

**CHILD WELFARE COMMITTEE: PROCEDURES, POWERS
AND FUNCTIONS**- Nivedita Singh¹**ABSTRACT**

The children is in need of care and protection which is provided to them by the Juvenile Justice Care and Protection of Children act, 2015. The law is children friendly, as the matters were dissolved by keeping best interest of children. The act provided several institutional and non- institutional measures for rehabilitation and social re- integration of children. There are principles under the Act which provides which included principle of presumption of innocence under which every child every child is to be presumed to be innocent of any criminal intent up to the age of eighteen years, principle of natural justice, principle of participation, principle of best interest, principle of equality and non – discrimination and principle of right to privacy and confidentiality. Under the Act children are provided all the basic needs and protection which help them to care, protect, treatment, development, and rehabilitation of them. The committee consists of members with a women and also with an expert on matters concerning children which help them to get extra love and support.

INTRODUCTION

Every child deserves to be happy, healthy, safe and protected. Because these children are the hope of the future. The Child Welfare Committee as the brainchild of UNCRC encompassing the principles of innocence, natural justice, participation, equality and non-discrimination, and right to privacy and confidentiality is one of the measures of the Juvenile Justice (Care and Protection of Children) Act, 2015 to protect the interests of socio-culturally alleged, stigmatized, dejected and alienated children under eighteen. This committee is the evolutionary outcome of the Juvenile Justice Act 1986, Juvenile Justice Act 2000 and lately amended Juvenile Justice Act, 2015. This Child Welfare Committee is basically for the welfare of Child. It is a quasi-judiciary authority which is constituted by the State

¹ 4th Year Student at Banasthali Vidyapith, Jaipur.

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Government in every districts under the provision of Section 27 of Chapter V of the Juvenile Justice (Child Care and Protection) Act, 2015. It is a primary statute in India for children accused and found to violate the law and children in need of care and protection. This Act talks about the Child welfare Committee, an autonomous group designated as a competent authority to deal with children in need of care and protection.

There must be one or more Children's Welfare Committee/s in each and every districts for exercising the powers in relation to child in need of care and protection under this act. The members who constitute the Children Welfare Committees are appointed by the concerned State Government who are under the order to appoint one woman and one expert on matters of concerning children. In short, there shall be four members, along with the chairperson and who is the in charge of leading the committee.

This Act calls for child-friendly ways to settle disputes, with the best interests of children taking precedence. Act also includes several institutional and non-institutional measures for children's social reintegration and rehabilitation. As Section 27(1) talks about the responsibility on Governments to ensure that all the members of the committee undergo training and sensitization, within two months of their appointment, for care, rehabilitation, protection, legal provisions and justice for children. One who has become the member of the committee must be actively involved in child health, education, or welfare activities for at least seven years or be a practicing professionals with a degree in child psychology, psychiatry, law, social work, sociology or human development. This further helps ensure that those involved with care and protection of children are sensitive to the issue and the needs of the children and will be competent enough to successfully come up with a plan to ensure their physical and mental wellbeing.

PROCEDURE IN RELATION TO COMMITTEE

Section 28 of the Juvenile Justice (Child Care and Protection) Act, 2015, talks about the procedure etc., in relation to Committee

1. The Committee should meet at least twenty days in a month to ensure that the transaction rules and procedures are followed at its business sessions.

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2. The Committee pays a visit to an existing child care institution, to check its functioning and wellbeing of children shall be considered as a sitting of the Committee.
3. When the Committee is not in session, a child in need of care and protection needs to be placed in a Children's Home or fit person, he must be brought before an individual member of the Committee.
4. If there is a disagreement of opinion among the Committee members, the majority's opinion will take precedence.
5. If there is no such majority, the Chairperson's viewpoint will be taken into account.

As the Committee deals with children, it is vital to ensure that such children feel comfortable adopting child-friendly approaches to such situations. For instance; only having people the children are satisfied within the room ensuring that the premises do not look like a courtroom because it can be intimidating or nerve-wracking for a child, no seating of the Child Welfare Committee members on a raised platform, use of a softer tone while addressing a child, as it may affect their self-esteem.

Section 29 of the Juvenile Justice (Child Care and Protection) Act, 2015, talks about the Powers of the Child Welfare Committee. The Powers of the Children Welfare Committee include:

- The committee has complete responsibility for situation involving the care, protection and the treatment of the child.
- The committee may also listen the matters which is concerning to the development, rehabilitation, and safety of needy children and providing basic needs and security for the children.
- When a Committee is formed for a specific area, it has the authority to solely deal with all procedures filed under the provisions of this Act that are relevant to children is need of care and protection.
- While exercising the powers granted to it by this Act, the Committee is prohibited from doing anything that would violate any other legislation in effect at the time.

FUNCTIONS OF THE CHILD WELFARE COMMITTEE

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Section 30 of the Juvenile Justice (Care and Protection of Children) Act, 2015, talks about the functions and responsibilities, which are mentioned below:

- Children who have been neglected or abuse must appear before the Committee. In turn, the Committee should be informed of the children who are being brought to it.
- To investigate to determine who is qualified to care for children in need of care and protection.
- To direct the placement of a child in a foster care facility.
- To direct Child Welfare Officers, District Child Protection Units, and Non-Governmental Organisations to conduct social investigations and report to the committee.
- Under this act, an enquiry into concerns relating to and affecting children's safety and well-being is to be conducted.
- To provide care, protection, restoration, and appropriate rehabilitation to children who require care and protection. The child's individualized care plan determines this. It also includes giving required instructions to parents, guardians, or persons who are fit and children's homes or fitness facilities.
- To confirm the parent's performance of the surrendered deed and ensure that they are given time to think about their decision and rethink to keep the family together.
- to ensure that all attempts are taken to reunite lost or abandoned children with their families in accordance with the Act's requirements.
- After a thorough investigation, declare child who are orphans, abandoned, or surrendered legally free for adoption.
- Taking suo-moto cognizance of cases and reaching out to minors in need of care and protection.
- To take action against the rehabilitation of children who have been sexually assaulted and reported to the Committee, the Special Juvenile Police Unit, or the local police as children in the need of care and protection.
- To collaborate with other departments concerned with the care and protection of the children. The agencies include the police, the labour department, and others.
- In a child abuse report, undertake an investigation and make recommendations to the police or the District Child Protection Unit.

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CONCLUSION

To conclude, it would be a safe bet to say that establishment of bodies like the Child welfare Committee is an important step that ensures the protection of vulnerable children from harm, to an extent. Living in an abusive environment or even simply a neglectful climate can change to lead to severe psychological damage that can further develop criminalistics tendencies in some cases. Taking cognizance of the bad situations children can be caught in and vowing to get them the help and care they deserve is the first step of ensuring that the children of our society grow up to be adults we all can be proud of.



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