

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

NO.PWE-95-3-75(Gen-Cir)-ES-I- 20173 - 20273 Dated:- 29/01/2020

From:

Engineer-in-Chief
HP.PWD, Shimla-2.

To

The Engineer-in-Chief, (Project)/ Architect in Chief
All the Chief Engineers / all Superintending Engineers / all the
Executive Engineers / all the Land Acquisition Officers in HP-
PWD.

Subject:- Scheme for Rehabilitation Support to Minor Victims of Rape,
Child Abuse & Objectification Background.

I am directed to enclose herewith a copy of letter No. WCD-H
(C) -F-1/2019- RS. 16664-16716 dated 13/11/2019 alongwith its enclosures as
received from Director, Women and Child Development H.P. for information and
meantime vide publicity may be given to this scheme.

Encl: As Above.

(Brinder Singh Chauhan)
Registrar,
Himachal Pradesh, PWD,
Shimla-2

Copy alongwith above Govt. instructions is forwarded for information and similar
necessary action to:-

1. Nodal Officer (IT) in this office. He is requested to display above
nomination on the official website of the department at the earliest please.
2. All head of the branches in this office.
3. All Dealing Assistant in ES-I.

Encl:As Above.

(Brinder Singh Chauhan)
Registrar,
Himachal Pradesh, PWD,
Shimla-2

URGENT/ PERSONAL ATTENTION

No.: WCD-H(C)-F-1/2019-RS,
Directorate of Women and Child Development, Himachal Pradesh.
Cedar Home, Brent Wood Estate, Himland, Shimla-1.

From

The Director,
Women and Child Development,
Himachal Pradesh.

To

1. All the District Programme Officers in Himachal Pradesh.
2. All the District Child Protection Officers in Himachal Pradesh.

Dated Shimla-1,
Scheme for Rehabilitation Support to Minor Victims of Rape, Child
Abuse & Objectification Background.

Subject:

Madam/ Sir,

On the foregoing subject, I am directed to inform you that the State Government, vide Notification No. SJE-A-F(10)-1/2019 dated 29/06/2019 (Annexure-A) of the has notified a new scheme viz. "Scheme for Rehabilitation Support to Minor Victims of Rape, Child Abuse & Objectification Background" with the objective of restoring self confidence and dignity of minor victims of rape, child abuse through intensive counseling, financial security, skill up-gradation, rehabilitation and livelihood support. Some modifications/ additions have been made in this scheme with the prior approval of competent authority vide office order No. WCD-H(C)-F-1/2019-RS dated 30/10/2019 (Annexure-B). This scheme is to be implemented through the District Child Protection Officers.

Matter for allocation of budget for implementation of this new scheme has been taken up by the Directorate with the Government. District Programme Officer is the competent authority to sanction and draw funds from the treasury under this scheme. Therefore, as soon as the budget is received from the Government, the same will be allocated to the District Programme Officers through e-vitran. Being Member Secretary of the District Level Criminal Injuries Relief and Rehabilitation Board, the District Child Protection Officer shall place the matter before the said Board for grant/ approval of the relief to the victims and then submit file/ proposal to the concerned District Programme Officer for sanctioning funds accordingly.

In the meantime vide publicity may be given to this scheme.

Joint Director,

Women and Child Development,
Himachal Pradesh

Dated Shimla-1, 13/11/2019

Endst. No.: As Above, 16664-16716

Copy alongwith aforesaid scheme is forwarded for information and necessary action to:-
1. All the Heads of Departments in Himachal Pradesh.
2. All the Deputy Commissioners in Himachal Pradesh.

Joint Director,

Women and Child Development,
Himachal Pradesh

Retains to Extl - Secy-I

30/11/2019

Registrar,
Distt. BS-1

30/11/19

2831-132

No.:WCD-H(C)-F-1/2019-RS

Dated Shimla-1, 30.10.2019

Office Order

The Additional Chief Secretary (SJ&E) to the Government of Himachal Pradesh has notified **"Scheme for Rehabilitation Support to Minor Victims of Rape, Child Abuse & Objectification Background"** vide Notification No. SJE-F(10)-1/2019 dated 29/06/2019. Following discrepancies were noticed in the scheme:-

1. Under head **"Authorities responsible for implementation of the scheme"**, the Boards constituted at State Level and District Level i.e. State District Criminal Injuries Relief and Rehabilitation Board already notified under "Financial Assistance and Support Services to Victims of Rape Scheme – 2012" have been held responsible for implementation of "Scheme for Rehabilitation Support to Minor Victims of Rape, Child Abuse & Objectification Background", but **Financial Assistance and Support Services to the Victims of Rape Scheme-2012 has been repealed by the Government vide Para 13(1) of the Notification No. Home (A)E(3)-31/2015-I dated 20/05/2019 of the Home Department, Government of Himachal Pradesh.**
2. In this new scheme, the District Child Protection Officer (DCPO) is **required to submit** report regarding counseling to the victim to the District Level Committee, **but the composition of the Committee has not been mentioned in the scheme.**
3. Procedure for applying for the relief is also not prescribed in the said scheme;

Therefore, with the prior approval of the Competent Authority i.e. Additional Chief Secretary(SJ&E) to the Government of Himachal Pradesh and in continuation to the Notification No. SJE-F(10)-1/2019 dated 29/06/2019, **following amendments/ additions are hereby made in the "Scheme for Rehabilitation Support to Minor Victims of Rape, Child Abuse & Objectification Background" with immediate effect:-**

- A. "Scheme for Rehabilitation Support to Minor Victims of Rape, Child Abuse & Objectification Background" will be implemented through District Child Protection Officers at the district level. Intensive counseling will be provided up to 6 months to minor as well as to the members of his/her family through the professional counselors in DCPO office. The District Child Protection Officer (DCPO) would submit report in this



regard before the District Injuries Relief and Rehabilitation Board instead of the Committee mentioned in the Scheme notified on dated 29th June, 2019.

B. For implementation of the scheme, "District Level Criminal Injuries Relief and Rehabilitation Board" for each District is constituted as under:-

- | | |
|---|--------------------|
| i). Deputy Commissioner | - Chairperson |
| ii). Superintendent of Police | - Member |
| iii). Chief Medical Officer/ District Health Officer | - Member |
| iv). Representative of District Legal Services Authority | - Member |
| v). An eminent woman with experience of working on women and Child related issues to be nominated by the Chairperson/ DC. | - Member |
| vi). District Programme Officer | - Member |
| vii). District Welfare Officer | - Member |
| viii). District Child Protection Officer | - Member Secretary |

C. Procedure for applying for the relief:-

i). As soon as the incident occurs, FIR must be registered. Medical examination of the affected child should be completed as soon as possible.

ii). The SHO of the concerned Police Station, through the concerned SP shall forward within 72 hours the copy of the FIR, Medical Report, Preliminary Investigation Report by the Inquiry Officer to the District Child Protection Officer (DCPO), Member Secretary of District Level Criminal Injuries Relief and Rehabilitation Board.

iii). The report / documents forwarded by the SHO, concerned shall be kept in record of the incident till such time the affected child approaches the District Level Board.

iv). Application shall be made to the District Child Protection Officer by the applicant/parents/ guardians/ legal heirs as the case may be, as per enclosed format (Annexure-A). District Child Protection Officer (DCPO) concerned shall be duty bound to collect the application from the applicant/parents/Guardian/Legal heirs within 72 hours of without disclosing the identity of victim child.

v). The District Child Protection Officer shall place the matter before the "District Level Criminal Injuries Relief and Rehabilitation Board" for grant / approval of relief on monthly basis or earlier, whatever District Board think fit.



vi). The District Programme Officers shall be competent to sanction and draw funds from the treasury.


Director

Women and Child Development,
Himachal Pradesh.

Endst. No.: WCD-H(C)-F-1/2019-RS

Dated Shimla-1.

Copy for information and necessary action to:-

1. The Additional Chief Secretary (SJ&E) to the Government of Himachal Pradesh
2. All the Heads of Departments in Himachal Pradesh.
3. The Secretary, State Legal Services Authority, SDA Complex, Kasumpti, Shimla-9.
4. All the Deputy Commissioners in Himachal Pradesh.
5. The Private Secretary to the Hon'ble Chief Minister, Himachal Pradesh.
6. The Private Secretary to the Chief Secretary to the HP Government, Shimla-2.
7. All Deputy Superintendents of Police in Himachal Pradesh.
8. All Chief Medical Officers in Himachal Pradesh.
9. All the District Programme Officers in Himachal Pradesh.
10. All the District Child Protection Officers in Himachal Pradesh.


Director,

Women and Child Development,
Himachal Pradesh

SCHEME FOR REHABILITATION SUPPORT TO MINOR VICTIMS OF RAPE, CHILD ABUSE & OBJECTIFICATION BACKGROUND

The right to life, which includes the right to live with dignity, is guaranteed to every person under the Constitution of India. The inherent dignity of the human being and the right of protection from any form of violence also forms part of India's international obligations under instruments such as the Universal Declaration of Human Rights (UDHR) and the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Further, the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 recognizes the need to respect the dignity of the victim and their entitlement for prompt redressal for the harm suffered through access to the criminal justice system, rehabilitation and support services to assist their recovery.

Crime violence against children is on the rise in society, particularly child abuse. Both boys and girls are susceptible to being victimization owing to their vulnerability, tender age. Most often, the perpetrators are within the confines of home, family, neighborhood and school. Fearing social stigma or family pressure, children become passive victims suffering in silence and bearing the trauma without any resistance. Dignity of a human being in case of minor victims is thus at stake.

While it is essential to provide punishment to the perpetrators of such heinous crimes, the victim must be restored to a position of dignity and self-confidence. It is this principle of restorative justice that must form the basis of efforts to address the trauma that the affected child goes through and may entail compensation in the form of financial assistance as well as various support services such as counseling, shelter, medical and legal aid. This is inclusive of assistance provided in clause 8 (b) of the said scheme.

OBJECTIVES

The present Scheme aims to restore self-confidence a dignity and of victims of child abuse through intensive counseling, financial security, Skill up gradation rehabilitation and livelihood support through the state government.

1. Intensive handholding (financial/ mental) by the state government to the minor victim and his/her family members.
2. Financial assistance to victims of rape.
3. Medical counseling for the victims.
4. Skill up-gradation/ Vocational training depending upon the needs of the victim.
5. Assistance in employability and financial indifference.

Salient Features About The Scheme

1. Consequent upon the commission of crime against a minor boy or girl, the District level committee under the chairpersonship of DC on confirmation/ establishment of

- the crime would provide intensive counseling upto 6 months to the minor as well as to the members of his/ her family through the professional counselors in DCPU office. Overcoming the scars of traumatic incident is difficult but not impossible and hence the minor shall be provided counseling till he/ she turns 18. The DCPU would submit report in this regard before the committee at district level.
2. Provision of a mentor preferably a lady officer in the defense to be decided by District Level Committee.
 3. Financial assistance of Rs. 7,500 per month would be given to the minor victim till the age of 21 years as a livelihood support measure. Out of Rs. 7,500, an amount of Rs. 2,500 would go in the savings account of minor for immediate medical needs and Rs. 5,000 will be deposited in the pledged recurring deposit of the minor victim.
 4. During the first year of the scheme, i.e. 2019-20, Budget of Rs. 100.00 Lakh will be required. However, budgetary requirement shall increase in successive year
 5. Separate budget head/HOA will be created under the scheme in consultation with Finance Department after approval of the scheme.
 6. Cashless treatment would be given by the department of health to the minor victim or in case if she bears a child as a consequence of the crime of the crime the benefit shall be extended to the child as well.
 7. All departments dealing with the issues of minor victims would keep the identity concealed and it would be the responsibility of the concerned Deputy Commissioner that at no point of time the identity or whereabouts of the minor victim are disclosed.
 8. When the minor victim turns 16, the district level committee with the help of department of Technical Education shall ensure to impart skill based training to the child as a livelihood measure/ intervention.
 9. The district level committee shall also ensure the continuity of education of the child.
 10. The extension of financial benefits shall be retrospective i.e. if a crime is reported and confirmed at a later stage by court of law, the minor victim shall not be deprived of the financial support at any cost.
 11. The state government may in consultation with SLSA/ DLSA initiate counselling at an early stage of trial to the minor victim.
 12. Special job opportunities will be provided to the affected children's in terms of special quota for jobs in CCIs, Old age homes, homes for mentally retarded for these children.
 13. Convergence will be done with the Integrated Child Protection Scheme (ICPS) and other line departments for the implementation of the scheme.

TARGET GROUP :-

This scheme would cover all Minors i.e. Children both Boys and Girls below the age of 16 years who are subject to sexual abuse, rape and objectification. The scheme shall follow the definition of sexual abuse/ assault/ rape as per the POCSO Act. This Act covers a variety of offenses under which an accused can be punished.

LIMITATION PERIOD

The period of limitation would be 3 years from the date of completion of trial.

Authorities responsible for implementation of the scheme :-

The Board constituted at State level and District level i.e. State/District Criminal Injuries Relief and Rehabilitation Board already notified under "Financial Assistance and Support Services to Victims of Rape Scheme - 2012" shall be responsible for the implementation of the scheme.

Procedure for Making Claims before the District Board

Who May Apply and By When:

- (i) A minor child, by her parent/guardian or by any person/ organization/ department/ commission on the child's behalf, with the application duly signed by her or by the guardian.
- (ii) Where the affected child is mentally ill within the meaning of the Mental Health Act or is mentally retarded, by the person with whom she normally resides or a duly authorized medical officer of the institution.
- (iii) On the death of the affected child, by his/her legal heir(s).

Redressal of Grievances

In case of any grievance with regard to accessing assistance and services provided under the scheme the parents/ guardian of the minor child victim may approach the District board. Whereas the grievance is in relation to the conduct of the district in dealing with the application for assistance under the scheme, the parents/ guardians of affected child may approach the State board, as the case may be.

Devolution of Funds/ Grant-in-Aid

1. The Directorate of Women and Child Development will provide funds under the scheme. The funds will be disbursed to state/ district boards, depending upon their requirements;
2. The budgetary allocation shall be used for conducting workshops for skill enhancement of the counselors and conducting the board meetings;
3. The cost of assistance provided under this scheme;
4. Expenses toward providing counseling under this scheme.
5. Expenses towards sitting fees and TA/DA to non-Government members of the State and District Criminal Injuries Relief and Rehabilitation Boards.

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Monitoring and Evaluation

Quarterly reports on implementation of the scheme along with expenditure statement shall be sent by the district boards to the state board.

The Directorate of Women and Child Development may undertake periodic impact assessment of the scheme through appropriate institutions/ organizations affiliated to it or through reputed private organizations with expertise in monitoring and evaluation of social sector schemes. Due regard shall be paid to the need to ensure the anonymity of any affected child who has sought assistance under the scheme in the course of conducting such periodic assessment.

Accounts and Audit

The state and district boards shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the income and expenditure accounts.

In view of above, it is also submitted that during the first year of the Scheme, Budget of Rs. 100.00 Lakhs will be required for the implementation of this scheme and budgetary requirement shall increase in successive years. Therefore, if approved, we may request to the Finance Department to concur the aforesaid proposal, so that the further action regarding opening of separate Head / HOA could be initiated. Before the matter is referred to the Finance Department, administrative approval of the ACS (SJ&E) to the Govt. of Himachal Pradesh is solicited, please.

गोपनीय

Government of Himachal Pradesh
Department of Social Justice & Empowerment.

10/01/19
3/01
No. SJE-A-F(10)-1/2019

Dated Shimla -2, the

June, 2019

NOTIFICATION

The Governor, Himachal Pradesh is pleased to notify "Scheme for Rehabilitation Support to Minor Victims of Rape, Child Abuse & Objectification Background" as per Annexure "A" with immediate effect.

By Order

(Nisha Singh)

Addl. Chief Secretary (SJ&E) to the
Government of Himachal Pradesh.

Endst. No. SJE-A-F(10)-1/2019

Dated: Shimla -2, the 29 June, 2019

Copy forwarded for information and necessary action to:-

1. All Administrative Secretaries to the Govt. of H.P.
2. All the Heads of Departments in Himachal Pradesh.
3. Secretary, State Legal Services Authority, SDA Complex Kasumpti Shimla-9.
4. All Deputy Commissioners Himachal Pradesh.
5. The Director, Women and Child Development, HP Shimla.
6. The Private Secretary to the Hon'ble Chief Minister, HP.
7. The Private Secretary to the Chief Secretary to the HP Govt. Shimla-2.
8. All District Superintends of Police Himachal Pradesh.
9. All Chief Medical Officers in Himachal Pradesh.
10. All Programme Officers, Himachal Pradesh.
11. The Controller, P&S, HP Govt. Press Shimla for publication in the Rajpatra.
12. Guard file.

(T.R. Parmar)

Under Secretary (SJ&E.) to the
Government of Himachal Pradesh

Application form

1. Name of the affected Child
2. Date of Birth of the affected Child
3. Sex of the affected Child (a) Male (b)Female
4. Name of the Parents (a) Father
(b) Mother
5. Address
6. Date and time of the incident
7. Type of the Crime
8. Place of the incident
9. Whether the Crime has been confirmed/established or not
If Yes, a copy be enclosed
10. Name and details of the Applicant
(if the application is made on behalf of or on death of the affected Child)
11. Relationship with the affected Child (Legal Heir or any other, Specify)
12. Whether FIR has been lodged?
If yes; enclose a copy of the FIR

If No; give reason thereof
13. Whether Medical examination has been done? If yes, enclose medical report
14. Enclose death certificate (where application is filed by legal heir)
15. Details of Bank Account

Dated:

Signature of the applicant

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