

Scheme for Financial Sustenance, Education & Welfare of Children, 2014

Scheme Notified Vide Notification No.F.61(758)/DD
(CPU) / DWCD/ 2014/ 6537 - 568 dated 13.08.2014
By Department of Women & Child Development,
Government of NCT of Delhi.

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PREFACE

Aims & Objectives:

This Scheme aims at providing financial sustenance, education and addressing other welfare issues of Children who are left to their own resources on incarceration of one or both earning parents.

Need and justification for the scheme:

India is home to the largest child population in the world. Constitution of India guarantees Fundamental Rights to all Children in the country and empowers the State to make special provisions for Children. The State is responsible for ensuring that childhood is protected from exploitation and moral and material abandonment. The plight and hardships faced by Children of undertrial prisoners and convicts languishing in Jails in Delhi laid foundation for formulation of a special scheme for providing adequate financial assistance of such Children. It was felt that the scheme shall ensure that Children continue to get due education and that their overall welfare, safety, development and well-being does not get neglected in any manner just because one of their earning parent is incarcerated. Also under National Policy for Children, it is bounden duty of State to provide adequate care and protection to Children for their full physical, mental and social development in a healthy and congenial environment, moreso, even they are left to fend on their own once their one or both earning parent are lodged in Jail. The vulnerability of such Children to physical, abuse and neglect increases manifold owing to lack of funds and parental care.

Scope of the Scheme:

In its National Policy for Children, 1974, Govt. of India has declared Children as nation's "Supremely important asset". It is scope of this Scheme that irrespective of incarceration of their earning parents that their growth shall not be hindered and they shall develop into physically fit, mentally alert, morally healthy educated citizens.

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF WOMEN & CHILD DEVELOPMENT
1 Canning Lane, Kasturba Gandhi Marg, New Delhi – 110 001

NOTIFICATION
Delhi, the 13th day of August, 2014

No.F.61(758)/DD(CPU)/DWCD/2014: The Lt. Governor of the National Capital Territory of Delhi hereby makes the Guidelines for Government of NCT of Delhi for the “Scheme for Financial Sustenance, Education & Welfare of Children of incarcerated Parents, 2014” as following, namely :-

1. Short title and commencement:

- a. This Scheme may be called the “Scheme for Financial Sustenance, Education & Welfare of Children of incarcerated Parents, 2014”.
- b. It shall extend to the whole of the National Capital Territory of Delhi.
- c. It shall come into force on the date of its publication in the Delhi gazette.

2. Definitions

In this Scheme, unless the context otherwise requires:-

- (a) "**best interest of the child**" means the same as defined in Rules 2(c) of The Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009”.
- (b) "**code**" means the Code of Criminal Procedure, 1973 (2 of 1974);
- (c) "**child**" means any person below the age of 18 years whose only surviving parent or both parents is / are in jail.
- (d) "**children's home**" means the same as defined in Sec. 2(e) of The Juvenile Justice (Care and Protection of Children) Act, 2000;
- (e) "**child friendly**" means the same as defined in Rule 2(d) of The Delhi Juvenile Justice (Care and Protection of Children) Rules, 2009;
- (f) "**child welfare committee**" means committee constituted under Sec. 29 and 2(f) of the Juvenile Justice (Care and Protection of Children) Act, 2000;

- (g) "**District Legal Services Authority**" (DLSA) means the District Legal Services Authority constituted under Section 9 of the Legal Services Authorities Act, 1987 (Act 39 of 1987); for a district of the State of Delhi;
- (h) "**Delhi State Legal Services Authority**" (DLSA) means Delhi State Legal Services Authority constituted under Section 6 of the Legal Services Authorities Act, 1987 (39 of 1987); for the State of Delhi.
- (i) "**fit institution**" means the same as defined in Sec. 2(h) of The Juvenile Justice (Care and Protection of Children) Act, 2000;
- (j) "**fit person**" means the same as defined in Sec. 2(i) of The Juvenile Justice (Care and Protection of Children) Act, 2000;
- (k) "**fund**" means the welfare fund constituted under this Scheme.
- (l) "**guardian**" means the same as defined in Sec. 2(j) of The Juvenile Justice (Care and Protection of Children) Act, 2000;
- (m) "**government**" means the Government of National Capital Territory of Delhi;
- (n) "**home study report**" means a detailed report prepared and submitted by a Probation Officer, Protection Officer, Welfare Officer or any other official of government or non government organisations who is assigned by competent authority to prepare the same;
- (o) "**Legal Services Clinic**" means a Clinic run by Delhi State Legal Services Authority for providing free legal aid and advice;
- (p) "**shelter Home**" means the same as defined in Sec. 2(u) of The Juvenile Justice (Care and Protection of Children) Act, 2000;
- (q) "**special Juvenile Police Unit**" means the same as defined in Sec. 2(w) of The Juvenile Justice (Care and Protection of Children) Act, 2000;
- (r) "**Prison Welfare Services**" means a service run by the Department of Social Welfare, Government of National Capital Territory of Delhi in Prisons.
- (s) "**Committee**" means a group of officers comprised of Chief Probation Officer as Chairman and a member of Child Welfare Committee, member of Delhi State Legal Services and District Child Protection Officer of concerned area as members.

3. Types of assistance:

- (a) Financial assistance in the form of monthly payment for each child.

- (b) provision for free education, uniform, books/copies etc. in Government/Aided/Private (if enrolled as EWS) Schools by treating them as Economically Weaker Section (EWS) Child in Delhi.
- (c) provision for protective environment and welfare measures for the child including passing of order for sending a child to a fit institution and order for providing medical treatment, and provision of free legal aid for interaction with incarcerated parents.

4. Eligibility:

In order to be eligible under this scheme, following requirements are to be met:

- (A) Child/Children whose only surviving parent or both parents is/are in jail shall be eligible for financial assistance under this scheme.
- (B) The parents of child shall be ordinarily living in Delhi for the last 5 years.
- (C) Period of incarceration of parent, whose child is intended to avail the benefit under the Scheme, should not be less than 30 days.
- (D) The Annual income from all sources of the incarcerated parent(s) should not exceed Rs.2,00,000/- (Rupees Two lakh only) or the limited to the amount as amended from time to time by the Government of National Capital Territory of Delhi.
- (E) The Child between ages 5-18 years shall mandatorily attend the School/academic institutions to clean the benefit under this Scheme. Parent/Guardian will give undertaking for initiation of schooling within six months of receipt of benefit, if the child is not yet enrolled with any School.

5. Quantum of Financial Assistance:

The quantum of Financial Assistance to a child shall be fixed as Rs.3,500/- for the first child, additional Rs.3,000/- for the second child (in case of 3 or more children, this maximum amount of Rs.6,500/- shall be utilized for welfare of all children) till he/ she attains the age of 18 years or parent(s) is/are released from incarceration whichever is earlier.

However, in case a child is placed with a fit institution, then such a child will not be entitled to receive additional financial assistance.

6. Provision for Education:

Child/Children shall be entitled to the following assistance as far as educational needs are concerned:-

- (A) Admission in a nearest Government/Aided School in appropriate standard with all entitlements under the other Schemes.
- (B) Full waiver of tuition fees or any other such charge by the school authority, in Private School, if already enrolled.

7. Other protection and welfare measures:

The responsibility for child protection is primarily a shared responsibility of family, community and Government.

However, under this scheme, the following shall be ensured for eligible Children:

1. The child shall have a safe and comfortable place of abode. First preference shall be given to a house where the child was ordinarily residing with his parent. In case of any safety concern or if the child is found to have been left alone, he can be shifted to some other residence of his relative/guardian or any fit person under orders of Child Welfare Committee. Child can be ordered to be shifted to Fit Institution only as a last resort.
2. The emotional and psychological strength can be best provided by his family/relatives. Provision shall be made for counseling of such relatives and family members to ensure that the child does not suffer any kind of neglect or depression owing to incarceration of parent.
3. The Child Welfare Committee (CWC) of the concerned area shall ensure through Fit Person/Fit Institution that the child receives proper medical, psychological attention and care including requisite immunization and dietary nutritional needs.
4. The Child Welfare Committee will order for ensuring building of a protective safety net for such vulnerable Children keeping the best interest of the child in mind in a child friendly manner.

5. The Child Welfare Committee shall direct the District Child Welfare Protection Officers and other agencies to ensure the overall well-being and safety of the child.
6. The Child Welfare Committee will refer the matter to Chief Probation Officer heading the Prison Welfare Services for financial assistance to the child.

8. Welfare Fund:

There shall be a fund maintained by the Government which shall be used for disbursement of financial assistance as and when ordered by the Child Welfare Committee. The fund shall be allotted through budgetary allocation by Government of National Capital Territory of Delhi as given:-

- (a) Budgetary allocation by the Govt. of National Capital Territory of Delhi in the scheme of Assistance to Incarcerated or Released Prisoner or a new budgetary head to be created by Government of National Capital Territory of Delhi .
- (b) Contributions from Corporate Social Responsibility (CSR) /National/ Philanthropist/Charitable Institutions/Organisations and individuals.

This fund shall be operated by Chief Probation Officer, Department of Social Welfare, Government of National Capital Territory of Delhi.

9. Procedure for making application before Competent Authority:

An application for awarding assistance under this scheme can be filed in the prescribed form before the office of the Prison Welfare Services being run in jails under the control of the Chief Probation Officer, the Legal Services Clinics being run by Delhi State Legal Services Authority (DSLISA) at Jails and other places in Delhi or before a Court of Law where the trial of the incarcerated person is going on by the child or his Parent/Parents or his Guardian/Fit Person along with supporting documents in duplicate. The application shall be accompanied by the followings :

- a. copy of remand/conviction order passed by the Court of law.
- b. proof of residence/affidavit indicating that the child and parents have been residing in Delhi for the last five years. Any of the following documents related to family members can be relied upon.

Voter ID Card/Ration Card/Passport/DL/Birth Certificate / LIC Policy / Immunization Card / Electricity Bill / Water Bill / Telephone Bill / Gas Connection / Bank or Post Office Pass Book / Cast Certificate issued in Delhi / Student ID Card / Property Document / I Card issued by public or Private sector company.

- c. details of the Bank account in the name of the Child to be operated by Fit Person with requisite Bank documents Electronic Clearance System (ECS).
- d. undertaking by the parent/guardian/fit person that he/she will use the financial assistance solely for welfare of the child.

The application received other places than the office of the Prison Welfare Services will be sent immediately to the office of the Prison Welfare Services for collecting information from the incarcerated person.

10. Procedure for processing the application:

1. As and when the application is submitted by the person under incarceration or received through the District Legal Services Authority (DLSA) or Delhi State Legal Services Authority (DLSLA) or the Court of law or child or his / her guardian / fit person, the Prison Welfare Officer will immediately gather information from the person in the prescribed format and submit it to Child Welfare Committee of the area where the family of such person resides within the two days of receipt of the application. A Home Study Report shall be called by the Child Welfare Committee through the Protection Officer (Institutional / Non-Institutional Care) or Legal-cum-Probation Officer in District Child Protection Unit or Welfare Officer/Social Worker engaged in a Government run Child Care Institution.
2. An order calling for Home Study Report shall be passed within three working days of receipt of application. The report shall reach the CWC within a week of receipt of the order.
3. An application shall preferably be disposed of by the Child Welfare Committee within 15 days of its filing.
4. Wherever the rehabilitation of child is essential, in terms of institutional or non-institutional care, the Child Welfare Committee will issue an appropriate order. However, if the child is in need of financial support, the Child Welfare Committee may refer the matter to Chief Probation Officer.

The committee headed by the Chief Probation Officer will consider the case and take a decision for extending financial help to the child or fit Person in the best interest of the child.

11. Method of disbursement of assistance and compliance of order:

1. The Prison Welfare Officer will prepare a list of the beneficiary prisoners and forward the list to the Chief Probation Officer.
2. The amount of financial assistance as decided by the Committee will be disbursed by the Office of the Chief Probation Officer by way of Electronic Clearance System on monthly basis, within the succeeding month in a bank account opened in the name of each child that shall be operated by the fit Person nominated qua the Child.
3. Compliance of other directions qua education and welfare shall be carried out by Delhi Child Protection Unit under direct supervision of District Child Protection Officer. Quarterly Reports thereof shall be furnished to the Child Welfare Committee/Chief Probation Officer.

12. Conditions in which the Assistance to the Children may be revoked:

- A. If the incarcerated parent is released from the jail.
- B. If the amount of Financial Assistance released for the Children is in fact found being misused.
- C. If the recipient family changes the place of residence or the beneficiary Children are shifted to any other place or schooling is changed without prior information of the District Child Protection Unit or Chief Probation Officer.
- D. If the beneficiary child attains the age of 18 years.
- E. If the beneficiary Child is reported to have availed financial assistance or benefit under any other Monthly Payment Scheme or Sponsorship Programme of State/ Central Government for the purpose applied hereto.
- F. If the Child/Children is/are reported to be engaged in criminal activities.

13. Monitoring and review: Tracking Progress of the Child:

Protection Officer/ Legal-cum-Probation Officer/ Welfare Officer or any other Officer so appointed or designated for the purpose shall maintain an individual case file for each child provided benefit under the Scheme. He shall note the general well

being of the child including his/her health and general family environment and progress made in education as may be applicable.

14. Confidentiality and Preservation of records:

- a. The Child Welfare Committee and all other concerned officials of Delhi State Legal Services Authority / District Legal Services Authority / Department of Women and Child Development, Government of National Capital Territory of Delhi shall maintain full confidentiality and shall ensure that under no circumstances, any record, document or information qua the proceedings under this Scheme shall be shared with any person in any manner except with permission of the Trial Court/Appellate Court/Delhi State Legal Services Authority/District Legal Services Authority/Child Welfare Committee / Chief Probation Officer and that too on a written order.
- b. All records pertaining to proceedings under this scheme shall be preserved for two years after the beneficiary attains the age of maturity or his/her incarcerated parent is released or revocation of benefit under this Scheme, whichever is earlier. Thereafter, the hard copy of the records can be weeded out by the Child Welfare Committee/Chief Probation Officer/District Child Protection Officer after preserving the scanned soft copies of the same.
