

## Module 5: Child Welfare Committee (CWC)

### Session 1: Definition, Structure & Composition of Child Welfare Committee

Duration: 12:48 Minutes

#### Introduction

Welcome to the fifth module of the Child Protection E-Learning Module, focusing on Child Welfare Committee.

In this module you will learn in detail the powers, functions and responsibilities of the Child Welfare Committee also called CWC, the authority which deals with children in need of care and protection (CNCP).

You will learn about the various rehabilitation measures prescribed for children under the Juvenile Justice Act, for which the Committee can pass orders.

#### Objective

At the end of the module, you will be able to:

- Define CWC
- Describe the structure and composition of CWC
- Describe the powers and functions of CWC
- Describe the procedure in relation to CNCP

### Session 1: Definition, Structure and Composition of CWC

We will start with session 1 on 'Definition, Structure and Composition of CWC'. Let us begin with understanding what is CWC according to the JJ Act?

#### Definition

A CWC is a body notified and constituted under section 27 of the JJ Act, 2015 for every district for exercising the powers and to discharge the duties conferred on such Committees in relation to children in need of care and Protection under this Act.

#### Child Welfare Committee: Overview

Let's now get a quick overview of CWC before learning its structure, composition, powers and functions in greater detail.

- The State Government is legally bound to establish 1 or more CWCs in each district to address the issues of children in need of care and protection (CNCP) as per the JJ Act.
- Each CWC should consist of a Chairperson well versed in child welfare issues and four members and at least one member of the committee should be a woman.

### What is the power of CWC?

- You need to know that the CWC has the same powers as a Metropolitan Magistrate or a Judicial Magistrate of First Class.

### Let us also understand the purpose of the CWC

- The purpose of the CWC is to determine the best interest of the child and find the child a safe home and environment either with the biological parents or adoptive parents, foster care or in an institution.

### Who can bring a child to the CWC?

A child can be brought before the committee (or a member of the committee if necessary) by a police officer, any public servant, ChildLine personnel, any social worker or public spirited citizen, or by the child himself/herself.

### Where does the CWC send the child during inquiry?

- The CWC may send the child to a Children's Home/Fit Facility/Fit person during the inquiry if existing living conditions are unsafe for the child while the inquiry into the case is conducted
- The CWC meets and interviews the child to learn his/her background information and also understand the problem the child is facing
- The Probation Officer (PO) in charge of the case must also submit regular reports of the case
- A final order must be given within four months of the admission of the child before the CWC.

### Financial Support for setting CWC

The *Child Protection Scheme (CPS)*, a centrally sponsored scheme of the Government of India provides two types of grants for setting up of CWCs:

- Construction and Maintenance Grant of 16,62,500
- Maintenance Grant of 11,82,500

The cost of setting up CWCs is shared by the Central and State Governments at a 35:65 ratio except in Jammu and Kashmir and the North East where the ratio stands at 90:10.

### Structure and Composition (Section 27, JJ Act, 2015)

Let us now learn the structure and composition of CWC in detail as mentioned earlier

- The State Government shall notify one or more CWCs for each district, as required
- The Committee shall consist of a Chairperson and four other members as the State Government may think fit to appoint, of whom at least one shall be a woman and another, an expert on matters concerning children
- For its effective functioning, the Committee shall be provided a Secretary and secretarial support by the District Child Protection Unit (DCPU).

**Let us understand who can be a member in terms of qualification and what is term in office?**

- A member of the Committee shall be a person who has been actively involved in health, education or welfare activities pertaining to children for at least 7 years
- Or the member shall be a practicing professional with a degree in child psychology or psychiatry or law or social work or sociology or human development
- A member shall be appointed for a period of not more than 3 years
- A member can be terminated after an inquiry by the State Government for reasons as prescribed in Section 27 (7) of the JJ Act, 2015
- The Committee shall function as a Bench and shall have the powers conferred by the Code of Criminal Procedure, 1973 on a Metropolitan Magistrate or, a Judicial Magistrate of First Class
- The District Magistrate (DM) shall conduct a quarterly review of the functioning of the Committee
- The DM shall be the grievance redressal authority for the CWC.

Let's now move on to understand the working procedure of the CWC. Can you recall from your experience the key aspects of its functioning?

**Procedure in Relation to the CWC as per Section 28, JJ Act, 2015**

- The Committee shall meet at least 20 days in a month and shall observe such rules and procedures with regard to the transaction of business at its meetings
- A visit to an existing child care institution by the Committee, to check its functioning and wellbeing of children shall be considered as a sitting of the Committee.

**Does it mean a child cannot be produced before a CWC if it is not in office?**

- Here it is essential for you to remember that a child in need of care and protection can be produced before an individual member of the Committee for being placed in a Children's Home or with a fit person when the Committee is not in session.

**You know it's common among any group members to have difference of opinion.**

- In the event of any difference of opinion among the members of the Committee at the time of taking any decision, the opinion of the majority shall prevail but where there is no such majority, the opinion of the Chairperson shall prevail
- The Committee may act even in the absence of any member of the Committee. No order made by the Committee shall be invalid by reason only of the absence of any member during any stage of the proceeding; but there shall be at least three members present at the time of final disposal of the case.

**What are the Powers and Functions of CWC?**

Let's now discuss the Powers and Functions of CWC prescribed under Section 29 & 30 of the JJ Act, 2015.

### Powers of CWC

- The Committee shall have the authority to dispose of cases for the care, protection, treatment, development and rehabilitation of CNCP, as well as to provide for their basic needs and protection
- A Committee constituted for any area, notwithstanding anything contained in any other law in force, shall have the power to deal exclusively with all proceedings under this Act relating to CNCP
- The Committee has the authority to direct placement of a child in foster care
- Do you know CWC also has the power to transfer the child to a different CWC closer to the child's home or in the child's state to dispose of the case and reunite the child with his/her family and community!

Now you know the powers of the committee. CWC has a number of functions also. Let's learn about these functions.

### Functions

The functions and responsibilities of the CWC in relation to CNCP shall include:

- Taking cognisance of and receiving the children produced before it
- Conducting inquiry on all issues relating to and affecting the safety and well-being of children under this Act
- Directing the Child Welfare Officers (CWOs) or POs or DCPUs or NGOs to conduct social investigation and submit a report before the Committee
- Conducting inquiry for declaring fit persons for care of CNCP.

CWC has several functions related to the placement of the child such as:

- Directing placement of a child in foster care
- Ensuring care, protection, appropriate rehabilitation or restoration of CNCP, based on the child's individual care plan and passing necessary directions to parents or guardians or fit persons or children's homes or fit facility in this regard
- Selecting registered institution for placement of each child requiring institutional support (as a last resort), based on the child's age, gender, disability and needs and keeping in mind the available capacity of the institution.

You know CWC always give priority to the restoration of children with families, if possible

- Ensuring that all efforts are made for restoration of abandoned or lost children to their families following due process
- Directing for Sponsorship
- Directing for Continued Placement with family with additional support.

### Let's continue to learn more functions of CWC

- Declaration of orphan, abandoned and surrendered child as legally free for adoption after due inquiry
- Taking action for rehabilitation of sexually abused children who are reported as CNCP to the Committee by Special Juvenile Police Unit (SJPU) or local police, under the POCSO Act, 2012
- Dealing with cases referred by the Juvenile Justice Boards as CNCP.

### Let us do an activity based on a case story.

#### Other functions and responsibilities

In addition, CWC has many other functions and responsibilities which you should know:

- Conducting at least two inspection visits of residential facilities for CNCP per month and recommending action for improvement in quality of services to the DCPU and the State Government
- Certifying the execution of the surrender deed by the parents.

You know that it's a tough task for most of the parents to giving up the own children for adoption and the primary responsibility of care and protection of the child lays with the biological parents. So, it's important to give enough time to reconsider their decision to surrender the child.

- Taking suo motu cognisance of cases and reaching out to CNCP who are not produced before the Committee, provided that such decision is taken by at least three members
- Co-ordinate with the police, labour department and other agencies involved in the care and protection of children with support of the DCPU or the State Government
- In case of a complaint of abuse of a child in any child care institution, the Committee shall conduct an inquiry and give directions to the police or the DCPU or labour department or Child Line services
- Accessing appropriate legal services for children.

This is the end of this session. Now we know in detail about the CWC, its structure, composition, powers and functions.