to the department. • The trauma of the child to be kept in mind and not aggravated while conducting an enquiry. Submission of a safety plan to local police station. |
| Child Welfare Committee (CWC) | <ul style="list-style-type: none"> • CWC has authority to handle cases for care, protection, treatment, development and rehabilitation of the children and to provide for their basic needs and human rights. |
| Fire Department | <ul style="list-style-type: none"> • Conduct fire safety drills in schools. • Conduct surprise audits to check if the staff is aware about using the equipment of firefighting. Plan a visit of students to the fire station to give them a live demo. • Ensure that students understand that they need to run out in case of emergency. |

IMPLEMENTATION PLAN

1. Draft a Child Protection Policy

This policy must define the school's commitment to safeguard children from abuse and specify the roles and responsibilities for child protection. This policy must be applicable to all personnel who come in direct and indirect contact with children. A model child protection policy is provided in Annexure 1 of this Manual.

2. Constitute Student Safety Committee (SSC)

Structure

Schools should have a SSC with the following composition.

| S.No. | Designation | Description |
|-------|--------------------------|--|
| 1 | Chairperson | Head of the School |
| 2 | Child Protection Officer | The Head shall be assisted by a CPO, who may be nominated from amongst the teaching or non-teaching staff of the school with at least 5 years' service. The CPO should not be a contract employee or a part-time employee. |
| 3 | Member | School Counselor |
| 4 | Member | 2 teaching staff representatives (one who is a member of SMC and one senior teacher). |

Details of the committee

Details of the committee along with contact details shall be displayed prominently on the School Notice Board and conspicuously on the school website for information of all stakeholders.

Role of the Committee

1. Compliances regarding Safety and Checklist

- SSC shall meet quarterly to check whether the safety compliances are being fulfilled and to fill up the Child Safety Checklist as provided in Annexure 1. It is recommended to have one or two parent representatives and one or two student representatives in the said quarterly meeting.
- The quarterly meeting should have on its agenda review of the previous quarter, any threats/risks discovered during that period and additional measures to be taken to strengthen child protection measures in the institution.
- SSC shall maintain all registers, files and folders and documents related to child safety and protection.

2. Complaint Redressal

- SSC shall meet whenever a violation/ offense/ complaint is reported.
- SSC shall convene investigation and conduct meeting of all stakeholders involved. While doing so, SSC shall ensure maintenance of confidentiality and privacy of all concerned.
- In matters requiring doing so under law, SSC shall timely report the matter to the local police/ Special juvenile police unit/ Child helpline 1098/ State commission for protection of child rights as the case may be.
- Minutes of the meeting should be maintained and signed by all members.
- When the matter is closed or withdrawn for any reason whatsoever, the school must prepare a post incident report/ closure report.

3. Sensitization and training

Sensitization workshops and training on child protection laws must be conducted regularly for all stakeholders - teaching staff, non-teaching staff, management, students and parents. It is recommended that training must be conducted at least twice a year.

4. Install suggestion/ complaint box

It is recommended that suggestion/ complaint boxes are placed at prominent places in the school premises and in school buses.

5. Documentation/ Record keeping

It is imperative that the school records all interactions/ minutes/ incidents and maintains all relevant documents.

Preventive documentation

- A. Minutes of the Student Safety Committee meetings
- B. FICCI Arise School Safety & Child Protection Checklist to be filed quarterly
- C. Documenting and keeping the records of Complaint/ Suggestion Box

Post incident documentation

Following information must be recorded in the Post Incident Report. Please note this format is not specific to a POCSO complaint but can be used for a complaint of any nature. It is advised that this report should be filled by the Chairperson of the Student Safety Committee/ Principal.

- A. Details of the Complainant
 - 1. Name:
 - 2. Phone number:
 - 3. Gender:
 - 4. Age:
 - 5. Residential Address:
 - 6. Email ID:
 - 7. Designation:
 - 8. Place of work:
 - 9. Class/ Grade:
 - 10. Nature of the Complainant's association or relationship with the alleged victim:
- B. Details of the alleged victim(s) and accused
 - 1. Name:
 - 2. Phone number:
 - 3. Gender:
 - 4. Age:
 - 5. Residential Address:
 - 6. Email ID:
 - 7. Class/Grade:
 - 8. Names of the parents/guardians of the alleged victim:
 - 9. Address of the parents/guardians of the alleged victim:
 - 10. Phone numbers of the parents/guardians of the alleged victim:

C. Details of the Incident/ offense

1. Nature/ description of the Incident/ offense:
2. Date of the Incident/ offense:
3. Frequency of the Incident/ offense:
4. Time of the Incident/ offense:
5. Location of the Incident/ offense:
6. Name of the alleged offender:
7. Names of the witnesses to the Incident:
8. The Complainant's response to the Incident/ offense:
9. Details of CCTV recording of the incident/ offense:
10. Who was alerted first?

D. Investigation conducted

1. Steps taken in investigation:
2. Facts discovered:
3. Evidence recorded:
4. Any medical examination conducted:
5. Nurse/ doctor report:
6. Statements of concerned people:
7. No. of days investigation conducted:
8. Has the incident/ offense been reported to any external authority?

E. Conclusion/ Closure/ Steps taken/ Action taken

1. Whether complaint lodged with concerned authorities: Yes/ No
2. If Yes, please furnish details
3. If No, please specify reason
4. Remedial measures adopted by the school
5. Counselor report/ statement
6. Concluding comments of students and adults involved in the incident
7. Concluding comments of parents of the students involved in the incident

6. Awareness and Reflection

Childhood and adolescence are defining phases in an individual's life. The experiences a student undergoes will shape his/ her personality to a great extent and it is our responsibility to help students understand and reflect on their experiences.

Bullying, absenteeism, learning difficulties, emotional and social issues, anger management etc. are some of the common concerns that students face in school. As caretakers, it is important to provide necessary support and direction to students by adopting appropriate strategies such as rewarding positive behavior, self-reflection and awareness, using positive language to reinforce, using the ABC (Awareness, Balance, Control and Channelize) strategy for anger management, socio-emotional support etc.

7. Safety Walk

Schools must undertake a Safety Walk of the entire school premises once every quarter, in order to ensure compliance of standard safety measures. In addition to the students, all members of the Student Safety Committee must be present during every safety walk, as far as possible.



ONLINE COMPLAINT MECHANISM AND HELPLINE NUMBERS

1. POCSO e-box (NCPCR)

Protection of Children from Sexual Offences (POCSO) e-Box is an online complaint box for reporting child sexual abuse. It is a National Commission for Protection of Child Rights (NCPCR) initiative to help children report such crimes directly to the Commission. The online complaint management system enables easy reporting and timely action against the offenders under the POCSO Act. E-Box is very simple to operate and will help to maintain the confidentiality of the complaint.

To access POSCO e-Box, please click on the following link:

<https://ncpcr.gov.in/pocso/public/>

2. EBaalNidan (NCPCR)

EBaalNidan is an online portal of the Complaint Management System of NCPCR. Through eBaalNidan, any individual or organization can file a complaint relating to violation of child rights through an internet facility.

To access EBaalNidan, please click on the following link:

<http://www.ebaalnidan.nic.in/Welcome.aspx>

3. Samvedna 1800-121-2830 (NCPCR)

Toll-free helpline number for providing counseling and psycho-social support for children affected during COVID 19.

4. Child Line 1098 (MWCD)

CHILDLINE India Foundation (CIF) is the nodal agency of the Union Ministry of Women and Child Development for setting up, managing and monitoring the CHILDLINE 1098 service all over the country. It is a 24-hour a day, 365 days a year, free, emergency phone service for children in need of aid and assistance.

5. National Cyber Crime Reporting Portal

This portal is an initiative of Government of India to facilitate victims/ complainants to report cyber crime complaints online.

To access this portal, please click on the following link:

<https://cybercrime.gov.in/Webform/crmcondi.aspx>

Helpline number – 1930



ANNEXURE 1: CHILD PROTECTION POLICY TEMPLATE

Introduction

_____ School promotes holistic school safety, where every student has a right to a protective environment, free of violence, harassment, abuse and neglect, and based on respect for the child.

We believe that the welfare of children is the highest priority and that it is the responsibility of everyone to ensure that they are protected. A child-centric rights-based approach, affirmed by India's commitments to the UN Convention on the Rights of the Child, is deeply embedded as the guiding framework for this CPP.

This CPP is a comprehensive set up of guidelines that define our commitment to safeguard children from harm and abuse. This helps to create a safe and positive environment for children and lays down the roles and responsibilities of all stakeholders.

Scope of CPP

1. The School follows a 'zero tolerance' approach to any act of violence, bullying, sexual abuse etc., in the school premises, school buses and such extended environments, as defined in this CPP.
2. This CPP covers abuse, harassment, and offenses that can occur in school campus and in premises under control of the Institution, as well as extended environments including the modes of transport.
3. This CPP comprises key elements to guide behavior and practices of personnel and individuals in relation to the School such as prevention of abuse, complaint mechanisms and response, recruitment, disciplinary action for misconduct, monitoring and review etc.

Applicability

This CPP aims to protect students and applies to all School Staff/ Teachers/ Visitors/ Parents/ Visiting Faculty/ Third Party Service Providers who directly interact with students.

Conformity with Laws in force in India

1. This CPP is guided by the existing legal frameworks of child protection in India and the ratified international conventions.
2. This CPP is in conformity with all relevant laws in force in India such as Protection of Children from Sexual Offences Act, 2012, The Indian Penal Code, 1860, The Juvenile Justice (Care and Protection of Children) Act, 2015 and The Information Technology Act, 2000, The Right of Children to Free and Compulsory Education Act, 2009 and shall include any subordinate or delegated legislation made from time to time.
3. In the event, any part of this CPP is contrary to any law(s) in force, such part shall be deemed to be null and void.
4. In the event this CPP does not cover any legal compliance requirement on the subject of child protection, the same shall be deemed to be a part of this CPP and the School shall be duty-bound to follow the same.
5. Any modifications made to the relevant laws from time to time such as amendments, substitutions etc. shall be deemed to be a part of this CPP and the School shall be duty-bound to follow the same.
6. Any term not defined in this CPP, shall bear the meaning given to it under the relevant applicable law.

Definitions

1. "Child" means a student admitted and enrolled in the School located anywhere in India;
2. "Child Abuse" is any deliberate behaviour or action which includes all forms of physical, emotional, online and sexual abuse that results in actual or potential harm to the child's health, development or dignity and endangers child safety;
3. "Cyber Bullying" means any form of intimidation or harassment, using a computer, communication device or computer network or the Internet;
4. "Mental Harassment" means and includes insults, ridicule, humiliation, name-calling and repeated threats to cause physical violence to a child;
5. "Penal Offence" means any offence that is punishable under the law with corporal punishment and/ or fine, such as, offences defined and punishable under the Indian Penal Code, 1860 and/ or POCSO Act, 2012 and/or the Juvenile Justice Act or any other law in force on the date of the incident;

6. "Physical Violence" means any act or conduct which is of such a nature so as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the child;
7. "Bullying" or "Ragging" means any disorderly conduct whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness any other student, indulging in rowdy or undisciplined activities which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student or asking the students to do any act or perform something which such student will not do in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the physique or psyche of a fresher or a junior student.
8. "Sexual Assault" has the same meaning as assigned to it in Section 7 of POCSO Act, 2012;
9. "Sexual Harassment" has the same meaning as assigned to it in Section 11 of POCSO Act, 2012;
10. "Stalking" means following a child and contacting or attempting to contact such child to foster personal interaction repeatedly despite a clear indication of disinterest by such child; or monitoring the child by internet, email or any other form of electronic communication.

Offenses and other Acts covered under this CPP

1. The following offences and acts constitute the cause of action for making a complaint under this CPP:
 - a) Cyber Bullying
 - b) Cyber Stalking
 - c) Mental Harassment
 - d) Penal Offenses
 - e) Physical Violence
 - f) Ragging / Bullying
 - g) Sexual Assault
 - h) Sexual Harassment
 - i) Stalking

The aforesaid acts are defined in the Definitions clause.

2. It is clarified that the aforesaid acts and offenses are not mutually exclusive to each other but are overlapping with one another, and shall be dealt with in addition to one another.

Complaint of an Offense

1. A complaint in writing by a student and/ or parent(s) of such student complaining of any act that constitutes a penal offense under the law may be handed over to either of the following persons:-
 - a) any teacher
 - b) Counselor
 - c) School Principal/Vice Principal
 - d) Child Protection Officer
2. In the event the complaint constitutes an offence under POCSO Act (The Protection of Children from Sexual Offences Act, 2012), the same shall be forwarded to the Student Safety Committee and the procedures as established by the Student Safety Committee shall be followed.
3. With respect to offenses under POCSO, the School is duty bound to report the offense to the concerned law enforcement agencies in terms of Section 19 and Section 21 of the Act.
4. Where the complaining student and/ or parent(s) of such student, is of the view that the complaint constitutes a penal offense and should be forwarded to the concerned law enforcement agency, the School shall forward the same to the concerned law enforcement agency.

5. The School will cooperate with the concerned law enforcement agencies inquiring into and/ or investigating complaints of penal offense(s).
6. In the event the complaint does not fall within sub-clause 2 and 4 above, the complaint shall be dealt with by the Disciplinary committee and procedures as established by the Disciplinary Committee shall be followed.

Complaint Redressal Mechanism for Child Sexual Abuse Cases

1. If a person has knowledge that an offense has been committed or belief or apprehension that an offense is likely to be committed must report to any member of the Student Safety Committee (SSC) or any senior member of the School.
2. Such persons as stated above should not conduct their own investigation or look into the matter. There should not be any delay in reporting the matter to the Student Safety Committee (SSC) or any senior member of the School.
3. The Student Safety Committee must hold a meeting and immediately report the matter to the local police/ Special juvenile police unit/ Child helpline 1098/ State commission for protection of child rights.
4. Minutes of the meeting should be maintained and signed by all members. A copy of the same should be shared with the authorities.
5. When the matter is closed or withdrawn for any reason whatsoever, the School must prepare a post incident report/ closure report.

Code of Conduct

All staff members, external personnel and visitors shall follow the prescribed Code of Conduct to safeguard the child from any incidence of abuse. In the event, a legislation or subordinate legislation prescribes any code of conduct for school staff, the school shall abide by the same in addition to the code provided below.

Code of Conduct for the Staff

1. Be conscious of and respect the privacy and dignity of each and every child.
2. Be visible and not in a secluded place, while in contact with children at the workplace.
3. Respect and encourage children's voice and views.
4. Educate children about their rights, issues of abuse, neglect and exploitation.
5. Be affectionate, caring and understanding to the requirements and needs of the children.
6. Be responsive in case any special need of the child arises such as health issues or emotional support.
7. Have a sense of accountability, in order to deter any poor practice or potentially abusive behavior.
8. Immediately report any suspicious behavior/suspected occurrence of abuse. It is a criminal offence to conceal or abet incidents of child abuse, and is mandatory to report such offences.
9. Treat children with respect regardless of race, color, gender, language, religion, nationality, ethnicity, disability or other status.
10. Comply with all relevant Indian and State legislation, including all child related laws.

It is NOT appropriate for staff to

1. Spend excessive time alone with children away from others.
2. Physically assault or physically abuse the child.
3. Use language that is discriminatory, abusive or hurtful to the child.
4. Develop relationships with the child that could in any way be deemed exploitative or abusive.
5. Store obscene / pornographic material (photographs, video clips) on their mobile phones and showing to children.
6. Browse, publish or transmit material in any form which depicts children engaged in sexually explicit act or conduct.
7. Create text or digital images and/or collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner.
8. Show or talk of content that is sexual in nature or take photographs of children.
9. Behave physically in a manner which is inappropriate or sexually provocative.
10. Condone and/or participate in behavior of children which is illegal, unsafe or abusive.



11. Use physical punishment on children.
12. Act in ways intended to shame, humiliate, belittle or degrade children, or otherwise perpetrate any form of emotional abuse, discriminate against, show differential treatment towards, or favour particular children to the exclusion of others.
13. Stigmatize or humiliate a child.
14. Act in a manner that puts the child at risk.
15. Engage in any sort of physical contact with a child that may make the child or an observer feel uncomfortable, or that may be seen by an observer to be violating boundaries.
16. Engage in any communication with a child within or outside of school duties, that may make the child uncomfortable or that may be seen by an observer to be violating boundaries.
17. Conduct their own investigation into allegations or suspicions of potentially illegal or inappropriate behavior – it is an employee's duty to report the matter to his/her Principals/Child protection coordinator.

It is important to note that whether or not a particular behavior or action constitutes inappropriate behavior will be a matter determined by the organization having regard to all of the circumstances, including past behavior, and allegations or suspicions related to such behavior.

Every complaint regarding inappropriate behavior or communication with a child, shall be taken cognizance of by the management of the School. However, whether or not a particular behavior or action constitutes inappropriate conduct, or is in contravention of the aforesaid Code of Conduct or this CPP, will be a matter determined by the management of the School, having regard to the relevant facts and circumstances. The findings and decision of the management of the School shall be final.

Prevention of Ragging and Bullying

1. To prevent ragging in the school campus/ premises or school buses, the Principal and the teaching staff should interact with students especially freshers and apprise them of their rights as well as an obligation to fight against ragging apart from complaining about the same and to generate confidence in their mind that any instance of ragging to which they are subjected or which comes in their knowledge should forthwith be brought to the knowledge of the Principal and/ or staff of the School and that such complaints shall be promptly dealt with while protecting the complainants from any harassment by the perpetrators of ragging.
2. The Principal and other senior members of the School staff should conduct meetings of teachers, parent(s) and students collectively or in groups, on bi-annual basis, to spread awareness that ragging is a reprehensible act.

Recruitment

1. The School shall undertake child safeguarding measures while appointing new staff and orient them on this CPP.
2. As a part of the recruitment process, interviews of the applicants are conducted by an interviewing panel. The panel assesses the applicant's attitude towards children as also his/ her ability to safeguard and promote welfare of children. The School clearly talks about the knowledge of Child Protection to the interviewee.
3. Every member of the staff is given an ID Card which he/ she must carry all the time mandatorily.
4. The School officially applies for police verification and background checks of the applicants.
5. All newly selected candidates must also provide a signed affidavit to the educational institution that they have not been accused of offense under the POCSO Act, 2012 and JJ Act, 2015.
6. Regular training programs on all aspects of child safety are conducted by the School.
7. All staff members are continuously made aware of "Do's and Don't(s) in School Premises" which covers principles such as 'No touch policy', etc.
8. Briefing on Do's and Don't(s) is done on a regular basis so as to ensure that the concept of Child protection is ingrained in the minds and behavior of all staff members.
9. As a part of preventive measures for safety and security of students, visits to the school by outside visitors is strictly regulated. Visitors' management system has been introduced whereby the visitor has only controlled access and a written confirmation to the security for having met the concerned person only.
10. All school buses have qualified drivers and conductors. The School strictly adheres to the Supreme Court Guidelines and RTO and other school bus safety regulations.

Safety Guidelines for Online Learning

Guidelines for Teachers

1. Continue to abide by the recommendations and guidelines as outlined in this CPP.
2. In case of suspected or observed child abuse of any kind, follow the reporting process outlined in this CPP and inform the Child Protection Officer.
3. Proactively check on the wellbeing of the students.
4. Maintain communication channels on appropriate platforms, do not interact with students over Facebook, Instagram, Snapchat, TikTok, Twitter or any other social media platform.
5. Ensure that your broadcasting location, clothing, surrounding environment, language, behavior, and body language is professional, appropriate, and culturally sensitive.
6. Use your full name as a display name in virtual spaces that you interact with students, do not use abbreviations, nicknames or characters that resemble alphabets.
7. Set up norms with your students about what can be shared in the group, and appropriate timings to do so.
8. Avoid sharing personal details, contact information, and details of your day-to-day life unless in the context of a learning session.
9. Check that the online learning platform you are using is secure and whether you have control over any intrusions, screen sharing or unwanted attendees.
10. Advise your students to engage in the learning session from a common space within earshot of parents/guardians wherever possible or in a space known to parents/guardians.
11. Engage with parents/guardians by sharing a digital learning plan and schedule to inform them of times of interaction.
12. Ensure that the content you are creating, using, or sharing is age-appropriate and culturally sensitive.
13. Do not share student work/data/opinions or images/videos from online learning sessions without taking consent from the student(s) involved.

Guidelines for Students

1. Students must use their full name and an appropriate profile picture on any platform when interacting with other students and teachers.
2. Students must not share personal information about themselves or anyone else on any platforms.
3. Students must not share images, videos or audio clips with personal or inappropriate content of themselves or anyone else.
4. Students must inform their parents/guardians about any and all online sessions and interactions.

Continuous Assessment and Monitoring of CPP

1. This CPP shall be comprehensively assessed annually so as to improve the same in line with contemporaneous society.
2. An audit called "Child Safety Checklist" shall be conducted annually by a committee constituted by School Management. The audit shall be a critical analysis and evaluation of the safety and security of children at large studying in the school. An audit report shall be prepared and published annually.
3. The various actions required to be taken under this CPP, such as forwarding the complaint of a penal offense to the law enforcement agency, becoming a co-complainant, seeking legal opinion, taking disciplinary action against the wrongdoers and all other acts in connection with this CPP, shall be done by a committee or committees or Senior Staff Members who may be appointed for this purpose by the Management of the School.
4. The School has presently allocated responsibilities of protection of its students to the members of the Student Safety Committee.
5. This CPP may be revised or amended from time to time, by the Management of the School or by a committee appointed for this purpose.

Dissemination of this CPP

1. A copy of this CPP is given to all staff members and they shall acknowledge that they have received, read, understood and will abide by the CPP.
2. This CPP is also uploaded on the School's website.

ANNEXURE 2: EXAMPLES OF GOOD PRACTICES IN INTERVIEWING CHILDREN

| The Interview | Don't Ask | Can Ask |
|---|---|--|
| Must not contain the answer | Did it happen to you at X place? Was X there? Did he/she tell you not to tell anyone | Where did it happen? Who was there? What was said to you? |
| Must not contain a choice of answers | Was he/she wearing X type of clothing? Were you sitting up or lying down? Were you scared, angry or sad? | Tell me what he/she looked like? Where were you in the room? How did you feel? |
| Must not contain explicit | Did he/she make you do X | What did he do next? Then |
| details of the alleged abuse | thing? Did some white stuff come out of his penis Which finger did he/she use to hurt you | what happened? What was it that hurt you? |
| Must not contain the interviewers assumptions | We are going to ask you some questions as to what happened to you: What kind of car did you go in? Was there a bed in the room? Tell me about your mom's house? | How did you get there? Can you tell me what was in the room? Tell me where your mom lives? |



ANNEXURE 3: TIPS FOR COUNSELLORS AND TEACHERS

(Reproduced from the Child Protection Handbook for Teachers, Administrators and Board Members by ASIA (The Association of International Schools in African)

- Do not let a child swear you to secrecy before telling you something. You may need to report, which the child will view as breaking your trust with them.
- If a child asks to speak with you, try to find a neutral setting where you can have quiet and few interruptions.
- Do not lead the child in telling. Just listen, letting him/her explain in his/her own words. Don't pressure for a great amount of detail.
- Respond calmly and matter-of-factly. Even if the story that the child tells you is difficult to hear, it is important not to register disgust or alarm.
- Do not make judgmental or disparaging comments about the abuser - it is often someone the child loves or with whom he/she is close.
- Do not make promises to the child that things will get better.
- Do not confront the abuser. If the child does not want to go home, this should be considered an emergency. Report and handle immediately by contacting your school-based Support Team or the Community-based Multidisciplinary Team. Do not take the child home with you!
- Respect the child's confidence. Share with the Child Protection Team, but limit information from and with other staff.
- Explain to the child that you must tell someone else to get help.
- Try to let the child know that someone else also will need to talk with /her and explain why?
- Empower the student by as much as possible allowing the child a part in the process.
- Please note: teachers are not investigators. Your role is to listen and respond to disclosures in order to determine the next step for students to get the help they need. When appropriate, a request for an investigation must be completed.
- Case management standard reporting form (usually compiled by counsellor or case manager) should include:
 - Reporter's relationship to the child/victim.
 - Child's name, gender, age, address.
 - Information on parents/guardians.
 - Information about the reporter and school.
 - Nature and extent of injuries/maltreatment.
 - How reporter became aware (first-hand witness?).
 - Description of action taken (if any).
 - Other information that may be helpful.
 - Name of perpetrator, siblings at home, prior evidence.
 - Information about the cause, and those responsible.



ANNEXURE 4: TEACHER/STAFF UNDERTAKING

I will:

- Treat everyone with respect, patience, integrity, courtesy, dignity, and consideration.
- Never be alone with children and/or youth at school activities without another adult being notified.
- Use positive reinforcement rather than criticism, competition, or comparison when working with children and/or youth.
- Maintain appropriate physical boundaries at all times and touch children – when necessary – only in ways that are appropriate, public, and non-sexual.
- Comply with the mandatory reporting regulations of [name of school] and with the [name of school] policy to report suspected child abuse.
- Cooperate fully in any investigation of abuse of children and/or youth.

I will not:

- Touch or speak to a child and/or youth in a sexual or other inappropriate manner.
- Inflict any physical or emotional abuse such as striking, spanking, shaking, slapping, humiliating, ridiculing, threatening, or degrading children and/or youth.
- Smoke or use tobacco products, or possess, or be under the influence of alcohol or illegal drugs at any time while working with children and/or youth.
- Give a child who is not my own a ride home alone. Accept gifts from or give gifts to children or youth without the knowledge of their parents or guardians.
- Engage in private communications with children via text messaging, email, Facebook, Twitter or similar forms of electronic or social media except for activities strictly involving school business.
- Use profanity in the presence of children and/or youth at any time.

I understand that as a person working with and/or providing services to children and youth under the auspices of [name of school], I am subject to a criminal history background check. My signature confirms that I have read this Code of Conduct and that as a person working with children and youth I agree to follow these standards. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in disciplinary action up to and including removal from [name of school].

SAMPLE BEHAVIOUR POLICIES THAT WILL PROTECT TEACHERS FROM FALSE ALLEGATIONS:

- Avoid situations in which you are alone with a child. This includes not transporting youngsters alone in your car. When it is necessary to speak privately with a child, find a space out of earshot, but within sight of others for your conference.
- The privacy of children in situations such as toileting, showering and changing clothes should be respected. When it is necessary to supervise children in these situations, at least two adults should be present and intrude only to the extent that the health and safety of the children require. Adult volunteers should preserve their own privacy in these situations also.
- Avoid touching areas that are normally covered by swimming suits; breasts, buttocks, and groin.
- When hugging is appropriate, hug from the side over the shoulders, not from the front. Sexual jokes, comments of a sexual nature, kissing, sensual massages or sexual gestures are not appropriate behaviour for an adult staff member or volunteer.
- When volunteering to supervise overnight activities, adults should not share sleeping quarters with children other than their own.
- Revealing personal information about one's sex life by an adult volunteer or staff member is never appropriate.
- Do not use corporal punishment in any form.
- It is the adult's responsibility to set and respect boundaries. When a child attempts to involve an adult in inappropriate behaviour, the adult must reject the overture.

ANNEXURE 5: STATE SPECIFIC PROVISIONS

| State Act (Year) | Provisions |
|-------------------------------------|---|
| Andhra Pradesh Education Act (1982) | <p>Chapter IV - Primary Education and its Implementation</p> <p>Section-14 Children not to be employed so as to prevent them from attending school: - No person shall employ a child in a manner which shall prevent the child from attending an approved school.</p> <p>Section-24 Appointment and removal of manager of private institution: - (1) The management of every private institution shall be constituted in such manner and shall consist of such number of members as may be prescribed: - (2). (3)(a) (b) Where the competent authority is satisfied that the manager alone is responsible for the lapses or irregularities of the institution, action shall be taken against him by the management, as recommended by the competent authority- (4) (5)</p> <p>(6) For the removal of doubts, it is hereby declared that any failure or negligence on the part of a management to take action against the manager as required under Clause (b) of sub-section (3) or to nominate another person as manager under sub-section (4) shall constitute an act of mismanagement and action shall be taken against the private institution under this Act accordingly.</p> <p>Section- 25 Duties of manager of private institution Section-26 Private institution not to be closed down, etc., without sufficient notice: - (1) Save as otherwise provided in this Act, no private institution shall be closed down or discontinued, unless a notice of not less than one academic year expiring with the end of any academic year and indicating the intention to do so, has been given by the manager to the officer authorized by the competent authority in this behalf. (2) If any manager fails to give notice as required under sub-section (1), he shall, on conviction, be punished with fine which may extend to [five] thousand rupees or with simple imprisonment which may extend to [one year] or with both and with a fine of [rupees one hundred] for everyday for further default.</p> <p>Section-30 Parent-teacher association: - (1) There shall be parent-teacher association for every educational institution other than an adult educational center. (2) The composition and functions of the parent-teacher association shall be in accordance with such rules as may be prescribed.</p> <p>Section-31 Inspection of educational institutions: - (1) The Government or the competent authority may authorize any officer not below such rank as may be prescribed to inspect any educational institution in the State. (2) The officer authorized under sub-section (1) shall exercise general powers of inspection over the working of the educational institution. (3) The manager and the employees of the educational institution shall at all reasonable times be bound to afford to the aforesaid officer all such assistance and facilities as may be required for the purpose of such inspection. (4) The manager shall comply with such directions or suggestions as may be given by the competent authority on the report of the aforesaid officer: Provided that the manager aggrieved by any such direction or suggestion may appeal, within thirty days from the date of receipt of such direction or suggestion to the prescribed authority whose decision on such appeal shall be final.</p> |

| State Act (Year) | Provisions |
|---|--|
| <p>The Assam Primary Education Act (1926)</p> | <p>Section-19 Penalty for employment of children or interference with their attendance at school- shall be prosecuted by the education committee, and shall on conviction before a magistrate be liable to a fine not exceeding rupees ten for a first offense and not exceeding rupees twenty-five for each subsequent offense.</p> <p>A. The Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006.</p> <p>Section-3 Power of the State Government to regulate non-government educational institutions</p> <p>1) The State Government may regulate all the non-government educational institutions in the State of Assam in accordance with the provisions of this Act and the rules made thereunder.</p> <p>2) On and from the commencement of this Act, the establishment of non-government educational institutions or the opening of higher class or the closing down of an existing class in any existing non-government educational institution in the State, shall be subject to the provisions of this Act and the rules made thereunder and any non-government educational institution or any higher class established or opened otherwise than in accordance with the provisions of this Act shall not be recognized under section 5 by the Director and shall be closed down under Section 24.</p> <p>Section-12 Constitution of Managing Committee Every non-government educational institution shall constitute a Managing Committee consisting of Chairman & Members.</p> <p>Section-13 Power and functions of Managing Committee</p> <p>Section-14 Scheme of Management</p> <p>Section- 15 Appointment and disciplinary matters Section- 16 Code of Conduct for the Employee</p> |
| <p>Bihar Education Code (1961)</p> | <p>'No Provision' for Management Committee & Safety Measures</p> |
| <p>The Chhattisgarh Primary Education Act (1961)</p> | <p>'No Provision' for Management Committee & Safety Measures</p> |



| State Act (Year) | Provisions |
|---|--|
| <p>The Delhi School Education Act (1973)</p> | <p>Section-5 Scheme of management-</p> <p>(1) Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the managing committee of every recognized school shall make, in accordance with the rules made under this Act and with the previous approval of the appropriate authority, a scheme of management for such school:</p> <p>Provided that in the case of a 63 recognized private school which does not “ receive any aid, the scheme of management shall apply with such variations and modifications as may be prescribed:</p> <p>Provided further that so much of this subsection as relates to the previous approval of the appropriate authority, shall not apply to a scheme of management for an unaided minority school.</p> <p>(2) a scheme may be made, in like manner, to add, to vary or modify any scheme made under sub-section [1].</p> <p>Section-8 Terms and conditions of recognized private schools</p> <p>Section-9 Employees to be governed by a Code of Conduct- Every employee of a recognized school shall be governed by such Code of Conduct as may be prescribed and on the violation of any provision of such Code of Conduct, the employee shall be liable to such disciplinary action as may be prescribed.</p> <p>Chapter VII- Taking over the Management of School</p> <p>Section-20 Taking over the management of schools- (1) Whenever the Administrator is satisfied that the managing committee or manager of any school, whether recognized or not, has neglected to perform any of the duties imposed on it by or under this Act or any rule made there under and that it is expedient in the interests of school education to take over the management of such school, he may, after giving the managing committee or the manager of such school, a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three years :</p> <p>Chapter VIII-Miscellaneous</p> <p>Section-22 Delhi Schools Education Advisory Board- (1) There shall be an Advisory board for school education, to be called the “Delhi School Education Advisory Board” for the purpose of advising the Administrator on matters of policy relating to the education in Delhi.</p> <p>(2) The Advisory Board shall be constituted by the Administrator and shall consist of a Chairman and fourteen other members, to be nominated by the Administrator.</p> <p>(3) The Advisory Board constituted under sub-section (2) shall include</p> <ol style="list-style-type: none"> a) Heads of recognized private schools; b) representatives of the organizations of teachers of the recognized private schools; c) managers of the recognized private schools; d) representatives of parents or guardians of students of recognized private schools; and e) Eminent educationists. <p>(4) The Advisory Board shall regulate its own procedure.</p> <p>(5) The terms of office of every member of the Board and traveling and other allowances payable to a member of the Board shall be such as may be prescribed.</p> |



| State Act (Year) | Provisions |
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| <p>The Goa School Education Act (1984)</p> | <p>Section-2(n) “managing committee” means the body of individuals which is entrusted with the management of any recognized private school;</p> <p>Section-6 Scheme of Management- Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the managing committee of every recognized school shall make, in accordance with the rules made under this Act a scheme of management for such school:</p> <p>Provided that in the case of a recognized school which does not receive any aid, the scheme of management shall apply with such variations and modifications as may be prescribed.</p> <p>Chapter IV - Terms and conditions of service of employees of recognized private schools</p> <p>Section-11 Terms and conditions of service of employees of 65 recognized private schools</p> <p>Section-12 Employees to be governed by a Code of Conduct</p> <p>Chapter VII-Taking over management of schoolSection-20 Taking over management of schoolChapter IX-School Education Advisory Board</p> <p>Section-24 Advisory Board- (1) There shall be constituted an advisory board to be called the Goa, Daman and Diu School Education Board (hereinafter referred to as the Advisory Board) for the purpose of advising the Government on matters of policy relating to education An, the Union territory.</p> <p>(2) The composition of the Advisory Board shall be as follows, namely: -</p> <p>(a) the Chairman of the Goa, Daman and Diu Board of Secondary and Higher Secondary Education, ex-official;</p> <p>(b) three persons, who are the heads of 65 recognized private schools;</p> <p>(c) three representatives of organizations of teachers of recognized private schools;</p> <p>(d) three representatives of the managements of recognized private schools;</p> <p>(e) the Director, who shall be the Secretary to the Advisory Board</p> <p>(f) the principal of one of the colleges in the Union territory;</p> <p>(g) two members of the Legislative Assembly of the Union territory to be nominated by the Speaker;</p> <p>(h) two eminent educationists;</p> <p>(i) two representatives of the parents and guardians of the students of recognized private schools; and</p> <p>(j) two representatives of the students of recognized private schools.</p> |
| <p>The Gujarat Compulsory Primary</p> | <p>Section-14 Penalty for employing a child to whom the scheme applies.</p> |
| <p>Education Act (1961)</p> | <p>Whoever knowingly takes into his employment, either on his own behalf or on behalf of any person, any child in respect of whom the provisions of Section 9 apply, so as to interfere with the education or instruction of such child shall, subject to the provisions of section 20, on conviction, be punished with a fine not exceeding twenty-five rupees and in case of continuing contravention with an additional fine not exceeding rupee one for every day during such contravention continues after conviction for the first of such contravention.</p> |
| <p>Haryana School Education Act (1995)</p> | <p>Section-2(l) “managing committee” means the body of individuals entrusted with the management of any recognized private school or schools;</p> <p>Section-2(o) “private school” means a school which is not run or sponsored by the Government, Director, a local authority or other authority designated or sponsored by the Government;</p> <p>Section-5 Scheme of management</p> <p>Section-8 Terms and conditions of service of employee of aided schools</p> <p>Section-g Employee to be governed by a Code of Conduct.</p> |



| State Act (Year) | Provisions |
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| The Himachal Pradesh Board of School Education Act (1968) | Section-2 (g) "inspecting Officer" means the District Education Officer, Deputy District Education Officer, Block Education officer or any other officer appointed for the inspection of schools by the Education Department of the Himachal Pradesh Government; |
| The Jharkhand Education Tribunal Act (2005) | 'No Provision' for Management Committee & Safety Measures |
| Jammu and Kashmir School Education Act (2002) | <p>Section-1 No private school to be established or run without permission - (1)</p> <p>No private school shall be established, run or maintained without permission, in writing, of the Government or the Competent Authority.</p> <p>(2) The Government shall prescribe the procedure to be followed for the grant of permission to establish, run or maintain private schools.</p> <p>Section-13 Management of private schools - (1) No private school shall be managed and run by any person other than an educational agency. The Government shall prescribe the procedure for registration of educational agencies.</p> <p>(2) Every educational agency shall appoint a Manager to look after day-to-day running an administration of the school managed and run by such educational agency.</p> <p>Section-20 Conditions of service of staff in private schools '</p> <p>Section-22 State Education Advisory Board</p> |
| The Karnataka Education Act (1983) | <p>Section-5A Safety and security of students-</p> <p>Every educational institution and an employee of such educational institutions shall take such measures to ensure safety and security of students including protection from sexual offences, in the manner as may be prescribed.</p> <p>Chapter VII - management of recognized private educational institutions and local authority institutions, etc.</p> <p>Section-42 Managing Committee</p> <p>Section-46 Powers and functions of the Managing Committee</p> <p>Chapter XVII Penalties</p> <p>Section-112A Penalty for contravention of section 5A- (1) Any employee or member of the management of an educational institution who contravenes section 5A shall on conviction, be punished with imprisonment for a minimum term of six months and with a fine which may extend to one Lakh rupees.(2) Whenever any educational institution is found to be in contravention of section 5A in an enquiry conducted, after giving an opportunity of being heard, by the District Education Regulatory Authority, it shall impose a penalty which may extend to ten lakh rupees. [3] The District Education Regulatory Authority after such enquiry has found that any educational institution has contravened the provisions of section 5A shall also recommend to the competent authority or concerned authority for withdrawal of recognition or affiliation to such institution.</p> |
| The Kerala Education Act (1958) | <p>Section-5A Management of Government schools an taken over or acquitted by Government: - The Management of every Government school and that of aided school taken over or acquired by the Government under section 14 or section 15 as the case may be shall vest as specified below in the local authority noted against each namely.</p> <p>Section-12A Disciplinary powers of Government over teachers of aided schools</p> <p>Section-14 Taking over management of schools d Aided Schools</p> |
| The Madhya Pradesh Jan Shiksha Adhiniyam (2002) | <p>Chapter III-Responsibilities of Institutions and Parent or Guardian</p> <p>Section-2(j) "Parent Teacher Association" means association of the parents of the students enrolled in a school and teachers of that school.</p> <p>Section- 12 Parent Teacher Association</p> <p>Section-13 Education Committee-The Education Committee shall monitor the regular attendance of teachers in schools. The committee may direct the authority concerned to take action, including withholding of the disbursement of salary/ honorarium, against the teacher for his willful absence or negligence for such period as it may deem fit and refer the case to the disciplinary authority concerned for further action. The committee shall also perform such other functions as may be prescribed.</p> |

| State Act (Year) | Provisions |
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| The Maharashtra Primary Education Act (1947) | This act speaks about the constitution of the Board etc. no provision found regarding Management for Private School and the safety measures. |
| The Manipur Elementary and Secondary Education Act (1972) | Section-3(i) "Managing Committee" means a Managing Committee of a High School or a higher Secondary School; |
| The Meghalaya Education School Act, 1981 | Section-6 Scheme of management Section-9 Terms and conditions of service of employees of recognized private schools Section-20 Taking over the management of schools Section-22 Meghalaya School Education Advisory Board |
| The Mizoram Education Act (2003) | Section-2(18) "Managing Committee" means anybody of individuals, by whatever name called, in which the management of a school vests; Section-5 Managing Committee or Governing Body of Educational institutions. Provided that in the case of a recognized private educational institution which does not receive any aid from the Government, the scheme of management shall apply with variation and modification as may be prescribed. Section-9 Terms and conditions of Service of Employees of Recognized Educational Institutions. Section-10 Employees to be governed by a Code of Conduct Section-24 Taking over by the Government of the management of educational institutions. Section-26 State Advisory Board of Education |
| The Nagaland Board of School Education Act (1973) | 'No Provision' for Management Committee & Safety Measures |
| The Orissa Education Act (1969) | Managing Committee or Governing Body of educational institutions. Section-7A Supersession and reconstitution of managing committee or Government body. (1) Whenever the prescribed authority is satisfied that the Managing Committee or, as the case may be, the governing body of any private educational institution has neglected or failed to perform any of the duties imposed by or under this Act or the rules or to give effect to the order or direction issued by the Tribunal under Section 24-A or has acted in excess of the authority vested in it or in any manner which is prejudicial to the interest of the educational institution, he may, after giving the Managing Committee or the Governing Body, as the case may be, a reasonable opportunity of showing cause, supersede the Managing Committee or the Governing Body, as the case may be. Chapter – III - Advisory Council and District School Board Section-15 State Advisory Council of Education |
| The Punjab Primary Education Act (1960) | Section-10 No person shall employ a child in a manner which shall prevent the child from attending an approved School. |
| The Rajasthan Secondary Education Act (1957) | Section-22 Appointment and constitution of Committees - (1) The Board shall appoint the following Committees, namely: - (a) Committees of courses, (b) An Examination Committee, (c) A Curriculum Committee, (d) A Recognition Committee, (e) An Evaluation Committee, (f) A Finance Committee, and (g) Such other Committees, as may be prescribed |
| The Sikkim Primary Education Act (2000) | The State of Sikkim has separately framed the provisions in Sikkim Education Act in respect of accountability of the School Management Committee. The abstract of these provisions is annexed as flag -A in the booklet. |

| State Act (Year) | Provisions |
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| The Tamil Nadu Act Compulsory Elementary Education (1994) | <p>Section-6 Competent Authority</p> <p>1) The Government may, by notification, appoint any officer of the Education department, not below the rank of District Educational Officer, to be competent authority for the purpose of carrying into effect the provisions of this Act and the rules made there under and different competent authorities may be appointed for different areas.</p> <p>(2) The competent authority shall exercise such powers and perform such other functions as may be prescribed.</p> <p>Section-10 Power of Government to give directions The Government may, in the public interest, by order, direct the competent authority to make an enquiry or to take appropriate proceedings under this Act in any case specified in the order, and the competent authority shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.</p> |
| The Uttaranchal School Education Act (2006) | <p>Section-22 Constitution of Committees -</p> <p>(1) The Board shall constitute the following Committees as prescribed in the regulations. A Difference Committee may be constituted for different areas.</p> <p>(2) The following shall be the committees of the Board, namely -</p> <p>(a) Curriculum Committee,</p> <p>(b) Syllabus Committee,</p> <p>(c) Examinations Committee,</p> <p>(d) Results Committee,</p> <p>(e) Recognition Committee, and</p> <p>(f) Finance Committee.</p> |
| The Uttar Pradesh Basic Education Act (1972) | 'No Provision' for Management Committee & Safety Measures. |
| The West Bengal Primary Education Act (1973) | 'No Provision' [or Management Committee & Safety Measures. |
| Other Provisions | |
| State of Uttar Pradesh (April, 2017) | Uttar Pradesh Government bans liquor shops near schools, colleges and religious places. |
| State of Maharashtra (2015) | Adapting Section 6 of the COTPA Act, 2003, the Maharashtra state government has passed an act stating that no person shall sell, offer for sale, or permit sale of, cigarette or any other tobacco product- to any person who is under eighteen years of age and in an area within a radius of 100 yards of any educational institution. |
| State of Tamil Nadu (2003) | Rule 8 of Tamil Nadu Liquor Vending (In Shops and Bars) Rules, 2003 states that no liquor shop should be established in municipal corporations and municipalities within a distance of 50 meters from an existing place of worship or educational institutions and that a minimum distance of 100 meters should be maintained between such places in all other local bodies. |



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FICCI ARISE is a collegium of members representing various facets of the education ecosystem who have come together to promote the need of quality education for all and the role independent schools can play in achieving this. The primary focus of the alliance is defining norms for standards and transparency, augmenting quality for 21st century readiness, ensuring policy advocacy and facilitating capacity building and access. The alliance advocates for a progressive policy environment that brings together public and independent schools to achieve Universal Quality Education in India.

FICCI ARISE endeavours to unify the sectors' voice at states and national level.

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