



In the running of children's homes the rules that apply or do not

Posted at: 09/08/2018

Highlights

In the wake of Muzaffarpur and Deoria, Minister Maneka Gandhi wants social audits of 9,000 children's homes. Protocol, SOPs were developed only recently, and remain largely unverified.

- In July 2007, a decade before the sexual exploitation of girls at the Muzaffarpur and Deoria shelters came to light, a sting by the Hindi daily Hindustan had revealed that several NGO- and state-run orphanages in Mahabalipuram in Tamil Nadu were facilitating the sexual abuse of children by foreigners and Indian tourists in exchange for money.
- Two months later, the report became the basis of a PIL in the Supreme Court; in its order of May 2017, the court mandated sweeping institutional and procedural reform in the running of childcare institutions — from requiring them to be registered under the Juvenile Justice (Care and Protection of Children) Act (JJ Act) to laying down provisions for social audits and inspection committees.
- The continuing instances of sexual exploitation of women and children in shelter homes, however, indicate the situation on the ground is yet to change.
- The construction and running of the homes is entirely a matter for the states — done either by state governments themselves or through NGOs they appoint.
- Much of the funding, however, comes from the Union Ministry of Women and Child Development, which also has the power to monitor the overall working of these homes.
- A host of working women's hostels, one-stop centres for women affected by physical or sexual violence, Swadhar homes for widows and the destitute, Ujjawala homes for trafficked women, and Child Care Institutions (CCIs) for abandoned, rescued, or orphaned children function under the aegis of the Ministry.
- For effective implementation of the JJ Act, the Centre financially supports the running of the CCIs under the Integrated Child Protection Scheme.
- A mapping of CCIs across the country, carried out for the first time in 2017, showed almost half of them to be unregistered, despite the 2015 JJ Act requiring them to be registered within six months of the law coming into force.

National Commission for Protection of Child Rights (NCPCR) this year found 1,339 CCIs of the total 7,189 that could be identified across the country, to be unregistered.

Role of the Centre

- While the Centre has no direct role in the running of these homes, it does have a supervisory role as it provides the funding.
- In addition to the inspection carried out by the child welfare committees and the district and state level inspection committees, the central government has the power to carry out social

audits and to take action against those found to be non-compliant.

- Under the JJ Act, resident facilities for children in conflict with the law are to be inspected by Juvenile Justice Boards at least once in a month, and for other children, by the Child Welfare Committee at least twice a month, in addition to visits by state- and district-level inspection committees once in three months.
- The Supreme Court had directed that the setting up of the inspection committees should be completed by July 2017.

Protocol, SOPs

The protocol for social audits and inspection committees was developed after the SC's order. The standard operating procedure (SOP) for "escaped/runaway/sexual abuse/death of children in CCI" was released by the NCPCR recently.

- The SOP for the first time lays down the procedure to deal with physical, sexual or emotional abuse in CCIs.
- Corporal punishment is punishable by up to three months in jail, and "cruelty to child" by up to five years.
- Sexual offences can attract life imprisonment under the Protection of Children from Sexual Offences (POCSO) Act, 2012.

And yet, whether these mechanisms are in place remains unverifiable, because several states are yet to conduct inspections or social audits of their CCIs. Also, the model social audit proforma for children's homes only examines whether there is a written child protection policy, adherence to it by staff, whether complaint systems are in place, and the measures taken to prevent such abuse — but there is no mechanism to record the lived experiences of the children themselves.

Source: [The Indian Express](#)

