



THE REPORT OF THE COMMITTEE

For

Analysing Data of Mapping and Review Exercise of Child Care Institutions under the Juvenile Justice (Care and protection of Children) Act, 2015 and Other Homes

Volume-I: Main Report



September 2018

Ministry of Women and Child Development
Government of India





Government of India
Ministry of Women and Child Development

The Volume-I (Main Report) of the Report of the Committee for Analysing Data of Mapping and Review Exercise of Child Care Institutions under the Juvenile Justice (Care and Protection of Children) Act, 2015 and Other Homes, constituted by the Ministry of Women and Child Development on 2nd May, 2017 Vide Communication No. CW-II11/13/2015-CW-II is submitted herewith containing pages 1-329 on this day of 06.09.2018.

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Smt. Maneka Sanjay Gandhi



नए समाज की ओर
Towards a new dawn



MINISTER

**Ministry of Women and Child Development
Government of India**

September 2018

Message

The Ministry of Women and Child Development has a singular aim, to see all children in this country grow and bloom to their full potential in a caring family, community and society. Our mandate, however, also brings us face to face with several realities that children have to encounter on a daily basis which render them alone, homeless, abandoned abused and exploited. It is, in these circumstances that children come into the Juvenile Justice (JJ) System. They become thereafter the responsibility of every single stakeholder within the system. In order to ensure that this system works in that direction, we have created a strong policy and legal framework, detailed in the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Rules framed thereunder, which provide guidelines to all stakeholders on their respective roles and responsibilities.

Child Care Institutions (CCIs), while being the last possible resort for safety and shelter for any child and the least desirable for long term or permanent placement, are the critical component of the JJ system, designed to provide a safe space where a child can recover from trauma, regain trust and gain skills to negotiate with the world outside the CCI. As per the JJ Act 2015, and JJ Model Rules, 2016, all CCIs, whether funded by Government or not, need to ensure safety, security, dignity and well-being of the children in the best child friendly manner as per the prescribed standards of care.

Unfortunately, our experience of engaging with the JJ system, families, and community at large, has amply shown us that the system, especially CCIs, very often fail at providing the basic care and protection that they are mandated to do. It was brought to my notice that despite CCIs being in existence for decades in some form or the other, no attempt had been made to map these CCIs or assess standards available in them. We undertook this daunting task, as it was imperative to do a stocktaking of what exists and in what form for protection of the most vulnerable children.

I am happy that we have had the courage to take this first step and particularly pleased that we have comprehensively and persistently undertaken this mapping and review exercise of CCIs/Homes across the country. I also hope and expect that this will now act as a catalyst for an annual exercise, both at the National and State level.

I would urge all concerned to focus, not on the numbers but instead on the stories that these numbers are telling us. I look forward to seeing concrete steps being taken to address the issues that have emerged so that a stronger, more sensitive and responsive child care system is created.


(Smt. Maneka Sanjay Gandhi)
Minister, MWCD



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Dr. Virendra Kumar



MINISTER OF STATE
Ministry of Women and Child Development
Government of India

September 2018

Message

The Constitution of India provides that the State shall direct its policy towards ensuring “that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment”. This clearly indicates that children deserve the highest priority in national realization of Fundamental Rights.

There are many children in this country who lack a stable home and family. They become vulnerable thereby to adverse situations like destitution, exploitation, abuse, torture, etc. In this connection, Childcare Institutions such as Children Home, Open Shelter, Observation Home, Special Home, Place of Safety, Specialized Adoption Agency, etc. play a crucial role by providing a safe space for the child to grow and develop. It is, therefore, essential that these institutions are run as per the detailed norms and provisions laid down in the JJ Act, 2015 and Rules framed thereunder.

The concluded Mapping and Review Exercise is therefore a step in the right direction as it presents a status report on the Child Care Institutions running in the country currently. Based upon findings, State/UT Governments can understand both, the existing need and gaps and take steps to address these. I am confident that the report will be used constructively by all stakeholders to ensure better care of children in the Juvenile Justice System.



(Dr. Virendra Kumar)
MoS, MWCD



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Towards a new dawn

Shri Rakesh Srivastava



SECRETARY

**Ministry of Women and Child Development
Government of India**

September 2018

Foreword

Children are the future of a nation and the foundation stone on which a strong, dynamic and vibrant country can be built. A conducive and enabling environment can help them blossom in every sphere of their life. It is our onerous responsibility to provide them with the care and a life free from abuse, violence, neglect and exploitation in order to help them to grow and prosper.

There are many children in our country who grow up in Child Care Institutions instead of nurturing and stimulating environment. Many of them have been through grave life experiences-loss, abandonment, death of loved ones, violence and neglect. These children often suffer from structural neglect, which may include minimum physical resources, unstable staffing patterns and socio emotionally inadequate caregiver-child interactions. Thus, children exposed to institutional care do not receive the type of care needed for growth in all dimensions. The institutionalization of children when necessary should be in the best interest of children, and aimed at educating, rehabilitating and preparing children for their re-integration into the society upon release. It is important that children should be treated with respect and dignity, focusing on the development of their potential and capabilities.

Various stakeholders such as Governments, SAAs, CCIs/Homes etc. are working for the benefit of children who are the victims of many unfavorable situations. The present report is a step in this direction to create a National database on functioning of the CCIs in the country based upon their legal status, staffing, facilities, support systems, funding, management, adherence to norms and standards, etc. A pan India mapping has been done including 33 States/UTs. This report itself is a remarkable feat as it will provide information on the functioning of the CCIs/Homes, registered as well as unregistered under the JJ Act, right up to the district level. It will be of great use to Governments, both at National and State level, to understand the functional status of the institutions and work out action plans, as required, for improving the working pattern of the CCIs and its children care services. This will undoubtedly benefit the children in the years to come.



(Rakesh Srivastava)
Secretary, MWCD



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Smt. Ratna Anjan Jena



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STATISTICAL ADVISER
Ministry of Women and Child Development

September 2018

Preface

Children are a valuable asset of our society as they are tomorrow's youth, and the future citizens of the country. A loving and caring family is the best place for their nurture and culture. However, a huge number of children falls outside the protective shield of the family due to their vulnerabilities, and at times, come in conflict with the law, and land up in Child Care Institutions and Homes as the last means of safety and shelter; the least desirable for long term or permanent settlement of any child. It is, therefore, necessary that these institutions provide the services and support that are needed for the holistic and integral development of such children.

There have been various instances, wherein the living conditions of children in CCIs are compromised on living space, sanitation and hygiene, privacy, etc. Realizing this, the Hon'ble Supreme Court of India vide order dated 7th, February 2013 in Writ Petition (CRL) No. 102 of 2007 in the matter of EXPLOI. OF CHILN. INJ ORPH IN ST. OF TN V/s Union of India & Ors, directed that all Child Care Institutions (CCIs) be registered under various provisions of the Juvenile Justice (Care and Protection of children) Act, 2000, and directed the Govt. of India to undertake a mapping exercise of all CCIs in the country. This was to ensure that CCIs/Homes thereby fall under the mandate of the legislation and ensure the standards of care detailed therein. Under this directive, the Ministry of Women and Child Development (MWCD) urged States / UTs not only to identify and register the CCIs/Homes,

but also to establish adequate monitoring mechanisms as prescribed under JJ Act and Rules framed thereunder, with itself undertaking the task of Mapping & Review of Child Care Institutions under the JJ Act & Other Homes in all the districts of the country.

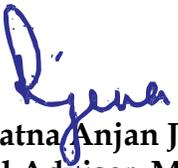
The National Mapping Exercise involved visits of all the CCIs/Homes in every district across the country during 2016 and collected information on legal status as well as standards of care, and also, ascertained whether children residing in Swadhar and Ujjawala Homes were being connected with the JJ system for care and protection. The overall objective was to create a detailed fact sheet and database of CCIs/Homes in the country providing a long term or residential care for vulnerable children. The present report, the outcome of the analysis of data generated through this mapping exercise, assumes significance due to the fact that a National Database on functioning of CCIs/Homes (including their legal status), staffing pattern, facilities and support systems for children, functioning, funding and financial management, adherence to norms and rules, etc. has been created for the first time.

The study undertaken in January, 2016 and completed in the month of March, 2017 has reviewed 9589 CCIs/Homes (registered/unregistered); 91 per cent of which are run by non-government organizations, and only 9 per cent are government supported. Thirty two per cent of CCI/Homes were registered under the JJ Act whereas thirty three per cent did not have any legal status; rest of the CCI/Homes were either registered under other Act/Scheme or had applied for registration under JJ Act. It has thus become imperative for the government to see that institutions currently functioning without any legal status are brought under the ambit of the rules and regulations. The details on children staying in the institutions has revealed that there were 3,70,227 numbers of Children in Need of Care and Protection (CNCP) and 7422 numbers of Children in Conflict with Law (CCL). It was found that a large number of children of single parents was residing in the CCIs/Homes; the others included orphans, abandoned, surrendered, sexually abused, victims of child pornography and child marriage, trafficked, homeless, mentally challenged children, etc. There is a huge pool of children living in CCIs/Homes who need to be brought under non-institutional care. Analysis of the data revealed that the most of the CCIs/Homes need to look into matters of improving their infrastructure, human resources, administrative capabilities, etc. to provide better

care and protection to the children staying in the institutions. The study has also revealed that it is in the realm of monitoring, staff capacity building and establishing protection mechanisms (including enforcing discipline) that the maximum inputs are required urgently.

The Committee has received constant support and encouragement from Hon'ble Minister, Hon'ble MoS, and Secretary of Ministry of Women and Child Development while analyzing the data and writing the report. The task of intense analysis of the data taken up by Shri Rohit Parasar, Consultant, Statistics Bureau of this Ministry is well appreciated. The committee has received full co-operation and valuable inputs from its members, namely, Dr. Anjaiah Pandiri, ED, Childline India Foundation, Prof. Dolly Arora, Indian Institute of Public Administration and Dr. Sanghamitra Barik, National Institute of Public Cooperation and Child Development. The help and assistance received from Ms. Manju Mary Paul, AD, Ms. Lakhmi, Consultant, Ms. Apurva, Intern of Statistics Bureau, and, Dr. Harleen Walia, DD, Shri Abhay Awasthi and Sh. Raj Kumar of Childline India Foundation, and the team of *Independent Thought*, is gratefully acknowledged. The development of analytical framework of all chapters and finalization of the report to its present shape was done under my overall supervision and guidance.

The various parameters of statistics developed in the analysis has brought out the broad picture of the existing conditions of CCIs/Homes, and, also thrown light on the environment in which the children are housed, indicating urgent need for intervention in all aspects to better their living conditions and safeguard their rights. The actual success of this report will only materialize when the findings and recommendations presented here are carefully utilized by all the stakeholders going a long way in ameliorating the conditions for the neediest and vulnerable children placed in CCIs/Homes. I look forward to a future when a subsequent analysis would reveal that CCIs/Homes in this country are indeed a safe space for such children.


(Smt. Ratna Anjan Jena)
Statistical Adviser, MWCD

Government of India
Ministry of Women and child Development

THE REPORT OF THE COMMITTEE

(Main Report: Volume I)

For

**Analysing Data of Mapping and Review Exercise of Child Care
Institutions under the Juvenile Justice (Care and Protection of
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Constituted by the Ministry of Women and Child Development, on 2nd May
2017 Vide Communication No. CW-II/13/2015-CW-II



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List of Abbreviations

AC	Adoption Committee
AIDS	Acquired immunodeficiency syndrome
A&N	Andaman and Nicobar
AJJP	Adherence to Juvenile Justice Protection
AP	Adoption Performance
AR	Annual Report / Audit Report
BR	Birth Registration
CA	Chartered Accountant
CARA	Central Adoption Resource Authority
CC	Children's Committee
CCC	Child Care Corpus
CCI	Child Care Institution
CCL	Children in Conflict with Law
CIF	CHILDLINE India Foundation
CNCP	Child in Need of Care and Protection
CPP	Child Protection Policy
CPG	Child Protection Guidelines
CPS	Child Protection Services
CPSU	Central Project Support Unit
CSE	Commercial Sexual Exploitation
CSR	Child Study Report
CWC	Child Welfare Committee
DA	District Administration
DCPU	District Child Protection Unit
DIC	District Inspection Committee
DO	District Officer
DLSA	District Legal Services Authority
DM	District Magistrate
DSFAC	District Sponsorship and Foster Care Approval Committee
FAQs	Frequently Asked Questions
FCRA	Foreign Contribution Regulation Act
FGD	Focus Group Discussion
FIR	First Information Report
HIV	Human Immunodeficiency virus
HM	Home Management
HMC	Home Management Committee
HR	Human Resource
HRD	Human Resource Development
HSR	Home Study Report
HQ	Head Quarter
IA	Inspection Audit
IC	Inspection Committee

ICP	Individual Care Plan
ICPS	Integrated Child Protection Services
IIPA	Indian Institute of Public Administration
ITI	Industrial Training Institute
JJ Act	Juvenile Justice (Care and Protection of Children) Act
JJB	Juvenile Justice Board
J & K	Jammu and Kashmir
MER	Medical Examination Report
MHS	Mental Health Services
MIS	Management Information System
MWCD	Ministry of Women and Child Development
NCPCR	National Commission for Protection of Child Rights
NHRC	National Human Rights Commission
NITI Aayog	National Institution for Transforming India
NGH	Non-Government Homes
NGO	Non- Governmental Organization
NCT	National Coordinating Team
NCU	National Coordinating Team
NSDC	National Skill Development Corporation
PAPs	Prospective Adoptive Parents
PCMA	Prohibition of Child Marriage Act
POCSO	Protection of Children against Sexual Offence
PLV	Para Legal Volunteers
RA	Recreational Activity
R & M	Review & Mapping
RRC	Regional Resource Centre
SA	Social Audit
SAA	Specialized Adoption Agencies
SARA	State Adoption Resource Authority
SCA	State Coordinating Agency
SCPCR	State Commission for Protection of Child Rights
SCPS	State Child Protection Society
SDM	Sub-divisional Magistrate
SH	Shelter Homes / Special Homes
SIR	Social Investigation Report
SPSS	Statistical Package for Social Sciences
TC	Transgender Children
TG	Transgender
ToR	Terms of Reference
UN	United Nations
UT	Union Territory
VCP	Victims of Child Pornography
VLCPC	Village Level Child Protection Committee
WCD	Women and Child Development

Chapter 1

Executive Summary



नए समाज की ओर
Towards a new dawn

Chapter 1 : Executive Summary

1.1. The study of the Mapping Exercise of the Child Care Institutions(CCI)/Homes throws light on a critical component of the Juvenile Justice System i.e. functioning of CCI/Homes across the country, in the context of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Rules framed thereunder.

1.2. The present study report is based on data collected through the National Mapping Exercise covering all CCI/Homes except 34 CCI/Homes in Uttar Pradesh. These were not mapped in accordance with the request from the State Government. This data pertains to the year 2016 during which the Mapping visits were conducted. This cross sectional data might have undergone some changes after 2016. The importance of the findings provided in this report lies in the facts and indications that have been thrown up rather than the numbers being generated. The details of scenario captured by these statistics are expected to provide necessary guidance to all stakeholders regarding improvements required in policy formulation and implementation in future.

1.3. This report is based on both quantitative and qualitative data gathered from the CCI/Homes. Structured interview schedules, focused group discussions with children, an observation checklist and a verification checklist for collecting corroborative documents were used to collect information during the visit. These covered a range of parameters related to CCI/Homes, mandated by norms in the JJ Act and Rules.

1.4. General Awareness was created amongst all stakeholders, including District administration, staff in CCI/Homes, and review teams through the mapping exercise.

1.5. The District Administration has, through its representatives in the Review Teams, become fully cognisant of the existence, functioning and standards of both registered and non-registered CCI/Homes in their respective Districts.

2. Key Highlights

2.1. Prior to the exercise, data base of only 2135 homes were available, which included Swadhar and Ujjawala homes also. The present study has emerged with a database of 9589 CCIs/Homes functioning, apart from 34 CCIs/Homes of Uttar Pradesh, which were not mapped.

2.2. A list of registered and unregistered CCIs/Homes under the Juvenile Justice Act, 2015 has emerged from the study, as follows; in the year 2016, about 32% (3071) CCIs/Homes were registered under the JJ Act; 15% (1,487) had applied for registration; 16.5% (1,585) were registered under any other scheme; while 33 % were Unregistered CCIs/Homes.

2.3. Other pertinent information include *inter alia* details regarding victims of Child sexual abuse housed in CCIs/Homes, orphan, abandoned, surrendered children who need to be de-institutionalized and prioritized for non-institutional care such as foster care, sponsorship and adoption, functioning of management/children and inspection committees, availability of infrastructure and staff, methods of disciplining etc.

3. Profile of CCIs/Homes

3.1. The study included information received from various categories of CCIs/Homes across the country. The nationwide figure reflects that among the total Homes mapped (9589 Homes), there are 66.4% (6368) Children Homes, 3.9% Shelter Homes (373), 3.5% Specialised Adoption Agency (336 SAA), 2.9% Observation Homes (278), 0.5% Special Homes (52), 1.9% Swadhar Homes (185), 1% Ujjawala (110), 1% Place of Safety (8) and 0.1% Combination Homes (10) nationwide. The JJ Act does not include any provision for Combination homes, however this category was created during the mapping exercise to highlight the existence of CCIs/Homes of disparate purpose coexisting in the same premise, despite it being a violation of law, for example Observation and Special homes operating in the same premise. The remaining 19.5% (1869) are 'Other Homes' which include all those CCIs/Homes which should have been registered under the JJ Act, however are unregistered and functioning as registered under Orphanages and Charitable Institutions Act or Women and Child Licensing Act or Cottage Homes.

3.2. Out of a total number of 9589 CCIs/Homes studied, 8744 CCIs/Homes i.e. 91% of the total CCIs/Homes, are run and managed by Non-Government Organisations, whereas, 845 CCIs/Homes i.e. only 9% are Government supported Homes.

3.3. Out of the 336 SAAs covered all over India in the study, 20.2% are Government run SAAs and 79.8% are non-government run SAAs.

3.4. Amongst the 9589 CCIs/Homes covered some States/UTs have more than 1000 CCIs/Homes, such as Kerala and Tamil Nadu. On the other hand, there are other States/UTs which do not even have one home of every kind in the entire State. The ratio of children versus number of home further strengthens the idea that there is a need for rationalization of CCIs/Homes that requires deeper analysis and systematic planning.

3.5. Tamil Nadu has the highest number of CCIs/Homes with total of 1,647 CCIs/Homes, followed by Maharashtra with 1,284 CCIs/Homes and Kerala with 1,242 CCIs/Homes. These three States account for 4173 (43.5%) CCIs/Homes across the country.

3.6. 'Children Homes' are the highest in number at 6368, there are lesser number of 'Shelter Homes' (373 CCIs), 'SAAs' (336 CCIs) and 'Observation Homes' (278 CCIs). In the categories of CCIs, the lowest in numbers are 'Place of Safety' (8 CCIs) and 'Special Homes' (52 CCIs).

3.7. Even though registration is mandatory, it is found that only 32% (3,071) of the total CCIs/Homes across the country are registered under the JJ Act. This shows that a majority of CCIs/Homes remain outside the purview of the Act. Standards of Care and protection in such unregistered institutions remain unmonitored which is clearly an issue of concern. In Sikkim approximately 96% of CCIs/Homes are registered under JJ Act followed by 73.42% in Haryana and approximately 69% in Goa. Conversely, Kerala, Jharkhand, West Bengal and Jammu & Kashmir have large numbers of unregistered CCIs/Homes.

3.8. Across the country, the total CCIs/Homes which are at a distance of less than 10 km from district headquarter (HQ) are 3380 in numbers whereas, those within 10-20 km distance are 1534. CCIs/Homes located more than 20 km away from District HQ are 4675 in number. In this respect, 93% of CCIs/Homes in Bihar are located at a distance of less than 10 km from the District HQ,

whereas in Kerala, only 15.9% of the CCIs/Homes are located at a distance of less than 10 km from district HQs. About 64.9% of Kerala's CCIs/Homes are found to be located more than 20 km away from district HQ. An encouraging finding however is that in spite of the CCIs/Homes being situated at quite a distance, majority of the CCIs/Homes in most of the States/UTs are easily accessible for district authorities/service providers.

4. Profile of Children in CCIs/Homes

4.1. The different categories of children residing in the CCIs/Homes included Children who are Orphan, Abandoned, Surrendered, Sexually Abused, Victim of Child Pornography, Trafficked for domestic work, Trafficked for labour/Rescued from Labour, Trafficked for Commercial Sexual Exploitation, Victims of Child Marriage, Children affected and infected by HIV/AIDS, Children affected by natural disasters as well as manmade disasters and conflict, and Homeless, Runaway/Missing, Mentally and Physically Challenged Children.

4.2. In all the 9589 CCIs/Homes covered under the study, it has been found that there are 7422 children in conflict with law (CCL), including 5617 are boys while 1805 are girls. The number of Children in Need of Care and Protection (CNCP) have been found to be 370,227 of which 199,760 are boys, 170,375 are girls and 92 are transgender children.

4.3. A database has emerged regarding orphan, abandoned, surrendered children who need to be de-institutionalized and prioritized for non-institutional care such as foster care, sponsorship and adoption. Amongst these there are 5,931 children below the age of 0-6 years (2,966 orphans, 1,763 abandoned and 1,209 surrendered) who can be connected with the adoption process. Besides these there are 50267 orphan, abandoned and surrendered children in the age-group of 7-18 years. Of these 38,765 are orphans of which Tamil Nadu and Maharashtra alone have 10,745 (27.7%). Tamil Nadu also has the highest number of abandoned children in this age-group, which is 1326, residing in CCIs/Homes.

4.4. The number of children residing in CCIs/Homes who are victims of Sexual Abuse and/or pornography are 1575 (1286 girls and 286 boys) and, 189 (40 girls and 149 boys) respectively. It

needs to be clarified here that categories are overlapping therefore a child maybe a victim of both the abuses. It is also seen that certain categories of children are found in larger number in certain States/UTs however reasons for the same are not in the purview of this study. One reason could be higher awareness and reporting of these matters in the States/UTs concern. For instance it is seen that the number of children who are more vulnerable often go unnoticed such as children affected by disability, medical conditions or those who are transgender. Some of the striking examples of the above are as below:

- a. Similarly, Karnataka, Telangana and Chhattisgarh have the highest rate of child pornography victims residing in the CCIs/Homes whereas, the CCIs/Homes in Karnataka, Delhi and Telangana have a high percentage of victims trafficked for domestic labour.
- b. In Arunachal Pradesh, 80% of the total occupancy consists of orphan boys and girls, the highest compared to the other States/UTs. The State also has a high percentage of child marriage victims residing in CCIs/Homes.
- c. The highest percentage of occupancy of girls is seen in Tamil Nadu with 16.12 per cent (4337 nos.), followed by Maharashtra with 11.72 percent (3154 nos.); whereas amongst the major States/UTs, the lowest percentage at less than 1% of occupancy of girls can be seen in Himachal Pradesh, Arunachal Pradesh, Tripura, Uttarakhand, Chhattisgarh and Punjab.
- d. All transgender children housed in CCIs/Homes of Maharashtra are orphans.
- e. The study has shown, the highest percentage of abandonment for both boys and girl with respect to the age groups of 0-6 and 7-18 years is found in Madhya Pradesh and the State also sees a high occupancy of child marriage victims.
- f. Tamil Nadu has the maximum number of children with single parents in its CCIs/Homes.
- g. The children who are victims of trafficking for domestic work, labour and commercial sexual exploitation are mostly housed in the states of Andhra Pradesh (554).

5. Standard of Child Care Facilities

5.1. An analysis has been done regarding the facilities for children *inter alia*; including individual bedding, proper nutrition and diet including special meals, toys for the children, hygiene and maintenance of the CCI/Homes, clean and sufficient water, health assessment at the time of admission and regular check-ups, special measures for children with special need, educational facilities based on the age and special needs of the child. It was found that these were not being adequately and satisfactorily addressed in many CCIs/Homes resulting in a failure to provide even the basic services to the children residing there.

5.2. Age and gender segregation, it is seen, has been sufficiently addressed by the States of Jammu and Kashmir Punjab and Goa with 87%, 85% and 16% of their CCIs/Homes respectively ensuring the same.

5.3. In terms of appropriate 'child-caregiver ratio', the data shows that CCIs/Homes of Chandigarh (with 88%), Tamil Nadu (86%) and Andaman & Nicobar Island (82%) are fulfilling this norm to a high degree whereas, States/UTs like Nagaland (7%), Puducherry (8%) and Sikkim (9%) have less than 10% of such CCIs/Homes.

5.4. In Meghalaya, 50% of CCIs/Homes have a written Child Protection Policy (CPP), which all the staff have to adhere to, followed by Odisha (47%), and Haryana (46%) being the States with highest number of such CCIs/Homes. None of the CCIs in Andaman & Nicobar and Chandigarh have such a policy in place. The situation across the country in this aspect is not ideal. The data with respect to training of staff on Child Protection Policy is obviously not favourable.

5.5. Another area of concern is the non-establishment of various mechanisms for grievance redressal including management and children committees. Most such mechanism are not in place in many CCIs/Homes, thereby limiting and/or eliminating options available for children to express their views and concerns to the appropriate authorities. Not only does this create a vulnerability to abuse it is also against the basic principles of the JJ Act.

5.6. Even though methods to tackle and deal with indiscipline behaviour have been listed in the JJ Rules, the common practices followed in almost all CCIs/Homes can be categorised as forms

of corporal punishment. This aspect needs to be corrected immediately in accordance with the principles enshrined in the JJ Act and Rules. CCIs/Homes in Chandigarh, Andaman & Nicobar and Nagaland it may be mentioned, are employing less harsh methods of disciplining as compared to other States/UTs.

6. Human Resource

6.1. With respect to the adequacy of staff, as per the norm, the highest percentage of CCIs/Homes reporting that is found in Delhi with 22.8% followed by Nagaland at 13.3% and Chandigarh at 13.1%. The lowest percentage can be seen in CCIs/Homes of Sikkim with 1.2% followed by Rajasthan with 2.3%.

6.2. There is also a shortage of adequate staff both as per the norm and as per sanction across all the CCIs/Homes in India.

6.3. The data shows the existence of numerous vacancies for staff in the CCIs/Homes. The fact that some States have high vacancies (e.g. over 4000 in one state) raises serious concern with regard to the standards of care within their CCIs/Homes.

6.4. From the data available, in States/UTs like J&K and Chandigarh over 90% of CCIs/Homes have staff staying back within the campus. While in States/UTs like Madhya Pradesh and Himachal Pradesh, less than 50% of CCIs/Homes reported that senior managers stay back within the campus. There were many CCIs/Homes where the superintendent/ Person-in-charge did not stay back for which no suitable reason was found. It also raises the additional question of care and protection of children in the absence of the supervisor in night.

7. Physical Infrastructure

7.1. Analysis has been done on the various aspects of infrastructural facilities available in CCIs/Homes, such as, class rooms, dormitory, counselling room, recreation room, sick room, library, visitors' room, vocational training workshop room, dining hall, store room, record room, office room, staff residence, bath room, toilets/latrines and rooms dedicated for the sitting of the members of CWC/JJB.

7.2. The analysis also shows the non-availability/lack of security measures, such as, a boundary wall, fencing and a strong structure to ensure the safety of children and staff within the premises of many CCIs/Homes. The highest percentage of positive responses reported for fencing could be seen in Chandigarh at 87.5% followed by Goa with 85.7% with the lowest number of CCIs/Home reporting the same being seen in Puducherry at 64.8%. With regard to fencing, boundary wall and strong structure in CCIs/Homes, it is seen that 51.1%, 25.5%, 24.6% CCIs/Homes respectively do not have provision for the same.

7.3. With regard to the availability of separate residential facilities including sleeping and bathing facilities for staff and children, CCIs/Homes of Puducherry (94.5%), Punjab (90.4%) and Goa (90%) have provided the same as per norm in most CCIs/Homes.

7.4. Privacy and safety of children are cause of concern, especially in CCIs/Homes that do not have adequate safety and security measures for children, including privacy in toilets and bathing areas. In some CCIs/Homes, bathrooms are not available for children exclusively; bathrooms/bathing areas and toilets/latrines are also not available for boys and girls separately. About 10 percent of the CCIs/Home across country do not have separate toilet facilities for young children/toddlers.

8. Adherence to Juvenile Justice (Act and Rules) Procedure

8.1. The analysis reveals that CCIs/Homes of Jammu & Kashmir, Himachal Pradesh, Kerala and Andhra Pradesh had the lowest performance with respect to initial production and periodic production of all children before CWC / JJB. Besides these, home maintenance and master admission registers are not maintained.

8.2. The study shows that the Individual Care Plan (ICP) of the child is being prepared in 76 per cent of CCIs/Homes in Mizoram whereas, Jammu Kashmir report no such adherence in any CCIs/Homes. The Social Investigation Report, monthly data about children to SARA/DCPU are not being prepared/sent as well and efforts to trace the biological family / guardian of the child is also not seen in many CCIs/Homes.

8.3. Reporting of cases by the SAA to the relevant authority in respect of admission, restoration, repatriation and transfer is highest in Mizoram, Chandigarh and Delhi.

8.4. Reporting on adoption, pre adoption foster care and foster care is highest in the States/UTs of Madhya Pradesh, Telangana and Uttarakhand.

8.5. Documentation and Record keeping is not taken very seriously in many of the CCIs/Homes. However, reasons for not maintaining and updating the relevant document either online or through alternative systems, and the effect of non-maintenance of records on the overall performance of the CCIs/Homes and the care of children were out of the scope of this mapping exercise.

9. Adoption Performance

9.1. The Child Study Report and the Medical Examination Report with relevant details of the child should be immediately uploaded and updated online. At national level out of 336 SAAs mapped, only 230 are preparing CSR and 229 are preparing MER.

9.2. Besides the administrative functions carried out by SAAs, reporting of illegal adoptions and procurement of children is an extremely sensitive issue that calls for diligence and pro-activeness. The percentage of CCIs/Homes that lodge complaints against illegal adoption was highest in Andhra Pradesh at 75%, followed by West Bengal at 68% and Delhi at 62.5% whereas the lowest percentage was seen in Chhattisgarh at 9.1%.

9.3. SAAs have responsibilities towards children, biological parents and the PAPs by providing counselling services and assistance at all times to help at various stages of adoption. SAAs are also required to help in preparing the parties involved in adjusting to a new life avoiding disruptions and to deal with root searches. However the data shows that this is not being diligently done by over 40 % of the SAAs.

9.4. There must be regular enquiry conducted before and after adoption through existing mechanisms such as HSR. In this regard, Haryana and Punjab have performed as per norm.

10. Financial Transparency

10.1. Serious limitations were found with respect to financial transparency; as many CCIs/Homes do not have the necessary system for maintaining/documenting financial records in place. Funds, not properly used, collected from donations, and, incorrect or missing financial records are major concerns across CCIs/Homes. On an average, only 57.5% of CCIs/Home submit a copy of Audited account to the competent authorities.

10.2. The 9589 CCIs/Homes receive funds through various sources, which in some case may include Government, Non-Government or other sources. However if calculated on the basis of a particular funding source, about 56.8% of them receive funds through individual donation; 42.3% receive funds through government grants, 14.8% get funds from non-government grants; and 23.4% of CCIs/Homes receive funds from foreign sources.

10.3. Regarding annual audits being carried out by a CA, 74.6% of CCIs/Homes covered, reported adherence whereas 17.2% reported non-compliance. It has been seen that many States/UTs have less than 50 percent of the CCIs/Homes that abide by the submission of financial documents to the appropriate authorities.

11. Inspection Audit

11.1. Though mechanisms for monitoring and assessing the performance of the CCIs exist through Inspection Committee, Child Welfare Committee, Department of WCD/SARA, JJ Committee of the High Court, Commission for Protection of Child rights at National / State level, the data reveals that regular inspections of the CCIs across India are not being carried out by the said authorities with States/UTs. In this respect, Puducherry, Jammu & Kashmir, Manipur, Madhya Pradesh and Tamil Nadu are performing poorly.

11.2. It is necessary that CCIs/Homes are provided with the copies of the inspection recommendations by the inspection committee. However, data reveals that at only 21.3% of the CCIs/Homes across the country have a copy of the inspection recommendations and record of action taken thereafter.

12. Linkages and Coordination

12.1. CCIs/Homes need to be actively involved in networking, coordinating and linking with various professionals, institutions and community based organizations that have expertise in the concerned areas to provide a wide range of services to its children.

12.2. At the national level, data highlights that linkages of CCIs/Homes with external professionals/institutions/community-based organisations is not that encouraging.

12.3. The analysis shows that with respect to 'mental health services' only 33.2% of CCIs/Homes have the necessary linkages; 38.3% for 'educational services'; 27% for 'vocational training'; 49.4% for 'recreational services'; 22.4% for 'health services'; 16.7% for 'legal services'; while only 8.3% of CCIs/Homes have for necessary linkages 'de-addiction services'.

12.4. It has been observed from the data that CCIs/Homes of Delhi, Mizoram, West Bengal have relatively better coordination & linkages with CWC, JJB, CHILDLINE, DCPU, DSFAC, for restoration and rehabilitation of children.

13. On the basis of the analysis of the data mapping and reviewing of CCIs/Homes across the country some suggestions have been made below. However detailed recommendations, detail may be seen in the last chapter:

- a. *Representation:* There must be adequate representation of the different categories of CCIs/Homes under the ambit of the JJ Act and this needs to be done individually by the State Government by surveying the existing number of homes, type of homes, number of children in need of care and protection and the category under which they fall within the scope of the JJ Act.
- b. *Registration:* This must be made compulsory for all CCIs/Homes to register under the JJ Act and the same must be carried out with the help of external agencies, such as, voluntary organizations and NGOs to speed up the process and maintain efficiency.
- c. *Child Protection Policy:* This must be adopted in every CCI/Home, must be explained to and signed by each and every staff, management or adult dealing in any capacity with the CCI.

State Government can enlist the help of child rights organizations and activists/lawyers to frame such policies and hand them over to the concerned officials in the CCIs as well as conduct regular training in case this is required. A thorough screening and background check of all persons concerned with the bodies and institutions under the JJ Act must be carried out as a matter of practice. This should be done at regular intervals also.

- d. *Human Resources:* The staff in the CCIs/Homes (permanent and temporary, full time and part time) need to be properly trained to sensitively and efficiently deal with children and their issues, needs, problems, concerns and safety. Vacant positions must be filled on an immediate basis and, where required, extra staff must be employed to ensure due care and protection to children.
- e. *Designating Substitutes in Case of Need:* Appropriate substitutes must be designated among senior staff members to take charge in the absence of the superintendent or person-in-charge in all CCIs/Homes.
- f. *Record Keeping and Documentation:* This must be carried out as a matter of practice in all Homes/CCIs/Agencies and there must be regular inspection of the same by the relevant State department to ensure transparency.
- g. *Regular Monitoring and Action Taken Reports:* The fact that CCIs that do not even have basic amenities are housing children and running child care facilities where child rights and protection can be easily violated shows a very disturbing trend. Regular inspections by the relevant authorities and appropriate action to address and prevent such situations are necessary. There can be other participatory mechanisms of monitoring to facilitate timely action, such as children committees to raise issue, and reports of these committees being shared with district and state authorities. These should be encouraged to ensure improvement in the condition of children residing in CCIs/ Homes but also the overall functioning of these institutions and their capacity to deliver.

- h. *Ensure Compliance with Procedures*; there must be regular and efficient monitoring of SAA by the SARA to ensure that all adoptions are legal, all required procedures before, during and after adoption are duly followed.
- i. *Action for Transparency*: Independent State-wise intervention by the respective governments with the help of external agencies must be carried out to regularize finances, monitor transactions and bring about transparency in the system.
- j. *Regular Monitoring*: The stakeholders and authorities must conduct regular inspections as mandated and make recommendations and suggestions. They must regularly follow up and monitor the progress made based upon their recommendations and the erring CCIs must be adequately dealt with.
- k. *Networking and Coordinating*: Linkages with external agencies and individuals who are experts in various areas of child care must be encouraged and made mandatory (where applicable). CCIs must have a database under each criteria with names and other essential details of such professionals who can be contacted and whose services can be utilized.

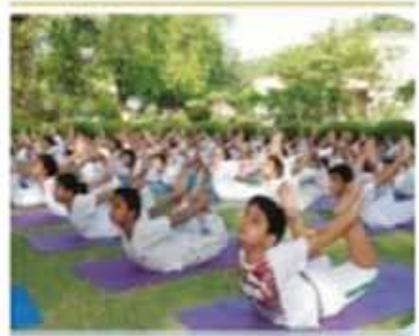
National Snapshot

S.No.		Number	Percentage
1	Total number of States/UTs covered	36	100
2	Total number of district	678	100
3	Number of States/UTs have no home	3	10
4	Total number of district with no homes	98	14.5
5	Total number of homes covered	9589	99
Type of homes			
1	Children Home	6368	66.4
2	Shelter Home	373	3.9
3	Observation Home	278	2.9
4	Special Home	52	0.5
5	Place of Safety	8	0.1
6	Swadhar Home	185	1.9
7	Ujjwala Home	110	1.1
8	SAA	336	3.5
9	Combination Homes	10	0.1
10	Any other Home	1869	19.5
Registration of homes			
1	Number of registered homes under JJ Act	3071	32.03
2	Number of homes applied for registration under JJ Act	1487	15.51
3	Registered under any other Act or scheme	1585	16.53
4	Not legal*	3215	33.53
Category of children			
1	Total number of Children (as per records)**	3,77,649	
2	Children of Single Parent	1,20,118	31.81
3	Orphan	41730	11.0
4	Abandoned	7677	2.0
5	Surrendered	6791	1.8
6	Sexually Abused	1575	0.4
7	Victim of Child Pornography	189	0.1
8	Children Trafficked for Domestic Work	857	0.2
9	Children Trafficked for Labour/Rescued from Labour	1827	0.5
10	Children Trafficked for Commercial Sexual Exploitation	489	0.1
11	Victim of Child Marriage	469	0.1
12	Homeless Children	8573	2.3
13	Runaway/Missing Children	3780	1.0
14	Mentally Challenged Children	10794	2.9
15	Physically Challenged Children	9040	2.4

Note: *231 CCI/Homes responded NA (Not Applicable); **A Child has been grouped into more than one category

Chapter 2

Introduction and Background



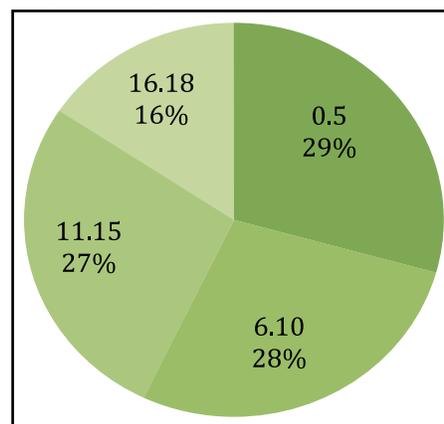
नए समाज की ओर
Towards a new dawn

Chapter 2 : Introduction and Background

I. Introduction

2.1 India has a large population of children, estimated to be roughly thirty-nine percent of the total population (1.21 billion), according to the 2011 census of India. The Government of India has, a huge responsibility to ensure care, protection and development of children through its cross-cutting policies and programmes, spreading awareness about child rights and facilitating access to learning, nutrition, institutional and legislative support to realise their full potential. The percentage distribution of children among the different age groups is reflected in the adjoining figure.

Figure 2.1 Age-wise percentage distribution of children in India



Source: Census 2011

2.2 Children, at times, face certain unfavourable condition and become victims of situations like sexual abuse, trafficking, child marriage, illegal adoptions, pornography, and HIV/AIDS etc.; and also many are found orphaned, abandoned, by their parents. Sometimes, they also come in conflict with law. In these circumstances these children come into the Juvenile Justice System. And all of these children are in need of care and protection. With a huge number of such children, various efforts have been made to put in place robust laws defining the responsibilities which the stakeholders right from government to the Child Care Institutions have towards the children in need of care and protection. The most recent of these being the JJ Act, 2015 and the Juvenile Justice (Care and Protection of Children) Model Rules, 2016.

2.3 However, providing better institutional support to such a huge child population, giving them standard care and services, is a daunting task. The National Institution for Transforming India (NITI Aayog) in its Three Years Action Agenda (2017-2020)¹ acknowledges the non-availability of

¹2017 NITI Aayog, Three Years Action Agenda (2017-18 to 2019-20) <http://niti.gov.in/writereaddata/files/coop/IndiaActionPlan.pdf>

credible data as the major obstacle to design effective policy interventions. The National Plan of Action, 2016² states that children's needs are multispectral, interconnected and require collected action, the plan aims at purposeful convergence and strong coordination across different sectors and levels of governance; active engagement and partnership with all stakeholders; setting up of a comprehensive and reliable knowledge base; provision of adequate resources; and sensitization and capacity development of all those who work for and with children. It also mentions the need for annual online monitoring by states, of the number and per cent of children reintegrated with the parents / community from Institutions under Juvenile Justice (Care and Protection of Children) Act, 2015³ (hereinafter JJ Act, 2015).

2.4 The National Policy for Children, 2013⁴, reiterates India's commitment towards such children in accordance with the Convention on the Rights of the Child and UN Standard Minimum Rules⁵ for the Administration of Juvenile Justice, 1985 (the Beijing rules) by stating that *"the State shall endeavour to secure the rights of children temporarily or permanently deprived of parental care, by ensuring family and community-based care arrangements including sponsorship, kinship, foster care and adoption, with institutionalisation as a measure of last resort, with due regard to the best interests of the child and guaranteeing quality standards of care and protection"*.

2.5 The JJ Act, 2015 and the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 were passed to ensure justice, aiming at rehabilitation and reintegration of children back to the society. On 21.09.2016 the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (JJ Model Rules, 2016) have been notified and published in the Gazette of India, thereby repealing the Juvenile Justice (Care and Protection of Children) Rules, 2007 (JJ Rules, 2007). The Rules are appreciative of the development needs of children and therefore the best interest of the child is the primary consideration. Child friendly procedures are incorporated across the board.

²NATIONAL PLAN OF ACTION FOR CHILDREN, 2016, Ministry of Women and Child Development. <http://wcd.nic.in/sites/default/files/National%20Plan%20of%20Action%202016.pdf>

³<http://cara.nic.in/PDF/JJ%20act%202015.pdf>

⁴The National Policy for Children, 2013. <https://www.childlineindia.org.in/pdf/The-National-Policy-for-Children-2013.pdf>

⁵<http://www.un.org/documents/ga/res/44/a44r025.htm>

2.6 The JJ Model Rules, 2016, prescribe detailed child friendly procedures for the Police, Juvenile Justice Board and Children's Court. Some of these procedures include: no child to be sent to jail or lock-up; child not to be handcuffed; child to be provided appropriate medical assistance; parent/guardian to be informed about legal aid etc. The Juvenile Justice Board and the Children's Court are required to put the child at ease and to encourage him/her to state the facts and circumstances without any fear, after understanding the questions put across in a language understood by the child.

2.7 Various new forms have been added in the JJ Model Rules, 2016 to review the progress of children in Juvenile Justice System and to ensure adequate rehabilitation and restoration services for them. Some of the new forms included in the JJ Model Rules, 2016 are Case Monitoring Sheet, detailed individual Child Care Plan, application for registration of Child Care Institutions, certificate for registration, quarterly report by Juvenile Justice Board/Child Welfare Committee, etc. Further, monitoring provisions have been strengthened.

2.8 In this regard, the Child Care Institutions (CCIs) play an important role in holistic development of children and for making provisions of a favorable child-friendly environment for these children. There is a long history of legislations regarding Child Care Institutions (CCIs). The major legislations are i) The Apprentices Act, 1850, ii) The Reformatory Schools Act, 1897, ii) Probation Acts and Borstal Act, 1929, iii) Children Act, 1960 and iv) Orphanages and Charitable Homes Act, 1960. The present legislation JJ Act, 2015 requires all homes to get registered is an effort to streamline the existing ambiguity in concern to the CCIs/Homes in India. The history of legislations regarding regulations of CCIs/Homes for Children has been given in the Annexure-I.

2.9 Over the years, the focus of care of children has been slowly shifted from institutionalised care to community/family based care. This is reflected in the National Policy for Children that reaffirms the Government's commitment to the realization of the rights of all children in the country. It recognizes every person below the age of eighteen years as a child and that childhood is an integral part of life with a value of its own, and a long term, sustainable, multispectral, integrated and inclusive approach is necessary for the harmonious development and protection of children.

2.10 The Policy lays down the guiding principles that must be respected by the National, State and local Governments in their actions and initiatives affecting children. The Policy has identified survival, health, nutrition, education, development, protection and participation as the undeniable rights of every child, and has also declared these as key priority areas. The policy states: ‘To secure the rights of children temporarily or permanently deprived of parental care, the State shall endeavour to ensure family and community-based care arrangements including sponsorship, kinship, foster care and adoption, with institutionalisation as a measure of last resort, with due regard to the best interests of the child and guaranteeing quality standards of care and protection’.

2.11 There are many challenges, despite best efforts made. A large number of children still require institutional support for either short term or long term. These include: ensuring quality standard care and services while in CCIs/Homes; ensuring a smooth restoration of children back to community/family based care system; the mapping and review of the existing CCIs/Homes in the country was a long pending exercise. The present study is expected to provide information for long term policy reforms to bring about significant changes in the overall management of CCIs/Homes and also provides information whether the rights of children are being safeguarded. Eventually, the best interest of children demands gradual shift towards non institutional / alternative care mechanisms instead of being lodged in institutions.

II. Background of the present study:

2.12 Promoting, protecting and safeguarding the rights of children are the priority areas of the Juvenile Justice System in India. For the first time in 1986, a uniform JJ Act was enacted in India to develop the special and different treatment meant for neglected and vulnerable children. It replaced the Children’s Acts of different states in India. Later it was replaced with the JJ (Care and Protection of Children) Act, 2000 (Amendment 2006) emphasizing upon the care, protection, treatment, development and rehabilitation of the children in a more child friendly manner. It was again replaced by the JJ Act, 2015 with a view to consolidate and amend the law relating to Children alleged and found to be in Conflict with Law and Children in Need of Care and Protection by catering

to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established.

2.13 The JJ System protects the rights of the children viz. right to survival, protection, development and participation. Restoring the child back to his/her family is given utmost importance under this Act. Much emphasis is given, under this Act, on the functions of the institutions and bodies established for that purpose. Hence, service quality provided in the institutions also needs to be assessed to understand the level of implementation of JJ Act. Section 41 of the JJ Act, 2015 provides for the Registration of Child Care Institutions⁶ (CCI). Under the law, all kinds of institutions whether run by state, voluntary or non-governmental organizations that provide housing facilities and services for CNCP or CCL have to be registered under the JJ Act within a period of six months from the date of commencement of this Act. The JJ Act, 2015, promotes the institutionalization of children as the last resort. The institutionalization of children, when necessary, should be in the best interest of them, and aimed at educating, rehabilitating and preparing children for their re-integration into the society, upon release. It is important that while in custody in CCIs/Homes, children should be treated with respect and dignity, focusing on their potential and capabilities as children.

2.14 In order to create a safe, secure and protective environment for children in difficult circumstances, the Ministry of Women and Child Development (MWCD), Government of India, has been implementing the Integrated Child Protection Services (ICPS) across the country since the year 2009-10. The scheme has been revised in the year 2014. The scheme provides financial assistance for creation of new institutional facilities and maintenance of existing institutional facilities for both CCL and CNCP. In addition, the scheme provides for institutional care of children with special needs by supporting a specialized unit within the existing homes or by setting of a specialized shelter homes. However, the scheme does not to provide financial coverage to all the CCIs/Homes functioning across the country. An in-depth understanding of the functioning of various CCIs/Homes, services

⁶Child care institutions is defined in Section 2 (21) JJ Act, 2015 means children home, open shelter, observation home, special home, place of safety, specialized adoption agency, and a fit facility recognized under this act for providing care and protection to children who are in need of such services.

provided to the children in the CCIs/Homes, infrastructure, manpower, safety measures in CCIs/Homes, etc. across the country was necessitated.

2.15 Other than the various aspects of functioning of CCIs/Homes, one of the major issues that have emerged from time to time is the problem of child abuse in the CCIs/Homes. A report by MWCD published in 2007 titled “Study on Child Abuse: India, 2007”⁷ highlighted that many children in institutional care are subjected to physical, sexual and emotional abuses. Hence, other than an exercise on the services provided by CCIs/Homes, it is also required to look into the issues of child abuse in institutional homes.

2.16 The present study has been carried out in the light of the judgment of the Hon’ble Supreme Court of India in the Writ petition (CRL.) No. 102 of 2007 in the Exploitation of Children in Orphanages in the State of Tamil Nadu versus the Union of India & Ors. The Supreme Court took *suo moto* action on this petition and listed it for hearing. The issue was highlighted in the order dated 17/02/2010 where it was stated by the Petitioner that nearly 100 children, brought all the way from the State of Mizoram, were living in unfavourable conditions in an orphanage at Kuzhithurai in Kanyakumari District of Tamil Nadu. Questions of the trafficking children were also raised. Later on,⁸ a more detailed picture emerged and it was alleged that these children below the age of 16 years were illegally transported from the North East States of Manipur and Assam out of which 76 were malnourished. It was found that these children belonging to the Kuki tribe travelled from Manipur with an elderly person. The parents of the children handed them over due to poverty and poor social background, with the thought that the children would be provided with better education and health care, but facts revealed to be otherwise. The trafficked children were initially admitted to school but later on ended up in the child care homes.

2.17 The Hon’ble Supreme Court took a serious note of the situation and issued the following directives on 07/02/2013:

⁷Study on Child Abuse INDIA 2007, Ministry of Women and Child Development Government of India. <https://www.childlineindia.org.in/pdf/MWCD-Child-Abuse-Report.pdf>

⁸Hon’ble Supreme Court of India Order dated 31/03/2010 on the Writ Petition No. 102/2007 “Exploitation of Children in Orphanage” (Annexure- III)

“We are informed that in all States, children homes have been set up by the State as also by the non-Government Organizations. We are also informed that some individuals have also been permitted to open such homes. Therefore, it is necessary that each State conducts a detailed survey with regard to Government/NGO/privately run and controlled children homes and find out as to how many Children’s homes/Fit Institution/Observation homes/Shelter homes/Special homes are working in their respective States.

All these institutions are required to be registered under various provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015. Let a status report be submitted by all the States indicating as to whether any of such institutions are unregistered. In case of unregistered institutions, the status report should also indicate as to what protective measures have been taken by the State Government or the local authority within which such institutions are located, to prevent any abuse of the inmates of these institutions. This indeed is a very serious concern. We, therefore, direct all the States to take utmost care in preparation of the status report.

The States shall also indicate the measures which have been taken for implementation of the scheme under the Right of Children to Free and Compulsory Education Act, 2009 as also the measures which have been taken to eradicate trafficking of children. Under the Protection of Children from Sexual Offences Act, 2012, the States are required to set up Special Courts. The status report shall also indicate the capacity of the children homes, separately for boys and girls, and it shall also indicate as to whether the standard with regard to the nutrition and hygiene are being maintained.

2.18 Based on the direction that all the institutions are required to be registered under various provisions of Section 41 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Ministry of Women and Child Development (MWCD) urged States / UTs to not only identify and register the CCIs/Homes but also to establish adequate monitoring mechanisms for the Homes through Inspection Committees and other Monitoring Committees as prescribed under the JJ Act and Rules, so that the interest of children is better safeguarded. It was suggested that the DCPUs of

the concerned district should ensure 100% registration of child care institutions under the JJ Act, 2015, if they were not registered.

2.19 It was observed that larger number of Child Care Institutions (CCI) remained unregistered. The MWCD took on the herculean task of Mapping & Review of all the CCIs under the JJ Act & Other Homes⁹ across the country. The task of undertaking the mapping and review exercise of CCIs and other Homes were assigned to Childline India Foundation (CIF) and National Commission for Protection of Child Rights (NCPCR).

2.20 Based on mandate, NCPCR and Childline India Foundation (CIF) developed a detailed action plan and structure to undertake the national mapping and Review Process of Child Care Institutions. The mapping and review of CCIs/Homes have been conducted largely for the enhancement of knowledge and to find out qualitative as well as quantitative information on CCIs/Homes. The mapping exercise had started with the limited available data with the government.

2.21 The Government had a database of 2135 Child Care Institutions which were being supported by MWCD under the Integrated Child Protection Scheme, including 1127 Children's Homes and Homes for children with special needs, 317 Specialized Adoption Agencies, 295 Observation Homes, 45 Special Homes, 52 Shelter Homes and 299 Open Shelter (Open shelters have not been covered under the present study). Besides, these CCIs/Homes, Ujjawala and Swadhar homes numbering 162 and 146 respectively were also mapped during the survey.

2.22 The objectives of the survey were:

- i. To map all Child Care Institutions in every District of India, which shelter children categorized under JJ Act except three category of CCIs/Homes:-
 - a. Open Shelters,
 - b. Educational Institutions funded by Ministry of HRD
 - c. CCS which come under the Ministry of Tribal Affairs

⁹Homes under Ujjawala Scheme and Swadhar

- ii. To review Child Care Institutions as per Standards of Care prescribed under JJ Act and Integrated Child Protection Scheme to provide care and to protect the children stay in these child care institutions.
- iii. To check compliance with regard to registration under the Juvenile Justice Act and find out legal status of Child Care Institutions/ Homes.
- iv. To develop National database with state and district wise delineation of registered (under JJ Act/any other state based legislation)/ unregistered/licensed/notified as fit, etc., CCIs/ Homes;
- v. To document information related to registration/recognition/licensing and status of functioning of each CCI/Home.

2.23 The task for conducting the national mapping of all Homes was entrusted to CHILDLINE India Foundation (CIF) and NCPCR. CIF, through its National Coordinating Team and State Coordinating Agencies as well as its partners, like academic institutions, were instrumental in creating a support for National outreach for the study. The methods of data collection, tools, process followed and norms adhered to, etc. are presented in detailed manner in the Annexure-II.

2.24 The review process of the CCIs/Homes got initiated in December, 2015 and ended in March 2017. Therefore, for convenience the period of the study has been referred as 2016-2017 in this report. Though the Government of India had a database of 2135 CCIs, but the study team mapped 9589 Homes (registered as well as unregistered). This number includes 6,368 Children Homes, 373 Shelter Homes, 278 Observation Homes, 52 Special Homes, 8 Place of Safety, 185 Swadhar Homes, 110 Ujjawala Home, 336 SAA, 10 Combination Homes and 1,869 other types of Homes. However, 34 Homes of Uttar Pradesh were not covered by this exercise in accordance with request from the State Government as social audit was initiated there (Annexure II.I).

2.25 The data that were collected from each state, were fed into an MIS after thorough scrutinization. To take further action on the collected data, a committee was constituted by the Ministry for analysing the data of the mapping exercise. The Committee gave its observation on the mapped data on October, 2017, based upon which the task of report writing was initiated.

2.26 The committee that was constituted by the Ministry for analysing data of Mapping and Review Exercise of Child Care Institutions under Juvenile Justice (Care and Protection of Children) Act, 2015 and Other Homes, and Report writing has the following members :

1.	Ms. Ratna Anjan Jena, Statistical Adviser, Ministry of Women and Child Development, Government of India	Chairperson
2.	Ms. Sanghamitra Barik, Deputy Director, National Institute of Public Cooperation and Child Development	Member Secretary
3.	Dr. Anjaiah Pandiri, Executive Director, Childline India Foundation	Member
4.	Professor Dolly Arora, Indian Institute of Public Administration (IIPA)	Member
5.	Two members with research background on child rights	Members

However, the last two members (as mentioned in point no. 5) could not be inducted for various reasons, and the Committee started the analysis and report writing with four members including the Chairperson (as mentioned in point 1 to 4).

2.27 Being a national study and first of its kind in terms of scale and magnitude, there were several challenges that were faced by the study team during the course of administering it, collecting data and tabulations. The below mentioned points are a reflection on:

- i) Large number of CCIs/Homes (more than double the initial target)
 - No. of unregistered CCIs/Homes will include those registered under any other state legislation or scheme (for ex, OCI or cottage scheme.)

- ii) Delays in –
 - permission letters from State Government
 - appointment & availability of District Nominees
 - State & Panchayat Elections
 - State disturbances
 - Other priorities – operation muskaan
- iii) Resistance within some Homes
- iv) Inadequate staff, unskilled
- v) Disparate spread of institutions
- vi) Awareness regarding law/rules limited
- vii) Disparate standards of care - Government vs Non-Government
- viii) Inadequate or no monitoring as per law

2.28 The painstaking process of analysis of the huge data in MIS was entrusted with the Statistics Bureau of the Ministry. The Statistical Adviser with her supporting staff supervised the analysis. Detailed tables including various statistical parameters were generated for developing the final report. The statistical analyses have been robust, maybe with two to three per cent of margin of errors. The statistics thus indicate towards a broad scenario of various aspects of the situations of CCIs/Homes and the children residing in them.

2.29 The Committee developed the report along with the support of its Members. Though the study reflects the situation of children in CCIs/Homes in a particular time period i.e 2016-17(cross-sectional), still it is hoped that this report will go a long way towards helping the policy makers and administrators to take corrective measures for the benefit of the children in need of care and protection and children in conflict with law.

Chapter 3

Profile of CCIs/ Homes



नए समाज की ओर
Towards a new dawn

Chapter 3 : Profile of CCIs/ Homes

3.1 The term Child Care Institution (CCI¹) was not defined by the Juvenile Justice (Care and Protection of Children) Act, 2000, under the purview of which this mapping exercise was conducted. However, in common parlance, all homes for children in need of care and protection and children in conflict with law were referred to as CCIs/Homes.

3.2 The definition of CCI was introduced by legislation during the course of the Mapping Exercise, by the new Juvenile Justice (Care and Protection of Children) Act, 2015 which came into force from January, 2016. This definition includes various categories of Homes viz. Children Home², Open Shelter³, Observation Home⁴, Special Home⁵, Place of Safety⁶, Specialised Adoption Agency⁷ (SAA) and fit facility⁸. For the purpose of the Mapping Exercise all the CCIs/Homes mentioned above were to be covered except for Open Shelters. Further, the CCIs/Homes managed under the Ujjawala and Swadhar schemes of the government were also to be covered to ascertain whether children housed there were being connected to the Juvenile Justice System for services as required.

3.3 This chapter provides details regarding *inter alia*, various categories of CCIs/Homes across the country, including registration status as per JJ Act (in process or existing) or under any other Act/ Scheme , availability of different categories of CCIs/Homes, issues of accessibility, existence of CWC/ JJB, production of children before CWC/JJB, protection mechanisms such as children's committees etc.

3.4 The categories of Homes described in the JJ Act and covered by the Mapping exercise have been further added onto for the purpose of this exercise, into 'Combination Homes' and 'Any Other' Homes. While 'Combination Homes' (which are not defined or allowed under the JJ Act), are those

¹Section 2 (21), JJ Act,2015

²Section 2 (19), JJ Act,2015

³Section 2 (41), JJ Act,2015

⁴Section 2 (40), JJ Act,2015

⁵Section 2 (56), JJ Act,2015

⁶Section 2 (46), JJ Act,2015

⁷Section 2 (57), JJ Act,2015

⁸Section 2 (27), JJ Act,2015

where two different kinds of CCIs/Homes (e.g. an Observation and Special Home in Andaman & Nicobar) are being housed in the same premise or building, 'Any Other Homes' refers to those CCIs/Homes which are registered under some other Act or Scheme and includes *inter alia*, the Women's and Children's Institutions Licensing Act, 1956⁹ (Andhra Pradesh and Telangana), Orphanages and other Charitable Homes (Supervision and Control) Act, 1960¹⁰ (Kerala), Cottage Homes (West Bengal), Registered Hostels (Tamil Nadu) and faith based CCIs (Jammu & Kashmir) etc.

3.5 Both these categories of CCIs/Homes, in their current form, are not permissible as per the existing JJ law; the first because the structure is in contradiction of prescribed JJ norms which clearly detail purpose of homes, age and gender segregation of children, and, the second because they are not registered and therefore existing without prescribed standards or protection mechanisms.

3.6 The Table 3.1 below reflects that amongst all the categories of CCIs/Homes available, 'Children Homes' are the highest in number i.e. 6368. It is also seen that this category also includes the largest number of unregistered CCIs/Homes. Children Homes are followed by 'Any Other Homes' numbering 1,869. The data also draws attention to the fact that in comparison to these two categories above, all the other kinds of CCIs/ Homes namely Shelter Homes (373), SAAs (336), Observation Homes (278), 'Place of Safety' (8) and 'Special Homes (52) are fewer in number (below 5%) and/or inadequate as per mandate.

Table 3.1 Category-wise Distribution of CCIs/Homes - National Snapshot*

S.N	Type of CCIs/Homes	Number of CCIs/Homes	Percentage of CCIs/Homes
1	Children Home	6368	66.41
2	Shelter Home	373	3.89
3	Observation Home	278	2.90
4	Special Home	52	0.54
5	Place of Safety	8	0.08

⁹Women's and Children's Institutions Licensing Act, 1956 enacted by Parliament on December 1956 is an Act to provide for the licensing of institutions for women and children and for matters incidental thereto.

¹⁰Orphanages and other Charitable Homes (Supervision and Control Act, 1960 was enacted by Parliament in the 11th year of the Republic of India.

S.N	Type of CCIs/Homes	Number of CCIs/Homes	Percentage of CCIs/Homes
6	Swadhar Home	185	1.93
7	Ujjwala Home	110	1.15
8	SAA	336	3.50
9	Combination Homes	10	0.10
10	Any other*	1869	19.49
	Total	9589	100.00

* The numbers do not include 34 Homes of Uttar Pradesh which were not covered by this exercise in accordance with request from the State Government.

3.7 As seen in Table 3.2 below, Tamil Nadu has the largest number of CCIs/Homes with a total of 1,647 CCIs/Homes, followed by Maharashtra with 1,284 Homes and Kerala with 1,242 Homes. These three States together have 4173 Homes, accounting for almost 44% of all CCIs/Homes in India. On the other hand it can be seen that Arunachal Pradesh has the smallest number with only 8 CCIs/Homes followed by Chandigarh having 16 and Andaman & Nicobar 17 CCI/Homes respectively. The Table is representative of the fact that the States from the West and South of India have a much higher number of CCI/Homes as compared to the States/UTs from North-East India, which have lesser number of Homes. The number, for instance, crosses 1000 CCI/Homes in some states like Kerala and Tamil Nadu.

Table 3.2 Category-wise distribution of CCIs/Homes – State/UT snapshot

States/UTs	Observation Home	Special Home	Place of Safety	Children Home	Shelter Home	Swadhar Home	Ujjawala Home	SAA	Combination Homes	Any other	Total
A&N	0	0	0	16	0	0	0	0	1	0	17
Andhra Pradesh	5	4	0	346	16	7	4	12	0	368	762
Arunachal Pradesh	0	0	0	3	2	0	1	0	2	0	8
Assam	5	0	1	64	18	11	21	11	0	0	131
Bihar	12	1	0	31	24	7	0	9	0	0	84
Chandigarh	2	2	0	10	0	1	0	1	0	0	16
Chhattisgarh	7	1	1	93	4	1	4	11	0	0	122
Delhi	4	1	1	95	9	2	0	8	4	1	125
Goa	2	0	0	58	6	0	0	4	0	0	70
Gujarat	8	2	0	131	0	4	5	17	0	2	169

Profile of CCIs/ Homes

States/UTs	Observation Home	Special Home	Place of Safety	Children Home	Shelter Home	Swadhar Home	Ujjawala Home	SAA	Combination Homes	Any other	Total
Haryana	5	3	0	67	3	0	0	1	0	0	79
Himachal Pradesh	0	1	0	45	0	0	0	0	0	0	46
J&K	1	0	1	60	23	0	0	0	0	277	362
Jharkhand	9	1	0	67	44	1	0	5	0	0	127
Karnataka	15	0	0	758	45	14	13	25	0	41	911
Kerala	7	2	0	149	25	2	5	25	1	1,026	1,242
Madhya Pradesh	18	4	1	54	23	14	1	31	0	0	146
Maharashtra	53	3	0	1,137	15	14	7	55	0	0	1,284
Manipur	5	0	0	29	2	11	9	6	0	0	62
Meghalaya	3	0	0	66	10	0	0	5	0	0	84
Mizoram	3	2	0	31	5	0	0	5	0	0	46
Nagaland	10	2	0	40	8	1	1	5	0	0	67
Odisha	4	1	0	355	1	40	12	14	0	0	427
Puducherry	2	1	0	78	5	0	1	4	0	0	91
Punjab	2	0	0	66	0	0	0	5	0	0	73
Rajasthan	38	10	0	176	21	5	9	18	0	0	277
Sikkim	2	0	0	16	3	0	0	2	0	0	23
Tamil Nadu	8	2	2	1,598	16	4	2	12	0	3	1,647
Telangana	7	0	0	417	4	6	5	10	1	44	494
Tripura	3	2	0	23	8	0	0	8	0	0	44
Uttar Pradesh	13	0	1	101	21	25	2	0	0	7	170
Uttarakhand	9	2	0	28	6	4	5	2	0	0	56
West Bengal	16	5	0	160	6	11	3	25	1	100	327
Total	278	52	8	6,368	373	185	110	336	10	1,869	9,589

* The numbers do not include 34 Homes of Uttar Pradesh which were not covered by this exercise in accordance with request from the State Government.

3.8 It is seen that CCI/Homes covered under the Mapping Exercise are unevenly spread across the country. Also, there are some States/UTs which have a skewed ratio of a particular kind of home against total number of CCIs/Homes. The number of CCIs/Homes in a particular State/UT clearly indicates that the rationalisation of CCIs/Homes across regions is needed, based on deeper analysis and systematic planning.

3.9 Further, significant differences can also be observed with regard to the number of Homes based on their categories (3.1 and 3.2). Of all the categories of CCIs/Homes, Children Homes appear

to be adequate in numbers however, their pan-India spread is not very uniform and many of them are unregistered. Some of the other categories of CCIs/Homes are missing in many States/UTs (e.g. Place of Safety in Andhra Pradesh, Jharkhand, Karnataka etc.) and in some cases it is seen that the total number of CCIs/Homes in that category are too few compared to the number of districts in their respective States/UTs (Special Homes in Uttar Pradesh). This clearly indicates unavailability of such facilities.

3.10 The data reflects that the three States with the highest number of Children Homes are Tamil Nadu, Maharashtra and Karnataka whereas Arunachal Pradesh, Chandigarh and Sikkim have the least. Maharashtra, Rajasthan and Madhya Pradesh have the highest number of Observation Homes whereas Andaman & Nicobar and Arunachal Pradesh only have one and two combination CCIs/Homes respectively and no standalone Observation Home exists. States with the largest number of Special Homes are Karnataka, Andhra Pradesh and Rajasthan and five States/ UTs do not have Special Homes at all. It may also be noted that the States which have a large number of 'Any Other' Homes are Kerala, Andhra Pradesh and Jammu & Kashmir.

I. Legal Status of CCIs/Homes

3.11 The Mapping Exercise had started in January, 2016; almost simultaneously with the new JJ Act, 2015 coming into force on 15th January, 2016, which provided detailed provisions on registration of CCIs/Homes alongwith punitive measure for non-registration. It also provided a time span of 6 months for compliance. In that context it may be stated that the Mapping exercise, a primary focus of which was listing of the legal status of CCIs/Homes, was conducted in a critical implementation phase of the new legislation. The visits were completed by November, 2016 and the MIS submitted by March, 2017. The exercise found Homes which were completely unregistered or registered under some other Act/Scheme or others whose registration was still in process. This study acted as a catalyst for legal compliance and a registration drive was evident soon after the visits were completed. The Table 3.3 reflects the status of the CCI/Homes mapped during the period of Study that ended on March 2017. It is expected that the legal status of many of CCIs/Homes might have changed due to the efforts of the States/UTs as well as the proactive efforts of the CCIs/Homes themselves.

3.12 The table below reflects legal status of CCIs/Homes as on day of visit:

- a) Registered under the JJ Act
- b) Registered under Any other Act / Schemes
- c) Unregistered and application for registration under the JJ Act pending
- d) Unregistered and not applied for registration under the JJ Act

Table 3.3 Legal Status of CCIs/Homes across States

Legal Status of CCIs/Homes								
States/UTs	Registered under JJ Act		Unregistered CCIs/Homes					
			Applied under JJ Act		Registered under Other Act/Schemes		Not Registered under any Acts/Schemes	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
A&N	10	58.82	3	17.65	0	0	4	23.53
Andhra Pradesh	138	18.11	50	6.56	294	39	269	35.3
Arunachal Pradesh	5	62.5	1	12.5	0	0	1	12.5
Assam	62	47.33	4	3.05	0	0	33	25.19
Bihar	17	20.24	20	23.81	0	0	40	47.62
Chandigarh	5	31.25	9	56.25	0	0	1	6.25
Chhattisgarh	19	15.57	9	7.38	0	0	89	72.95
Delhi	70	56	22	17.6	0	0	31	24.8
Goa	48	68.57	6	8.57	0	0	16	22.86
Gujarat	88	52.07	43	25.44	1	0.59	28	16.57
Haryana	58	73.42	6	7.59	0	0	15	18.99
Himachal Pradesh	5	10.87	7	15.22	0	0	34	73.91
J&K	2	0.55	3	0.83	277	76.52	80	22.1
Jharkhand	9	7.09	54	42.52	0	0	63	49.61
Karnataka	146	16.03	228	25.03	6	0.66	504	55.32
Kerala	219	17.63	14	1.13	884	71.18	118	9.5
Madhya Pradesh	44	30.14	14	9.59	0	0	88	60.27
Maharashtra	652	50.78	267	20.79	0	0	365	28.43
Manipur	29	46.77	1	1.61	0	0	12	19.35
Meghalaya	14	16.67	14	16.67	0	0	56	66.67
Mizoram	31	67.39	4	8.7	0	0	11	23.91
Nagaland	21	31.34	1	1.49	0	0	43	64.18
Odisha	269	63	9	2.11	0	0	125	29.27
Puducherry	18	19.78	65	71.43	0	0	7	7.69
Punjab	22	30.14	12	16.44	0	0	39	53.42
Rajasthan	121	43.68	25	9.03	0	0	117	42.24
Sikkim	22	95.65	0	0	0	0	1	4.35

Legal Status of CCIs/Homes								
States/UTs	Registered under JJ Act		Unregistered CCIs/Homes					
			Applied under JJ Act		Registered under Other Act/Schemes		Not Registered under any Acts/Schemes	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Tamil Nadu	750	45.54	359	21.8	3	0.18	529	32.12
Telangana	35	7.09	132	26.72	15	3.04	301	60.93
Tripura	24	54.55	6	13.64	0	0	14	31.82
Uttar Pradesh	59	34.71	6	3.53	5	2.94	73	42.94
Uttarakhand	14	25	9	16.07	0	0	24	42.86
West Bengal	45	13.76	84	25.69	100	30.58	84	25.69
Total	3,071	32.03	1,487	15.51	1,585	16.53	3,215	33.53

*The numbers do not include 34 Homes of Uttar Pradesh which were not covered by this exercise in accordance with request from the State Government.

3.13 The data in the Table 3.3 clearly reflects that 65.6% CCIs/Homes are yet to be registered under the JJ Act. This includes 15.51 % CCIs/Homes where registration had been applied for; and, therefore are outside the ambit of the Act, especially for the purpose of regular monitoring and ensuring standards; the completely unregistered CCIs/Homes are 33.53%, and, those registered under some other Act/Scheme are 16.53%. This is a matter of concern since the rigorous standards and monitoring prescribed by the Legislation does not apply to these CCIs/Homes. Three percent of the total CCIs/Homes could not respond to any of the categories as stated above.

3.14 It is seen that:

- a) Of the total number of CCIs/Homes nationally, 32.03 % are registered under the JJ Act.
- b) In Sikkim 22 CCIs/Homes (of 23 altogether, 96%) are registered under JJ Act, followed by 58 (of 79 altogether, 73.42%) in Haryana and 48 (of 70 altogether, 69%) in Goa. On the other hand at the lower end of the Table, Jammu and Kashmir has 2 CCIs/Homes (of 362 altogether, 0.55%) Himachal Pradesh has 5 CCIs/Homes (of 46 altogether, 10.9%), and Jharkhand has 9 (of 127 altogether, 7.09%) registered under the JJ Act respectively.
- c) There are 22 States/UTs with less than 50% of CCIs/Homes registered under JJ Act and 3 UTs namely Daman & Diu, Dadra & Nagar Haveli and Lakshadweep which do not have CCIs/Homes.

II. CCIs/ Homes Managed by Government and Non-Government (NGO)

3.15 The JJ Act provides for the establishment and maintenance of various categories of CCIs/ Homes “by the State government, either by itself or through voluntary or non-governmental organisations”. Table 3.4 below shows the distribution of various kinds of Non-Government and Government run Homes/CCIs.

3.16 From Table 3.4, it can be seen that out of the total 9589 CCIs/Homes in the country, 91% CCIs/Homes (8,744) are being established and managed by NGOs, with or without the support of government. Government is managing the remaining 9% directly, which numbers 845 CCIs/Homes altogether. In this context the push for registration and monitoring becomes even more critical.

Table 3.4 Distribution of various kinds of Government and Non-Government (NGO) run CCIs/Homes

Homes/CCIs types	Non-Government Home/ CCIs		Government Homes/ CCIs		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Combination Homes	5	50.0	5	50.0	10	0.1
Observation Home	67	24.1	211	75.9	278	2.9
Special Home	12	23.1	40	76.9	52	0.5
Place of Safety	5	62.5	3	37.5	8	0.1
Children Home	5932	93.2	436	6.8	6368	66.4
Shelter Home	333	89.3	40	10.7	373	3.9
Swadhar Home	183	98.9	2	1.1	185	1.9
Ujjwala Home	110	100.0	0	0.0	110	1.1
SAA	268	79.8	68	20.2	336	3.5
Any other	1829	97.9	40	2.1	1869	19.5
Total	8744	91.2	845	8.8	9589	100

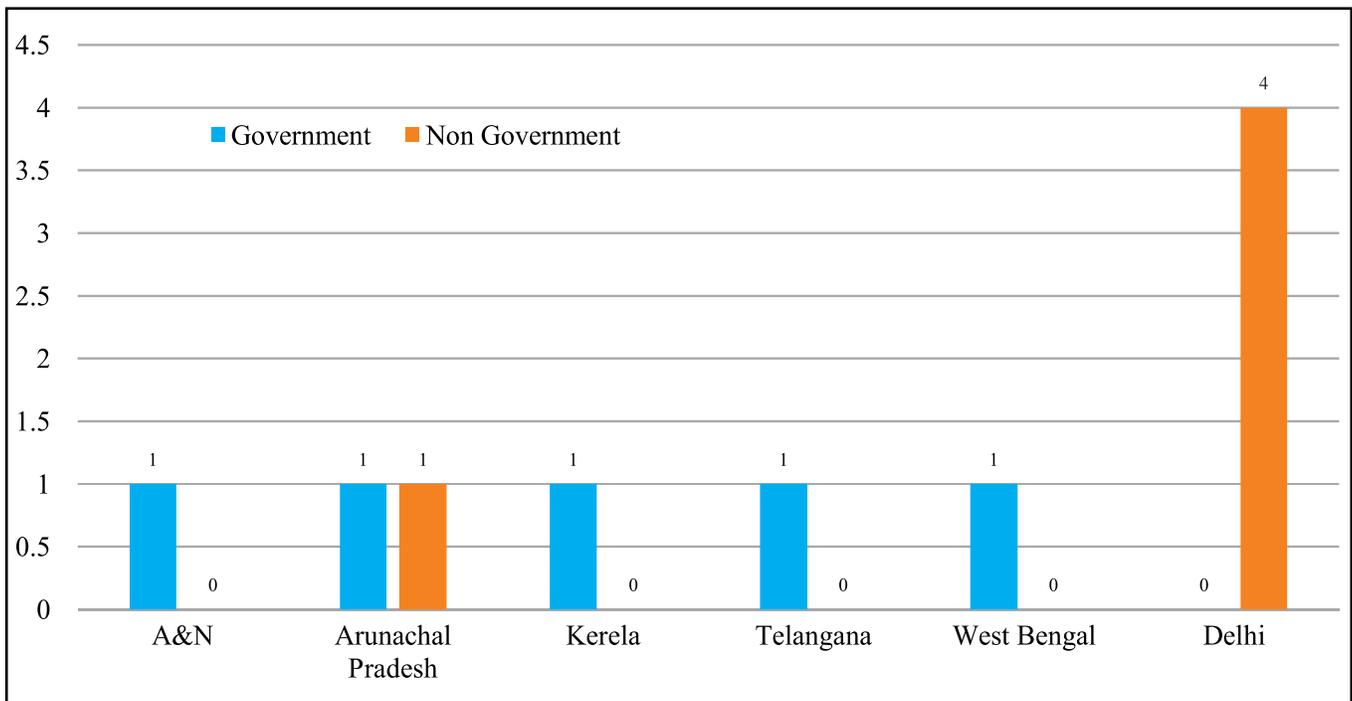
3.17 It is clear from Table 3.4 that amongst NGO managed Homes, Children Homes form the highest number (5932 of 6368) of Homes, followed by ‘Any Other Home’ category (1829 of 1869), whereas, Observation Homes are mostly run by the Government (211 of 278 altogether).

3.18 There are a good number of Swadhar, Ujjawala and other Homes, which do not come under the category of CCIs/Homes in accordance to the JJ Act. These were visited to ascertain whether children residing there were being linked with the Juvenile Justice System. The Mapping exercise revealed a need to assess functionality of these Homes and establish linkages with the JJ system to ensure the best interest of children.

III. Combination Homes/CCIs

3.19 The term Combination Homes is not defined anywhere in law. However, it was created for the purpose of this study and denotes two units of CCIs/Homes with disparate purposes, coexisting and being managed from one building or one premise. In total 10 such combination CCIs/Homes were visited during the exercise of which 4 Homes in Delhi, and one CCI/Home in Arunachal Pradesh is run by NGOs whereas Government run combination Homes exist, (one each) in Andaman & Nicobar, Arunachal Pradesh, Kerala, Telangana and West Bengal. Graph 3.1 below shows the States and the number of CCIs/Homes that are Combination Homes.

Graph 3.1 Number of Combination CCIs/Homes (Government and Non-Government)



3.20 Attention needs to be drawn to the fact that the JJ Act does not mention Combination CCIs/ Homes and instead has detailed norms regarding separate accommodation based on differences in age, gender and purpose of CCIs/Homes. These have been created keeping the best interest of the children in mind so as to ensure that each CCIs/Homes caters to the needs of children who reside there. It may therefore be inferred that the existing JJ Act has no provision for Combination Homes. Table 3.5 presents the list of existing 10 Combination Homes in the country.

Table 3.5 List of Combination CCIs/Homes

S.N.	States/UTs	District	Name of CCIs/Homes	Type of CCIs/Homes
1	Andaman and Nicobar	South Andaman	Directorate of Social Welfare	Observation & Special Home
2	Arunachal Pradesh	East Siang	Juvenile Home	Observation & Special Home
3	Arunachal Pradesh	Lower Subansiri	Achukuru Welfare Society	Children Home & Shelter Home
4	West Bengal	Murshidabad	Ananda Ashram	Observation & Special Home
5	Delhi	North West Delhi	Asharan Orphanage	Children Home & SAA
6	Delhi	New Delhi	Udayan Home	Children Home & SAA
7	Delhi	Shahdara	Apna Ghar	Children Home & Shelter Home
8	Delhi	South-East	Prayas Shelter Home For Girls	Children Home & Shelter Home
9	Kerala	Kasargode	Govt. Observation Home and Special Children Home	Observation Home and Children Home
10	Telangana	Hyderabad	Govt. children Home	Observation & Children Home

IV. Distance of CCIs/ Homes from District Headquarter (HQ)

3.21 Distance of CCIs/Homes from District Head Quarter is an important concern as it affects access to various facilities/services required for the proper functioning of CCIs/Homes. Travel time required and accessibility of services for smooth and speedy addressal of a child's specific needs and to ensure rehabilitation of the child makes distance of CCIs/Homes from district HQ particularly significant. It also affects monitoring of the CCIs/Homes by various agencies. Accessibility is especially required to institutions, such as, offices of the District Magistrate (DM)/ Sub Divisional Magistrate (SDM)/ District Officer (DO)/ District Child Protection Unit (DCPU)/ Child Welfare Committee (CWC)/ Juvenile Justice Board (JJB), other CCIs/Homes and other major departments like Labour,

Education, Panchayati Raj, Health etc. It is assumed that longer distance from District headquarters will impact the quality, frequency and adequacy of services as most of these departments/services are concentrated around the district HQ and they play a vital role in timely execution of all the schemes/programs/services for the welfare of children. Table 3.6 gives the scenario of location of CCIs/Homes from the district headquarters in various states of the country.

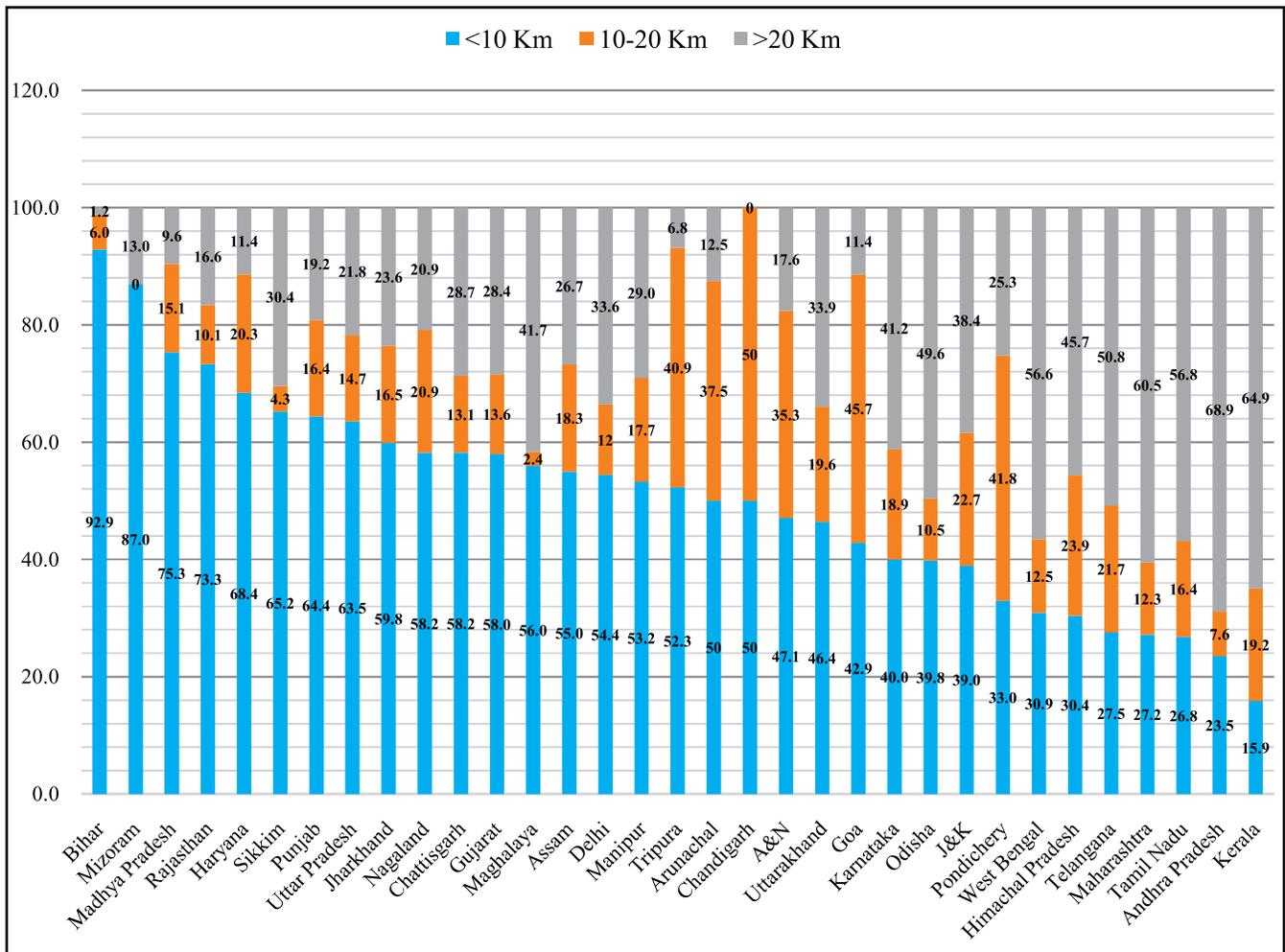
Table 3.6 Number of CCIs/Homes that have distances of <10 km, 10-20 km and >20 km, across States

States/CCIs	Distance <10 km	Distance between 10-20 km	Distance >20 km	Total
A&N	8	6	3	17
Andhra Pradesh	179	58	525	762
Arunachal Pradesh	4	3	1	8
Assam	72	24	35	131
Bihar	78	5	1	84
Chandigarh	8	8	0	16
Chhattisgarh	71	16	35	122
Delhi	68	15	42	125
Goa	30	32	8	70
Gujarat	98	23	48	169
Haryana	54	16	9	79
Himachal Pradesh	14	11	21	46
J&K	141	82	139	362
Jharkhand	76	21	30	127
Karnataka	364	172	375	911
Kerala	197	239	806	1242
MP	110	22	14	146
Maharashtra	349	158	777	1284
Manipur	33	11	18	62
Meghalaya	47	2	35	84
Mizoram	40	0	6	46
Nagaland	39	14	14	67
Odisha	170	45	212	427
Puducherry	30	38	23	91
Punjab	47	12	14	73
Rajasthan	203	28	46	277
Sikkim	15	1	7	23
Tamil Nadu	441	270	936	1647
Telangana	136	107	251	494
Tripura	23	18	3	44
UP	108	25	37	170
Uttarakhand	26	11	19	56
West Bengal	101	41	185	327
Total	3380	1534	4675	9589

3.22 The data reflects that at national level, the total number of Homes, which are at a distance of less than 10 km from district HQ is 3380 Homes; those which are within 10-20 km distance number is 1534 Homes. The remaining 4675 Homes are located more than 20 kms away from district HQ and are mostly found in the States of Andhra Pradesh, Kerala, Maharashtra and Tamil Nadu. These are also the States where the largest numbers of CCIs/Homes exist including unregistered CCIs/Homes.

3.23 A graphical representation of the percentages of CCIs/Homes with respect to their location from district headquarters may be seen in Graph 3.2.

Graph 3.2 Percentage of CCIs/Homes having distance of <10 km, 10-20 km and >20 km from District Headquarters



3.24 The graph illustrating the distance of CCIs / Homes from the district headquarters reflects that in many States/UTs, CCIs/Homes are located within a distance of less than 10 km from District HQ. In this regard, Bihar has 93% of its CCIs/Homes located at a distance of less than 10 km from the District HQ, followed by Mizoram 87%, Madhya Pradesh 75%, and Rajasthan at 73%. Conversely, only 15.9% of the CCIs / Homes in Kerala are located at a distance of less than 10 km whereas 64.9% of its CCIs/Homes are found to be located more than 20 km away from district HQ.

3.25 It can be observed that in Chandigarh, 50% of its CCIs / Homes are located within a distance of 10 km from the district HQ and another 50% within 10-20 km distance. It is followed by Goa 46%, Puducherry 42%, and Tripura 41%. Sikkim at 4% has the lowest percentage. In Mizoram, 87% of the CCIs/Homes are located within a distance of less than 10 km from the district HQ.

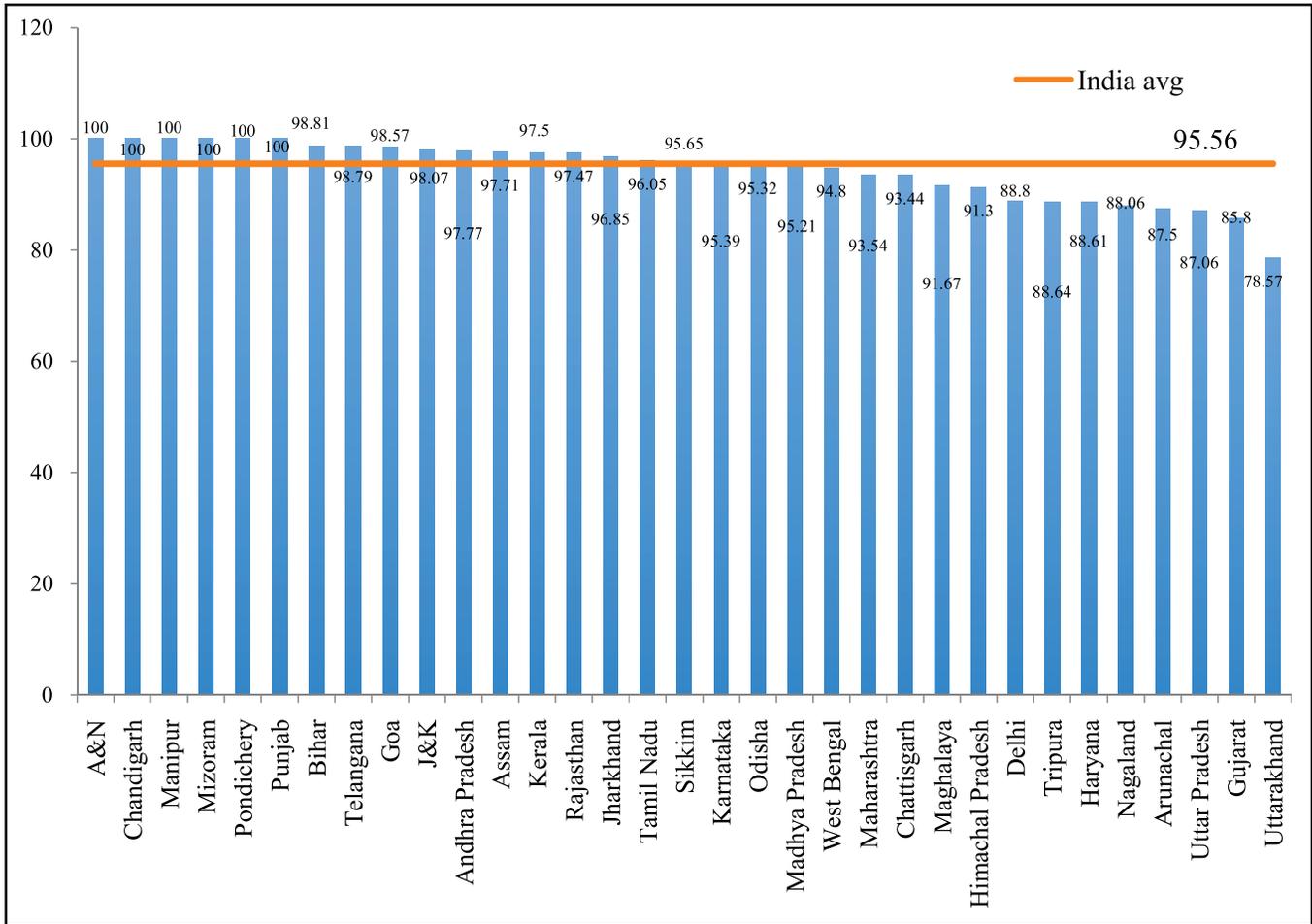
3.26 In many of the States/UTs, the location of majority of the CCIs/Homes is less than 10 km away from district headquarters. Shorter distance from District headquarter, however, also needs to be read with other factors like the size of the State and the total number of Homes in the State etc. Some States may have better coverage and this could be the reason for more Homes being at a distance from the District Headquarter. Andhra Pradesh, for instance, has one of the highest numbers of CCIs/Homes in the country, but has majority of these, i.e. 68.9% of its CCIs/Homes, located farther from the district HQ. This is also true of Kerala with 65%, Maharashtra with 61% and in Tamil Nadu and West Bengal with 57% each CCIs/Homes being farther from the District. This detail also needs to be read (as mentioned earlier) with the information regarding these States/UTs having the largest number of unregistered CCIs/Homes.

V. Accessibility to CCIs/Homes

3.27 The JJ Act strives to ensure that child in need of care and protection gets immediate and effective care which is in the best interest of the child. Accessibility of CCIs/Homes is an important concern for the children in vulnerable situation, as this ensures that services can reach a child and vice versa without any difficulty. Further it facilitates monitoring. This study attempted to understand how many of the CCIs/Homes are accessible and parameters such as approachability of

roads, availability of transport and distance from HQ were used as indicators to understand ease of accessibility of CCIs/Homes.

Graph 3.3 Percentage of Easily Accessible CCIs/ Homes across States



3.28 It can be seen that majority of the Homes/CCIs in most of the States/UTs are easily accessible. The finding reveals that all CCI/Homes in Andaman & Nicobar, Chandigarh, Manipur, Mizoram, Puducherry and Punjab have easy accessibility. More than 80% of the CCIs/Homes in rest of the States/UTs are also easily accessible. In Uttarakhand, accessibility is slightly more of an issue than the States/UtTs which may be because of its topography. Smart cities may consider these indicators while infrastructure development is being promoted, especially for children.

VI. Highlights

- 3.29 The data draws attention to the following:
- a. During the period of survey¹¹, only 32% of CCIs/Homes were found to be registered under the JJ Act. This number reflects that even though the amendment in the JJ Act took place in the year 2015 and subsequent government notifications have made it mandatory for all child care institutions to register, irrespective of the law under which they have been set up, the percentage of CCIs/Homes that registered under the Act had been very less. This shows that a very high percentage of the CCIs/Homes continue to operate outside the purview of the JJ Act.
 - b. States/UTs from the south and western parts of India have a higher number of CCIs/Homes as compared to those in the North-East regions of India.
 - c. The number of CCIs/Homes run by NGOs is significantly higher than those run by the government. Not all categories of CCIs/Homes are found in each State/UT. In some cases, certain categories of CCIs/Homes are found in large numbers whereas another category has no representation at all.
 - d. Specialized Adoption Agencies are in existence in all States/UTs except Andaman and Nicobar, Arunachal Pradesh, Jammu and Kashmir and Himachal Pradesh. Further, investigations can reveal adoption rate in States/UTs, process followed, place of functioning for the staff and personnel and place of stay for children declared fit for adoption.
 - e. With respect to the Homes under the category of 'Any Other', the data shows that barring Jammu & Kashmir and West Bengal, 'Any Other Homes' category are only seen in the Southern States.
 - f. Combination Homes are not provided for in the JJ Act and not advisable for the purpose of infrastructure and segregation of children.
 - g. Another important question is of accessibility, especially in the regions with difficult terrain. In cases, where the CCIs/Homes are built away from general population in the outskirts, accessibility to Homes is a difficult task.

¹¹The process of CCI registration has been undertaken by State governments on priority basis based on the data generated and shared during the process of the study. There are high chances of the change in the overall percentage of unregistered homes already being registered by the time the report gets finally published.

Chapter 4

Details of Children in CCI/Homes



नए समाज की ओर
Towards a new dawn

Chapter 4 : Details of Children in CCIs/Homes

4.1 Under the JJ Act 2015, Children housed in various CCIs/Homes, on the basis of their needs and situation, have been broadly categorized into two; Children in need of care and protection (CNCP) and children in conflict with law (CCL). The JJ Act further defines CNCP to detail various situations which could render a child in need of protection, and categorises CCL for procedural purposes, on the basis of nature of offence and age as below 16 years and between 16-18 years. The categorization and subsequent placement of children in different CCIs/Homes on the basis of age, gender and purpose of rehabilitation has been done to address specific needs of children and protect their rights.

4.2 The JJ Act, 2015, defines Child in need of Care and Protection in Section 2 (14) and provides a list of children in difficult situations that needs to be supported. *The Hon'ble Supreme Court in its order¹ dated 5/5/2017 has stated that the definition is illustrative and the benefits envisaged for children in need of care and protection should be extended to all such children requiring State care and protection.* Consequently, the definition of CNCP has been given a broader interpretation.

4.3 The present Chapter describes the number and the various categories of children present in the CCIs/Homes. Category here refers to the contextual reason for the child being placed in a CCI/Home for shelter and rehabilitation. These categories have been further segregated on the basis of age and gender to better understand the pool of children who reach the Juvenile Justice system for care and protection. Further, the chapter also provides a glimpse of average duration of stay of children in CCI/Homes, whether CWC production is being adhered to and also lists possible reasons for non- production where occurring.

4.4 During the study period (i.e. 2016-17), it was found that total number of children occupying the CCIs/Homes across the country was 377649. Out of them there were 7,422 CCLs and 3,70,227 CNCPs. The CCIs/Homes of Tamil Nadu having the highest number of total CCL and CNCP children (87,866).

¹Supreme Court order dated 5/5/2017 in Exploitation of Children in Orphanages in the State of Tamil Nadu versus Union of India & Ors.

4.5 In India, as evident from the Table 4.1 given below, on an average, a CCI/Home has 39 children residing in it. However, this number varies in CCIs/Homes across the States/UTs. CCI/Home in Tamil Nadu and Jammu & Kashmir for instance have the highest occupancy with an average of 53 and 51 respectively whereas the lowest average occupancy is seen in the CCIs/Homes of Sikkim and Maharashtra at 16 and 17 children per CCI/Home respectively.

Table 4.1 Gender disaggregated data of number of CCL and CNCP Category Children in CCIs/Homes across States/UTs

States/Homes	CCI	CCL				CNCP				Total Children	Average no. of Children per CCIs/Homes
		Boys	Girls	TG	Total	Boys	Girls	TG	Total		
A&N	17	2	0	0	2	232	272	0	504	506	30
Andhra Pradesh	762	46	175	0	221	19202	18125	13	37340	37561	49
Arunachal	8	4	0	0	4	115	83	0	198	202	25
Assam	131	190	147	0	337	1516	1246	0	2762	3099	24
Bihar	84	546	32	0	578	1047	1054	1	2102	2680	32
Chandigarh	16	9	0	0	9	176	220	0	396	405	25
Chhattisgarh	122	186	12	0	198	2042	947	5	2994	3192	26
Delhi	125	270	2	0	272	1969	1847	0	3816	4088	33
Goa	70	6	0	0	6	1551	1113	0	2664	2670	38
Gujarat	169	127	41	0	168	2724	2017	5	4746	4914	29
Haryana	79	272	60	0	332	1053	1234	0	2287	2619	33
Himachal Pradesh	46	0	0	0	0	933	412	0	1345	1345	29
J&K	362	316	155	0	471	13764	4055	0	17819	18290	51
Jharkhand	127	256	53	0	309	2574	1869	0	4443	4752	37
Karnataka	911	134	0	0	134	17062	13034	16	30112	30246	33
Kerala	1242	69	16	0	85	19965	21534	0	41499	41584	33
Madhya Pradesh	146	291	40	0	331	1494	1265	0	2759	3090	21
Maharashtra	1284	1110	741	0	1851	38375	18633	14	57022	58873	46
Manipur	62	35	0	0	35	562	527	0	1089	1124	18
Meghalaya	84	37	0	0	37	708	764	0	1472	1509	18
Mizoram	46	61	6	0	67	563	447	0	1010	1077	23
Nagaland	67	79	56	0	135	582	439	0	1021	1156	17
Odisha	427	235	11	0	246	10039	8719	0	18758	19004	45
Puducherry	91	4	7	0	11	1075	1400	0	2475	2486	27

Details of Children in CCIs/Homes

States/Homes	CCL				CNCP				Total Children	Average no. of Children per CCIs/Homes	
	CCI	Boys	Girls	TG	Total	Boys	Girls	TG			Total
Punjab	73	41	26	0	67	871	994	0	1865	1932	26
Rajasthan	277	206	20	0	226	3950	1298	0	5248	5474	20
Sikkim	23	1	0	0	1	204	159	0	363	364	16
Tamil Nadu	1647	138	110	0	248	36548	51070	0	87618	87866	53
Telangana	494	61	1	0	62	8852	7336	36	16224	16286	33
Tripura	44	4	0	0	4	438	369	0	807	811	18
Uttar Pradesh	170	649	7	0	656	2098	1921	2	4021	4677	28
Uttarakhand	56	34	59	0	93	541	482	0	1023	1116	20
West Bengal	327	198	28	0	226	6935	5490	0	12425	12651	39
Total	9589	5617	1805	0	7422	199760	170375	92	370227	377649	39

4.6 The highest numbers of CCL category children are accommodated in the CCIs/Homes of Maharashtra, which numbers 1851, followed by Uttar Pradesh at 656, whereas, the lowest numbers of such children are found in the States/UTs of Andaman & Nicobar, Arunachal Pradesh and Tripura,(two, four and four respectively). The largest number of Children belonging to the CNCP category are found in the CCIs/Homes of Tamil Nadu and Maharashtra, which numbers 87,618 and 57,022 respectively, whereas CCIs/Homes of Arunachal Pradesh and Sikkim house the lowest number of such children numbering 198 and 363 respectively.

I. Orphan, Abandoned and Surrendered Children

4.7 The Mapping exercise found 56,198 (Table 4.2) children, who were categorised in the registers of CCIs/ Homes as being either orphan or abandoned or surrendered living in CCIs/ Homes including Specialised Adoption Agencies (336 SAAs) across the country. As stated in several provisions of the JJ Act, these children, *being without biological or adoptive parents or whose legal guardians are not willing or capable of taking care of them*, are to be prioritised for non-institutional care namely Adoption, Sponsorship and Foster Care. Of these 4759 children, were residing in SAAs. For the remaining, the Act also provides, in Section 66 that all CCIs/Homes (which are not SAAs) shall link orphan, abandoned, surrendered children residing in their institution with SAAs.

4.8 For the purpose of this Study, the broader understanding/premise was that orphan, abandoned, surrendered children were not only to be linked with a SAA for adoption but also with Sponsorship and Foster Care in case these methods were considered more appropriate because of age, availability of extended family or any other reason. The description used therefore was that orphan, abandoned, surrendered children were to be prioritised for non-institutional care.

Table 4.2 Gender disaggregated data of number of Orphan, Abandoned and Surrendered Children in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Orphan				Abandoned				Surrendered				Total children
		Boys	Girls	TG	Total	Boys	Girls	TG	Total	Boys	Girls	TG	Total	
A&N	17	17	43	0	60	0	0	0	0	16	23	0	39	99
Andhra Pradesh	762	2047	1999	2	4048	289	361	0	650	623	512	0	1135	5833
Arunachal Pradesh	8	96	66	0	162	2	1	0	3	4	4	0	8	173
Assam	131	280	195	0	475	80	96	0	176	83	89	0	172	823
Bihar	84	244	337	0	581	67	116	1	184	17	12	0	29	794
Chandigarh	16	20	44	0	64	13	11	0	24	0	5	0	5	93
Chhattisgarh	122	423	166	0	589	13	17	0	30	23	5	0	28	647
Delhi	125	206	231	0	437	99	130	0	229	14	24	0	38	704
Goa	70	82	99	0	181	6	20	0	26	0	0	0	0	207
Gujarat	169	705	489	0	1194	68	70	0	138	156	71	0	227	1559
Haryana	79	327	337	0	664	32	73	0	105	7	32	0	39	808
Himachal Pradesh	46	55	40	0	95	28	17	0	45	5	0	0	5	145
J&K	362	2317	436	0	2753	31	30	0	61	40	22	0	62	2876
Jharkhand	127	348	328	0	676	17	23	0	40	11	24	0	35	751
Karnataka	911	1629	1331	4	2964	407	322	0	729	348	166	2	516	4209
Kerala	1,242	843	789	0	1632	134	249	0	383	384	838	0	1222	3237
MP	146	297	457	0	754	131	209	0	340	82	67	0	149	1243
Maharashtra	1,284	2750	2652	14	5416	289	272	0	561	289	230	0	519	6496
Manipur	62	157	134	0	291	36	25	0	61	8	21	0	29	381
Meghalaya	84	212	275	0	487	21	15	0	36	4	1	0	5	528
Mizoram	46	49	33	0	82	2	4	0	6	15	14	0	29	117
Nagaland	67	81	67	0	148	0	0	0	0	0	0	0	0	148
Odisha	427	1602	1361	0	2963	191	179	0	370	236	214	0	450	3783
Puducherry	91	136	119	0	255	3	5	0	8	3	8	0	11	274
Punjab	73	154	132	0	286	49	120	0	169	9	4	0	13	468
Rajasthan	277	732	292	0	1024	108	106	0	214	30	11	0	41	1279
Sikkim	23	43	10	0	53	11	4	0	15	64	14	0	78	146

Details of Children in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Orphan				Abandoned				Surrendered				Total children
		Boys	Girls	TG	Total	Boys	Girls	TG	Total	Boys	Girls	TG	Total	
Tamil Nadu	1,647	2553	3441	0	5994	807	743	0	1550	64	153	0	217	7761
Telangana	494	2088	1939	19	4046	39	167	0	206	408	486	12	906	5158
Tripura	44	97	100	0	197	24	33	0	57	6	11	0	17	271
UP	170	501	569	0	1070	107	178	0	285	250	156	0	406	1761
Uttarakhand	56	72	118	0	190	12	31	0	43	25	22	0	47	280
West Bengal	327	1101	798	0	1899	382	551	0	933	247	67	0	314	3146
All India	9,589	22,264	19,427	39	41,730	3,498	4,178	1	7,677	3,471	3,306	14	6,791	56,198

4.9 The total number of orphans residing in CCIs/Homes across India is 41,730 of which Tamil Nadu and Maharashtra alone have 11,410 (27.3%) orphans. Tamil Nadu also has the highest number of abandoned children (1550) in the country. The other States/UTs where CCIs/Homes have above 500 abandoned children are Andhra Pradesh, Karnataka, Maharashtra and West Bengal. With respect to the

The JJ Act of 2015 defines an orphan under Section 2 (42) as a child who is without biological or adoptive parents or legal guardian; or whose legal guardian is not willing to take, or capable of taking care of the child.

number of surrendered children, the situation in CCIs/Homes of Southern States like Andhra Pradesh and Kerala with 1135 and 1222 surrendered children respectively draws attention. Further, other Southern States like Karnataka and Telangana also have more than 500 surrendered children in CCIs/Homes. The reasons for these numbers may partly be that the States in the South of India have many more CCIs/Homes altogether. The reason may also be that these States have established an effective system for identifying orphan, abandoned, surrendered children and bringing them into the safety net of JJ services. However a complete analysis of this aspect was beyond the scope of this study.

4.10 Table 4.2 also shows that the highest percentage of occupancy of orphan/abandoned/surrendered girls in CCIs/Homes is seen in Tamil Nadu with 16.12% (4337), followed by Maharashtra with 11.72% (3154) and Andhra Pradesh at 10.67 % (2872) respectively. The lowest percentage of occupancy of Orphan/abandoned/surrendered girls (less than 1%) amongst the other major States/UTs, can be seen in 6 States/UTs, namely Himachal Pradesh, Arunachal Pradesh, Tripura,

Uttarakhand, Chhattisgarh and Punjab. As far as Orphan/abandoned/surrendered boys is concerned, the highest occupancy can be found in Tamil Nadu with 11.71 % (3424), Maharashtra at 11.38% (3328) and Andhra Pradesh at 10.12% (2959) respectively, whereas, less than 1% occupancy in CCIs/Homes by Orphan/abandoned/surrendered boys can be seen in five States namely Himachal Pradesh, Arunachal Pradesh, Uttarakhand, Tripura and Punjab at lower than 1% each. Chandigarh, Mizoram and Nagaland CCIs/Homes are seen to have almost zero occupancy of Orphan/abandoned/surrendered boys.

4.11 Table 4.3 below illustrates the reported number of Orphan, abandoned and surrendered transgender children occupying CCIs/Homes across five States of India namely Andhra Pradesh, Bihar, Karnataka, Maharashtra and Telangana. Of the reported 54 transgender children, 31 are from Telangana, 14 from Maharashtra, and the rest are from other States. However, it is seen that apart from this no other information is available regarding TG children availing services and being rehabilitated in different CCIs/Homes across States/UTs.

Table 4.3 Reported number of Orphan/Abandoned/ Surrendered Transgender Children in CCIs/Homes

States	Total No. of Homes	Orphan	Abandoned	Surrendered	Total TG Children
Andhra Pradesh	762	2	0	0	2
Bihar	84	0	1	0	1
Karnataka	911	4	0	2	6
Maharashtra	1,284	14	0	0	14
Telangana	494	19	0	12	31
All India Total	3,535	39	1	14	54

4.12 In table 4.4 below, it is seen that there are altogether 5,931 children (2,959 orphans, 1,763 abandoned and 1,209 surrendered) in the age group of 0-6 years living in CCIs/Homes. Amongst the age group of 7-18 years there are in total 50,263 (38,765 orphan, 5,914 abandoned and 5,584 surrendered)

Under Section 2 (1) of the JJ Act an abandoned child means a child deserted by his biological or adoptive parents or guardians, who has been declared as abandoned by the Committee after due inquiry.

children who are staying in CCIs/Homes across the country. This is important to note as the chances are that adoption may not be possible for the children in the older age category and the other non institutional measures would need to be brought in.

Table 4.4 Age wise segregation of Orphan, Abandoned and Surrendered Children in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Orphan			Abandoned			Surrendered		
		0-6	7-18	Total	0-6	7-18	Total	0-6	7-18	Total
A&N	17	5	55	60	0	0	0	4	35	39
Andhra Pradesh	762	310	3738	4048	68	582	650	128	1007	1135
Arunachal	8	1	161	162	1	2	3	3	5	8
Assam	131	53	422	475	43	133	176	32	140	172
Bihar	84	139	442	581	79	105	184	15	14	29
Chandigarh	16	11	53	64	7	17	24	5	0	5
Chhattisgarh	122	19	570	589	3	27	30	4	24	28
Delhi	125	15	422	437	107	122	229	29	9	38
Goa	70	10	171	181	7	19	26	0	0	0
Gujarat	169	214	980	1194	59	79	138	36	191	227
Haryana	79	56	608	664	30	75	105	10	29	39
Himachal Pradesh	46	2	95	95	3	42	45	0	5	5
J&K	362	41	2712	2753	12	49	61	0	62	62
Jharkhand	127	108	568	676	12	28	40	7	28	35
Karnataka	911	145	2819	2964	119	610	729	101	415	516
Kerala	1,242	106	1526	1632	78	305	383	107	1115	1222
Madhya Pradesh	146	49	705	754	107	233	340	35	114	149
Maharashtra	1,284	417	4999	5416	295	266	561	342	177	519
Manipur	62	9	282	291	10	51	61	7	22	29
Meghalaya	84	32	455	487	8	28	36	0	5	5
Mizoram	46	14	68	82	1	5	6	21	8	29
Nagaland	67	21	127	148	0	0	0	0	0	0
Odisha	427	174	2789	2963	123	247	370	87	363	450

Details of Children in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Orphan			Abandoned			Surrendered		
		0-6	7-18	Total	0-6	7-18	Total	0-6	7-18	Total
Puducherry	91	14	241	255	7	1	8	10	1	11
Punjab	73	24	262	286	29	140	169	8	5	13
Rajasthan	277	160	864	1024	24	190	214	18	23	41
Sikkim	23	0	53	53	3	12	15	2	76	78
Tamil Nadu	1,647	249	5746	5995	224	1326	1550	70	149	219
Telangana	494	267	3779	4046	43	163	206	53	853	906
Tripura	44	8	189	197	14	43	57	13	4	17
Uttar Pradesh	170	169	901	1070	45	240	285	13	393	406
Uttarakhand	56	30	160	190	4	39	43	7	40	47
West Bengal	327	87	1812	1899	198	735	933	42	272	314
Total	9,589	2,959	38,765	41,731	1,763	5,914	7,677	1,209	5,584	6,793

4.13 The above table also shows that amongst all the three sub-categories residing in CCIs/Homes, orphan children are the highest in number (38,765). 12 States/UTs have a population of more than 100 orphan children in the age group of 0-6 years residing in CCIs/Homes. In the abandoned category, more than 100 children in the age group of 0-6 years are seen in the CCIs/Homes in Delhi, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Tamil Nadu and West Bengal. In the category of surrendered children, States/UTs with more than 100 surrendered children in the age group of 0-6 years, residing in CCIs/Homes are Andhra Pradesh (128), Karnataka (101), Kerala (107) and Maharashtra (342).

4.14 In the age group of 7-18 years Tamil Nadu, Telangana, Odisha, Maharashtra, Kerala, Karnataka,

Under Section 35 of JJ Act, a parent or guardian, who for physical, emotional and social factors beyond their control, wishes to surrender a child, shall produce the child before the Committee. On the satisfaction of the Committee after prescribed process of inquiry and counseling, a surrender deed shall be executed by the parent or guardian before the Committee. The parents or guardian who surrendered the child, are given two months time to reconsider their decision and in the intervening period the Committee shall either allow, after due inquiry, the child to be with the parents or guardian under supervision, or place the child in a Specialized Adoption Agency (SAA), if he or she is below six years of age, or a children's home if he is above six years of age

Jammu and Kashmir and Andhra Pradesh have more number of orphan children residing in their CCIs/Homes, whereas, there are a total number of 5914 abandoned children in the same age group in the CCIs/Homes across the country. Andhra Pradesh, Karnataka, Tamil Nadu and West Bengal have more than 500 abandoned children residing in their CCIs/Homes. Of 6,793 surrendered children residing in the CCIs/Homes across the country in the age group of 7-18, Andhra Pradesh (1135), Kerala (1222), Karnataka (516), Maharashtra (519) and Telangana (906), make up for almost 60% of the total surrendered children residing in 9589 CCIs/Homes.

II. Children of Single Parent

4.15 One of the findings of this Study is that a large number of children with single parents are staying in the CCIs/Homes. This category of children is often sent to CCIs/Homes to ensure safety and well being and avail of an opportunity for education and vocational training. It is seen that, more often than not, a non-conducive social environment and/or an inability to provide for basic needs, forces parents to take this decision. Children of Single Parents category would fall under Section 2(14) of the JJ Act and thereby qualify to be children in need of care and protection. The data shows that percentage of children falling under this category constitutes fairly a large percentage of the total occupancy of children in the CCIs/Homes across India. Significantly, their number at 1,20,118 is more than double that of the orphan, abandoned and surrendered children. Table 4.5 shows State-wise the number of children with single parent residing in CCI/Homes across the Country.

Table 4.5 State-wise distribution of Children with Single Parent residing in CCIs/Homes

States/UTs	Total No. of CCIs/ Homes	Single Parents			Total
		Boys	Girls	Transgender	
A&N	17	137	112	0	249
Andhra Pradesh	762	4989	5113	11	10113
Arunachal	8	5	5	0	10
Assam	131	644	362	0	1006
Bihar	84	199	141	0	340
Chandigarh	16	73	127	0	200
Chhattisgarh	122	462	169	0	631
Delhi	125	739	658	0	1397

Details of Children in CCIs/Homes

States/UTs	Total No. of CCIs/ Homes	Single Parents			Total
		Boys	Girls	Transgender	
Goa	70	460	434	0	894
Gujarat	169	1373	887	0	2260
Haryana	79	337	349	0	686
Himachal Pradesh	46	324	157	0	481
J&K	362	2999	957	0	3956
Jharkhand	127	464	299	0	763
Karnataka	911	5554	4516	10	10080
Kerala	1,242	5347	5435	0	10782
Madhya Pradesh	146	349	228	0	577
Maharashtra	1,284	14784	6462	14	21260
Manipur	62	189	181	0	370
Meghalaya	84	162	223	0	385
Mizoram	46	365	182	0	547
Nagaland	67	188	152	0	340
Odisha	427	4568	3538	0	8106
Pudduchery	91	438	627	0	1065
Punjab	73	216	210	0	426
Rajasthan	277	1283	309	0	1592
Sikkim	23	80	51	0	131
Tamil Nadu	1,647	13466	17632	0	31098
Telangana	494	3606	2953	25	6584
Tripura	44	150	135	0	285
Uttar Pradesh	170	430	441	0	871
Uttarakhand	56	163	84	0	247
West Bengal	327	1419	967	0	2386
All India Total	9,589	65,962	54,096	60	1,20,118

4.16 The States that have maximum number of children with single parents residing in CCIs/Homes are Tamil Nadu, Maharashtra, Andhra Pradesh, Karnataka and Kerala. In terms of the gender divide, it is seen that there are more boys than girls staying in CCIs/Homes who fall in this category and while Andhra Pradesh, Kerala and Tamil Nadu have the highest number of girls, Tamil Nadu, Karnataka and Maharashtra have the highest number of boys in this category staying in CCIs/Homes.

III. Sexually abused Children

4.17 Details of Children placed in CCIs/Homes for rehabilitation and long term care because they have been victims of Sexual abuse or Child Pornography may be seen below in Table 4.6. Children who have been victims of Sexual abuse and are thereafter placed in institutional care for rehabilitation, need specialised care. These categories of children undergo immense trauma and thereby develop a host of psychological and emotional disorders as an aftermath of the abuse which can contribute to arrested developments. Many children and adolescents, in fact, may never learn how to deal with their abusive experiences or the effects thereafter if proper care and counseling is not provided to them.

Table 4.6 Number of Sexually Abused Children and Victims of Child Pornography residing in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Sexually Abused				Victim of Child Pornography			
		Boys	Girls	TG	Total	Boys	Girls	TG	Total
A&N	17	0	6	0	6	0	0	0	0
Andhra Pradesh	762	5	71	3	79	0	0	0	0
Arunachal Pradesh	8	0	2	0	2	0	0	0	0
Assam	131	0	27	0	27	0	0	0	0
Bihar	84	0	19	0	19	0	0	0	0
Chandigarh	16	0	10	0	10	0	0	0	0
Chhattisgarh	122	1	16	0	17	24	0	0	24
Delhi	125	11	87	0	98	0	0	0	0
Goa	70	0	8	0	8	0	0	0	0
Gujarat	169	3	39	0	42	0	0	0	0
Haryana	79	0	11	0	11	0	0	0	0
Himachal Pradesh	46	0	7	0	7	0	0	0	0
J&K	362	0	1	0	1	0	0	0	0
Jharkhand	127	0	61	0	61	0	0	0	0
Karnataka	911	29	155	0	184	87	26	0	113
Kerala	1,242	36	202	0	238	3	0	0	3
Madhya Pradesh	146	0	9	0	9	0	1	0	1
Maharashtra	1,284	9	199	0	208	0	2	0	2

Details of Children in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Sexually Abused				Victim of Child Pornography			
		Boys	Girls	TG	Total	Boys	Girls	TG	Total
Manipur	62	0	13	0	13	0	0	0	0
Meghalaya	84	0	4	0	4	0	0	0	0
Mizoram	46	3	50	0	53	0	0	0	0
Nagaland	67	0	4	0	4	0	0	0	0
Odisha	427	23	61	0	84	1	3	0	4
Pudduchery	91	0	15	0	15	0	0	0	0
Punjab	73	0	1	0	1	0	0	0	0
Rajasthan	277	2	16	0	18	0	2	0	2
Sikkim	23	0	10	0	10	0	0	0	0
Tamil Nadu	1,647	17	45	0	62	0	4	0	4
Telangana	494	47	80	0	127	33	2	0	35
Tripura	44	0	0	0	0	0	0	0	0
Uttar Pradesh	170	19	15	0	34	1	0	0	1
Uttarakhand	56	0	0	0	0	0	0	0	0
West Bengal	327	81	42	0	123	0	0	0	0
All India	9,589	286	1286	3	1575	149	40	0	189

4.18 It is seen from Table 4.6 above that Karnataka with 113 cases has the highest percentage (approx. 60%) of reported victims of child pornography placed in institutional care. The data also reveals that 23 out of 33 States/UTs did not report any victims of pornography placed in institutional care. Further, it is observed from the table that the victims of child pornography placed in institutional care are more boys (almost 4 times more) than girls whereas much larger number of girls are victims of Sexual abuse as compared to the boys. This data, however, needs to be interpreted in the light of reporting or recording practices and stigma associated with these matters.

Section 30 of the JJ Act states that the functions and responsibilities of the CWC shall include (xiii) taking action for rehabilitation of Sexually abused children who are reported as children in need of care and protection to the Committee by Special Juvenile Police Unit or local police, as the case may be, under the Protection of Children from Sexual Offences Act, 2012

4.19 In this context it may also be mentioned that the National Commission for Protection of Child Rights as well as several State Commissions have created guidelines for various stakeholders such as the Child Welfare Committees, which have been developed to assist child survivors of Sexual abuse and these include inter alia the following rights: (i) Right to Privacy and Confidentiality, (ii) Right to Non-Discrimination, (iii) Right to express his/her views in all matters affecting the child, (iv) Right to Safety and Well-Being.

4.20 Sexual Abuse of boys is not uncommon; however it is much less reported or addressed. Hence, both the JJ Act and the Protection of Children from Sexual Offences (POCSO) Act are gender neutral. Though the percentage of children in this category residing in the CCIs/Homes is very low, data confirms that such a category of children does exist, making this an issue of concern and intervention.

IV. Trafficked Children

4.21 Trafficking of children is an organized crime and a serious child protection concern. In India, trafficking of children is for multiple purposes such as Labour, Commercial Sexual Exploitation, Domestic work etc. Poverty, lack of awareness, aspirations for a better life etc. are some of the reasons that contribute to children becoming vulnerable to or victims of Trafficking. This section presents data on children residing in CCI/Homes, who were rescued from trafficking for domestic work, labour or commercial sexual exploitation.

Table 4.7 Gender disaggregated data of Children Trafficked for Domestic Work/Labour/ Commercial Sexual Exploitation found in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Trafficked for Domestic Work				Trafficked for Labour				Trafficked for Commercial Sexual Exploitation				Total Trafficked Children in CCIs/Homes
		Boys	Girls	TG	Total	Boys	Girls	TG	Total	Boys	Girls	TG	Total	
A&N	17	0	0	0	0	0	0	0	0	0	0	0	0	0
Andhra Pradesh	762	38	61	0	99	297	157	0	454	0	1	0	1	554
Arunachal Pradesh	8	0	0	0	0	9	9	0	18	0	0	0	0	18
Assam	131	5	29	0	34	17	26	0	43	0	5	0	5	82
Bihar	84	9	10	0	19	192	4	0	196	3	7	0	10	225

Details of Children in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Trafficked for Domestic Work				Trafficked for Labour				Trafficked for Commercial Sexual Exploitation				Total Trafficked Children in CCIs/Homes
		Boys	Girls	TG	Total	Boys	Girls	TG	Total	Boys	Girls	TG	Total	
Chandigarh	16	0	0	0	0	7	4	0	11	0	0	0	0	11
Chhattisgarh	122	9	1	0	10	34	1	0	35	0	0	0	0	45
Delhi	125	58	48	0	106	44	39	0	83	0	10	0	10	199
Goa	70	0	0	0	0	0	1	0	1	0	0	0	0	1
Gujarat	169	5	4	0	9	3	0	0	3	0	0	0	0	12
Haryana	79	1	3	0	4	10	2	0	12	0	1	0	1	17
Himachal Pradesh	46	0	0	0	0	4	3	0	7	0	0	0	0	7
J&K	362	5	0	0	5	3	0	0	3	0	1	0	1	9
Jharkhand	127	0	31	0	31	0	27	0	27	1	7	0	8	66
Karnataka	911	127	83	0	210	147	109	0	256	25	27	0	52	518
Kerala	1,242	0	1	0	1	5	11	0	16	0	0	0	0	17
Madhya Pradesh	146	3	2	0	5	2	0	0	2	0	68	0	68	75
Maharashtra	1,284	17	15	0	32	161	18	0	179	8	162	0	170	381
Manipur	62	0	7	0	7	0	0	0	0	0	0	0	0	7
Meghalaya	84	0	0	0	0	0	0	0	0	0	0	0	0	0
Mizoram	46	0	0	0	0	0	0	0	0	1	0	0	1	1
Nagaland	67	0	5	0	5	0	0	0	0	0	0	0	0	5
Odisha	427	17	23	0	40	44	32	0	76	0	5	0	5	121
Puduchery	91	0	0	0	0	0	0	0	0	0	0	0	0	0
Punjab	73	1	0	0	1	2	1	0	3	0	0	0	0	4
Rajasthan	277	6	9	0	15	67	0	0	67	0	0	0	0	82
Sikkim	23	0	2	0	2	6	7	0	13	0	0	0	0	15
Tamil Nadu	1,647	14	4	0	18	25	9	0	34	0	7	0	7	59
Telangana	494	32	78	0	110	24	115	0	139	0	38	0	38	287
Tripura	44	1	0	0	1	2	2	0	4	0	0	0	0	5
Uttar Pradesh	170	2	2	0	4	37	3	0	40	0	1	0	1	45
Uttarakhand	56	0	0	0	0	0	0	0	0	0	0	0	0	0
West Bengal	327	54	35	0	89	44	61	0	105	0	111	0	111	305
India	9,589	404	453	0	857	1186	641	0	1827	38	451	0	489	3173

4.22 The largest numbers of children rescued from domestic work, labour and commercial Sexual exploitation residing in CCIs/Homes are seen in the States of Andhra Pradesh (554), Karnataka (518), Maharashtra (381) and Telangana (287).

4.23 The highest number of children rescued from trafficking for domestic work has been found in the CCIs/Homes of Karnataka (210), Telangana (110) and Delhi (106). The data shows us that these States are perhaps destination States for the above mentioned kinds of trafficking and also that reporting and rescue mechanisms are more functional here. The above table also reflects that, in comparison

to boys, large number of girls are trafficked for domestic help. However, that may not be a reflection on the practice per se but instead an outcome of more accurate rescue and reporting of incidents related to girls. Also, other important information regarding Source States, reasons for vulnerability are not reflected via facts collected through this study.

4.24 The JJ Act defines children forced into labour as child in need of care and protection. Among the children trafficked for labour other than domestic work, large numbers are seen in the CCI/Homes of Andhra Pradesh (454), Bihar (196), Karnataka (256), Maharashtra (179), Telangana (139) and West Bengal (105). The data reflects that with respect to labour, more boys have been rescued and placed in CCIs than girls. It also reflects that CCIs/Homes in Andhra Pradesh have the highest percentage of boys(25%) who have been rescued from labour, followed by the CCIs/Homes of Bihar (16.2%).

4.25 Children trafficked for commercial Sexual exploitation are not only victims of a heinous crime but are also likely to be inducted into drug abuse or other forms of illegal activities. This makes them among the most vulnerable categories of children in need of care and protection. They

Under 79 of the JJ Act 2015 notwithstanding anything contained in any law for the time being in force, whoever ostensibly engages a child and keeps him in bondage for the purpose of employment or withholds his earnings or uses such earning for his own purposes shall be punishable with rigorous imprisonment for a term which may extend to five years and shall also be liable to fine of one lakh rupees.

Explanation - For the purposes of this section, the term "employment" shall also include selling goods and services, and entertainment in public places for economic gain.

have been covered extensively by Section 2 (14) sub sections (viii), (ix) and (x) of the JJ Act. Such children have been found in CCI/Homes of Assam, Bihar, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Tamil Nadu, Telangana and West Bengal. Maharashtra, with the highest number (170 of a total 489) houses 33% of such children.

V. Runaway / Missing Children

4.26 A large number of children go missing every year in India, regarding which there is no one source of information making it difficult to ascertain the exact number of such children. What is known though is that a significant number of these children remain untraced. According to NHRC², 2005 data, an average of 44,000 children go missing every year in India out of which an estimated 11,000 numbers remain untraced. These include children who run away because of situations at Home, in the family or community or those who are abducted/ kidnapped.

4.27 According to the JJ Act, a child is placed under the umbrella of CNCP if they are a missing or run away child, or a child whose parents cannot be found after making reasonable inquiry. Such children run away from home mostly as they are victims of circumstances (family conflict, single parents, poverty, unsafe migration, and illiteracy) that result in separation from their families. They end up living on the streets if they are unable to for some reason or not inclined to return to their families or if their families have no wish to take them back, hence becoming prone to exploitation, physical abuse, child labor, Sexual abuse and commercial sexual exploitation. These can scar the child for a lifetime. The JJ Act provides Shelter Homes and Children Homes for their shelter, protection and rehabilitation. Run away children are at high risk of becoming victims of multiple vulnerabilities like child marriage, substance abuse, physical abuse, Sexual abuse and other illegal activities along with child labour, prostitution. These can have a lifetime impact on the children.

4.28 The data, presented in Table 4.8 below, reflects the occupancy of runaway or missing children in CCIs/Homes across States/UTs in India.. The number stands at 3,780, majority (61%) of which is boys. The highest number of runaway/missing children found by the JJ system and placed in CCIs/Homes has been reported from Bihar, Maharashtra, Karnataka, Delhi and West Bengal. It is also seen that Andhra Pradesh, Uttar Pradesh, Punjab, Madhya Pradesh, Tamil Nadu and Haryana also have

²Report of the NHRC Committee on Missing Children

quite a high number of such children residing in their CCIs/Homes. In this category, Maharashtra has more boys in their CCIs/Homes followed closely by Bihar. The data also points out that no State/UT has transgender children in this category residing in their CCIs/Homes.

Table 4.8 Gender disaggregated data of Runaway/Missing Children in CCIs/Homes

States/UTs	Total No. of CCIs/ Homes	Runaway/Missing			
		Boys	Girls	Transgender	Total
A&N	17	0	0	0	0
Andhra Pradesh	762	196	86	0	282
Arunachal Pradesh	8	3	0	0	3
Assam	131	61	56	0	117
Bihar	84	262	131	0	393
Chandigarh	16	9	11	0	20
Chhattisgarh	122	38	12	0	50
Delhi	125	211	129	0	340
Goa	70	3	2	0	5
Gujarat	169	40	32	0	72
Haryana	79	78	40	0	118
Himachal Pradesh	46	2	5	0	7
J&K	362	7	2	0	9
Jharkhand	127	25	5	0	30
Karnataka	911	230	137	0	367
Kerala	1,242	31	30	0	61
Madhya Pradesh	146	114	25	0	139
Maharashtra	1,284	264	124	0	388
Manipur	62	2	2	0	4
Meghalaya	84	3	3	0	6
Mizoram	46	8	5	0	13
Nagaland	67	2	6	0	8
Odisha	427	46	32	0	78
Puduchery	91	0	3	0	3
Punjab	73	131	144	0	275
Rajasthan	277	59	112	0	171
Sikkim	23	3	0	0	3

States/UTs	Total No. of CCIs/ Homes	Runaway/Missing			
		Boys	Girls	Transgender	Total
Tamil Nadu	1,647	101	37	0	138
Telangana	494	63	7	0	70
Tripura	44	2	0	0	2
Uttar Pradesh	170	185	92	0	277
Uttarakhand	56	37	4	0	41
West Bengal	327	123	167	0	290
India	9,589	2,339	1,441	0	3,780

VI. Child Marriage

4.29 Childhood is a stage of development and growth, whereas, marriage is an institution which comes with additional economic and social responsibility. A child, who is yet to grow into a full-fledged empowered adult, is not capable of taking up any responsibility that normally gets entrusted to an individual after marriage. Despite strict legislations such as the JJ Act, POCSO and Prohibition of Child Marriage Act (PCMA), a large number of children in India still continue to be the victims of child marriage.

Under Section 2 (14) (xii) of the JJ Act, 2015 a child who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnization of such marriage is a child in need of care and protection.

4.30 This exercise has also reported occupancy of victims of child marriage across gender and varied age groups residing in CCIs/Homes across the country. A total of 469 such victims (29 boys and 440 girls) have been reported altogether. The highest numbers belong to West Bengal, followed by Karnataka, Andhra Pradesh and Madhya Pradesh. With respect to age groups, there are 13 such children in the age below 11 years category, 149 in the age group of 12-16 years and 307 in the age group of 16-18 years. This data, however, reflects only the victims that reached the CCIs/Homes and not the actual number of victims of child marriage.

Table 4.9 Gender and Age disaggregated data of Child Marriage Victims (CMV) residing in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Boys	Girls	0-11 yrs.	12-16 yrs.	16-18 yrs.	Total CMV
A&N	17	0	0	0	0	0	0
Andhra Pradesh	762	2	57	2	25	32	59
Arunachal Pradesh	8	8	0	0	6	2	8
Assam	131	0	9	0	0	9	9
Bihar	84	2	9	0	0	11	11
Chandigarh	16	0	0	0	0	0	0
Chhattisgarh	122	0	6	0	0	6	6
Delhi	125	0	9	0	1	8	9
Goa	70	0	0	0	0	0	0
Gujarat	169	1	1	0	1	1	2
Haryana	79	0	12	0	0	12	12
Himachal Pradesh	46	0	0	0	0	0	0
J&K	362	0	2	0	0	2	2
Jharkhand	127	0	2	0	2	0	2
Karnataka	911	1	71	2	33	37	72
Kerala	1,242	0	4	0	2	2	4
Madhya Pradesh	146	0	53	0	11	42	53
Maharashtra	1,284	0	11	0	5	6	11
Manipur	62	0	0	0	0	0	0
Meghalaya	84	0	0	0	0	0	0
Mizoram	46	0	1	0	0	1	1
Nagaland	67	0	0	0	0	0	0
Odisha	427	12	4	4	10	2	16
Pudduchery	91	0	2	0	1	1	2
Punjab	73	0	0	0	0	0	0
Rajasthan	277	0	26	0	3	23	26
Sikkim	23	0	0	0	0	0	0
Tamil Nadu	1,647	0	19	0	9	10	19
Telangana	494	0	37	2	7	28	37
Tripura	44	0	0	0	0	0	0
Uttar Pradesh	170	0	20	0	3	17	20
Uttarakhand	56	0	1	0	1	0	1
West Bengal	327	3	84	3	29	55	87
India	9,589	29	440	13	149	307	469

4.31 The information collected in this exercise shows that the number of victims of child marriage housed in the CCIs/Homes is quite low among all the States/UTs.

VII. Children Affected and Infected by HIV and AIDS

4.32 HIV/AIDS infected individuals often experience stigma and discrimination in the society even if they are children. However, children affected with HIV/AIDS namely those who lose their parents to the syndrome bear the maximum brunt. Such children are not only orphaned or lose a parent, they also struggle to live their lives without care and security even if extended family exists. Such children are often found in institutional care for lack of any other available alternative.

The JJ Act under Section 2 (14) (iv) states that a child who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee will fall under the category of a child in need of care and protection.

4.33 CCIs/Homes are looked at as the first and virtually only solution for children who are affected by HIV AIDS and whose families are unable to care for them. This is so, despite provisions being in place, for adoption, sponsorship and foster care (as applicable). In fact, there are numerous instances where families of infected/affected children have left them at CCIs/Homes as they are unable to cope with the socio-economic pressures and stigma that accompany this affliction.

4.34 This section is based on findings regarding number of children in CCIs/Homes who are affected and infected by HIV and AIDS. Table 4.10 shows that a 4999 such children (2466 affected and 2533 infected by HIV and AIDS) are staying in CCIs/Homes. States with high numbers of children being provided care and protection in the CCIs/Homes in this category are Andhra Pradesh (1184), Maharashtra (813), Karnataka (796), Tamil Nadu (744) and Telangana (494). Data highlights that more girls are affected and infected by HIV/AIDS than boys. It may also indicate that there are fewer options of care mechanisms apart from institutional care, for girls in this category, or, alternately that these States may have a robust system of identifying such children and bringing them into the care-fold unlike other States/UTs.

Table 4.10 Gender disaggregated data of Children affected and infected by HIV and AIDS residing in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Children affected by HIV and AIDS				Children infected by HIV and AIDS				Total no. of Children
		Boys	Girls	TG	Total	Boys	Girls	TG	Total	
A&N	17	0	0	0	0	0	0	0	0	0
Andhra Pradesh	762	246	254	0	500	308	369	7	684	1184
Arunachal Pradesh	8	0	0	0	0	0	0	0	0	0
Assam	131	0	0	0	0	0	0	0	0	0
Bihar	84	0	1	0	1	0	0	0	0	1
Chandigarh	16	0	0	0	0	0	0	0	0	0
Chhattisgarh	122	1	0	0	1	0	0	0	0	1
Delhi	125	23	5	0	28	9	21	0	30	58
Goa	70	26	37	0	63	13	6	0	19	82
Gujarat	169	6	2	0	8	0	53	0	53	61
Haryana	79	6	10	0	16	4	1	0	5	21
Himachal Pradesh	46	0	0	0	0	0	0	0	0	0
J&K	362	0	0	0	0	0	0	0	0	0
Jharkhand	127	19	16	0	35	19	26	0	45	80
Karnataka	911	181	208	0	389	167	240	0	407	796
Kerala	1,242	0	0	0	0	24	4	0	28	28
Madhya Pradesh	146	0	0	0	0	0	1	0	1	1
Maharashtra	1,284	96	259	0	355	219	239	0	458	813
Manipur	62	6	33	0	39	8	16	0	24	63
Meghalaya	84	0	0	0	0	0	1	0	1	1
Mizoram	46	8	14	0	22	15	15	0	30	52
Nagaland	67	3	13	0	16	4	10	0	14	30
Odisha	427	2	6	0	8	30	25	0	55	63
Pudduchery	91	30	17	0	47	0	10	0	10	57
Punjab	73	0	2	0	2	0	0	0	0	2
Rajasthan	277	80	33	0	113	93	51	0	144	257
Sikkim	23	0	0	0	0	0	0	0	0	0
Tamil Nadu	1,647	180	229	0	409	131	204	0	335	744
Telangana	494	156	162	0	318	109	67	0	176	494
Tripura	44	0	0	0	0	0	0	0	0	0
Uttar Pradesh	170	12	17	0	29	12	2	0	14	43
Uttarakhand	56	0	0	0	0	0	0	0	0	0
West Bengal	327	36	31	0	67	0	0	0	0	67
All India	9,589	1117	1349	0	2466	1165	1361	7	2533	4999

VIII. Victims of Natural and Man-made Disasters

4.35 Just like in other situations and circumstances, Children are more vulnerable to the after-effects of disasters, especially in cases where they get separated from their families and care-givers. Such separation often results in psychological and emotional scars problems for the child victims. Protection of child facing such circumstances becomes a priority for CCIs/Homes. The effects of man-made disasters and conflicts are particularly significant on children as they often bring with them abandonment by, or separation from, families. The short term and long term trauma, the emotional, psychological and physical strain stays with the child who has faced such disasters. Disasters are also opportune time for human traffickers. Vulnerable children and poverty-stricken families are easily tricked by these perpetrators. Hence, counselling and rehabilitation along with medical supervision becomes crucial when such children are institutionalized.

4.36 The JJ Act includes under the umbrella of a child in need of care and protection, any child who is a victim of, or affected by any armed conflict, civil unrest or natural calamity. This includes both natural disasters and manmade disasters. The CCIs/Homes are to reintegrate them with their families and natural surroundings to the extent possible without any further traumatisation. Keeping such children in CCIs/Homes, for a short term or long term care however, may be necessary in some circumstances.

Table 4.11 below gives combined information on the number of children in CCIs/Homes who are affected by natural and man-made disasters and conflicts.

Table 4.11 Gender disaggregated data of victims of Natural and Man-made Disasters in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Children Affected by Natural Disasters				Children affected by man-made disasters & conflict			
		Boys	Girls	TG	Total	Boys	Girls	TG	Total
A&N	17	1	2	0	3	0	0	0	0
Andhra Pradesh	762	7	24	0	31	10	14	0	24
Arunachal Pradesh	8	0	0	0	0	0	0	0	0
Assam	131	1	0	0	1	50	7	0	57
Bihar	84	2	9	0	11	222	4	1	227

Details of Children in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Children Affected by Natural Disasters				Children affected by man-made disasters & conflict			
		Boys	Girls	TG	Total	Boys	Girls	TG	Total
Chandigarh	16	0	0	0	0	0	0	0	0
Chhattisgarh	122	9	0	0	9	226	0	0	226
Delhi	125	0	0	0	0	210	5	0	215
Goa	70	0	0	0	0	0	0	0	0
Gujarat	169	6	0	0	6	10	7	0	17
Haryana	79	1	4	0	5	0	0	0	0
Himachal Pradesh	46	0	0	0	0	0	0	0	0
J&K	362	138	109	0	247	155	49	0	204
Jharkhand	127	9	23	0	32	74	0	0	74
Karnataka	911	32	84	2	118	140	33	0	173
Kerala	1,242	4	0	0	4	64	291	0	355
Madhya Pradesh	146	2	0	0	2	89	1	0	90
Maharashtra	1,284	131	22	0	153	37	7	0	44
Manipur	62	0	0	0	0	0	0	0	0
Meghalaya	84	0	0	0	0	6	24	0	30
Mizoram	46	2	2	0	4	1	0	0	1
Nagaland	67	0	1	0	1	0	1	0	1
Odisha	427	12	15	0	27	39	122	0	161
Pudduchery	91	0	0	0	0	4	0	0	4
Punjab	73	0	14	0	14	2	31	0	33
Rajasthan	277	13	28	0	41	0	4	0	4
Sikkim	23	0	0	0	0	0	0	0	0
Tamil Nadu	1,647	4	27	0	31	109	13	0	122
Telangana	494	14	7	0	21	39	3	0	42
Tripura	44	0	0	0	0	3	0	0	3
Uttar Pradesh	170	3	1	0	4	19	0	0	19
Uttarakhand	56	2	0	0	2	0	0	0	0
West Bengal	327	1	0	0	1	17	17	0	34
All India	9,589	394	372	2	768	1526	633	1	2160

4.37 From the table, it is seen that the total number of children affected by natural disasters and man-made disasters and/or conflicts residing in CCIs/Homes are 768 and 2160 respectively. The number of boys is more as compared to girls. A large number of children affected by natural disaster are housed in the CCIs/Homes of Jammu & Kashmir, Maharashtra and Karnataka, whereas children affected by manmade disaster and conflict are found in the CCIs/Homes of Kerala, Bihar, Chhattisgarh, J&K , Delhi, and Karnataka.

IX. Parents / Guardians Unfit / Incapacitated to Take Care

4.38 The CCIs/Homes across States/UTs also accommodate children whose parents / guardian are declared 'unfit or incapacitated to take care' by the Child Welfare Committee. The JJ Act states that a child, whose parent or guardian is found to be unfit or incapacitated by the Committee or the Board to care for and protect the safety and well-being of the child is deemed to be a child in need of care and protection. Table 4.12 provides details which show that there are 5,291 children in the age group of 0-6 years and 1,78,885 in the age group of 7-18 years found in CCIs/Homes in this category with boys being 17.2 % more than girls. Amongst these the CCIs/Homes in Andhra Pradesh, Karnataka, Kerala, Maharashtra and Tamil Nadu have more than 10,000 such children.

Table 4.12 Age and Gender disaggregated data of Children who's Parents / Guardians are unfit / Incapacitated to Take Care

States/UTs	Total No. of CCIs/Homes	Parents/ Guardian unfit/ incapacitated to take care						
		0-6	7-18	Total	Boys	Girls	TG	Total
A&N	17	3	53	56	36	40	0	76
Andhra Pradesh	762	618	14912	15530	7854	7667	9	15530
Arunachal Pradesh	8	4	6	10	5	5	0	10
Assam	131	101	853	954	627	327	0	954
Bihar	84	5	170	175	64	111	0	175
Chandigarh	16	38	160	198	110	88	0	198
Chhattisgarh	122	30	305	335	216	119	0	335
Delhi	125	45	997	1042	546	496	0	1042

Details of Children in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Parents/ Guardian unfit/ incapacitated to take care						
		0-6	7-18	Total	Boys	Girls	TG	Total
Goa	70	48	1061	1109	698	411	0	1109
Gujarat	169	58	1760	1818	1057	761	0	1818
Haryana	79	35	243	278	114	164	0	278
Himachal Pradesh	46	30	507	537	390	147	0	537
J&K	362	49	535	584	251	333	0	584
Jharkhand	127	134	766	900	472	428	0	900
Karnataka	911	290	12950	13240	8224	5023	0	13247
Kerala	1,242	973	28406	29379	14801	14570	0	29371
Madhya Pradesh	146	29	576	605	426	179	0	605
Maharashtra	1,284	355	41886	42241	36417	5824	0	42241
Manipur	62	21	282	303	175	128	0	303
Meghalaya	84	53	366	419	182	237	0	419
Mizoram	46	94	208	302	159	143	0	302
Nagaland	67	51	778	829	474	355	0	829
Odisha	427	258	6087	6345	3296	3049	0	6345
Pudduchery	91	43	802	845	374	471	0	845
Punjab	73	64	614	678	356	322	0	678
Rajasthan	277	65	2211	2276	1790	486	0	2276
Sikkim	23	3	29	32	0	32	0	32
Tamil Nadu	1,647	1270	48962	50232	21941	28291	0	50232
Telangana	494	232	5545	5777	3000	2777	0	5777
Tripura	44	11	277	288	185	103	0	288
Uttar Pradesh	170	41	1036	1077	803	274	0	1077
Uttarakhand	56	80	600	680	323	357	0	680
West Bengal	327	160	4942	5102	2621	2481	0	5102
All India	9,589	5291	178885	184176	107987	76199	9	184195

X. Homeless Children

4.39 The JJ Act, 2015 states that a child in need of care and protection means ‘a child who is found without any home or settled place of abode and without any ostensible means of subsistence’. This would include children who live on the streets, bus stops, railway stations, traffic signals, outside places of worship, pavements, etc. Such children are extremely vulnerable to exploitation, violence and abuse, as they are surviving on their own without the care and protection of concerned adults. This would also include children who live with their families however without any shelter or settled place of stay, such as children of migrant communities/tribes or displaced populations. Table 4.13 below provides details of children found in CCIs/Homes belonging to the above described situations.

4.40 It is a well-known fact that these children are extremely vulnerable to exploitation, violence and abuse as in many cases they are surviving on their own without the care and protection of concerned adults. Transgender children who have been victims of homelessness suffer from an additional vulnerability. These children are in need of basic facilities; shelter, nutrition, health care, education and recreation facilities for which institutional care may be a fit temporary mechanism to start with, followed by deinstitutionalization to some form of non-institutional care as applicable.

Table 4.13 Gender disaggregated data of Homeless Children found residing in CCIs/Homes

State	Total No. of CCIs/ Homes	Homeless			
		Boys	Girls	TG	Total
A&N	17	3	4	0	7
Andhra Pradesh	762	372	406	2	780
Arunachal Pradesh	8	1	0	0	1
Assam	131	13	29	0	42
Bihar	84	167	135	0	302
Chandigarh	16	68	72	0	140
Chhattisgarh	122	31	33	0	64
Delhi	125	185	131	0	316
Goa	70	0	2	0	2
Gujarat	169	98	82	0	180
Haryana	79	26	30	0	56
Himachal Pradesh	46	31	8	0	39
J&K	362	30	15	0	45

Details of Children in CCIs/Homes

State	Total No. of CCIs/ Homes	Homeless			
		Boys	Girls	TG	Total
Jharkhand	127	4	18	0	22
Karnataka	911	389	334	1	724
Kerala	1,242	1102	1643	0	2745
Madhya Pradesh	146	9	9	0	18
Maharashtra	1,284	154	318	0	472
Manipur	62	4	4	0	8
Meghalaya	84	6	5	0	11
Mizoram	46	0	0	0	0
Nagaland	67	11	7	0	18
Odisha	427	24	53	0	77
Pudduchery	91	26	129	0	155
Punjab	73	235	306	0	541
Rajasthan	277	24	3	0	27
Sikkim	23	0	0	0	0
Tamil Nadu	1,647	213	549	0	762
Telangana	494	403	227	0	630
Tripura	44	3	1	0	4
Uttar Pradesh	170	29	22	0	51
Uttarakhand	56	25	28	0	53
West Bengal	327	140	141	0	281
India	9,589	3,826	4,744	3	8,573

4.41 Table 4.13 gives a total number of 8,573 children from the homeless category are seen in CCIs/Homes. Girls (4,744) are more in this category than boys (3,826); and 3 transgender children are also found here. The CCIs/Homes in Kerala have the highest number of homeless children (2745). Other States having high number of homeless children in CCIs/Homes are Andhra Pradesh (780), Karnataka (724), Tamil Nadu (762), Telangana (630) and Punjab (541). However, the reason behind this higher percentage of homeless children in a particular State/UT is beyond the scope of this study.

XI. Mentally and/or Physically Challenged Children

4.42 The JJ Act also includes a child who is mentally and/or physically challenged under the category of child in need of care and protection. Children falling in this category are more vulnerable

to abuse, neglect and abandonment. They may feel additionally victimised as they are unable to or find it extremely hard to perform simple day to day activities. Such children need helping facilities which are integrated with provisions for any other child to prevent discrimination, isolation and to enable better care and protection. The JJ Act specifically provides that CCIs/Homes must be equipped with specialized rehabilitation measures keeping these children and their needs in mind. These may include wheel chairs (for those unable to walk), walking sticks with a bell (in case of visually challenged children), hearing aids, speech therapists etc.

4.43 Table 4.14 shows the number of such children residing in the CCIs/Homes in the country.

Table 4.14 Gender disaggregated data of Mentally and Physically Challenged Children residing in CCIs/Homes

States/UTs	Mentally Challenged				Physically Challenged			
	Boys	Girls	TG	Total	Boys	Girls	TG	Total
A&N	3	5	0	8	5	0	0	5
Andra Pradesh	1438	1009	1	2448	1035	744	0	1779
Arunachal Pradesh	5	4	0	9	3	2	0	5
Assam	29	31	0	60	103	74	0	177
Bihar	114	89	0	203	30	38	0	68
Chandigarh	12	12	0	24	4	3	0	7
Chhattisgarh	22	31	0	53	124	21	0	145
Delhi	48	66	0	114	61	59	0	120
Goa	99	59	0	158	47	34	0	81
Gujarat	235	79	0	314	75	22	0	97
Haryana	136	15	0	151	16	5	0	21
H.P	95	37	0	132	12	3	0	15
J&K	15	62	0	77	222	100	0	322
Jharkhand	71	58	0	129	270	117	0	387
Karnataka	1035	663	0	1698	1481	909	0	2390
Kerala	694	573	0	1267	399	256	0	655
M.P	59	62	0	121	38	31	0	69
Maharashtra	138	167	0	305	68	67	0	135
Manipur	2	4	0	6	1	1	0	2
Meghalaya	4	6	0	10	7	6	0	13
Mizoram	27	14	0	41	9	5	0	14
Nagaland	0	3	0	3	43	26	0	69

States/UTs	Mentally Challenged				Physically Challenged			
	Boys	Girls	TG	Total	Boys	Girls	TG	Total
Odisha	34	24	0	58	31	25	0	56
Puducherry	84	66	0	150	63	51	0	114
Punjab	232	148	0	380	28	47	0	75
Rajasthan	531	94	0	625	553	60	0	613
Sikkim	6	7	0	13	14	9	0	23
Tamil Nadu	462	304	0	766	194	166	0	360
Telangana	502	301	0	803	370	290	0	660
Tripura	7	20	0	27	0	3	0	3
Uttar Pradesh	52	142	0	194	63	24	0	87
Uttarakhand	1	3	0	4	2	7	0	9
West Bengal	225	218	0	443	211	253	0	464
All India	6,417	4,376	1	10,794	5,582	3,458	0	9,040

4.44 There are around 20,000 mental and physical challenged children staying in CCIs/Homes across the country. 10,942 of them are mentally challenged and 9,040 are faced with physical challenges. The number of boys amongst them is higher than girls. States where high numbers of both mentally and physically challenged children residing in CCIs/Homes are seen in Karnataka (having the highest number, 4,236, of such children), Andhra Pradesh (4,227), Kerala (1,922), Rajasthan (1,238) and Telangana (1,463).

XII. Children from other States/UTs

4.45 This Study has also brought out that a large number of children are residing in CCIs/Homes who belong to States/UTs other than that where the CCIs/Home is located. Very often Institutions under the JJ Act house children who belong to other States/UTs. If it is done within the system however, then the Act states that such transfer, ordered by CWC/JJB to an institution outside the State, shall be done only in consultation with the concerned CWC/JJB to whose jurisdiction the child is now being sent. Also, such transfer does not increase the total period of stay of the child in a Children's Home or a Special home, as the case may be.

4.46 Table 4.15 below shows that around 8,461 such children have been found Pan India during this exercise. Higher incidences of other state occupancy are among boys (4,702) as compared to

girls (3755). States/UTs with more than 700 children from other States/UTs residing in their CCIs/Homes include Karnataka being the highest with 1,723, Delhi (1,013), Kerala (1,059), Pudduchery (843), and Rajasthan (760). While this does indicate that these States/UTs are favoured destinations for inter State migration, it also shows that children reaching these areas are often falling out of the social safety net and requiring care and protection under the Juvenile Justice system. Ascertaining reasons for their movement as well as vulnerability in the above mentioned States/UTs are beyond the scope of this exercise.

Table 4.15 Gender disaggregated data of Children residing in CCIs/Homes who belong to Other States/UTs

States/UTs	Total No. of CCIs/Homes	Children from Other States/UTs			
		Boys	Girls	TG	Total
A&N	17	0	1	0	1
Andhra Pradesh	762	324	136	2	462
Arunachal Pradesh	8	0	0	0	0
Assam	131	15	20	0	35
Bihar	84	40	25	0	65
Chandigarh	16	29	76	0	105
Chhattisgarh	122	33	11	0	44
Delhi	125	722	291	0	1013
Goa	70	3	10	0	13
Gujarat	169	34	33	0	67
Haryana	79	156	186	0	342
Himachal Pradesh	46	6	4	0	10
J&K	362	45	7	0	52
Jharkhand	127	92	1	0	93
Karnataka	911	572	1149	2	1723
Kerala	1,242	621	438	0	1059
Madhya Pradesh	146	124	39	0	163
Maharashtra	1,284	230	144	0	374
Manipur	62	1	0	0	1
Meghalaya	84	56	31	0	87
Mizoram	46	11	6	0	17
Nagaland	67	10	7	0	17

States/UTs	Total No. of CCIs/Homes	Children from Other States/UTs			
		Boys	Girls	TG	Total
Odisha	427	32	17	0	49
Puducherry	91	394	449	0	843
Punjab	73	28	57	0	85
Rajasthan	277	564	196	0	760
Sikkim	23	0	2	0	2
Tamil Nadu	1,647	263	236	0	499
Telangana	494	142	97	0	239
Tripura	44	0	0	0	0
Uttar Pradesh	170	51	39	0	90
Uttarakhand	56	11	2	0	13
West Bengal	327	93	45	0	138
All India	9,589	4,702	3,755	4	8,461

XIII. Duration of Stay of Children in CCIs/Homes

4.47 The JJ Act and Rules framed there under provide for stay in CCIs/Homes for CNCP as well as CCL. The duration of stay in CCIs/Homes varies as per the category of Home where the child is residing and the purpose of stay which includes Protective Custody (Observation Home), Overnight Protective Stay or Rehabilitation Stay for CCLs (Special Home or Place of Safety) and Overnight Protective Stay and Rehabilitation Stay (Children's Home) for CNCP children. The child's stay for shorter or longer duration depends on the directions of the Child Welfare Committee (CWC/Juvenile Justice Board (JJB) which is based as per the JJ Act on the best interest of the Child. The duration may also depend on the situation/circumstances in which the child was placed in the institution. The duration of stay may be at the least for a few hours for e.g. In the case of a child separated from parents whose family is located and details verified, and at the most may extend to 18 years.

4.48 The Table 4.16 below presents gender disaggregated data pertaining to duration of stay of children residing in CCIs/Homes across India. This is based on information available and/or provided by CCIs/Homes and is not information pertaining to all children residing in CCIs/Homes covered under this exercise. The duration of the stay has been divided into five categories: Less than a month, (ii) 1-4 Months, (iii) 5-12 months, (iv) 13-36 months and (v) 37 Months & above. It is

seen that occupancy of boys in all the categories of duration of stay is more except for stay beyond three years and above, where girls are seen to be more in number showing a tendency on long term rehabilitation through institutional care for girls. Reasons for the same are beyond the scope of this exercise.

Table 4.16 Gender disaggregated data of duration of Stay of Children in CCIs/Homes

Duration of stay of children in CCIs/Homes											
States/UTs	Total No. of CCIs/Homes	Boys					Girls				
		Less than a month	1-4 Months	5-12 months	13-36 months	37 Months & above	Less than a month	1-4 Months	5-12 months	13-36 months	37 Months & above
A&N	17	0	1	30	83	120	4	6	30	65	167
Andhra Pradesh	762	92	862	1632	1470	2334	397	883	1437	1338	2071
Arunachal Pradesh	8	5	16	25	8	14	2	14	28	0	2
Assam	131	54	211	370	459	442	41	133	350	412	453
Bihar	84	365	417	295	252	191	60	161	220	178	224
Chandigarh	16	8	12	45	60	60	3	5	47	67	98
Chhattisgarh	122	154	326	343	400	644	43	106	186	290	295
Delhi	125	332	441	426	473	559	131	253	393	480	600
Goa	70	0	0	0	0	0	0	0	0	0	0
Gujarat	169	75	190	798	813	637	41	129	378	498	877
Haryana	79	88	342	443	355	101	223	335	338	206	188
Himachal Pradesh	46	25	168	284	356	148	8	58	125	122	51
J&K	362	5	30	77	195	450	11	9	35	73	255
Jharkhand	127	110	138	261	243	266	95	84	217	159	168
Karnataka	911	124	146	177	215	372	63	81	211	136	269
Kerala	1,242	53	437	2983	4532	4281	124	133	3710	5868	5769
Madhya Pradesh	146	149	236	381	365	433	34	161	241	276	489
Maharashtra	1,284	266	379	2448	2604	2999	132	323	1519	1888	3560
Manipur	62	3	53	75	218	295	3	22	44	133	147
Meghalaya	84	24	105	144	157	360	12	85	197	151	339
Mizoram	46	19	69	111	145	281	9	41	94	107	198
Nagaland	67	0	49	126	294	184	0	26	92	240	134
Odisha	427	123	359	1482	2739	2846	29	318	1000	2153	2386

Details of Children in CCIs/Homes

Duration of stay of children in CCIs/Homes											
States/UTs	Total No. of CCIs/Homes	Boys					Girls				
		Less than a month	1-4 Months	5-12 months	13-36 months	37 Months & above	Less than a month	1-4 Months	5-12 months	13-36 months	37 Months & above
Puducherry	91	93	183	114	15	0	122	396	219	25	0
Punjab	73	42	152	232	290	188	31	117	301	331	248
Rajasthan	277	143	684	1095	1451	788	47	142	366	450	314
Sikkim	23	11	7	22	38	108	2	10	8	32	74
Tamil Nadu	1,647	514	733	6991	8649	5123	275	942	8095	12241	7381
Telangana	494	23	33	94	140	188	40	32	69	29	99
Tripura	44	44	170	179	46	33	116	133	63	0	37
Uttar Pradesh	170	281	548	706	716	498	196	296	415	442	577
Uttarakhand	56	50	111	201	73	141	41	70	68	121	240
West Bengal	327	398	943	1323	2221	2260	243	534	1087	1511	2131
Total	9,589	3,673	8,551	23,913	30,075	27,344	2,578	6,252	21,583	30,022	29,841

4.49 The CCIs/Homes in Tamil Nadu have 514 numbers of boys in the less than a month category staying in CCIs/Homes, which in percentage, is the highest, followed by West Bengal at 398. Nagaland, Goa and Andaman & Nicobar have no occupancy of boys in this category. In the 1-4 months duration of stay period, West Bengal has the highest number of boys residing in CCIs/Homes (943), followed by Andhra Pradesh with 862 occupants. Tamil Nadu has the highest number of boys staying in CCIs/Homes in the 5-12 months category (6,991), 13-36 months (8,649) and 37 months & above category (5,123). Kerala follows having 2,983, 4,532 and 4,281 inmates in the above mentioned three type of durations of stay respectively showing a focus in both States on long term stay in CCIs/Homes.

4.50 Where girls are concerned, Andhra Pradesh with 397 girls staying in their CCIs/Homes for less than a month record the highest number, while Nagaland and Goa on the other hand do not have any occupancy of girls in this category. Number of girls residing for 1-4 months duration is the highest in Tamil Nadu at 942, followed by Andhra Pradesh at 883 and West Bengal at 534. Tamil Nadu has the highest number of occupancy of girls in all the remaining duration of stay categories (5-12 months, 13-36 months as well as 37 & above months) followed by Kerala.

XIV. Highlights

4.51 The details above, of the profile of children housed in various CCIs/Homes across the country indicate that rationalisation and equitable distribution of CCIs/Homes across the country, based on mapping of actual need, needs to be addressed immediately. There is a possibility of there not being sufficient CCIs/Homes for specific categories of children or on the contrary a focus only on institutional care for rehabilitation which may not be in the best interest of the child.

4.52 The exercise also indicates a need for a correlation between the number of children that need rehabilitation in a State/UT and the number and kind of existing Home available.

4.53 Certain categories of children are seen to be placed more in institutional care and also certain States/UTs seem to focus more on institutional care means of rehabilitation.

4.54 A significant number of children recorded as orphan, abandoned, surrendered as well as children of single parents are residing in CCIs/Homes.

4.55 Several data points in this chapter indicate the beginning of a story, details of which are to be ascertained to ensure provision of end to end appropriate service care. For instance, CCIs/Homes in the North Eastern States of Mizoram and Sikkim have large percentage of girls who have been victims of sexual abuse whereas Karnataka, Telangana and Chhattisgarh have the highest number of child pornography victims in their CCIs/Homes. These situations need to be studied more vis a vis services available and whether these are being provided.

4.56 Children with additional vulnerabilities such as those affected / infected by HIV and AIDS or those who are mentally or physically challenged or transgender children are staying in CCIs/Homes.

4.57 With respect to the duration of stay of the children in the CCIs/Homes, it is observed that the maximum numbers of children are staying in institutions for 13– 36 months.

Chapter 5

Standard of Care in CCIs/Homes



नए समाज की ओर
Towards a new dawn

Chapter 5 : Standard of Care in CCIs/Homes

5.1 The Juvenile Justice system in India is based on the philosophy that children have inalienable rights and that all matters related to children, are to be adjudicated and disposed with a child friendly approach and in their best interest. The JJ Act states therefore that “*rehabilitation and social integration of children under this Act shall be undertaken, based on the individual care plan of the child, preferably through family based care....*”. This legislation is based on the principle that the best interest of the child is in being with a loving and caring family or in a non-institutional equivalent provided through adoption and foster care, so as to enable the child to grow to their full potential. However, the need for institutional care cannot be denied either for temporary purposes or especially for children who have no other option available.

5.2 In order to address this need, the JJ Act and Rules framed thereunder, have detailed provisions with regard to the rehabilitation process and the standards to be maintained, within all CCIs/Homes. These include inter alia standards for infrastructure, occupancy, documentation, nutrition, staff, and protection measures etc. all of which are being detailed in this chapter.

I. Child Care Facilities

5.3 Proportion of occupancy and capacity

Adequate space per person in an institution impacts a whole set of other well-being parameters in an institutional setting. It ensures individual space and enables monitoring of that space thereby rendering it safe. Table 5.1 below reflects that across India on an average, 15.1% CCIs/Homes were housing children beyond their capacity resulting in overcrowding. An overwhelming number of CCIs/Homes (75.3%) however had fewer children than they were capacitated to provide shelter to. Less occupancy at the very least ensures better care whereas in overcrowded CCIs/Homes, the quality of care and protection given to children, facilities for education, vocation, food, clothing, health, etc. tend to get compromised as the demand becomes more than the supply, especially when the fund supply is delayed or reduced. Therefore, while this does indicate a need for rationalisation

of CCIs/Homes in most the States/UTs, it also gives hope as it shows that infrastructure exists to accommodate more children in dire need of shelter.

Table 5.1 State-wise percentage distribution of CCIs/Homes – occupancy vs capacity

States/UTs	Total No. of CCIs/Homes	CCIs/Homes having more children than its capacity		CCIs/Homes having less children than its capacity	
		No.	Percent	No.	Percent
A & N Island	17	1	5.9	11	64.7
Andhra Pradesh	762	100	13.1	545	71.5
Arunachal Pradesh	8	1	12.5	5	62.5
Assam	131	14	10.7	46	35.1
Bihar	84	17	20.2	53	63.1
Chandigarh	16	2	12.5	10	62.5
Chhattisgarh	122	12	9.8	86	70.5
Delhi	125	15	12	90	72
Goa	70	9	12.9	59	84.3
Gujarat	169	15	8.9	132	78.1
Haryana	79	20	25.3	33	41.8
Himachal Pradesh	46	4	8.7	21	45.7
Jammu & Kashmir	362	64	17.7	252	69.6
Jharkhand	127	21	16.5	93	73.2
Karnataka	911	311	34.1	551	60.5
Kerala	1242	65	5.2	1157	93.2
Madhya Pradesh	146	24	16.4	96	65.8
Maharashtra	1284	102	7.9	1140	88.8
Manipur	62	2	3.2	30	48.4
Meghalaya	84	3	3.6	56	66.7
Mizoram	46	1	2.2	42	91.3
Nagaland	67	5	7.5	43	64.2
Orissa	427	96	22.5	257	60.2
Puducherry	91	6	6.6	84	92.3

States/UTs	Total No. of CCIs/Homes	CCIs/Homes having more children than its capacity		CCIs/Homes having less children than its capacity	
		No.	Percent	No.	Percent
Punjab	73	7	9.6	31	42.5
Rajasthan	277	53	19.1	161	58.1
Sikkim	23	2	8.7	20	87
Tamil Nadu	1647	194	11.8	1451	88.1
Telangana	494	184	37.2	274	55.5
Tripura	44	8	18.2	30	68.2
Uttar Pradesh	170	23	13.5	104	61.2
Uttaranchal	56	4	7.1	41	73.2
West Bengal	327	63	19.3	213	65.1
Total	9,589	1,448	15.1	7217	75.3

5.4 The Table further reveals that there are wide variations in proportion of occupancy and capacity across States/UTs. An interesting fact thrown up is that States with high percentages of occupancy in CCIs/Homes such as Telangana (37.2%) and Karnataka 34.1% also already have a fairly large number of CCIs/Homes already and reasons for this situation needs further analysis. These percentages are much higher than observed in States/UTs like Mizoram which have over-occupancy in only 1% CCIs/Homes and

Assam and Manipur have highest percentage of CCIs/Home housing children in accordance with its capacity (54.2% and 48.4% respectively). Puducherry and Kerala have high percentage of CCIs/Homes (more than 90%) functioning under capacity that is more number of children can be accommodated in these CCIs/Homes.

Manipur which has 2% of such CCIs/Homes. The reverse scenario (fewer children than capacity) also sees substantial variation amongst States/UTs. Ranging from 35% in Assam to 93% in Kerala, high percentages of CCIs/Homes having fewer children than their capacity however, is evident in most States/UTs. This fact, seen against the disparate spread of CCIs/Homes as detailed in Chapter 3, clearly points towards a requirement for need assessment and rationalisation of CCIs/Homes.

5.5 Adequate provision for care and supervision of children residing in CCIs/Homes

The entire premise of rehabilitation, whether in an institution or elsewhere hinges on the quality of care available for the child availing of that particular service. This becomes especially critical when the mechanism being used for rehabilitation is a CCI/Home and a child in distress or difficult circumstances is placed there for care, protection and long term rehabilitation. Care givers play an important role in effective implementation of aims and objectives of the JJ Act and ensuring child care and protection. It is important that there are sufficient care givers in CCIs/Homes especially those providing

residential care, so as to enable each child to receive individual attention and wherever possible and appropriate, to give the child an opportunity to bond with a specific caregiver and thereby feel rooted and secure.

5.6 Monitoring the activities of children helps to minimize and in many cases eliminate the risk of injury to a child and also in providing a swift response to any untoward situation that may put children in danger. It is important therefore that all CCIs/Homes are adequately staffed and that the number of children occupying a CCIs/Home is not more than the capacity of the home so as to ensure the best care to children.

5.7 Table 5.2 below provides a glimpse of the national scenario vis a vis key elements of caregiver to child ratio as well as supervision of activities. It also provides a glimpse into quality of supervision. There is an attempt to explore the nuance between active supervision and supervision per se.

Key Highlights of this section:<

- Percentage of CCIs with adequate number of supervisor and care givers is highest in Jammu & Kashmir, Mizoram, Delhi, Kerala whereas Pudduchery is the lowest performing state in this regard.
- About 15 % of CCIs are housing children more than its capacity in India
- In Kerala, most of the CCIs have lower occupancy than capacity and adequate number of caregiving staff

Table 5.2 Percentage of CCIs/Homes having caregivers and supervised activities as required - National Snapshot

S.N	Parameters	Percentage
1	Percentage of CCIs/Homes with adequate (numbers) care givers per child	46.7
2	Percentage of CCIs/Homes where all activities are conducted under staff supervision	77.1
3	Percentage of CCIs/Homes where children who are in emotional distress (due to fear, trauma, or illness) are being actively supervised	65.9
4	Percentage of CCIs/Homes where infants/children in emotional distress (due to hunger, fatigue, wet or soiled diapers, fear, teething, or illness) being actively supervised	28.7

5.8 According to Specialised Adoption Agencies (SAA) norms, child/infant to caregiver ratio is 4:1 for children below 1 year, 5:1 for children from 1 to 3 years and 8:1 for older children. The above data reflects that less than 50% of CCIs/Homes meet the required ratio of children to caregiver/Ayahs in the institutions. It also reflects that there is a gap, which is a cause for concern, between supervision and active supervision of activities or focussed care during moments of trauma/illness. With only 6634 numbers of Homes (65.9%) answering in the positive regarding focus on active supervision of children who are emotionally distressed due to fear etc. and similarly over 29% (table5.2) only for infants/children who are unwell, a need for capacity building /sensitisation of caregivers is strongly indicated.

Table 5.3 State wise percentage of CCIs/Homes having Child Care Facilities including number of caregivers and adequate supervision

States/UTs	Total No. of CCIs/Homes	Adequate number of care giver per child		All activities being conducted under staff supervision		Children in emotional distress being actively supervised			
						Due to fear, trauma, or illness		Due to hunger, fatigue, teething	
		No.	%	No.	%	No.	%	No.	%
A&N	17	14	82.4	16	94.1	17	100.0	4	23.5
Andhra Pradesh	762	477	62.6	658	86.4	572	75.1	219	28.7
Arunachal Pradesh	8	2	25.0	3	37.5	4	50.0	3	37.5
Assam	131	27	20.6	69	52.7	63	48.1	46	35.1
Bihar	84	16	19.0	65	77.4	66	78.6	28	33.3

Standard of Care in CCIs/Homes

States/UTs	Total No. of CCIs/Homes	Adequate number of care giver per child		All activities being conducted under staff supervision		Children in emotional distress being actively supervised			
						Due to fear, trauma, or illness		Due to hunger, fatigue, teething	
		No.	%	No.	%	No.	%	No.	%
Chandigarh	16	14	87.5	12	75.0	3	18.8	0	0.0
Chhattisgarh	122	36	29.5	97	79.5	95	77.9	56	45.9
Delhi	125	15	12.0	107	85.6	102	81.6	65	52.0
Goa	70	35	50.0	17	24.3	14	20.0	4	5.7
Gujarat	169	34	20.1	108	63.9	96	56.8	20	11.8
Haryana	79	16	20.3	60	75.9	57	72.2	35	44.3
Himachal Pradesh	46	8	17.4	32	69.6	22	47.8	8	17.4
Jammu & Kashmir	362	232	64.1	341	94.2	292	80.7	39	10.8
Jharkhand	127	54	42.5	87	68.5	75	59.1	51	40.2
Karnataka	911	392	43.0	759	83.3	616	67.6	268	29.4
Kerala	1242	562	45.2	1175	94.6	1055	84.9	406	32.7
Madhya Pradesh	146	61	41.8	90	61.6	78	53.4	56	38.4
Maharashtra	1284	236	18.4	572	44.5	482	37.5	83	6.5
Manipur	62	7	11.3	29	46.8	19	30.6	8	12.9
Meghalaya	84	38	45.2	64	76.2	53	63.1	15	17.9
Mizoram	46	14	30.4	42	91.3	39	84.8	31	67.4
Nagaland	67	5	7.5	62	92.5	59	88.1	17	25.4
Odisha	427	143	33.5	297	69.6	232	54.3	162	37.9
Puducherry	91	7	7.7	7	7.7	8	88	77	84.6
Punjab	73	39	53.4	72	98.6	30	41.1	22	30.1
Rajasthan	277	167	60.3	206	74.4	171	61.7	161	58.1
Sikkim	23	2	8.7	21	91.3	21	91.3	2	8.7
Tamil Nadu	1647	1409	85.5	1416	86.0	1146	69.6	516	31.3
Telangana	494	204	41.3	411	83.2	393	79.6	167	33.8
Tripura	44	18	40.9	35	79.5	25	56.8	17	38.6
Uttar Pradesh	170	78	45.9	125	73.5	104	61.2	39	22.9
Uttaranchal	56	29	51.8	45	80.4	39	69.6	17	30.4
West Bengal	327	85	26.0	291	89.0	275	84.1	111	33.9
All India	9589	4476	46.7	7391	77.1	6323	65.9	2753	28.7

5.9 Table 5.3 above provides a State-wise break up of performance in the above mentioned aspects. Though 46.7% CCIs/Homes have met the caregiver / ayahs to child ratio, only 28.7% CCIs/Homes are able to actively supervise infants / children who are emotionally distressed. Chandigarh has the highest percentage of CCIs/Homes (88%) with adequate proportion of caregivers/ayahs to children, followed by Tamil Nadu (86%) and Andaman & Nicobar Island (82%) whereas States like Nagaland (7%), Puducherry (8%) and Sikkim (9%) have less than 10% CCIs/Homes with appropriate caregiver and child ratio.

5.10 It was also observed that in about 99% of CCIs/Homes in Punjab children carry out activities under the staff supervision for minimizing the risk of injury and/or to respond as promptly as possible. The data has also pointed out that CCIs/Homes in Kerala (95%), Andaman & Nicobar (94%), Jammu & Kashmir (94%) and Mizoram (91%) are also performing well in terms of supervision of children activities. This practice must be further encouraged. The lowest percentage of CCIs/Homes reporting supervision was in Pudduchery with 8% negative responses.

5.11 The Table 5.3 data shows that all the CCIs/Homes in Andaman & Nicobar are actively supervising their children who are emotionally distressed (due to fear, trauma, or illness). More than eighty percent of CCIs/Homes in Delhi (82%), Jammu & Kashmir (81%), Kerala (85%), Mizoram (85%), Nagaland (88%), Telangana (80%) and West Bengal (84%) also adequately supervise distressed children (due to fear, trauma, or illness). Puducherry has the least percentage i.e. about 9% of CCIs/Homes supervising such children. As seen above, however in case of adequate supervision of infants who are distressed (due to hunger, fatigue, wet or soiled diapers, or teething), Puducherry is in the lead (84.6%) followed by Mizoram (67%), Rajasthan (58%) and Delhi (52%). The collected data shows that all the other States/UTs, except for the ones mentioned immediately above, need improvement in this respect.

5.12 CCIs/Homes are for the reception of children in need of care and protection (whether CNCP or CCL, with both needing care and protection) during the pendency of any inquiry and subsequently for their care, treatment, education, training, development and rehabilitation. Various categories of children are admitted to the CCIs/Homes. These children come from difficult circumstances i.e. orphan, children of single parent, children of prisoners, missing child, separated, street children,

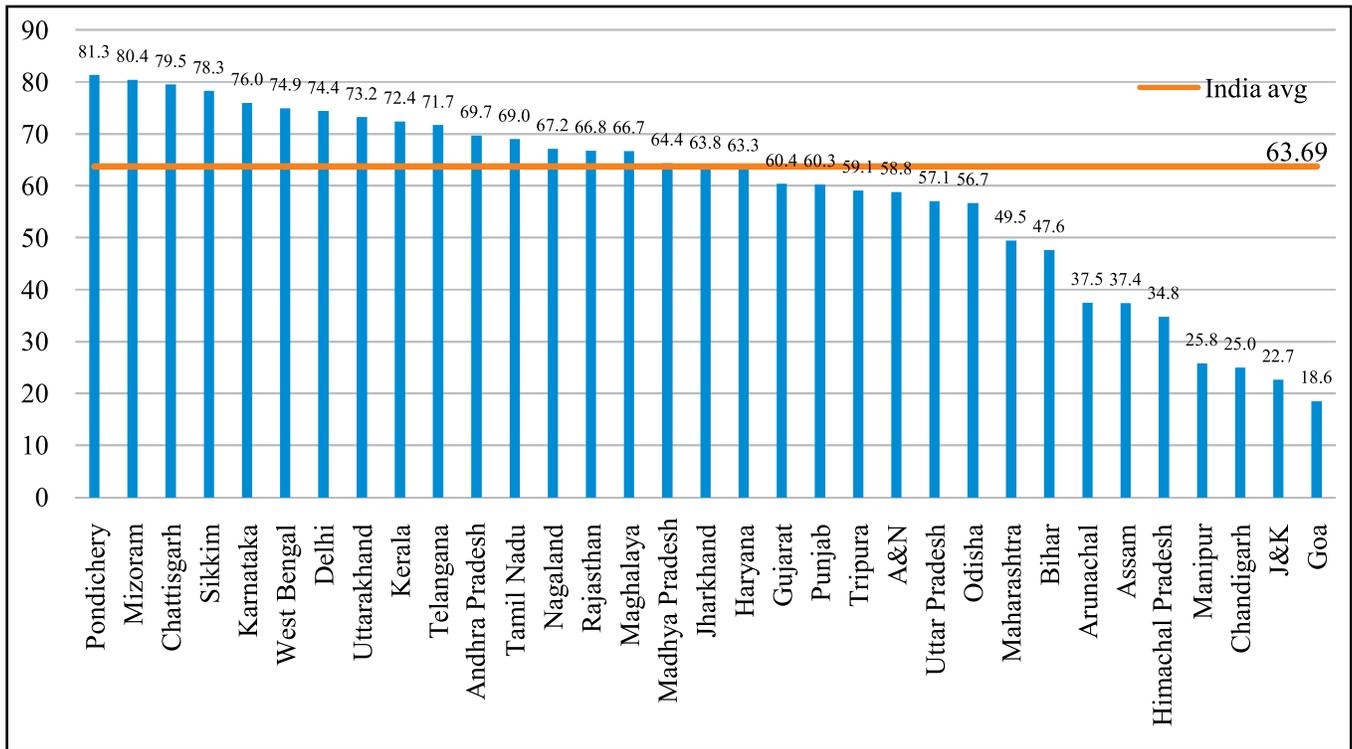
children suffering from prolonged illness, children found begging, child labourers, children of leprosy affected beggars, HIV/AIDS affected & infected children, children of parents who were unable to take care of them, handicapped, mentally challenged etc. CCIs/Homes have to deal with the physical, emotional and psychological impact that these circumstances may have resulted in. In this situation, a sensitive caregiver can act as a catalyst for healing and reintegration for the child.

5.13 **Play & recreation**

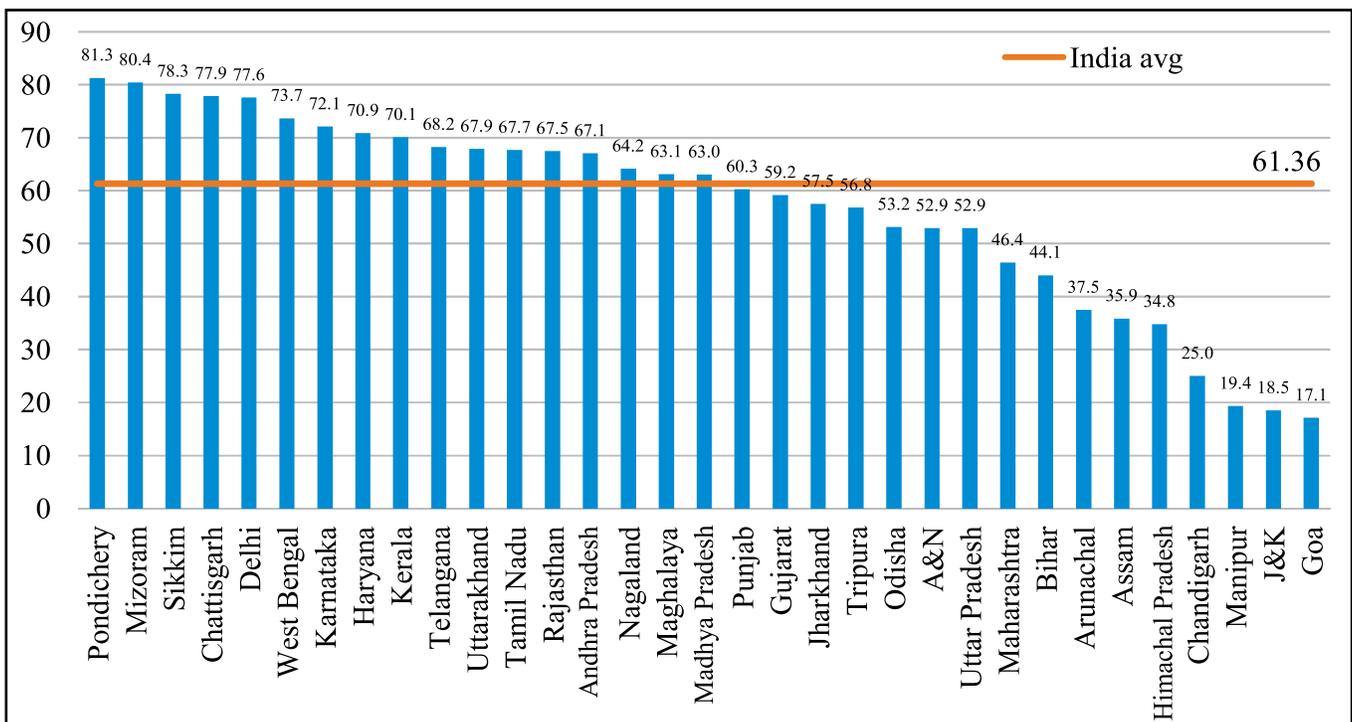
The JJ Rules, 2016 state that provisions must be made for indoor and outdoor activities/games for children in CCIs/Homes. It is important that Homes have sufficient play items of good quality that are safe to use. Toys must not only be easily available and accessible, they need to be categorised as per the age groups of children. This will ensure that the items are safe for use and beneficial to their physical, emotional, cognitive and mental development.

5.14 The graph 5.1 below reflects that 64% of CCIs/Homes across the country have reported availability and accessibility of toys for children. 81% of the CCIs/Homes in Puducherry have toys followed closely by Chandigarh and Mizoram each at 80%. However, it is necessary to note that at least 36% CCIs/Homes have no provision for availability or accessibility of toys which is a fairly large number.

Graph 5.1 Percentage of CCIs/Homes having toys for children



Graph 5.2 Percentage of CCIs/Homes having safe toys for children



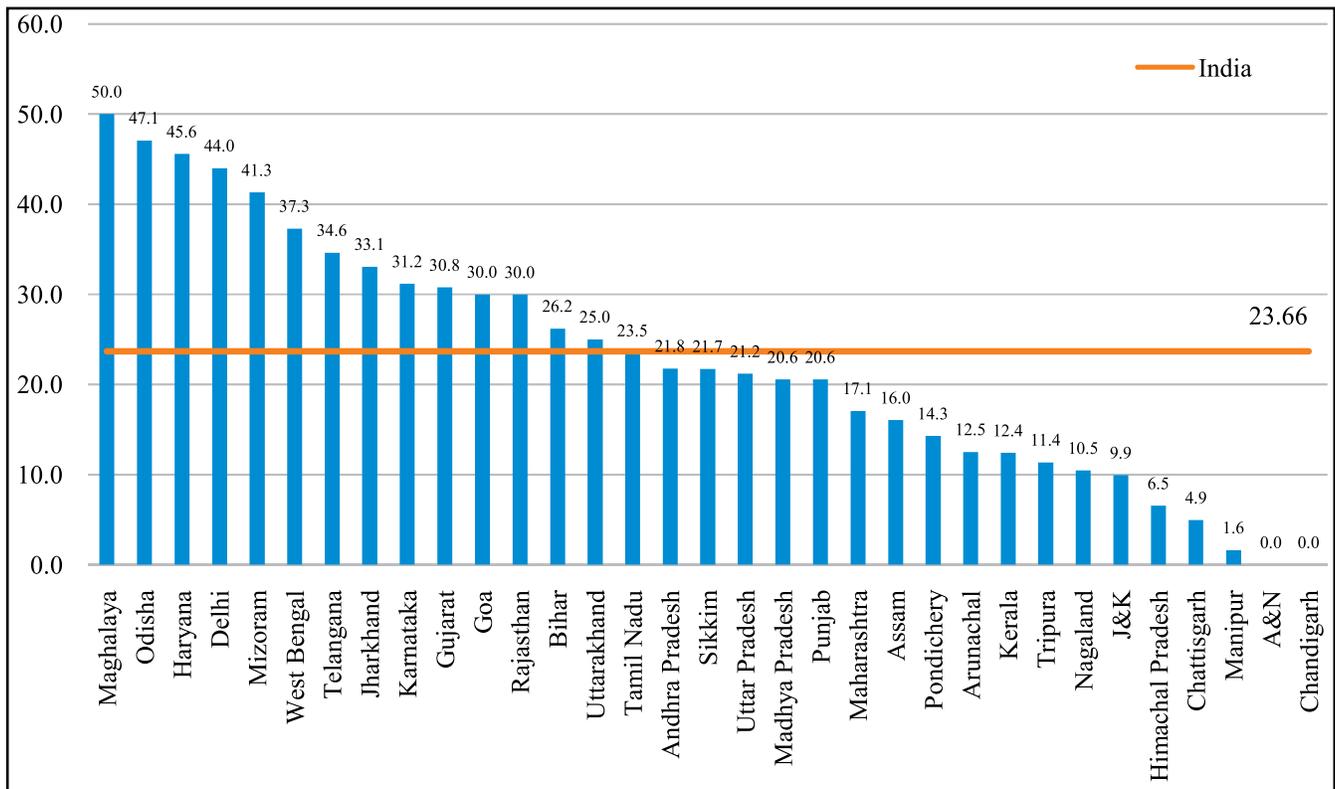
5.15 The lowest percentage of availability of safe toys in CCIs/Homes is in Goa with 17% followed by Jammu & Kashmir and Manipur with each at 19%. The highest percentage can be seen at Puducherry with 81% followed by Chandigarh, Delhi and Sikkim each at 78%.

II. Prevention and Protection from Abuse (including emotional, sexual and physical)

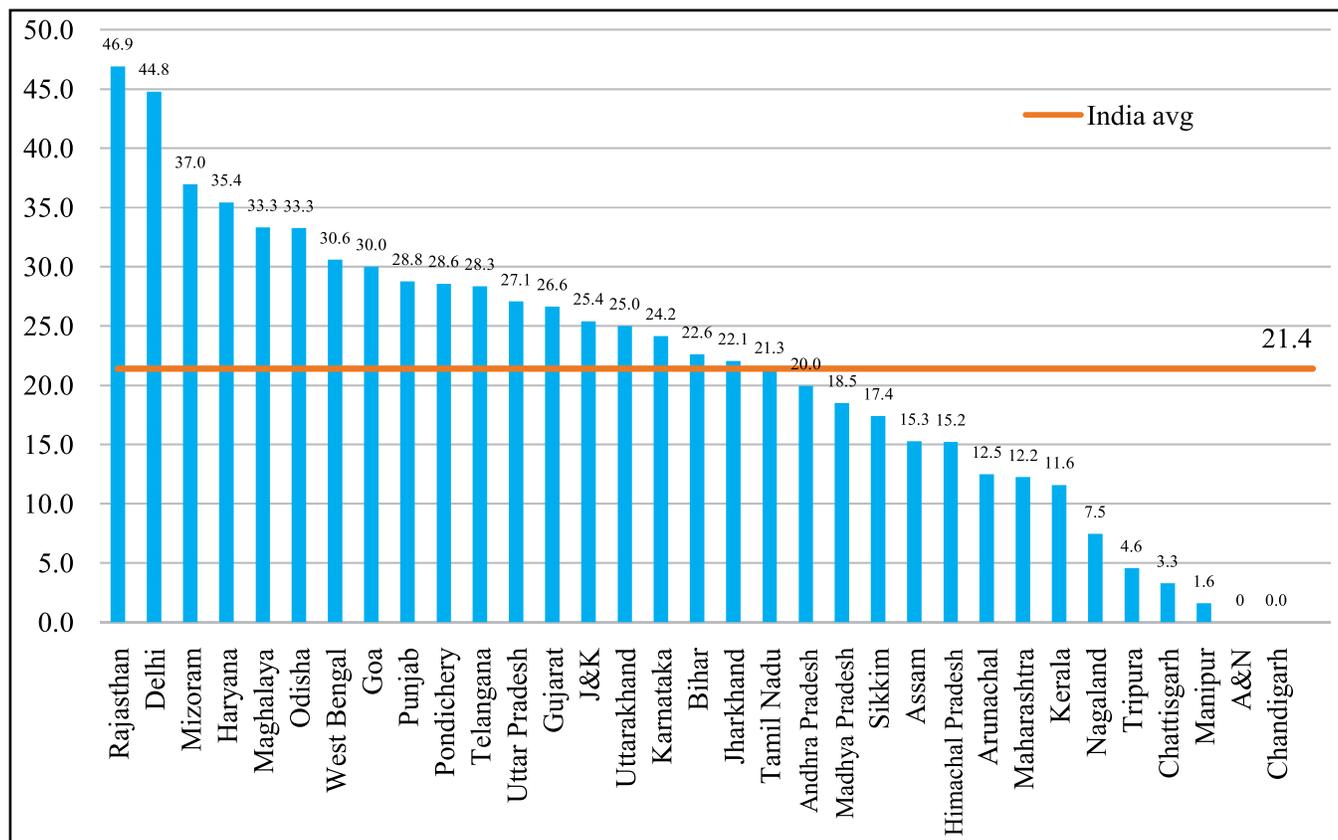
5.16 Child Protection Policy

In India, the Law and Policy framework for understanding Child Protection stems from the Constitution and Specific Child Policies, policies and schemes that have been framed from time to time. The overarching international legal guideline for such policy emerges from the United Nations Convention on Child Rights (UNCRC) which is based on the four core principles of non-discrimination; the best interests of the child; the right to life, survival, protection and development; and respect for the views of the child. One of the good practices/mechanisms available to protect children and their rights in any organisation/institution is a Child Protection Policy (CPP).

5.17 Existence of a Child Protection Policy (CPP) demonstrates an organisation/institution's commitment to children and ensures public confidence in their child-safe procedures and practices. It provides non- negotiable guidelines and sets out common values, principles, and beliefs and describes the steps that will be taken to by the institution to meet its commitment to protect children. CPP is a tool that protects both children and staff by clearly defining the actions required to keep children safe within the organisation. As the vulnerability of children to abuse, in and out of family based care including institutions, is a reality, the need for a CPP in all situations where children are found becomes imperative to ensure that abuse is prevented. As numerous cases of child abuse are being reported within the institutional setup; not only does having a CPP become essential, staff also needs to be trained to ensure the functionality of the Policy. All the CCIs/Homes in the country are mandated to have CPP signed and adhered to by staff and visitors.

Graph 5.3 State-wise percentage of CCIs/Homes having a written Child Protection Policy

5.18 The graph above shows that most of the CCIs/Homes do not have a written and signed document of child protection policy. In Meghalaya, 50% CCIs/Homes have a written child protection policy followed by 47% in Odisha and 45.6% in Haryana. At the other end, in Chhattisgarh only 4.9 % and in Manipur 1.6% CCIs/Homes have reported that such policy is in place. It needs to be kept in mind that while the non-existence of a written CPP indicates inadequate awareness regarding the need for this, the existence per se of a written CPP is no indicator of whether the CPP is functional. Graph 5.2 below, on the other hand, provides a glimpse of whether training on CPP is being provided which would mean prioritisation by the organisation of the same and the picture is not positive at all.

Graph 5.4 State-wise percentage of CCIs/Homes providing training on Child Protection Policy

5.19 The percentage of CCIs/Homes that have imparted training and conducted awareness programmes regarding child protection policy are few. Rajasthan presents an interesting picture as it focuses more on training on CPP (47%) rather than ensuring a written CPP 30%. Delhi (45%) performs at par in terms of both parameters. The lowest percentage of prioritisation (or lack of awareness) for a written CPP or training regarding it, is seen in Manipur (1.6%) and Chhattisgarh (3.3%) followed closely by Tripura (5%) against a national average of 23.7% and 21.4% respectively for both the parameters.

5.20 Home Management and Children's Committees

Critical mechanisms for ensuring a child friendly environment and including child participation in CCIs/Homes include Home Management Committee (HMC) and Children's Committee (CC). These are statutory bodies as per JJ Act and the Rules framed thereunder and essential feedback and monitoring tools if used effectively. As per JJ Rule No. 39, every Child Care Institution must have a

Management Committee for administration of the institution and monitoring the progress of every child, which should meet at least once every month to consider and review inter alia care in the institution, medical facilities and treatment; food, water, sanitation and hygiene conditions; mental health interventions; and the individual problems of children and institutional adjustment etc. The Management Committee is also mandated to set up a complaint and redressal mechanism in every institution including a Children’s Suggestion Box.

5.21 Rule No. 40 of the JJ Rules, 2016 states that the Person-in-charge of every institution should facilitate the setting up of Children’s Committees for different age-groups, that is 6-10 years, 11-15 years and 16-18 years, constituted solely by and of children. The CC should be encouraged to participate in inter alia activities related to improving the condition of the institution; reviewing the standards of care being followed; preparation of daily routine and diet scale; reporting abuse and exploitation by peers and caregivers; management of institution through the Management Committee. The table below depicts (percentage of) CCIs/Homes across States/UTs who have not put in place HMCs and CCs.

Table 5.4 Percentage of CCIs/Homes having Home Management Committees and Children’s Committees across States/UTs

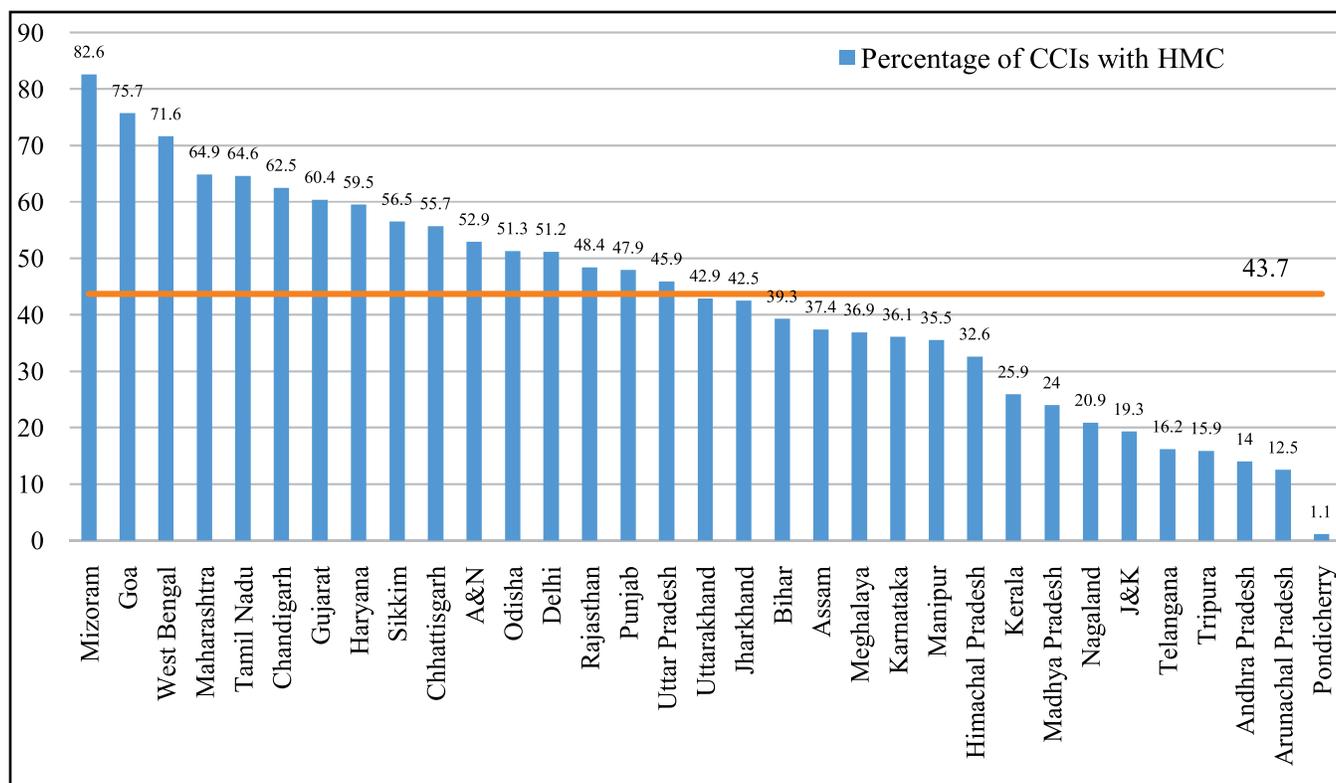
States/UTs	Total CCIs/Homes	HMC	Children’s Committees
A&N	17	52.9	23.5
Andhra Pradesh	762	14.0	18.5
Arunachal Pradesh	8	12.5	0.0
Assam	131	37.4	23.7
Bihar	84	39.3	41.7
Chandigarh	16	62.5	56.3
Chhattisgarh	122	55.7	39.3
Delhi	125	51.2	55.2
Goa	70	75.7	52.9
Gujarat	169	60.4	56.2
Haryana	79	59.5	57.0
Himachal Pradesh	46	32.6	26.1

Standard of Care in CCIs/Homes

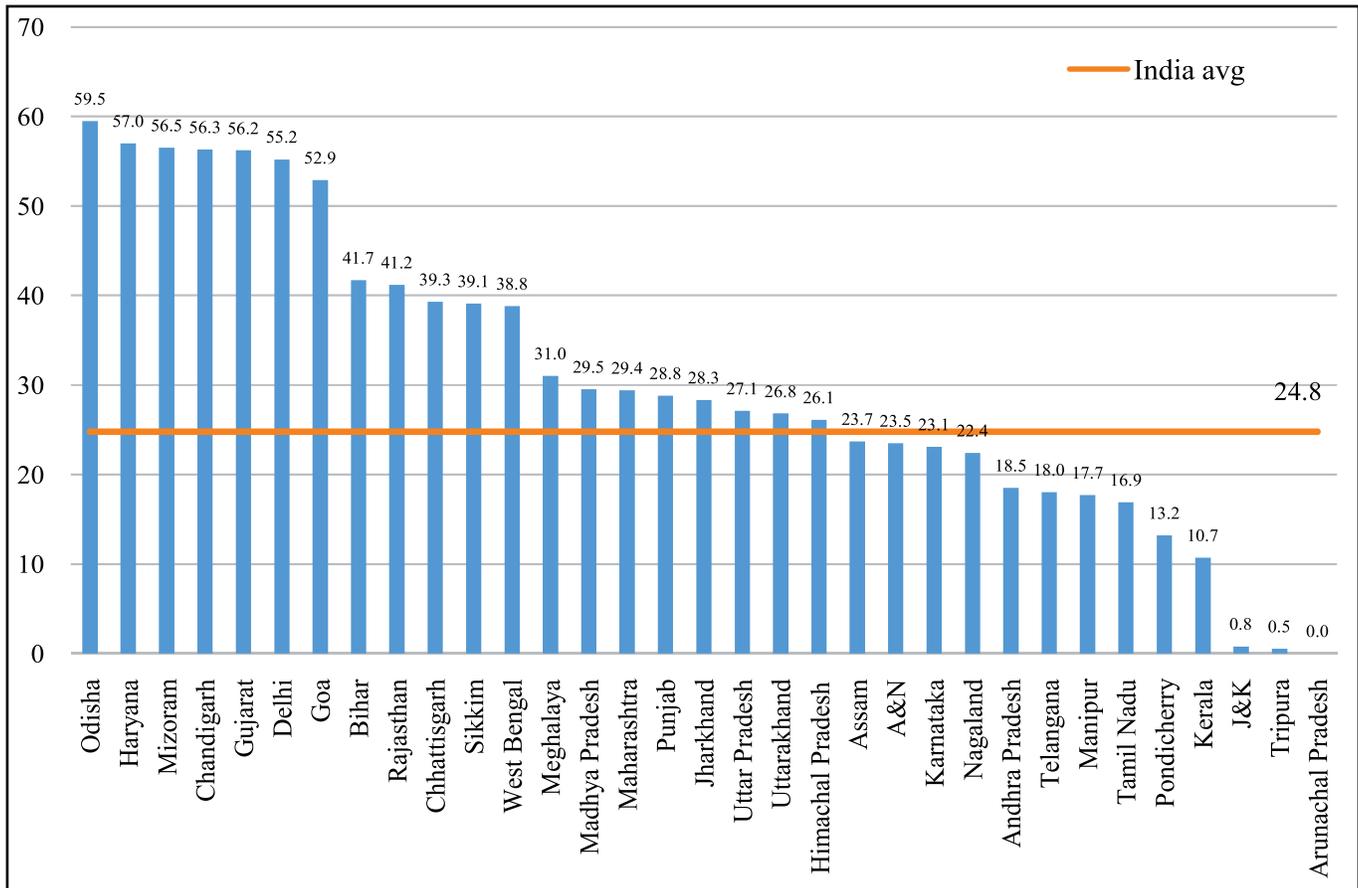
States/UTs	Total CCIs/Homes	HMC	Children's Committees
J&K	362	19.3	0.8
Jharkhand	127	42.5	28.3
Karnataka	911	36.1	23.1
Kerala	1242	25.9	10.7
Madhya Pradesh	146	24.0	29.5
Maharashtra	1284	64.9	29.4
Manipur	62	35.5	17.7
Meghalaya	84	36.9	31.0
Mizoram	46	82.6	56.5
Nagaland	67	20.9	22.4
Odisha	427	51.3	59.5
Puducherry	91	1.1	13.2
Punjab	73	47.9	28.8
Rajasthan	277	48.4	41.2
Sikkim	23	56.5	39.1
Tamil Nadu	1647	64.6	16.9
Telangana	494	16.2	18.0
Tripura	44	15.9	0.5
Uttar Pradesh	170	45.9	27.1
Uttarakhand	56	42.9	26.8
West Bengal	327	71.6	38.8
Total	9,589	43.7	24.8

5.22 The National average depicts, that only 44% CCIs/Homes have HMC's and 25% have constituted CCs which increases the vulnerability of children residing in the remaining CCIs/Homes manifold. This is, additionally, no indicator of functionality and effectiveness of structures where existing, an assessment of which is required constantly. While functionality of CCs was explored, measuring effectiveness of Management Committees was beyond the scope of this exercise.

Graph 5.5 Percentage of CCIs/Homes with Home Management Committees as per JJ Act across States/UTs



5.23 The graph 5.5 above reflects percentage of CCIs/Homes across States/UTs with Home Management Committees constituted as per JJ Act. The highest percentage is seen Mizoram at 82.6% followed by Goa at 75.7% and West Bengal at 71.6%. The lowest can be seen at Andhra Pradesh with 14%, followed by Arunachal Pradesh at 12.5% and Puducherry with 1.1%. Although constitution of a Management Committee is statutory compliance for every CCI/Home, the data available shows that no State/UT has been 100% legally compliant in this aspect.

Graph 5.6 Percentage of CCIs/Homes having Children's Committees across States/UTs

5.24 Graph 5.4 above represents whether Children's Committees (CC) have been constituted as per rules under the JJ Act. The National average is a poor 24.8% with Odisha topping the list with a 59.5% average and Arunachal Pradesh with no CCI/Home having adhered to this at the bottom.

5.25 The person-in-charge of the child care institution is responsible for facilitating the setting up of children's committees. As seen from the data above, not all the States/UTs have children's committees (Graph 5.4) constituted in all CCIs/Homes creating a possibility of the needs and concerns of children not being heard or addressed sufficiently therein. Reasons for non-constitution of a CC could be due to multiple reasons such as lack of awareness or monitoring, or non-appointment of a person in charge of the CCI/Home whose functions include constitution of a functional CC etc. However, the poor trend in this aspect is a cause for concern.

5.26 Grievance redressal mechanisms

It is imperative that all CCIs/Homes have an effective Grievance Redressal Mechanism which is an integral part of a CPP. This study tried to understand the availability within CCIs/Homes of various Grievance Redressal mechanisms such as Suggestion box, CCTV cameras, functional Children Committees, Regular staff-children interface etc. awareness regarding CHILDLINE1098 and Training & orientation of care givers and children regarding all the above.

Under Rule 39 of JJ Rules, 2016 the Management Committee must set up a complaint and redressal mechanism and a Children's Suggestion Box should be placed at an easily accessible location to children, away from the office set up, and closer to the residence or rooms or dormitories of the children in every institution.

5.27 It may be mentioned here that besides the JJ Act and Rules framed thereunder, Court directives from time to time and guidelines issued by the Commission for the Protection of Child Rights have emphasized on the creation of a system for accountability and redressal of grievances. In order to ensure accountability, the mainstream mechanisms should also include redressal of grievances related to punishment, discrimination and harassment of children. Every Child Care Institution should have a complaint box at a prominent place in the building to receive complaints against corporal punishment. The redressal also keeps a check on the behaviour and performance of the staff in CCIs/Homes on a regular basis.

Table 5.5 State-wise percentages of CCIs/Homes having different kinds of Grievance Redressal Mechanisms

State/UTs	Total No. of CCIs/Homes	Suggestion box	Awareness regarding CHILDLINE 1098	CCTV Cameras	Children's committees are functional	Regular staff - children interface
A & N Island	17	41.2	0.0	17.6	11.8	64.7
Andhra Pradesh	762	27.0	31.4	12.7	28.5	72.0
Arunachal Pradesh	8	12.5	12.5	12.5	0.0	25.0
Assam	131	29.0	20.6	3.8	16.0	49.6
Bihar	84	33.3	29.8	33.3	39.3	60.7
Chandigarh	16	81.3	0.0	75.0	50.0	81.3

Standard of Care in CCIs/Homes

State/UTs	Total No. of CCIs/Homes	Suggestion box	Awareness regarding CHILDLINE 1098	CCTV Cameras	Children's committees are functional	Regular staff - children interface
Chhattisgarh	122	41.0	34.4	40.2	38.5	75.4
Delhi	125	64.0	24.8	49.6	62.4	84.8
Goa	70	24.3	37.1	28.6	61.4	90.0
Gujarat	169	65.7	19.5	27.2	58.6	63.9
Haryana	79	70.9	30.4	68.4	62.0	64.6
Himachal Pradesh	46	45.7	13.0	43.5	32.6	41.3
J&K	362	8.8	5.8	2.8	12.2	63.5
Jharkhand	127	25.2	13.4	7.1	27.6	48.0
Karnataka	911	26.8	31.4	27.8	29.1	71.4
Kerala	1242	28.9	31.1	7.3	26.2	84.5
MP	146	52.1	45.2	36.3	30.1	59.6
Maharashtra	1284	64.1	17.7	15.3	31.9	67.6
Manipur	62	27.4	3.2	1.6	21.0	40.3
Meghalaya	84	28.6	10.7	6.0	35.7	63.1
Mizoram	46	63.0	0.0	0.0	58.7	93.5
Nagaland	67	31.3	25.4	11.9	20.9	71.6
Orissa	427	67.7	58.3	8.9	59.7	53.6
Pudduchery	91	15.4	0.0	0.0	13.2	79.1
Punjab	73	58.9	26.0	72.6	32.9	95.9
Rajasthan	277	63.2	58.8	35.7	48.4	74.4
Sikkim	23	21.7	4.3	17.4	39.1	60.9
Tamil Nadu	1647	62.5	49.5	34.5	18.9	76.0
Telangana	494	21.3	0.0	18.0	25.7	65.8
Tripura	44	22.7	22.7	6.8	27.3	36.4
UP	170	26.5	24.7	31.8	32.4	58.2
Uttaranchal	56	25.0	21.4	50.0	32.1	76.8
West Bengal	327	44.0	8.9	29.7	43.1	77.4
Total	9589	43.4	29.5	21.5	30.4	71.2

5.28 The table indicates that while staff – children interface is the most commonly used grievance redressal mechanism with a national average of 71.2 % usage across CCIs/Homes, all the other mechanisms are in place nationally in less than 45% CCIs/Homes. The suggestion box is used the most in 81% CCIs/Homes in Chandigarh, followed by Haryana (71%), Odisha (68%), Gujarat

(66%), Delhi and Maharashtra (each 64%), and Mizoram and Rajasthan (each 63%). In other States/UTs less than 50% of CCIs/Homes use this method. With regards to staff-children interface Punjab has reported the highest percentage of usage at 95.9% followed by Mizoram with 93.5%. However the degree of implementation varies and the quality of interaction has not been assessed via this Mapping exercise.

5.29 CHILDLINE 1098 is a 24x7 emergency response telephone service for children in distress. Any child in need of care and protection or a concerned adult on behalf of a child, can call the toll free number 1098 and ask for information or physical assistance as required. 58.8% of CCIs/Homes in Rajasthan and 58.8% in Odisha reported the highest awareness about CHILDLINE1098 however the national average was seen to be only 29.5%. It may be mentioned here that besides awareness regarding this safeguarding mechanism, it is also essential that children are provided ease of accessibility so that they are able to call without fear or hindrance. However, this study did not explore whether calling 1098 was at all possible even within CCIs/Homes where a high degree of awareness regarding CHILDLINE was seen.

5.30 Installation of CCTV cameras can strengthen efficient supervision and functioning of CCIs/Homes. Chandigarh (75%) and Punjab (73%) reported the highest percentage of installation of CCTV in CCIs/Homes. On the other hand, none of the CCIs/Homes in Mizoram and Puducherry were compliant regarding this safety mechanism.

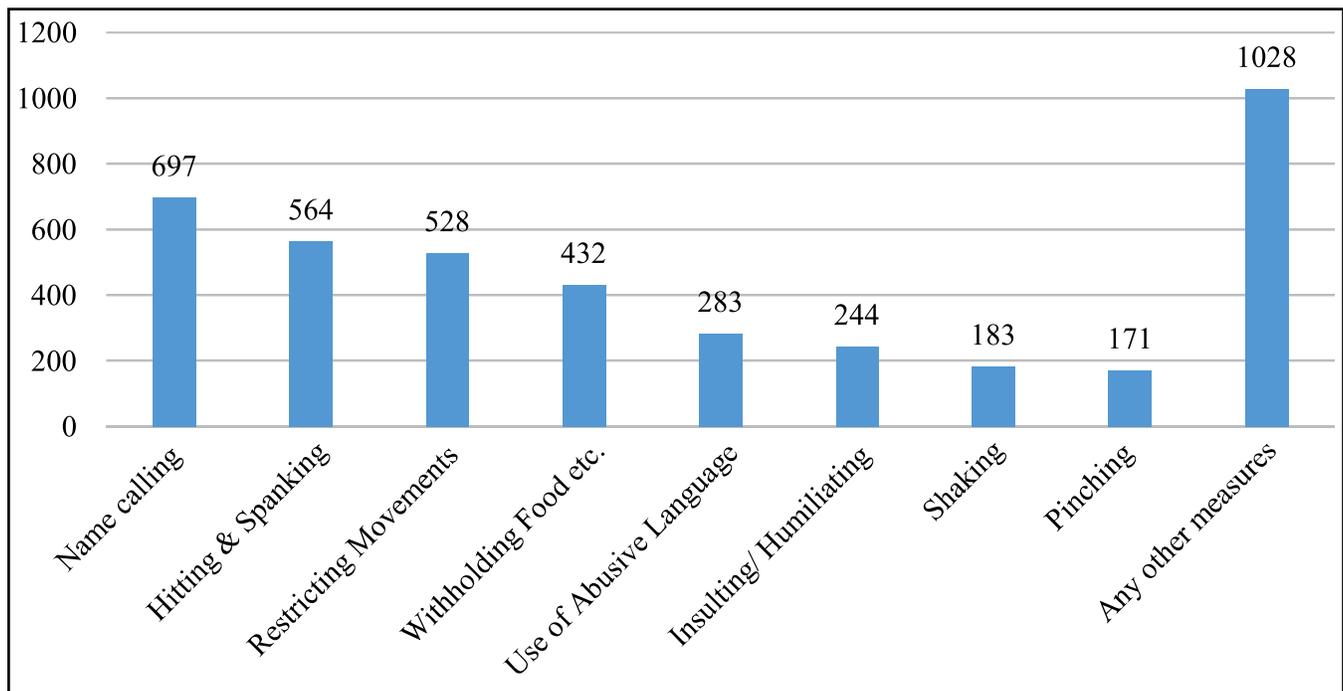
5.31 Except Arunachal Pradesh, CCIs/Homes in all the States/UTs have reported that functional Children Committees have been set up however, quality of functioning was not assessed through this study. CCIs/Homes in Delhi and Haryana have the highest number of functional Children Committees (each at 62%).

5.32 **Enforcing discipline**

The JJ Act, 2015 and Rules framed thereunder, define and detail various offences against children including cruelty and corporal punishment and provide punishment for the same. Not only does the Act define these particular offences, all other crimes listed also have higher punishments if the offence is committed by someone, having custody of or who is in charge of, the child. For e.g. Section

82 of the JJ Act, 2015 clearly states that any person in-charge of or employed in a CCI/Home, who subjects a child to corporal punishment with the aim of disciplining the child, shall be liable to fine or imprisonment. Apart from the law, in terms of general understanding of standards of care it is widely accepted that a no-tolerance policy for corporal punishment in CCIs/Homes is a non-negotiable.

Graph 5.7 Number of CCIs/Homes using various discipline enforcement methods – National Snapshot



5.33 The data reflects that the methods of discipline enforcement used by CCIs/Homes vary and include those that fall within the ambit of corporal punishment and humiliating category, prohibited under the JJ Act. 4130 CCIs/Homes admitted to using these measures to enforce discipline. These facts were also further confirmed by children. It was seen that in many instances, lack of sensitisation and awareness as well as the skills needed to deal with trauma affected children and prevent burnout of self, were missing. However, if such illegal methods of enforcing discipline are being used against children in CCIs/Homes, as the data reveals, the constitution of functional HMCs and CCs, skill training and regular monitoring, becomes even more imperative.

Table 5.6 State wise distribution of CCIs/Homes using various negative discipline enforcement methods amounting to corporal punishment

States/UTs	No. Of CCIs/Homes	Restraining movement	With-holding food etc.	Using abusive language	Insulting	Hitting spanking	Name calling	Pinching	Shaking	other measures
A&N	17	0	0	0	0	0	3	0	0	0
Andhra Pradesh	762	29	19	6	2	9	89	1	0	28
Arunachal Pradesh	8	2	0	1	1	1	3	1	2	1
Assam	131	15	8	1	1	3	5	3	2	4
Bihar	84	14	16	1	3	2	17	2	3	3
Chandigarh	16	0	0	0	0	0	0	0	0	2
Chhattisgarh	122	2	3	2	2	7	5	2	1	1
Delhi	125	5	3	3	4	13	2	0	0	1
Goa	70	0	0	0	0	0	1	1	0	27
Gujarat	169	15	4	8	7	4	6	3	1	2
Haryana	79	19	32	12	6	14	4	2	5	10
Himachal Pradesh	46	8	2	0	4	3	9	1	2	4
Jammu & Kashmir	362	5	1	3	2	4	11	1	12	94
Jharkhand	127	14	20	7	9	14	26	6	7	7
Karnataka	911	80	65	41	36	125	75	22	31	95
Kerala	1242	20	39	19	30	99	43	45	8	99
Madhya Pradesh	146	11	3	3	3	9	7	6	5	3
Maharashtra	1284	67	30	98	59	100	123	27	47	288
Manipur	62	2	3	4	2	2	5	2	12	4
Meghalaya	84	12	8	10	9	16	8	8	14	20
Mizoram	46	0	1	0	0	4	11	0	4	20
Nagaland	67	0	0	0	0	4	0	0	0	1
Odisha	427	30	37	6	5	6	60	2	2	5
Puducherry	91	1	0	0	0	2	0	0	0	5
Punjab	73	3	1	1	1	2	1	1	1	12
Rajasthan	277	29	54	5	2	2	1	1	1	0
Sikkim	23	0	0	1	0	0	0	0	0	0
Tamil Nadu	1647	92	51	36	40	87	146	21	10	167
Telangana	494	18	26	5	4	13	14	7	3	5
Tripura	44	10	0	0	1	1	0	0	1	0
Uttar Pradesh	170	12	4	5	10	15	16	2	9	41
Uttaranchal	56	2	0	0	0	1	1	0	0	24
West Bengal	327	11	2	5	1	2	5	4	0	55
All India	9589	528	432	283	244	564	697	171	183	1028

5.34 The above table also indicates that the percentage of practice of restricting/restraining movement of children is highest in CCIs/Homes of Arunachal Pradesh, 25%(two out of eight), followed by 24% in Haryana and 23% in Tripura. However this practice is not followed in A&N, Chandigarh, Goa, Mizoram, Nagaland, and Sikkim. In terms of numbers it is seen that Tamil Nadu and Karnataka have a substantial number of CCIs/Homes where this practice is being followed.

Key Highlights

- States/UTs in which minimal use of corporal punishment to enforce discipline is seen are Chandigarh, Nagaland, Andaman & Nicobar
- Haryana and Arunachal Pradesh have the lowest standards in this regard.

5.35 Compared to the other States/UTs, the percentage of CCIs/Homes using the practice of withholding food/rest or use of toilet as a means of enforcing discipline is the highest in of Haryana , followed by Bihar and Rajasthan (19 % each), Jharkhand (16%), and Meghalaya (10%). The other CCIs/Homes which practice this form of discipline to some extent at 2% each are in Andhra Pradesh, Chhattisgarh, Delhi, Gujarat, Madhya Pradesh, Maharashtra, Mizoram and Uttar Pradesh. On the positive side it is seen that some of the States/UTs namely A&N, Arunachal Pradesh, Chandigarh, Goa, J&K, Nagaland, Puducherry, Sikkim, Tripura and Uttaranchal have not reported use of these means at all to enforce discipline in CCIs/Homes.

Rule 69 N of JJ Rules, 2016, Manner of dealing with unacceptable behaviour:-

1. The action taken shall be commensurate with the nature and degree of violation and the age of the child and may be any of the following: (i) formal warning; (ii) assignment of house-keeping tasks; (iii) imposition writing i.e. writing a number of times that he shall not repeat the behaviour; and (iv) forfeiture of privileges viz. permission to watch television, permission to go for outdoor activity, sports and recreation and other preferred activity;
2. No child shall be subject to corporal punishment or any mental harassment including humiliating behaviour affecting the dignity of the child.

5.36 In the use of abusive language in CCIs/Homes, Haryana has once again reported the highest percentage (15%), followed by Arunachal Pradesh (13%) and Meghalaya (12%). It was also found that insulting and humiliating to discipline children was done in more CCIs/Homes of Arunachal Pradesh (13%) and Meghalaya (11%) than other States/UTs. A cause for great concern was the percentage of CCIs/Homes using hitting and spanking in Meghalaya (19 %), Haryana (17.7%), Arunachal Pradesh (12.5%), and Delhi (10%). However in terms of actual numbers of CCIs/Homes violating this non-negotiable, number of CCIs/Homes in Karnataka, Maharashtra, Kerala and Tamil Nadu are far higher.

5.37 As per norm and rule, CCIs/Homes in Arunachal Pradesh (38%) have reported usage of name calling as a disciplinary method, the most. None of the CCIs/Homes in Chandigarh, Nagaland, Puduchery, Rajasthan, Sikkim, and Tripura use this method to enforce discipline. Sometimes, staff of CCIs/Homes also use pinching and shaking of children as a purpose of discipline enforcement. Of all the states/UTs, Arunachal Pradesh uses these methods the most with 12.5% for pinching and 25% for shaking. However in terms of numbers these amount to 1 and 2 CCIs/Homes only, whereas far lower percentages of Kerala, Karnataka and Maharashtra present deceptively low percentages but sport this method of disciplining in CCIs/Homes ranging from 22-45 showing a far more widespread malaise.

5.38 It is disturbing and a serious cause of concern to see that the above mentioned negative and legally forbidden practices are in use, to some extent, in almost all the CCIs/Home of States/UTs. It is also seen that various disciplining methods that involve physical harm and force are being enforced either separately or in combinations with different forms. It becomes an even larger sensitisation concern when the design of this study is recalled whereby there was a mandatory inclusion of a district administration representative in all teams that visited CCIs/Homes. It is an indication of how well established these practices are that staff was not uncomfortable to share information regarding use of such means of disciplining on children.

5.39 The States/UTs which do not use such methods to discipline in the order of best performance appear to be Chandigarh, Andaman & Nicobar and Nagaland.

III. Nutrition/Diet/Meal plans

5.40 Nutritional meal or proper diet is essential for a child's growth. The JJ Act has prescribed norms and diet chart provisions for children placed in CCIs/Homes. The Act provides that the meals should be planned in consultation with the children's committee. The CCIs/Homes' staff should also be aware of the nutritional requirements of children. Further many CCIs/Homes have provisions for special meal during festivals, birthday celebrations, and special diet as per health requirements, and also accept cooked food from sponsors.

Rule 33 of the JJ Rules, 2016 deals with Nutrition and Diet Scale to be followed by every Child Care Institution. It states that the children shall be provided four meals in a day including breakfast; the menu shall be prepared with the help of a nutritional expert or doctor to ensure balanced diet and variety in taste as per the minimum nutritional standard and diet scale; every Child Care Institution shall strictly adhere to the minimum nutritional standard and diet scale that has been prescribed in detail.

5.41 As per the JJ Rules of 2016, an individual care plan i.e. a comprehensive development plan for a child based on history, age and gender must be prepared in consultation with the child. Among other factors, the plan also has to address the health and nutrition needs, including any special needs of the child. The caregivers must be aware of the nutritional needs of the children in the CCIs/Homes based on their age; and in cases of children with special needs balanced diet should be provided to ensure their good health and development. It is also important to periodically assess the health of all children and see if they have any dietary deficiencies and health issues.

5.42 The Rules also lay down that infants and sick children should be provided with special diet according to the advice of the doctor or at the discretion of the Person-in-charge. Extra diet for nourishment like milk, eggs, sugar and fruits shall be provided to the children on the advice of the institutional doctor, to gain weight or for other health reasons. For the purpose therefore of calculation of the daily ration, children who are unwell shall be excluded from the day's strength.

Rules 33 (2) of JJ Rules, 2016 states that Children may be provided special meals on holidays, festivals, sports and cultural day and celebration of national festival.

5.43 The JJ Rules, 2016 have laid down very clear guidelines on how much and what kind of food needs to be given to children in the CCIs/Homes. The special needs of children, including for those who are sick, have also been taken into account. Therefore, CCIs/Homes must adhere to the guidelines set out to ensure the best health and well-being of the children.

Table 5.7 State wise percentage distribution of CCIs/Homes following Nutrition/Diet/Meal Plans

States/UTs	Total No. of CCIs/Homes	Staff aware of the nutritional requirement of children	Planning meals in consultation with children	Meals provided in accordance with prescribed Norms	Celebrating children's birthdays	Providing special meals on festivals/occasions	Special diet provided to sick / special health children, on Doctor's advice	Receive sponsored cooked / uncooked food items, lunch, dinner, baby food etc.	Cooked food received from sponsors is checked by care giver	Supervision of care-takers while feeding babies
A & N	17	88.2	47.1	41.2	88.2	94.1	100.0	23.5	23.5	11.8
Andhra Pradesh	762	63.4	51.3	66.9	83.3	91.2	91.9	57.2	32.4	32.0
Arunachal Pradesh	8	50.0	12.5	25.0	37.5	62.5	62.5	50.0	37.5	25.0
Assam	131	56.5	31.3	42.7	31.3	57.3	56.5	35.1	25.2	29.8
Bihar	84	65.5	52.4	66.7	32.1	79.8	81.0	26.2	21.4	38.1
Chandigarh	16	93.8	56.3	68.8	56.3	81.3	81.3	43.8	6.3	18.8
Chhattisgarh	122	75.4	54.1	66.4	48.4	80.3	80.3	39.3	32.8	37.7
Delhi	125	77.6	68.0	80.8	64.8	88.8	87.2	72.0	61.6	12.0
Goa	70	97.1	55.7	90.0	91.4	94.3	95.7	68.6	42.9	12.9
Gujarat	169	63.3	47.9	68.0	60.4	76.3	72.2	61.5	50.9	40.2
Haryana	79	64.6	72.2	77.2	75.9	79.7	77.2	75.9	74.7	49.4
Himachal Pradesh	46	54.3	47.8	52.2	52.2	76.1	71.7	41.3	19.6	26.1
Jammu & Kashmir	362	79.6	69.9	80.7	9.9	95.6	96.7	58.6	49.7	12.4
Jharkhand	127	53.5	49.6	52.8	44.9	75.6	73.2	44.1	35.4	49.6
Karnataka	911	65.1	53.9	62.8	72.4	88.7	88.8	61.9	51.4	36.3
Kerala	1242	82.1	68.0	70.9	72.2	94.1	93.8	70.9	59.3	21.7
Madhya Pradesh	146	64.4	45.9	58.9	61.0	80.1	80.8	51.4	41.1	32.9

States/UTs	Total No. of CCIs/Homes	Staff aware of the nutritional requirement of children	Planning meals in consultation with children	Meals provided in accordance with prescribed Norms	Celebrating children's birthdays	Providing special meals on festivals/occasions	Special diet provided to sick / special health children, on Doctor's advice	Receive sponsored cooked /un-cooked food items, lunch, dinner, baby food etc.	Cooked food received from sponsors is checked by care giver	Supervision of care-takers while feeding babies
Maharashtra	1284	68.3	52.3	78.3	73.5	89.2	76.7	46.2	37.3	19.6
Manipur	62	45.2	37.1	43.5	29.0	53.2	53.2	37.1	24.2	16.1
Meghalaya	84	83.3	48.8	72.6	59.5	79.8	76.2	34.5	25.0	20.2
Mizoram	46	82.6	60.9	78.3	80.4	95.7	95.7	58.7	50.0	39.1
Nagaland	67	71.6	41.8	14.9	64.2	85.1	92.5	28.4	28.4	14.9
Odisha	427	60.0	62.5	66.0	60.0	75.6	75.6	29.7	14.5	44.7
Puducherry	91	87.9	78.0	91.2	84.6	89.0	92.3	57.1	57.1	22.0
Punjab	73	95.9	76.7	94.5	79.5	97.3	95.9	78.1	16.4	45.2
Rajasthan	277	76.9	69.3	75.5	50.5	75.8	76.2	39.4	55.6	74.0
Sikkim	23	100.0	26.1	78.3	65.2	91.3	91.3	47.8	26.1	8.7
Tamil Nadu	1647	81.2	73.8	77.0	76.2	93.1	90.5	71.9	60.0	5.0
Telangana	494	72.9	70.0	74.9	86.2	89.7	87.9	63.4	42.9	46.4
Tripura	44	47.7	47.7	54.5	18.2	79.5	81.8	52.3	11.4	54.5
Uttar Pradesh	170	54.1	53.5	56.5	56.5	73.5	73.5	51.8	41.2	48.8
Uttaranchal	56	66.1	46.4	66.1	60.7	78.6	73.2	46.4	28.6	51.8
West Bengal	327	86.2	75.5	87.5	53.8	89.6	92.7	66.7	55.4	36.4
All India	9589	72.8	61.4	71.6	67.7	88.0	85.8	58.1	46.0	27.0

5.44 Staff supervision while feeding babies is important, however, the data suggests that only 27% of the total CCIs/Homes in India have provision for such supervision.

5.45 The table 5.7 represents, amongst other aspects related to nutrition and diet, staff awareness on the nutritional requirement of children at varying stages of their development. CCIs/Homes in Sikkim show a positive record with all its CCIs/Homes having staff that are aware of the nutritional needs of children. This is followed by Goa at 97% and Punjab at 96%. Most of the States/UTs across India have performed well on these criteria with some exceptions of Manipur at 45% followed by Tripura at 48%.

5.46 The table 5.7 indicates three criteria; the first one is creating a meal plan in consultation with children, where Pudduchery (78%) and Punjab (77%) ranked the highest whereas Arunachal Pradesh is the lowest (13%) followed by Sikkim (26%). The next criteria is whether the meals prepared are according to the diet scale or prescribed norms, with regard to which CCIs/Homes in Punjab (95%) and Pudduchery(91%) have reported positively followed by Goa at (90%). The States/UTs that have the lowest percentage of implementation in this aspect are Nagaland (15%) and Arunachal Pradesh (25%). The third criterion is regarding provision of special diet to sick/special health children, as per the advice of a Doctor in which case, Andaman & Nicobar have reported successful implementation (at 100%) followed by Jammu & Kashmir with (97%) and Goa, Mizoram and Punjab each at 96%. Assam has the lowest percentage of CCIs/Homes adhering to this criterion at 56%.

5.47 About 90% of the CCIs/Homes in Goa celebrate birthdays of the children followed by Andaman & Nicobar at 88%. Jammu & Kashmir has the lowest percentage of CCIs/Homes following this practice at 10% preceded by Tripura at 18% CCIs/Homes. The States/UTs having large percentage of CCIs/Homes providing special meals during festivals/ special occasions are Punjab with 97% followed closely by Mizoram and Jammu & Kashmir each at 96%; the lowest percentage were observed in Manipur (53%) and Assam (57%). Interesting that Jammu and Kashmir CCIs/Homes do not celebrate birthdays however do celebrate festivals. All the states have at least 50 percent of the CCIs/Homes following this practise; the national average being 88%. However, provision of special meals on birthdays, festivals and occasion must be encouraged in all CCIs/Homes as it creates a sense of belonging and helps a child feel rooted in his surroundings.

5.48 CCIs/Homes receive sponsored food which could either be cooked or uncooked food, lunch, dinner, baby food etc. from donors; Punjab at 78% CCIs/Homes receiving it is the highest followed closely by Haryana at 76% CCIs/Homes. The lowest percentage of CCIs/Homes receiving food is seen in Andaman & Nicobar with 24% and Bihar at 26%. Additionally, the data reveals that only 46 per cent of CCIs/Homes in India follow the practice of tasting and checking the donated food which is a violation of norm. Food received in donation by CCIs/Homes whether cooked or uncooked should be checked properly in order to save the children from the risk of falling sick.

5.49 Participation of the child, Child in all aspects of living in the Child Care Institution, is an important contributor to the child's well being and development. However, the data collected shows that only 61.4 % of CCIs/Homes did not consult children regarding meal preparation as is mandated.

IV. Clothing, Bedding, Personal Hygiene & other

5.50 Age and gender based segregation for stay & provision of separate beds

Age and gender based segregation for stay as well as provision of separate beds is important for privacy and security of the children while living in CCIs/Homes. Based as they are on the best interest of children, CCIs/Homes must adhere to the set guidelines and standards contained in the JJ Act and Model rules and periodic review must be conducted to ensure that every child is given a bed and the other essentials to ensure his/her comfort as well as safety.

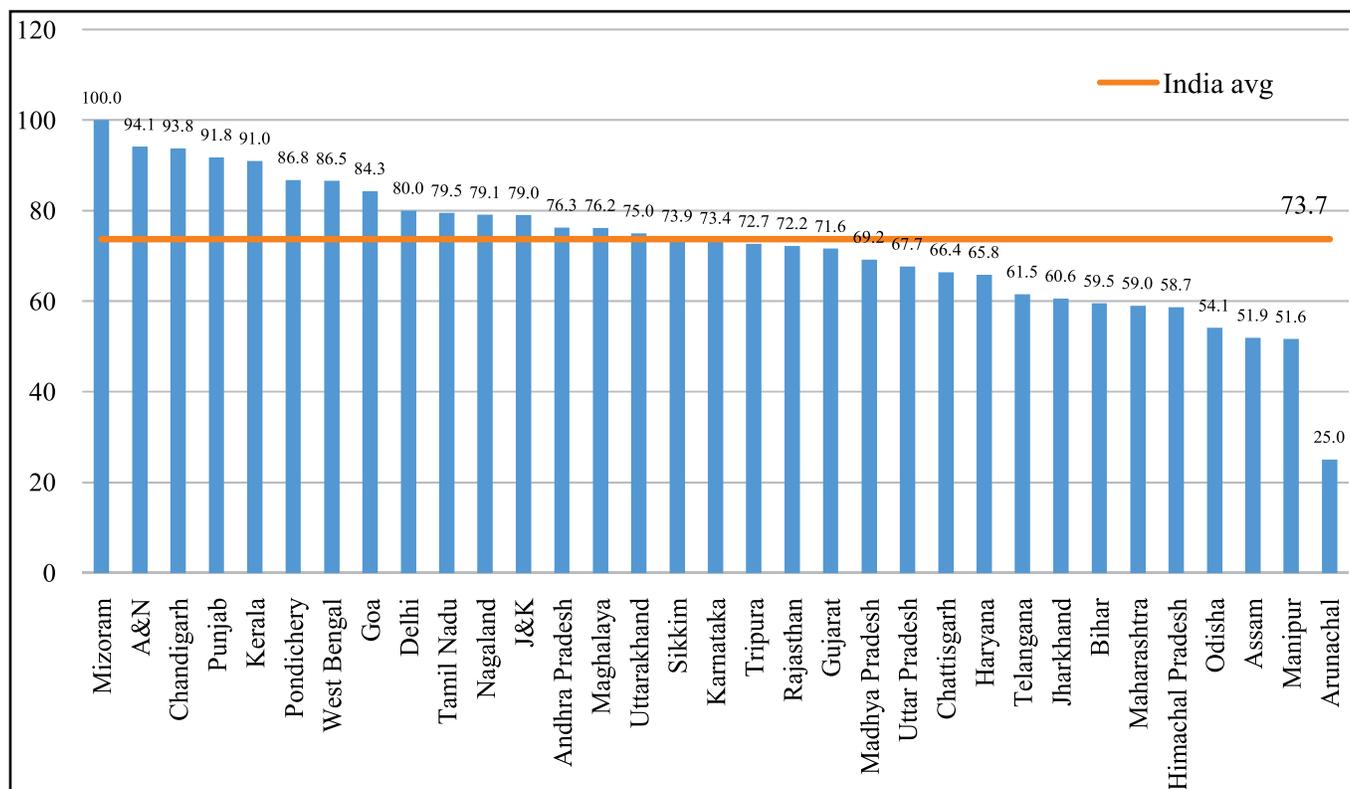
5.51 Rule 29 of the JJ Rules, 2016 state that there must be separate Observation Homes for girls and boys; separate Special Homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years. Where Children's Homes are concerned, while children below 6 years of age of both genders may be kept in the same CCI/Home, separate bathing and sleeping facilities are to be maintained. Boys and girls in the age group of 7-11 years and 12- 18 years must be placed in separate CCIs/Homes altogether. The Rules also detail that children upto the age of six must be provided separate facilities and space. and separate living, bathing etc.. Rule No. 29(6) of the JJ Rules, 2016 makes suggestions for the building or accommodation in each institution with occupancy of 50 children.

5.52 Under Rule 30 of the JJ Rules, 2016 with respect to bedding, each child must be provided with multiple things including cotton dhurries, sheets, mattress, pillow and blankets etc. The time span after which each of these is to be replaced is also prescribed. While a check was done regarding provision of mandated bedding material, checking on periodicity of replacement the same was not part of this exercise.

Table 5.8 Number and percentage distribution of CCIs/Homes having enough beds and following gender and age segregation for children – National Snapshot

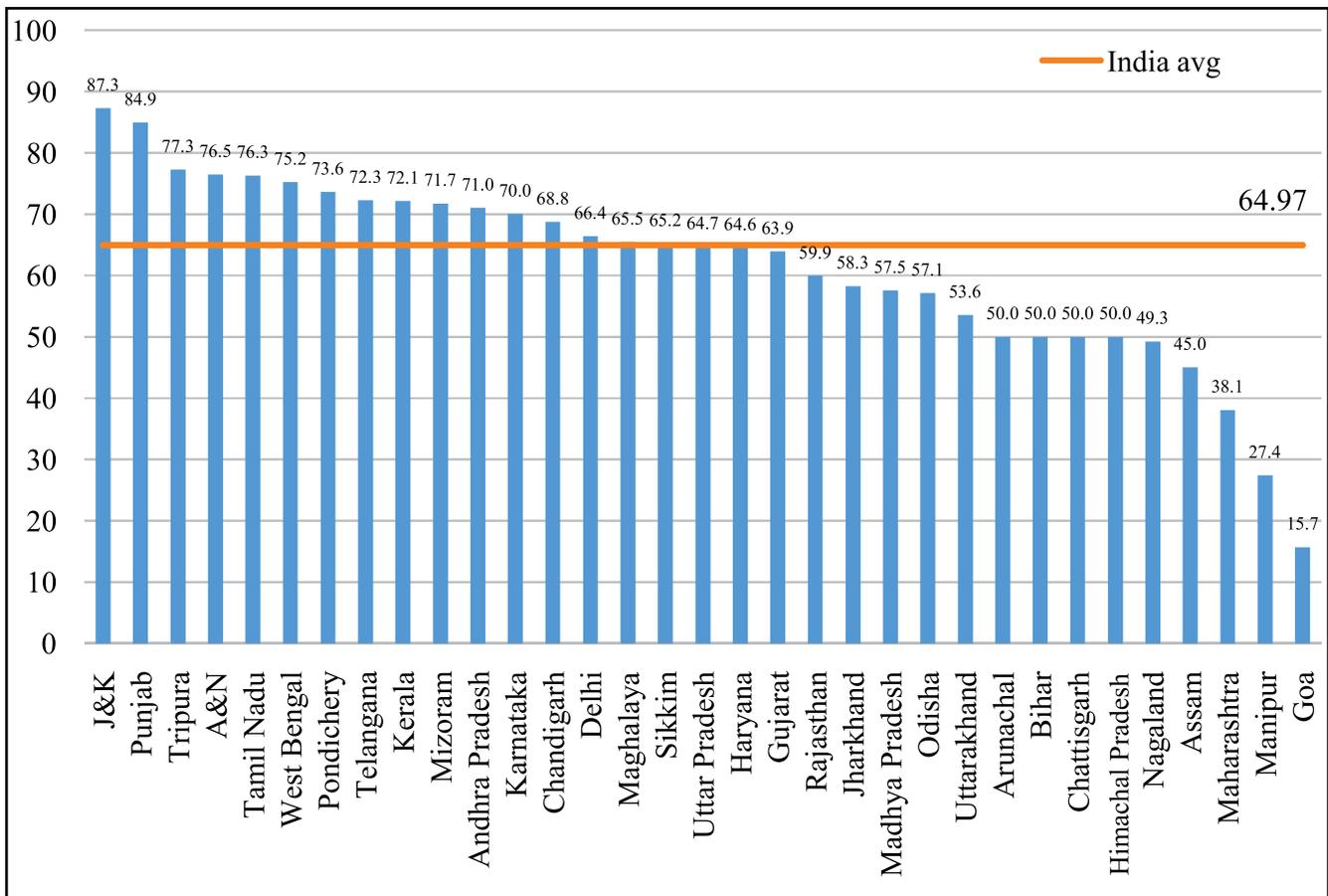
Provision	Numbers of CCIs/Homes	Percentage of CCIs/Homes
No. and Percentage of CCIs/Homes where enough individual beds available & provided for children	7067	73.7
No. and percentage of CCIs/Homes where children are segregated according to age group & gender for stay & activities	6230	65

5.53 Provision of separate beds and segregation according to age groups are important for safety and dignity of children. The National figures reflect that only 74% of CCIs/Homes have provisions for individual beds and children are segregated on the basis of age group and gender, only in 65% of CCIs/Homes which is a cause for concern.

Graph 5.8 State-wise distribution of CCIs/Homes providing individual beds

5.54 The graph indicates that even though provision of individual beds is mandatory, the national average of provision is 73.7% only. Only Mizoram, is fully compliant with this norm, followed by high percentages being reported by Andaman and Nicobar and Chandigarh with 94%. In Arunachal Pradesh, only 25% CCIs/Homes reported having enough beds for children.

Graph 5.9 State-wise percentage of CCIs/Homes following gender and age segregation for children



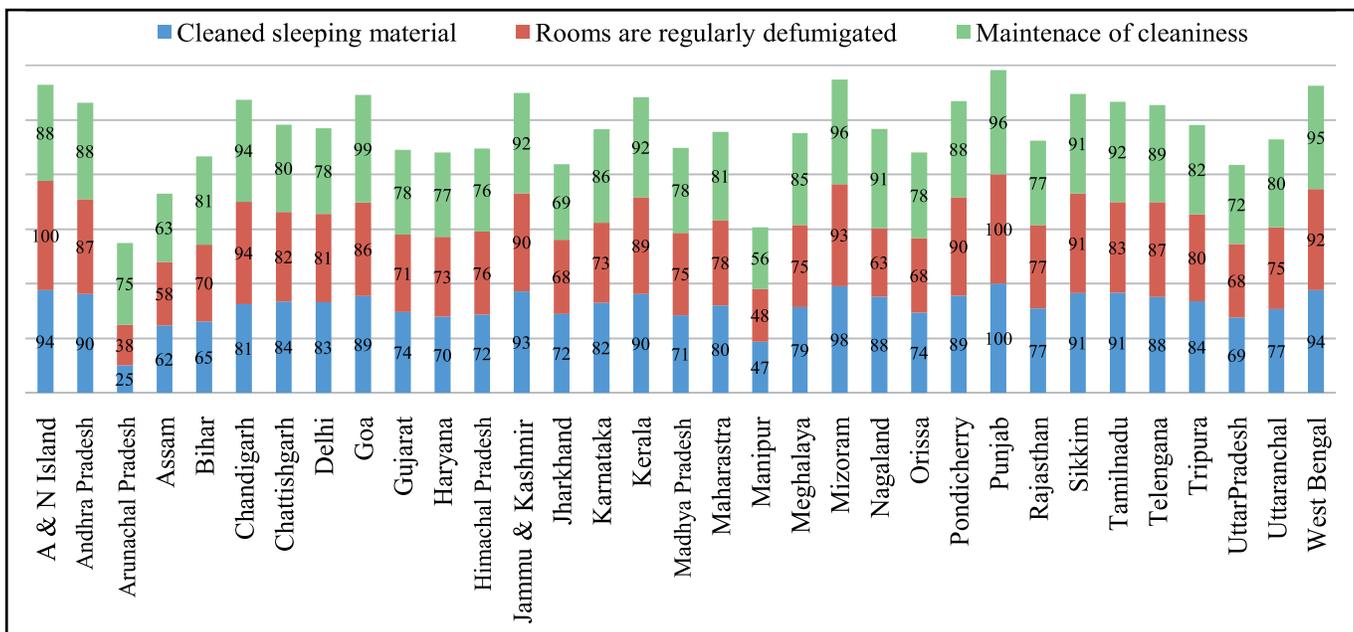
5.55 Separation of arrangements on the basis of age and gender is essential to avoid any inappropriate behaviour or incident. Age wise segregation also helps staff and caregivers to focus on the specific needs of one particular age group making special difficulties easier to identify. Lack of adequate space, infrastructure etc. might be some of the reasons for absence of segregation in some CCIs/Homes. The graph illustrates that majority of CCIs/Homes (87%) in the country have kept the children in segregation on the basis of sex and age. J&K ranks highest, followed closely by Punjab at 85%. In Goa reported only 16% of CCIs/Homes are doing so. When this situation is viewed from a legal compliance as well as a standards lens, it is seen that the scenario is far from satisfactory.

V. Cleanliness & Sanitation

5.56 Cleanliness and sanitation are important aspect of standards of care. It is important that children staying in CCIs/Homes are also provided with the right environment and guidance with regard to cleanliness and sanitation. Many children who have been homeless or parentless, or are not used to routine or maintenance of personal as well as environmental standards of hygiene, need to be inculcated into a new manner of living. The foremost requirement for this lifestyle training is to ensure the availability of such facilities at the CCIs/Homes.

5.57 The JJ Rules of 2016, under Rule 31 specifically deals with sanitation and hygiene and details facilities that a CCI is supposed to have. Maintenance of hygiene, cleanliness and sanitation at all times in the CCIs/Homes is mandatory. Sufficient cleaning staff must be employed and support of older children may be taken in this regard. The graph 5.10 below shows that there is scope for improvement in all States/UTs. To ensure CCIs/Homes maintain hygiene and sanitation, surprise inspection must be conducted and appropriate action must be taken against erring CCIs/Homes.

Graph 5.10 Cleanliness and Sanitation



5.58 The data reflects that sleeping materials are cleaned and sanitized regularly only in all the CCIs/Homes in Punjab, closely followed by Mizoram (98%) and Andaman & Nicobar (94%). The lowest performing States/UTs are Arunachal Pradesh (25%) and Manipur (47%). Besides these two

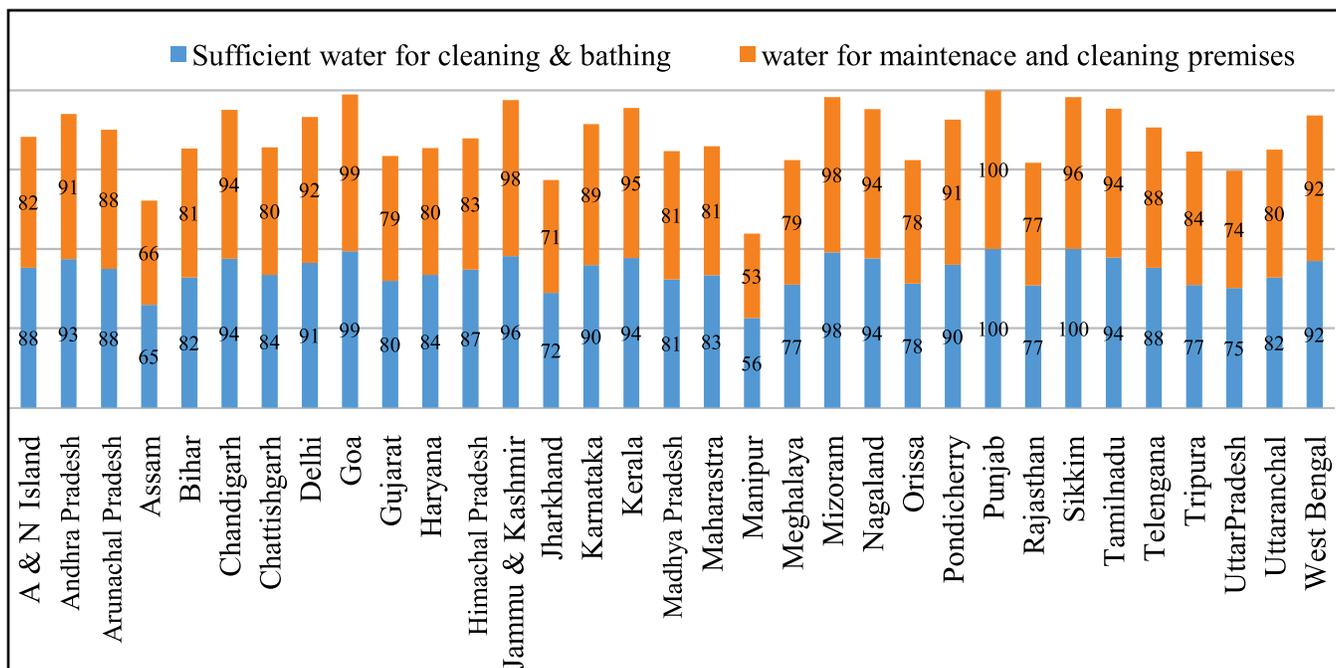
States almost all of the other States/UTs have shown a degree of positive compliance in this aspect. Andaman & Nicobar and Punjab score very well with regard to fumigation, while Arunachal Pradesh (38%) and Manipur (48%) remain in the bottom two. Whereas all States/UTs have maintained over 70% compliance with respect to maintaining cleanliness (Goa the highest at 99% followed by Mizoram and Punjab at 96% each CCIs/Homes in Manipur, Jharkhand and Assam have not reported so.

5.59 Provision of water

In line with maintaining general standards for cleanliness and hygiene, the JJ Act also lays stress on both supply and storage of clean water for bathing, drinking and maintain the CCI/Home. Every CCIs/Homes must have sufficient water for the personal use of children as well as for the cleanliness and maintenance of the premises. It is an encouraging fact that majority of CCIs/Homes have reported such facilities; however, the data does not reveal alternatives for insufficient water supply or whether provision for water storage exists.

Rule No. 31 of the JJ Rules of 2016, dealing with Sanitation and Hygiene states that every Child Care Institution shall have facilities such as: sufficient treated drinking water; water filters or RO shall be installed in the premises for easy access at multiple locations such as kitchen, dormitory, recreational rooms etc.; and sufficient water (including hot water) for bathing and washing clothes, maintenance and cleanliness of the premises.

Graph 5.11 Water Facility



5.60 Majority of CCIs/Homes across the States/UTs (except Assam with (65% followed by Manipur (56%)) have reported over 70% compliance with regard to availability of water for bathing and washing clothes. The data reflects that all the CCIs/Homes in Punjab and Sikkim have sufficient water for cleaning and bathing. This is closely followed by Goa (99%) and Mizoram (98%).

5.61 With respect to water for cleaning and maintaining premises, Punjab has performed the best with all its CCIs/Homes have the facility, followed by Goa (99%). Jammu & Kashmir and Mizoram also have high percentage of CCIs/Homes with sufficient water within the premises (98%). The lowest percentage is again observed in Manipur (53%) and Assam (66%).

VI. Health Care & Medical

5.62 The JJ Act mandates regular supervision of health of each child admitted into CCIs/Homes. This exercise assessed performance of certain core tasks in this regard including inter alia, health check up on admission, follow up checks and creation of a health card etc.

Table 5.9 State-wise percentage of CCIs/Homes providing Health Care Facilities

States/UTs	Total no of CCIs/Homes	health check-up on admission	regular health check up, health card etc.	Records are maintained & updated	Para-medical staff is available at night	Medicines are administered to the child by a staff/nurse	Trained staff provide First Aid	Mandatory immunization for upto 6 years of age
A&N	17	35.3	41.2	41.2	23.5	47.1	41.2	29.4
Andhra Pradesh	762	58.1	57.9	54.5	40.6	76.6	72.8	21.3
Arunachal Pradesh	8	62.5	50.0	25.0	37.5	37.5	37.5	62.5
Assam	131	42.0	33.6	30.5	24.4	45.0	50.4	32.1
Bihar	84	67.9	67.9	58.3	39.3	64.3	51.2	29.8
Chandigarh	16	93.8	81.3	81.3	68.8	75.0	75.0	31.3
Chhattisgarh	122	60.7	63.1	42.6	31.1	50.8	63.1	13.9
Delhi	125	84.8	76.0	74.4	33.6	91.2	83.2	5.6
Goa	70	92.9	94.3	87.1	67.1	94.3	97.1	31.4
Gujarat	169	71.0	62.7	52.1	34.9	49.7	71.0	27.2
Haryana	79	75.9	69.6	68.4	62.0	63.3	67.1	41.8
Himachal Pradesh	46	71.7	54.3	28.3	37.0	41.3	39.1	21.7
J&K	362	37.8	34.5	16.9	23.5	53.6	50.8	11.9
Jharkhand	127	49.6	44.1	33.1	39.4	54.3	56.7	37.8
Karnataka	911	65.5	59.6	48.1	36.2	58.0	61.6	23.8
Kerala	1242	34.5	56.3	48.8	27.9	72.3	72.0	22.2
Madhya Pradesh	146	74.0	66.4	63.0	31.5	73.3	61.0	36.3
Maharashtra	1284	89.6	70.0	47.9	22.0	52.0	62.0	13.8
Manipur	62	41.9	41.9	37.1	29.0	41.9	45.2	21.0
Meghalaya	84	47.6	50.0	46.4	54.8	65.5	69.0	33.3
Mizoram	46	87.0	89.1	89.1	69.6	91.3	80.4	63.0
Nagaland	67	58.2	49.3	50.7	32.8	80.6	91.0	49.3
Odisha	427	56.9	52.0	28.6	39.1	57.8	53.6	40.3
Pudduchery	91	59.3	50.5	50.5	24.2	87.9	87.9	40.7
Punjab	73	91.8	87.7	84.9	45.2	95.9	46.6	57.5
Rajasthan	277	70.0	66.8	64.3	35.7	72.6	74.0	19.5
Sikkim	23	52.2	60.9	47.8	17.4	91.3	78.3	21.7
Tamil Nadu	1647	55.6	62.4	55.7	32.8	67.4	78.4	6.4
Telangana	494	62.6	61.3	43.3	41.9	60.9	76.7	21.7
Tripura	44	63.6	50.0	29.5	38.6	40.9	52.3	45.5
Uttar Pradesh	170	60.6	57.1	49.4	48.2	55.9	52.4	27.6
Uttaranchal	56	73.2	69.6	58.9	44.6	58.9	51.8	35.7
West Bengal	327	86.9	82.0	77.4	45.6	71.3	75.8	31.5
Total	9589	61.7	60.9	50.2	33.9	64.3	68.1	21.0

5.63 The study shows 62% of CCIs/Homes in the country report that every child under goes for health check-up on admission, while 61% CCIs/Homes conduct regular health check-up for children. Only about 34% of CCIs/Homes have provisions of nurse/paramedical staff at night however, 64.3% of them ensure that medicines are administered by a staff/nurse; and 68% of the CCIs/Homes have trained staff to provide First Aid. 21% of the CCIs/Homes have provision of mandatory immunization for all children upto 6 years of age. However, where the last parameter is concerned it may be noted that CCIs/Homes which did not house children below 6 years have reported that this norm does not apply to them.

5.64 The data above reflects state-level variation of health care facilities in CCIs/Homes. Chandigarh has the highest percentage of CCIs/Homes (94%) followed by Goa (93%) and Punjab (92%) conducting health check up at the time of admission of children. Whereas the lowest percentage of these is observed in Kerala (34%) and Andaman & Nicobar (35%). Goa has the highest percentage of CCIs/Homes (94%) where every child receives regular health check-ups, followed by Mizoram (89%) and Punjab (88%); Assam (34%) and Jammu & Kashmir (35%) being the lowest.

5.65 Data on availability of nurse/paramedical staff in CCIs/Homes at night is discouraging as it ranges from 70% CCIs/Homes in Mizoram to the lowest at 22% in Maharashtra and 17% in Sikkim and. The national average is 33.9%. The analysis shows that there is considerable scope for improvement, as less than 50% of the CCIs/Homes in major States/UTs comply with adequate health care facilities.

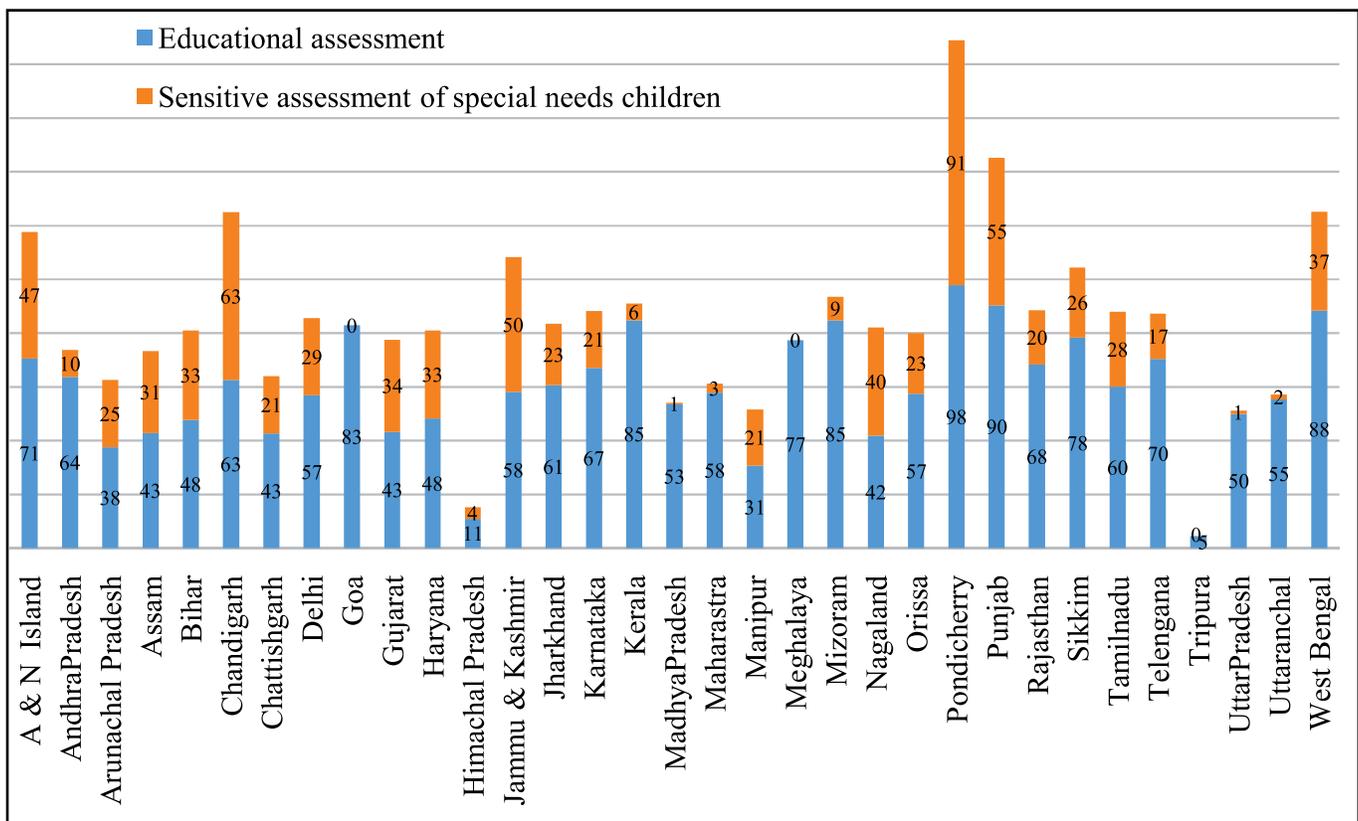
5.66 With respect to maintenance of health records and regularly updating it, the highest percentages can be seen in CCIs/Homes in Mizoram (89%) and Goa (87%). The lowest numbers can be seen in Arunachal Pradesh (25%) followed by Jammu and Kashmir (17%). The percentage of CCIs/Homes in States/UTs where nurses or a staff administer medicine, is the highest in Punjab (96%) followed by Goa (94%). The lowest percentage in order of descent are Himachal Pradesh and Tripura at 41% each followed by Arunachal Pradesh (38%).

5.67 The data reflects that Goa at 97% CCIs/Homes ranks the highest with respect to having staff in CCIs/Homes trained to provide first aid whereas Nagaland is second with 91%. Himachal Pradesh with 39% and Arunachal Pradesh at 38% of CCIs/Homes having staff trained in first Aid have the lowest percentage of such staff.

VII. Education Facilities in the CCIs/Homes

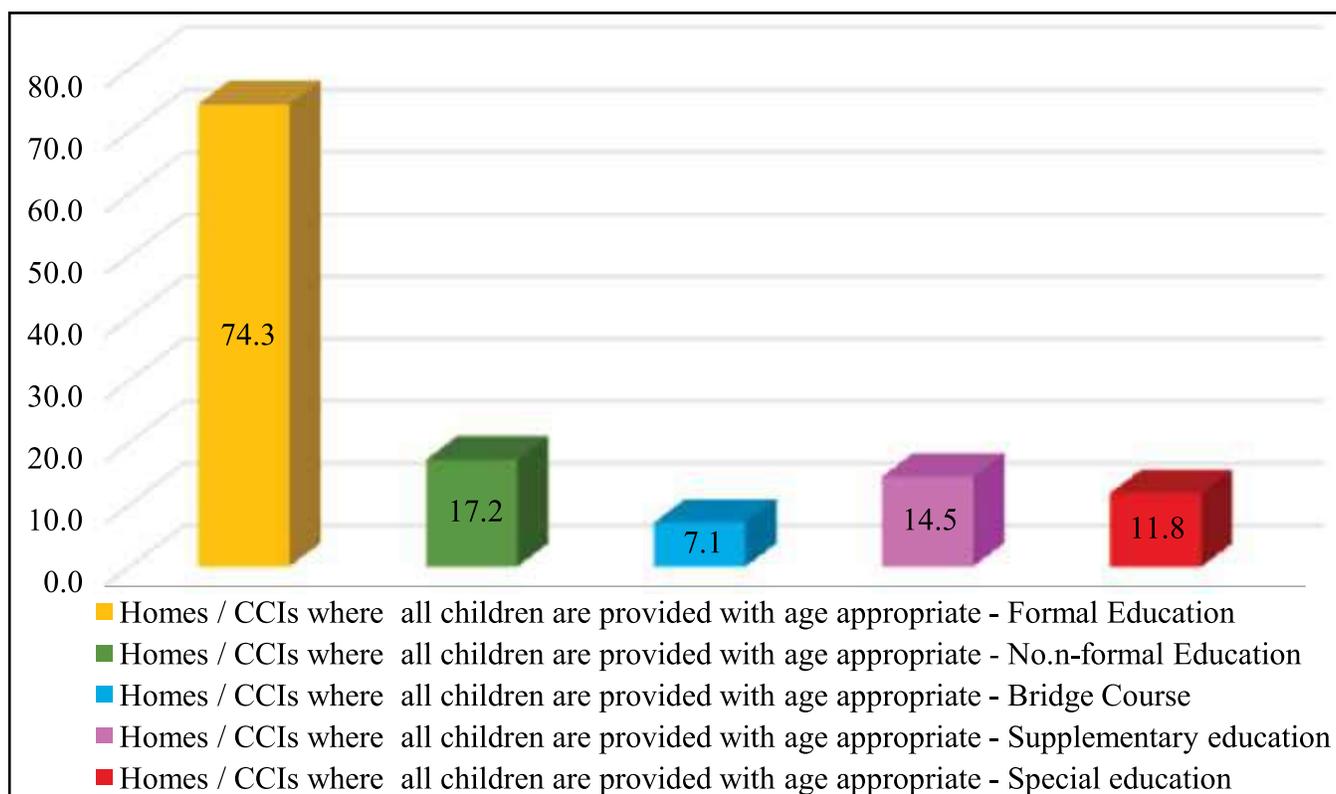
5.68 Educational assessment and its provision are important components of the Individual Care Plan (ICP). The ICP is meant to assess the overall status of the child and develop an age appropriate and need based plan based on discussion with the child. The purpose is to ensure that the uniqueness of each child is responded to by a caring personal plan. This would include special assessments therefore of children with special needs.

Graph 5.12 Educational Assessment of children including special needs children



5.69 In this regard, Puducherry ranks the highest with 98% of CCIs/Homes conducting educational assessment followed by Punjab (90%); whereas Tripura (5%) and Himachal Pradesh (11%) are the low performing States. Majority of the States/UTs have few CCIs/Homes assessing the children with special needs which is also because all CCI/Homes do not house children with special needs and also because even if they do, they lack information on the special assessment and care that is required.

Graph 5.13 Age appropriate forms of education – National Snapshot

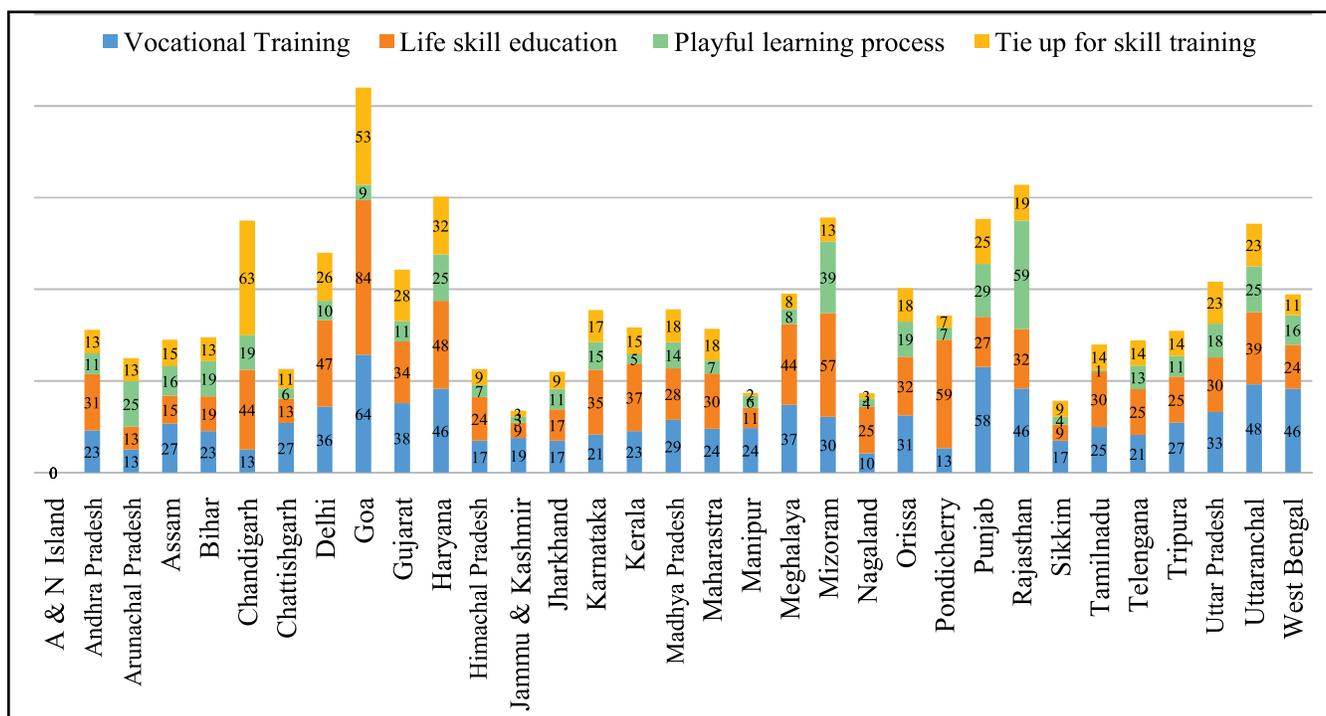


5.70 Graph 5.13 above shows percentage of CCIs/Homes imparting age appropriate education to the children. The forms of education is divided into five categories namely—formal, non-formal, bridge course, supplementary and special education. Imparting of formal education in CCIs/Homes is more prominent across the country, with Andaman & Nicobar having highest percentage (94%) of CCIs/Homes, followed by Tamil Nadu (92%). The lowest percentage can be seen in Bihar (31%) and Assam (41%).

5.71 Vocational training, life skill education, playful learning and tie-up for skill training are all integral part of the rehabilitation scheme under the JJ Act. Children are to be provided with facilities

and provisions that enable them to imbibe these skills before they leave the CCI/Home. Graph 5.14 below indicates the State-wise percentage distribution of CCIs/Homes who are providing these rehabilitation facilities.

Graph 5.14 Learning methods



5.72 Provision of vocational training varies from 10% to 64% of CCIs/Homes across states; 9% to 84% for Life Skill Education; 3% to 59% for Playful Learning; and 2% to 63% of CCIs/Homes tie up for Skill Training. The average performance of the CCIs/Homes in States/UTs across India is not optimal with respect to learning methods used. This would imply that school based education is stressed upon more than the other forms such as vocational training, skill based learning and life skills as effective and useful methods of teaching. These are vital to help children from institutions towards their all-round development and help them to live productive lives outside the institution. It will also help them to be at par with regular children who are not institutionalised. Reasons for such methods not being given importance must be looked into, which could be lack of resources and information or just a mind-set issue. The question that needs to be raised is if the implementation of these is so limited in percentage what is being done instead? How are children being placed in CCIs/Homes being rehabilitated and equipped for life?

VIII. Highlights

5.73 It is important to reiterate that the General Principles enshrined in the JJ Act and Rules framed thereunder, place the best interest of the child above all else. The standards of care and protection laid down have only one objective that no child should go out of the JJ system without recovery from trauma and with the skills and strength required to negotiate the world that exists outside the CCI/Home. To ensure this it is essential that 100% implementation of standards becomes the benchmark for each CCI/Home to aspire towards. The same benchmarks need to be the premise for registration, monitoring or allowing a CCI/Home to continue to function. There is little utility in providing a response to any form of abuse within an institutional set up post incident; for a traumatised scarred child it is trauma doubly painful, because it has occurred in a space which is known to be safe. It is also not very useful to wonder why and how such incidents could have happened in a CCI/Home. If the basics in terms of protection mechanisms are not available in a CCI/Home, the vulnerability is 100% amplified as it is a closed environment with both control and responsibility in very few adult hands.

5.74 This chapter looked at the overall performance of the CCIs/Homes and whether they are successful in providing the basic services and facility to children which they are mandated to provide. One of the observations is that States/UTs with larger number of CCIs/Homes including unregistered CCIs/Homes, are seen to have lesser facilities, both infrastructural and vis-a-vis standards of care.

5.75 If Gender and age segregation in CCIs/Homes is a constraint due to non-availability of space, transfer of children to another CCI/Home or making infrastructural changes within the CCIs/Homes is perhaps not being looked at enough as a solution. Also, there is perhaps no attempt to rethink occupancy based on capacity, not just of infrastructure but also standards of care. Smaller CCIs/Homes with better standards are few and far between.

5.76 Issues of bedding, proper nutrition (including special meals), hygiene, maintenance of premise, clean water (in sufficient quantity), regular health assessment at the time of admission, facilities for children with special need, and age-based educational facilities based on the age and special needs of the child are largely not being addressed in many CCIs/Homes.

5.77 **Staff and Child Protection Policy**

The Act mandates a child-staff ratio because individual attention is a basic premise of care. Children including children with special needs and infants and need this attention, however if the number of caregivers vis a vis children is insufficient, the quality of attention immediately becomes questionable. Are children in these CCIs/Homes left to take care of themselves or are they being supervised with the help of older children in the home are the questions that need to be raised. None of these situations are desirable. The fact that such a large number of CCIs/Homes do not have a Child Protection Policy or training regarding it is a major cause for concern. The data shows that States/UTs such as Andaman & Nicobar, Chandigarh and Manipur do not have such policy in place.

5.78 **Grievance redressal mechanisms:**

Suggestion box, 1098 CHILDLINE, CCTV cameras, Children committees, regular staff-children interface, and training & orientation of care givers and children regarding grievance redressal are important mechanisms of children's grievance redressal at CCIs/Homes. There are also Model States with majority of CCIs/Homes having these mechanisms in place. The collected data has shown that CCIs/Homes in majority of States/UTs (only 29.5) have limited awareness on the CHILDLINE1098; percent of CCIs/Homes. The Children Committee is an extremely important entity created by the JJ Rules to involve the children in every aspect of life in the CCIs/Homes including review, recommendations, suggestions and reporting. However, the collected data shows that in majority of the States/UTs less than 50% of CCIs/Homes have Children Committees while none exist in Arunachal Pradesh.

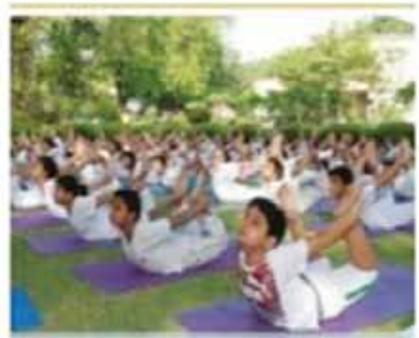
5.79 **Dealing with unruly behaviour and discipline methods used**

The JJ Rules have clearly listed method of dealing with unacceptable behaviour wherein the action shall commensurate with the nature and degree of violation and the age of the child and may be any of the following - formal warning; assignment of house-keeping tasks; imposition writing i.e. writing a number of times that he/she shall not repeat the behaviour; and forfeiture of privileges such as permission to watch television, permission to go for outdoor activity, sports and recreation and other preferred activity. It is clearly stated that no child shall be subject to corporal punishment or

any mental harassment including humiliating behaviour affecting the dignity of the child. However, data shows that various methods such as restricting/restraining children's movements by binding or tying, withholding of food/rest/toilet, use of abusive language, insult, humiliation, hitting and spanking, name calling, pinching and shaking, are enforced upon children to maintain discipline across CCI/Homes. States/UTs reportedly not using these inhuman methods of discipline are Chandigarh, Andaman & Nicobar and Nagaland. The important parameter is to find out whether the children are living happily in a child friendly environment. There is no data on how issues of overcrowding, bullying and sexual abuse among the resident children are dealt with by the CCIs/Homes as it was beyond the mandate of this exercise. However the need for such assessment cannot be denied.

Chapter 6

Human Resource (Staff Details)



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Chapter 6 : Human Resource (Staff Details)

6.1 Children are sensitive and child-care at the formative age has a lasting impact on their life. Infrastructure is necessary aspect of child care and protection in CCIs/Homes. Without skilled, dedicated and sensitive human resource, it fails to deliver the outcomes. This chapter deals with details of the Human Resource or Staff (both part time and full time) engaged with CCIs/Homes. Data on whether the CCIs/Homes are adequately staffed or if there is a need for more personnel to be employed are also analyzed in this section.

Table 6.1 Number of staff required and number of existing staff in CCIs/Homes

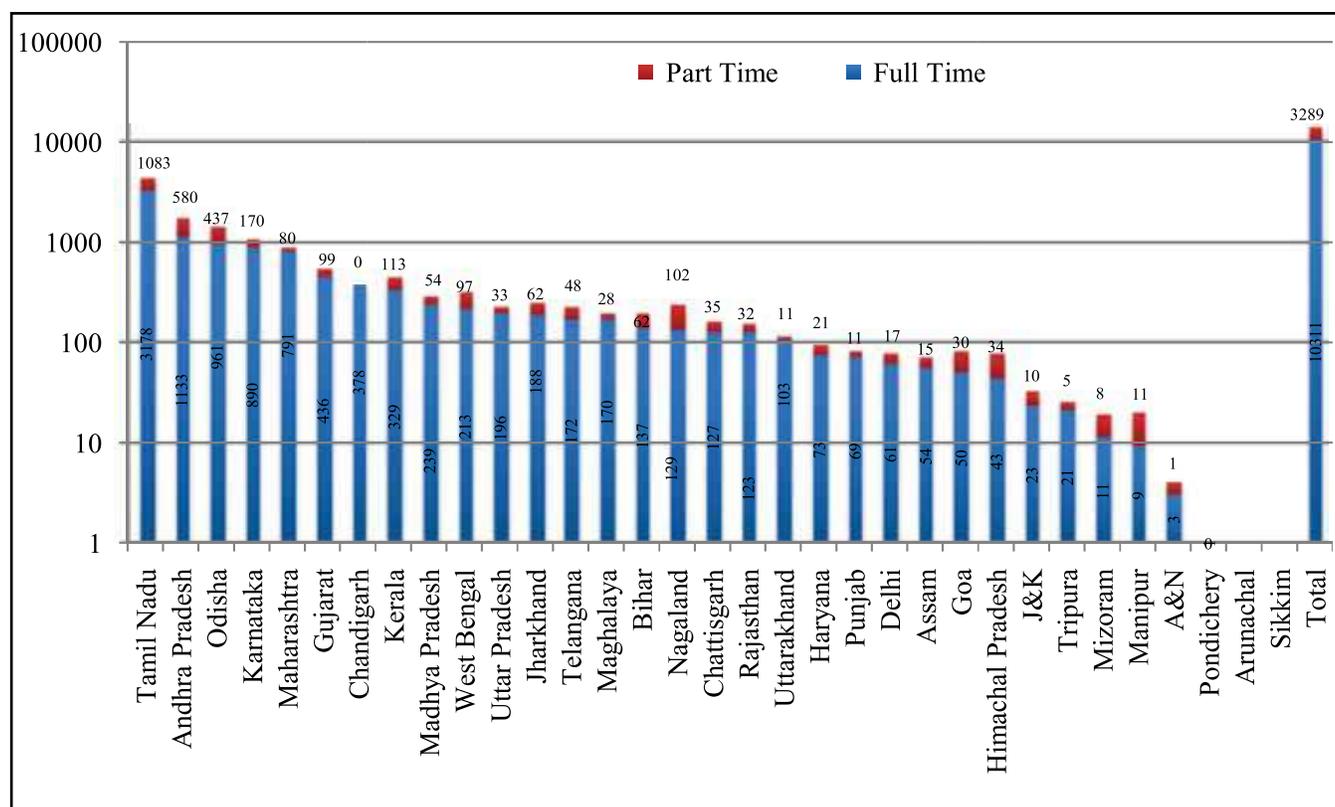
States/UTs	Total No. of CCIs/ Homes	Number of Staff required (as per norm)	Number of Existing Staff	
			Full Time	Part Time
A&N	17	-	77	50
Andhra Pradesh	762	4191	5103	1018
Arunachal Pradesh	8	77	82	17
Assam	131	806	708	178
Bihar	84	726	645	89
Chandigarh	16	210	431	55
Chhattisgarh	122	913	797	242
Delhi	125	2853	1394	266
Goa	70	652	691	94
Gujarat	169	1831	824	340
Haryana	79	658	718	161
Himachal Pradesh	46	165	299	66
J&K	362	1539	2038	313
Jharkhand	127	975	862	213
Karnataka	911	3149	5063	1287
Kerala	1242	7054	6883	1487
Madhya Pradesh	146	1586	1049	296
Maharashtra	1284	9035	11324	1387
Manipur	62	583	386	72
Meghalaya	84	882	625	153
Mizoram	46	426	477	63
Nagaland	67	888	440	43
Odisha	427	3660	2588	615
Puducherry	91	610	642	219
Punjab	73	842	661	142
Rajasthan	277	641	2097	753
Sikkim	23	27	155	13

Human Resource (Staff Details)

States/UTs	Total No. of CCIs/ Homes	Number of Staff required (as per norm)	Number of Existing Staff	
			Full Time	Part Time
Tamil Nadu	1647	15933	9747	2585
Telangana	494	2354	2699	693
Tripura	44	447	292	78
Uttar Pradesh	170	868	1166	355
Uttarakhand	56	436	288	124
West Bengal	327	1791	2801	1061
Total	9589	66808	64052	14528

6.2 As per norm, about 8 personnel are required for a CCIs/Homes housing 50 children. The total of 9589 CCIs/Homes thus require roughly 66,808 number of staff as per norms. However, the data shows there are only 64,052 number of full-time staff, indicating a deficit that could lead to improper care of children in CCIs/Homes.

Graph 6.1 Number of CCIs/Homes having vacant positions



6.3 A large number of vacancies exist in CCIs/Homes in different States/UTs. For instance, Tamil Nadu has 3178 and 1083 full-time and part-time vacancies respectively, followed by Andhra Pradesh with 1133 and 580 vacancies respectively and Odisha with 961 and 487 respectively.

6.4 Child-care is the primary objective of CCIs/Homes, and lack of adequate staffing and supervision limits a CCIs/Homes to achieve this objective. Human resources with right training and skills to handle/counsel children are a prerequisite for any CCIs/Homes. There are many states/UTs which have vacancies in CCIs/Homes of over 100 staffs. There is an urgent need to address the human resource needs of CCIs/Homes in the best interest of children.

6.5 The JJ Rules, 2016 state that the Person-in-charge should stay within the institution to be readily available as and when required by the children or the staff and be provided with quarters. In case s/he is not able to stay in the CCIs/Homes for some valid reasons, any other senior staff member of the institution shall stay and be in a position to supervise the overall care of the children and take decisions in the case of any crisis or emergency. If accommodation is not available in the premises, s/he shall stay at a place in close proximity to the CCIs/Homes till the time accommodation is made available within the premises of the CCIs/Homes. Rule 26 (4) of the JJ Rules, 2015 which deals with Management and Monitoring of Child Care Institutions states that in case of CCIs/Homes housing girls, only female Person-in charge and staff shall be appointed.

Table 6.2 Number of CCIs/Homes where Manager/Superintendent/in-charge stays on the campus &with lady Manager/Superintendent/in Charge for girls' unit

States/UTs	Total No. of CCIs/Homes	Manager/Superintendent/in Charge staying on the campus	CCIs/Homes with lady Manager/Superintendent/in Charge for girls' unit
A&N	17	11	14
Andhra Pradesh	762	570	540
Arunachal Pradesh	8	7	5
Assam	131	68	49
Bihar	84	49	30
Chandigarh	16	15	7
Chhattisgarh	122	73	38
Delhi	125	38	60
Goa	70	65	44
Gujarat	169	88	58
Haryana	79	51	51
Himachal Pradesh	46	22	15
J&K	362	318	75
Jharkhand	127	87	55
Karnataka	911	641	530
Kerala	1242	982	710
Madhya Pradesh	146	60	55

Human Resource (Staff Details)

States/UTs	Total No. of CCI/Homes	Manager/Superintendent/in Charge staying on the campus	CCIs/Homes with lady Manager/Superintendent/in Charge for girls' unit
Maharashtra	1284	931	434
Manipur	62	35	18
Meghalaya	84	55	50
Mizoram	46	24	25
Nagaland	67	46	41
Odisha	427	284	199
Puducherry	91	64	42
Punjab	73	43	42
Rajasthan	277	210	184
Sikkim	23	20	13
Tamil Nadu	1647	1,382	1,143
Telangana	494	365	299
Tripura	44	24	19
Uttar Pradesh	170	102	72
Uttarakhand	56	31	29
West Bengal	327	237	155
Total	9589	6,998	5,101

6.6 The highest percentage of CCIs/Homes where the Manager/Superintendent/in-Charge of the CCIs/Homes stay on campus, was observed in Chandigarh, followed closely by Goa; whereas Delhi and Mizoram are the lowest rung states in this regard.

6.7 Lady Superintendents are essential for CCIs/Homes housing girls. It was observed that 5101 CCIs/Homes across the country had Lady Superintendent, with Tamil Nadu alone having about one fifth (1,143) of such CCIs/Homes.

With respect to Security measures as stated in Rule 67, (3) Female security guards would be provided for the security inside the Child Care Institution that houses only girls and male security guards may be engaged for the security of the Child Care Institution from outside. Moreover at the time of receiving a child at the CCI, A girl child shall be searched only by a female member of the staff and female visitors shall be searched by female staff only. Even during release of a child from the CCI if the parent or guardian, as the case may be, fails to come and take charge of the child on the appointed date, the child shall be taken by the escort of the Child Care Institution; and in case of a girl, she shall be escorted by a female escort who shall hand over the custody to her parent/guardian. The States/UTs that have a similar low percentage of female authorized personnel must fill up their vacancies especially for female specific roles.

6.8 The data on supervisory senior staff being present at all time to ensure their safety and care is critical to assess the best interest of children. The infrastructure of the CCIs should be accommodative enough to ensure the presence of the supportive staff, so as to ensure the overall supervision and control. This will also create a bond between the children and the staff enabling better environment for restoration and rehabilitation.

I. Highlights

6.9 Vacancies in the CCIs/Homes :

The JJ Rules have suggested a staffing pattern for CCIs/Homes for every 100 children. These include both permanent and part-time staff as well as those called upon on a need basis. The data shows that there are vacancies for both full-time and part-time staff in the CCIs/Homes across the country. The data also shows that there is a shortage of adequate staff both as per the norm and sanction across all the CCIs/Homes in India. The Rule 26 of the JJ Act, 2015 prescribes that for a home with capacity of 100 children should have in total 19 fulltime and 6 part-time staffs. The present situation on ground is not in coherence with the guidelines as there are only 8 full-time and part-time staff per CCIs/Homes.

6.10 Role of the person-in-charge or superintendent:

In many CCIs/Homes the superintendent/ Person-in-charge does not stay in the CCIs/Homes, however it is essential to find out who takes the important decisions in his/her absence. With respect to CCIs/Homes having only girls in the premises or a girls unit a female superintendent or person-in-charge must be appointed. This is primarily to ensure the safety, protection and comfort of the resident girls who will be more at ease to talk to a female authority as opposed to a male. Moreover, while dealing with issues related to women's health and development, a female authority is better able to relate to the problems and concerns of the girls and is in a better position to give valuable advice to them than a male counterpart.

Chapter 7

Physical Infrastructure



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Chapter 7 : Physical Infrastructure

7.1 The primary objective of every CCIs/Home is the welfare, safety and best interest of the child and this can be ascertained if the basic infrastructure, facilities and services are in place. Another important parameter is keeping the environment child friendly and making it a home away from home and not like a prison or lock up. The JJ Rules, 2016 have clearly laid down parameters on all aspects of effectively running a CCIs/Home.

7.2 Every child care institution must be equipped with the right kind of child friendly and safe environment and physical infrastructure to ensure the welfare, comfort and best interest of its children. This chapter deals with the various aspects of accommodation, for example, availability of number of rooms, whether the CCIs/Homes are adequately equipped, whether space assigned to it is good/ adequate/inadequate, etc. Following facilities have been assessed to generate quantitative data on quality of CCIs/Homes - class room (education), dormitory, counselling room, recreation room, sick room, library, visitors room, vocational training workshop, dining hall, store room, record room, office room, staff residence, bath room, toilets/latrines and room dedicated for the sitting of CWC/JJB. The issues of infrastructure, security and sanitation have also been dealt with.

I. Basic Needs

7.3 Rooms for dormitories, sick room, dining room, bathroom, toilet, visitor room and kitchen are the basic infrastructural facilities needed to be in place in CCIs/Homes. The following table 7.1 details the basic services available to children in the CCIs/Homes.

Table 7.1 State-wise number of CCIs/Homes having Basic Services for Children

States/UTs	Total Homes	Dormitories	Sick Room	Visitors' Room	Dining Hall	Bath-rooms	Toilets/Latrines	Kitchen
A&N	17	17	4	8	14	17	17	17
Andhra Pradesh	762	694	385	350	609	708	704	236
Arunachal	8	6	1	4	5	5	6	6
Assam	131	87	39	52	71	90	90	89
Bihar	84	66	26	32	43	68	70	33

Physical Infrastructure

States/UTs	Total Homes	Dormitories	Sick Room	Visitors' Room	Dining Hall	Bath-rooms	Toilets/Latrines	Kitchen
Chandigarh	16	15	12	1	13	15	15	15
Chattisgarh	122	103	30	30	81	101	103	74
Delhi	125	114	59	67	85	116	116	115
Goa	70	67	42	54	67	66	69	27
Gujarat	169	139	79	77	118	139	138	128
Haryana	79	69	31	45	62	70	68	55
Himachal Pradesh	46	38	9	14	29	42	42	20
J&K	362	347	94	156	335	356	358	356
Jharkhand	127	101	47	64	75	101	100	33
Karnataka	911	768	296	373	650	843	845	668
Kerala	1,242	1214	864	1022	1200	1196	1207	1196
Madhya Pradesh	146	124	67	54	83	120	129	104
Maharashtra	1,284	1140	649	298	774	1223	1211	393
Manipur	62	41	19	28	36	42	43	40
Meghalaya	84	71	51	53	78	77	78	64
Mizoram	46	44	18	31	43	46	46	37
Nagaland	67	61	14	44	54	61	61	60
Odisha	427	347	223	155	263	338	354	208
Puducherry	91	90	39	27	59	90	90	87
Punjab	73	68	46	38	63	72	73	41
Rajasthan	277	193	98	105	171	195	197	194
Sikkim	23	23	14	20	18	23	23	23
Tamil Nadu	1,647	1572	1029	760	1365	1617	1622	1628
Telangana	494	446	195	235	368	448	427	36
Tripura	44	43	11	12	32	33	40	33
Uttar Pradesh	170	112	66	76	96	126	126	36
Uttarakhand	56	47	20	27	36	47	47	0
West Bengal	327	312	228	169	271	303	306	246
India	9,589	8579	4805	4434	7267	8794	8821	6298

7.4 The total number of CCIs/Homes surveyed is 9589. Out of this total, as seen from Table 7.1, 8579 CCIs/Homes have dormitories, 4805 of them have sick rooms, 4434 have dedicated space for a visitor's room, 7267 have a hall, 8794 have dedicated bathrooms and 8821 have toilet/latrines. The data shows that all the required infrastructural facilities do not exist in all the CCIs/Homes. For example, lack of dormitory facilities in 1010 CCIs/Homes out of 9589 raises question regarding the sleeping arrangement provided by the CCIs/Homes to its resident children. Likewise, it can be

observed that some of the CCIs/Homes also lack other facilities such as sick rooms, dining halls, visitor rooms, bathrooms, etc. It has been revealed that the lack of dedicated space for different infrastructural facilities in CCIs/Homes is quite glaring. This is reflected by the difference between the total number of CCIs/Homes and the number of CCIs/Homes having a dedicated space for respective facility.

Table 7.2 Percentages of CCIs/Homes having Basic Services for Children across India

Category of room	Total percentage of one, two, three and more than three rooms)	Adequately Equipped (out of total received in column 2)	Space		Well Ventilated	
			Adequate	Inadequate	Adequate	Inadequate
Dormitories	89.5	76.7	32.0	5.8	32.5	5.1
Sick room	50.1	45.4	18.8	1.4	18.8	1.4
Dining room	75.8	67.1	26.5	2.9	26.2	2.9
Bathroom	91.7	78.4	33.0	6.2	33.3	6.4
Toilet	92.0	79.1	33.5	6.1	33.3	6.4
Visitor's room	46.2	44	17.8	0.8	17.6	0.8
Kitchen	65.7	60.1	20.7	1.9	21.1	1.9

7.5 Table 7.2 indicates that 89.5% of the CCIs/Homes in India have one, two, three or more than 3 rooms as dormitories out of which 76.7% are adequately equipped. Similarly, majority of the CCIs/Homes also seem to have dining rooms, bathrooms and toilets. However, the CCIs/Homes are found to be lacking in facilities like sick rooms and visitor rooms. A detailed description on the number of dedicated rooms in CCIs/Homes is presented below.

i. Number of rooms dedicated in CCIs/Homes for different facilities

7.6 With respect to the number of **dormitories** in CCIs/Homes, it is found that the 48.4% of the CCIs/Homes in Pondicherry have only one room dedicated for dormitory followed by Tripura at 43.2% (see table 9.3). The highest number of CCIs/Homes having two rooms as dormitories are in the state of Sikkim (52.2%), followed by Nagaland at 46.3% and Goa at 41.1%. Majority of CCIs/Homes, having dedicated 3 rooms for dormitories, are in the state of Jammu & Kashmir (70.2%), followed closely by Chandigarh at 68.8%. Therefore, as seen from Table 9.2, a

total of 89.5% CCIs/Homes have dormitories varying from 1 to more than 3 rooms dedicated to it. Sleeping arrangements in the remaining 10.5% of CCIs/Homes which do not have dormitories for children must be inspected to look for any negligence by CCIs/Homes.

Table 7.3 Percentage of CCIs/Homes with dedicated number of rooms for Dormitories and Sick Room

States/UTs	Dormitories			Sick Room		
	One Room	two rooms	Three or more than three	One Room	Two rooms	Three or more than three
A&N	17.6	29.4	52.9	23.5	0.0	0.0
Andhra Pradesh	28.1	31.4	31.6	45.4	4.1	1.0
Arunachal	0.0	25.0	50.0	12.5	0.0	0.0
Assam	11.5	18.3	36.6	27.5	2.3	0.0
Bihar	11.9	21.4	45.2	29.8	1.2	0.0
Chandigarh	25.0	0.0	68.8	75.0	0.0	0.0
Chattisgarh	13.1	26.2	45.1	23.8	0.8	0.0
Delhi	15.2	23.2	52.8	42.4	2.4	2.4
Goa	20.0	41.4	34.3	55.7	4.3	0.0
Gujarat	23.7	14.8	43.8	42.6	3.6	0.6
Haryana	8.9	16.5	62.0	31.6	5.1	2.5
Himachal Pradesh	6.5	15.2	60.9	19.6	0.0	0.0
J&K	11.6	14.1	70.2	23.8	1.7	0.6
Jharkhand	33.9	14.2	31.5	33.9	1.6	1.6
Karnataka	23.9	30.8	29.5	29.0	3.5	0.0
Kerala	30.8	28.7	38.2	63.4	5.1	1.0
Madhya Pradesh	15.8	30.1	39.0	44.5	0.7	0.7
Maharashtra	11.1	16.0	61.8	48.9	1.5	0.2
Manipur	19.4	19.4	27.4	29.0	1.6	0.0
Meghalaya	34.5	23.8	26.2	58.3	1.2	1.2
Mizoram	37.0	34.8	23.9	39.1	0.0	0.0
Nagaland	10.4	46.3	34.3	20.9	0.0	0.0
Odisha	14.5	23.9	42.9	48.7	2.3	1.2
Pondicherry	48.4	30.8	19.8	42.9	0.0	0.0
Punjab	13.7	20.5	58.9	58.9	1.4	2.7
Rajasthan	14.4	15.5	39.7	33.6	1.8	0.0
Sikkim	17.4	52.2	30.4	60.9	0.0	0.0
Tamil Nadu	31.1	33.4	30.9	57.1	4.7	0.6

States/UTs	Dormitories			Sick Room		
	One Room	two rooms	Three or more than three	One Room	Two rooms	Three or more than three
Telangana	32.0	25.7	32.6	37.9	1.2	0.4
Tripura	43.2	31.8	22.7	25.0	0.0	0.0
Uttar Pradesh	16.5	19.4	30.0	32.9	5.9	0.0
Uttarakhand	14.3	28.6	41.1	33.9	0.0	1.8
West Bengal	17.7	21.1	56.6	64.2	4.0	1.5
Total	23.0	25.7	40.8	46.4	3.1	0.6

7.7 West Bengal has the highest percentage of CCIs/Homes (64.2%) that have at least one room dedicated as **sick room** in its CCIs/Homes followed by Kerala with 63.4% (Refer table 9.4). Uttar Pradesh has 5.9% of CCIs/Homes having two sick rooms, which is the highest in India. Haryana and Kerala are next with 5.1% each. Very few CCIs/Homes are also using three or more than three rooms as sick rooms. In this regard, Punjab has the highest percentage of CCIs/Homes having three or more than three rooms as sick rooms (2.7%) followed by Haryana at 2.5% and Delhi with 2.4%. Nearly half of the total CCIs/Homes have dedicated space for a sick room (50.1%) and the rest half of CCIs/Homes do not have any sick room facilities. Children in such CCIs/Homes without any proper sick room facility become vulnerable to high health risk. It is necessary to look into the arrangements made by these CCIs/Homes for care of sick children.

Table 7.4 Percentage of CCIs/Homes with dedicated number of rooms for Dining Hall, Bathroom and Toilet

States/UTs	Dining Hall			Bathroom			Toilet		
	One Room	Two rooms	Three or more than three	One Room	Two Rooms	More than two room	One Room	Two Rooms	Three or more than three
A&N	82.4	0.0	0.0	0.0	41.2	58.8	0.0	35.3	64.7
Andhra Pradesh	73.8	5.1	1.0	6.2	12.5	74.3	5.1	11.8	75.5
Arunachal Pradesh	62.5	0.0	0.0	12.5	0.0	50.0	12.5	12.5	50.0
Assam	48.9	4.6	0.8	12.2	22.9	33.6	8.4	18.3	42.0
Bihar	44.0	4.8	2.4	10.7	23.8	46.4	7.1	23.8	52.4
Chandigarh	81.3	0.0	0.0	0.0	12.5	81.3	0.0	0.0	93.8
Chattisgarh	60.7	1.6	4.1	8.2	13.9	60.7	2.5	18.0	63.9

Physical Infrastructure

States/UTs	Dining Hall			Bathroom			Toilet		
	One Room	Two rooms	Three or more than three	One Room	Two Rooms	More than two room	One Room	Two Rooms	Three or more than three
Delhi	66.4	0.8	0.8	5.6	16.0	71.2	1.6	13.6	77.6
Goa	77.1	14.3	4.3	4.3	10.0	80.0	0.0	11.4	87.1
Gujarat	64.5	3.6	1.8	7.7	7.1	67.5	7.7	8.9	65.1
Haryana	67.1	5.1	6.3	10.1	7.6	70.9	6.3	10.1	69.6
Himachal Pradesh	56.5	6.5	0.0	6.5	21.7	63.0	4.3	17.4	69.6
J&K	86.7	3.9	1.9	9.1	16.6	72.7	7.7	19.6	71.5
Jharkhand	57.5	1.6	0.0	7.9	16.5	55.1	4.7	14.2	59.8
Karnataka	65.9	4.6	0.9	8.3	14.8	69.4	6.0	12.5	74.2
Kerala	88.2	7.4	1.0	5.4	5.4	85.5	2.8	5.1	89.3
Madhya Pradesh	54.1	1.4	1.4	9.6	17.1	55.5	6.8	15.8	65.8
Maharashtra	57.2	2.1	0.9	4.2	5.9	85.1	3.3	4.8	86.2
Manipur	54.8	3.2	0.0	22.6	27.4	17.7	9.7	32.3	27.4
Meghalaya	89.3	3.6	0.0	31.0	19.0	41.7	22.6	17.9	52.4
Mizoram	82.6	10.9	0.0	4.3	28.3	67.4	0.0	17.4	82.6
Nagaland	77.6	3.0	0.0	16.4	26.9	47.8	16.4	26.9	47.8
Odisha	57.1	3.0	1.4	6.3	16.9	56.0	2.6	14.3	66.0
Puducherry	63.7	0.0	1.1	11.0	18.7	69.2	5.5	13.2	80.2
Punjab	71.2	8.2	6.8	5.5	6.8	86.3	4.1	6.8	89.0
Rajasthan	58.5	2.5	0.7	7.6	10.1	52.7	8.3	9.4	53.4
Sikkim	73.9	4.3	0.0	21.7	26.1	52.2	8.7	34.8	56.5
Tamil Nadu	75.2	6.4	1.3	11.6	9.7	76.9	5.2	5.4	87.9
Telangana	67.4	5.9	1.2	6.7	12.6	71.5	6.1	11.9	68.4
Tripura	70.5	2.3	0.0	25.0	18.2	31.8	15.9	13.6	61.4
Uttar Pradesh	51.2	4.1	1.2	12.4	13.5	48.2	10.0	8.8	55.3
Uttarakhand	60.7	0.0	3.6	8.9	14.3	60.7	8.9	12.5	62.5
West Bengal	74.9	5.5	2.4	7.0	14.1	71.6	7.0	14.7	71.9
Total	69.8	4.7	1.3	8.1	11.6	72.1	5.3	10.1	76.6

7.8 Among the CCIs/Homes across the nation with one room dedicated as a **dining room** Meghalaya is on top at 89.3% (Refer table 9.4). Majority of the CCIs/Homes having two rooms for dining purposes are located in the state of Goa (14.3%) followed by Mizoram at 10.9%. The

availability of CCIs/Homes with three or more than three dining rooms is the highest in Punjab (6.8%) followed by Haryana at 6.3%. As seen from the table 9.2 above, 75.8% of the CCIs/Homes have one or more than one number of rooms used as a dining hall.

7.9 The highest percentage of CCIs/Homes having one room dedicated to the **bathroom** is located in Meghalaya (31%) (Refer table 9.4). Next is Tripura with 25% of such CCIs/Homes. Majority of the CCIs/Homes having two bathrooms are located in the Union Territory of Andaman & Nicobar (41.2%). Punjab at 86.3% has the highest percentage of CCIs/Homes having three or more than three rooms as bathroom. This is a positive trend. It is found that almost 91.7% of the CCIs/Homes have bathroom facilities. Privacy issues with respect to the remaining 9% of CCIs/Homes have to be addressed.

7.10 Meghalaya at 22.6% has the highest percentage of CCIs/Homes having one room dedicated as the toilet followed by Nagaland at 16.4% (Refer table 9.4) Among the CCIs/Homes that have two rooms as the toilet, the highest percentage is located in the UT of Andaman & Nicobar at 35.3% whereas among those that have three or more than three rooms dedicated to a toilet, the highest percentage is found in Chandigarh at 93.8%. Table 9.2 shows that the total percentage of CCIs/Homes that have toilet facilities for its children is 92%. Presence of toilets in 92% of the CCIs/Homes in India is a welcome finding; however there still exist 8% of such CCIs/Homes which do not have any toilet facilities for children. It is very crucial to investigate if there are any alternate arrangements in these CCIs/Homes or whether the inmates of these CCIs/Homes are deprived of their right to have privacy and protection.

7.11 The data in the table also reflects number of rooms dedicated for the visitor's room in the CCIs/Homes premises in the country. Among those CCIs/Homes having one visitor's room, the States/UTs of Sikkim is leading with the highest percentage of 87% followed by Kerala with 79.7% (Refer Table 9.5). CCIs/Homes having two visitor's rooms are located primarily in the state of Goa (8.5%). The highest percentage of CCIs/Homes with three or more than three visitor's rooms are found in the state of Uttarakhand (3.6%). Data suggests that only 46.2% of CCIs/Homes in the country have visitor's room, which is even less than half of the total CCIs/Homes.

Table 7.5 Percentage of CCIs/Homes with dedicated number of rooms for Visitor room and Kitchen

States/UTs	Visitors Room			Kitchen		
	One Room	Two Rooms	Three or More than Three	One Room	Two Rooms	Three or More than Three
A&N	47.1	0.0	0.0	100.0	0.0	0.0
Andhra Pradesh	43.4	1.7	0.8	28.5	2.1	0.4
Arunachal	50.0	0.0	0.0	75.0	0.0	0.0
Assam	39.7	0.0	0.0	65.6	1.5	0.8
Bihar	34.5	2.4	1.2	38.1	1.2	0.0
Chandigarh	6.3	0.0	0.0	93.8	0.0	0.0
Chattisgarh	24.6	0.0	0.0	59.0	0.0	1.6
Delhi	50.4	3.2	0.0	85.6	3.2	3.2
Goa	67.1	8.6	1.4	34.3	2.9	1.4
Gujarat	42.6	3.0	0.0	72.8	1.8	1.2
Haryana	51.9	3.8	1.3	62.0	5.1	2.5
Himachal Pradesh	30.4	0.0	0.0	34.8	8.7	0.0
J&K	42.3	0.8	0.0	93.6	3.9	0.8
Jharkhand	46.5	2.4	1.6	23.6	1.6	0.8
Karnataka	36.8	3.1	1.1	70.9	2.3	0.1
Kerala	79.7	2.3	0.3	94.4	1.5	0.3
Madhya Pradesh	33.6	3.4	0.0	67.8	2.7	0.7
Maharashtra	22.2	0.4	0.6	27.2	2.1	1.3
Manipur	41.9	3.2	0.0	61.3	1.6	1.6
Meghalaya	63.1	0.0	0.0	76.2	0.0	0.0
Mizoram	65.2	2.2	0.0	73.9	4.3	2.2
Nagaland	64.2	1.5	0.0	89.6	0.0	0.0
Odisha	34.0	1.6	0.7	47.8	0.9	0.0
Pondicherry	29.7	0.0	0.0	95.6	0.0	0.0
Punjab	47.9	2.7	1.4	50.7	2.7	2.7
Rajasthan	37.2	0.7	0.0	69.7	0.4	0.0
Sikkim	87.0	0.0	0.0	100.0	0.0	0.0
Tamil Nadu	45.3	0.6	0.2	97.0	1.5	0.4
Telangana	45.3	2.0	0.2	7.3	0.0	0.0
Tripura	27.3	0.0	0.0	72.7	2.3	0.0
Uttar Pradesh	39.4	5.3	0.0	20.6	0.6	0.0
Uttarakhand	44.6	0.0	3.6	0.0	0.0	0.0
West Bengal	48.9	1.8	0.9	75.2	0.0	0.0
Total	44.6	0.0	1.6	63.5	1.7	0.6

7.12 All the CCIs/Homes in Andaman & Nicobar and Sikkim have one room dedicated as the kitchen. The highest percentage of CCIs/Homes (35.3%) that have dedicated two rooms for kitchen are found in the UT of Andaman & Nicobar; whereas maximum percentage of CCIs/Homes having three or more than three rooms dedicated to kitchen is found in Himachal Pradesh (8.7%) (Refer Table 7.5). The total percentage of CCIs/Homes across the country having a dedicated space used as a kitchen is 65.7%. This data shows that approximately 35% of CCIs/Homes do not have a dedicated kitchen facility. It raises questions regarding the preparation of meals for children. This necessarily needs to be investigated as to where exactly such CCIs/Homes arrange for cooking of meals. These questions must be addressed to ensure that children are not devoid of their meals and that the food provided is healthy and meets all the recommended nutritional standards for growing children.

ii. Adequately Equipped

7.13 As per the suggested norms for buildings or accommodation under JJ Rules, 2016, each institution with 50 children must have 2 dormitories, each having 1000 sq. ft of space for 25 children. Therefore, the States/UTs must have at least the recommended space if not more dedicated to its dormitories. Though majority of the CCIs/Homes across the States/UTs in

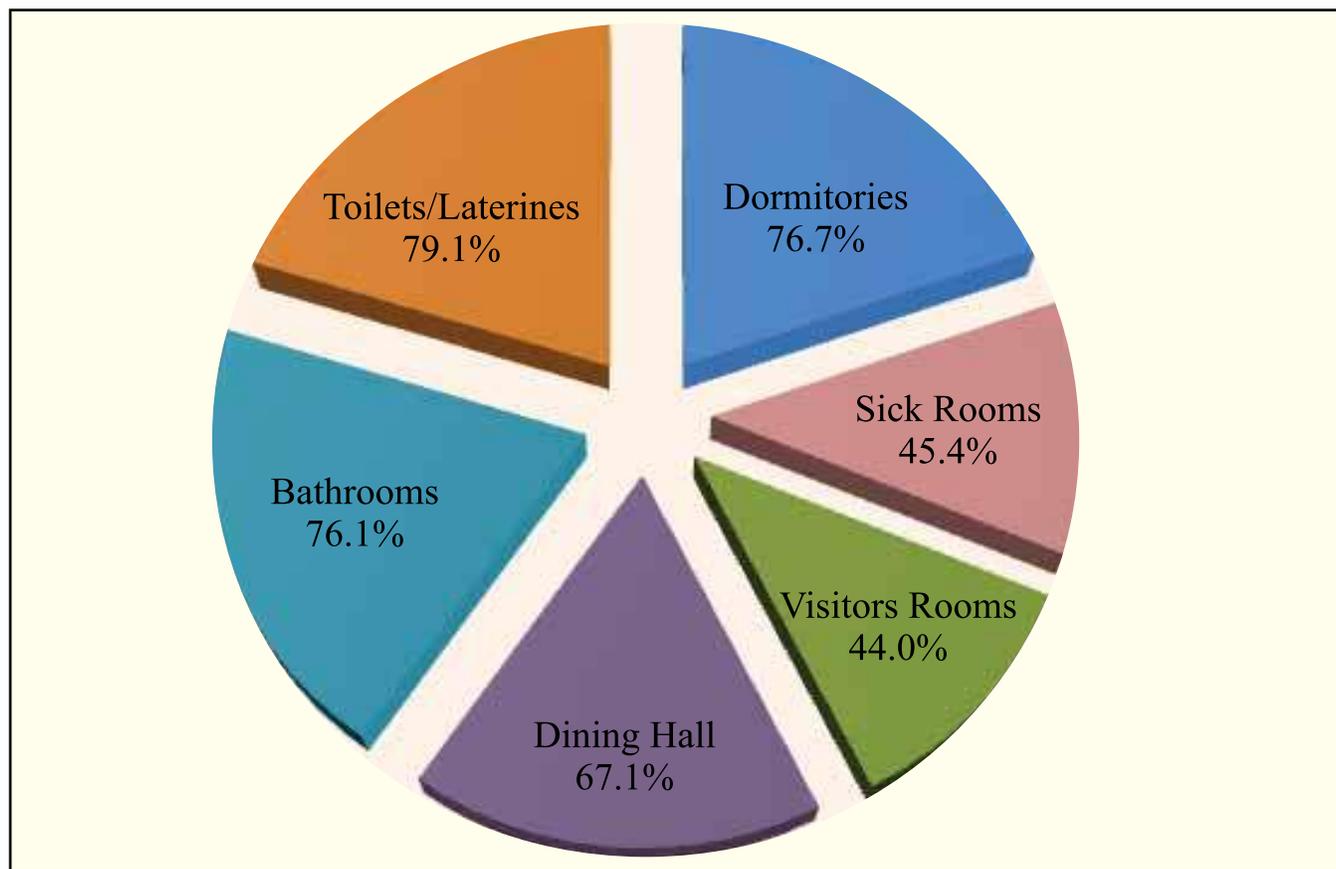
Under Rule 29 (6) of the JJ Rules, 2016 the suggested norms for building or accommodation in each institution with 50 children there should be 2 Dormitories wherein each is 1000 sq.ft. for 25 children.

India have dormitory facilities with space as recommended under the JJ Rules, 2016, a considerable percentage of CCIs/Homes still fail to adhere to this recommended space criteria. The dormitory must be large room/rooms to accommodate children, their personal bedding and belongings and hence must not be a cramped. There should be sufficient space for easy movement of children. The issue of overcrowding of children in the CCIs/Homes, especially in the dormitories, must be looked into by the committees to prevent any violation of children's right with respect to accommodation.

7.14 Responses were collected regarding adequately equipped/unequipped status of the facilities in the CCIs/Homes. Graph above shows the national picture. The highest percentage of responses stating adequately equipped status of the CCIs/Homes with respect to the dormitory facility were obtained from the CCIs/Homes of Chandigarh, which is as high as 93.8%; next comes

Goa at 91.1% (see table 7.6). Similarly, 75% of the CCIs/Homes in Chandigarh responded to be adequately equipped with respect to the provision of sick rooms followed by West Bengal at 66.1%.

Graph 7.1 National Figure (in percentage) of CCIs/Homes having adequately equipped basic services for children



7.15 The data on adequately equipped/unequipped status of dining hall facility in CCIs/Homes brings to light that Goa has the highest percentage (92.9%) of CCIs/Homes having adequately equipped dining hall facility followed by Kerala at 90.7%. With respect to **bathrooms**, Sikkim at 95.7% has the highest percent of CCIs/Homes having adequately equipped bathrooms followed by Punjab 94.5% and Chandigarh at 93.8% (see table 7.6).

7.16 Among those States/UTs who gave a positive answer for having adequately equipped toilets in its CCIs/Homes, the highest percentage is seen in Punjab which has 95.9% of CCIs/Homes having adequately equipped toilets for its children; it is followed by Goa with 94.3%. The responses on adequately equipped/unequipped status of visitor's room shows that 78.3% CCIs/Homes of Sikkim

are properly equipped with visitor's rooms followed by Kerala at 77.5%. Similarly, 96.7% of the CCIs/Homes in Tamil Nadu are found to have adequately equipped kitchen followed by Sikkim with 95.7% (see table 7.6).

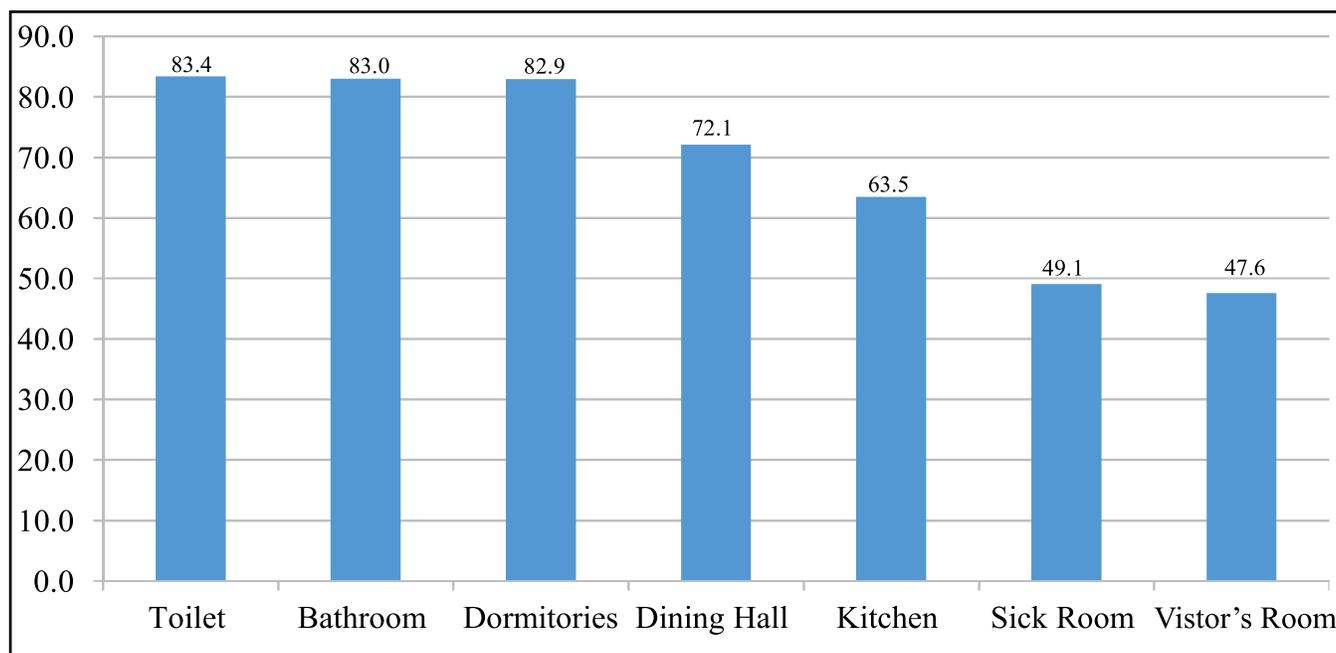
Table 7.6 Percentage of CCIs/Homes with adequately equipped basic facilities

States/UTs	Dormitories	Sick Room	Dining Hall	Bathroom	Toilet	Visitor Room	Kitchen
A&N	82.4	11.8	70.6	88.2	88.2	47.1	94.1
Andhra Pradesh	75.3	42.4	69.3	76.6	77.6	39.8	29.3
Arunachal Pradesh	0.0	0.0	0.0	25.0	25.0	37.5	12.5
Assam	62.6	28.2	50.4	65.6	65.6	38.9	64.1
Bihar	63.1	23.8	47.6	70.2	75.0	28.6	36.9
Chandigarh	93.8	75.0	75.0	93.8	93.8	6.3	93.8
Chattisgarh	70.5	22.1	54.9	71.3	71.3	21.3	39.3
Delhi	85.6	44.8	60.8	84.8	85.6	52.8	88.8
Goa	91.4	58.6	92.9	90.0	94.3	75.7	34.3
Gujarat	66.3	38.5	60.4	64.5	63.3	43.2	66.9
Haryana	78.5	39.2	69.6	77.2	72.2	55.7	64.6
Himachal Pradesh	69.6	19.6	52.2	63.0	69.6	28.3	26.1
J&K	89.5	25.1	87.0	90.1	90.3	41.7	91.7
Jharkhand	62.2	34.6	49.6	63.8	63.0	43.3	18.1
Karnataka	71.4	28.2	62.3	82.8	82.3	37.7	68.1
Kerala	89.0	63.9	90.7	89.6	90.8	77.5	91.3
Madhya Pradesh	70.5	41.8	48.6	75.3	80.1	35.6	64.4
Maharashtra	69.6	42.3	48.9	70.9	70.7	21.4	27.3
Manipur	61.3	27.4	50.0	54.8	56.5	43.5	54.8
Maghalaya	78.6	54.8	82.1	78.6	82.1	60.7	65.5
Mizoram	84.8	37.0	89.1	84.8	84.8	67.4	63.0
Nagaland	82.1	16.4	73.1	76.1	76.1	61.2	88.1
Odisha	76.6	49.4	57.6	74.2	76.8	34.7	43.1
Puducherry	83.5	37.4	45.1	78.0	85.7	24.2	93.4
Punjab	87.7	60.3	79.5	94.5	95.9	50.7	54.8
Rajasthan	20.2	11.9	17.0	20.9	20.9	13.7	20.2
Sikkim	82.6	52.2	69.6	95.7	91.3	78.3	95.7
Tamil Nadu	88.7	65.3	81.4	88.2	90.1	53.0	96.7
Telangana	71.1	30.0	57.9	72.1	69.4	35.0	6.7
Tripura	84.1	20.5	59.1	59.1	68.2	25.0	61.4
Uttar Pradesh	48.8	30.6	48.8	63.5	63.5	39.4	17.6
Uttarakhand	66.1	28.6	57.1	80.4	78.6	42.9	0.0
West Bengal	89.3	66.1	78.0	88.1	87.2	49.8	70.9
Total	76.7	45.4	67.1	78.4	79.1	44.1	60.1

iii. Adequate Space

7.17 The Graph 7.2 below indicates that major percentages of CCIs/Homes in India are found to have adequate space for basic services. The national figures suggest that higher percentage of CCIs/Homes have good/adequate space for toilets (83.4%), bathrooms (83%) and dormitories (82.9%) than other services (see graph 7.2). This is followed by dining hall (72.1%) and kitchen (63.5%). Across the country less, than only about half of the CCIs/Homes have good/adequate space for Sick Room (49.1%) and Visitor's Room (47.6%). Space inadequacy for most of the facilities in the CCIs/Homes needs to be improved for the welfare of the children residing in CCIs/Homes. It is clear that situation is not as expected and needs improvement.

Graph 7.2 Percentage of CCIs/Homes having good/adequate space for basic services



7.18 More than 90 percent of CCIs/Homes in Sikkim, J&K, Chandigarh, Kerala, Pondicherry, Punjab, Tamil Nadu and West Bengal have good/adequate space for dormitories. CCIs/Homes in Arunachal Pradesh have least percent of good/adequate space for dormitories. With regard to good/adequate space for sick room, highest percentage of CCIs/Home are found in Chandigarh (75%) followed by Tamil Nadu (71%); the lowest percentages of CCIs/Homes are in Arunachal Pradesh (12.5%) and Andaman & Nicobar (17.6%) (See table 7.7 below).

7.19 States/UTs having more than 90 percent of CCIs/Homes with good/adequate space for **dining hall**, are Kerala (92.7%), Jammu and Kashmir (92.5%) and Goa (91.4%); whereas Arunachal Pradesh ranks lowest at 12.5%, being noticeably behind rest of the States/UTs. The table 7.7 also shows that all CCIs/Homes in the UT of Andaman and Nicobar and Sikkim have good/adequate space for **bathrooms** while more than 90 percent of CCIs/Homes in Punjab, J&K, Chandigarh, Mizoram, Kerala, West Bengal and Tamil Nadu have good/adequate space for bathrooms. Arunachal Pradesh (37.5%) and Manipur (56.5%) are the worst performers in this regard.

Table 7.7 Percentage of CCIs/Homes having good/adequate space for basic facilities

States/UTs	Dormitories	Sick Room	Dining Hall	Bathroom	Toilet	Visitor Room	Kitchen
A&N	88.2	17.6	82.4	100.0	100.0	47.1	100.0
Andhra Pradesh	82.7	43.8	69.8	79.0	79.8	39.4	30.6
Arunachal Pradesh	50.0	12.5	12.5	37.5	37.5	37.5	37.5
Assam	66.4	29.0	51.9	67.2	66.4	38.9	67.2
Bihar	75.0	31.0	50.0	76.2	82.1	38.1	36.9
Chandigarh	93.8	75.0	81.3	93.8	93.8	6.3	93.8
Chattisgarh	80.3	23.0	64.8	78.7	79.5	23.8	46.7
Delhi	88.0	46.4	68.0	85.6	86.4	52.8	91.2
Goa	87.1	58.6	91.4	88.6	92.9	75.7	34.3
Gujarat	72.8	43.8	62.1	69.8	72.8	44.4	74.6
Haryana	82.3	39.2	77.2	84.8	83.5	55.7	69.6
Himachal Pradesh	69.6	21.7	56.5	67.4	69.6	30.4	26.1
J&K	95.0	26.0	92.5	97.2	98.1	42.3	98.3
Jharkhand	72.4	36.2	55.9	74.0	73.2	48.0	24.4
Karnataka	77.6	31.3	68.6	85.3	84.1	40.6	69.3
Kerala	93.0	66.3	92.7	91.1	92.9	80.2	93.9
Madhya Pradesh	73.3	43.8	52.7	71.9	76.0	34.9	67.8
Maghalaya	78.6	53.6	84.5	78.6	84.5	60.7	69.0
Maharashtra	78.8	47.2	53.7	77.5	76.0	22.3	28.9
Manipur	61.3	25.8	53.2	56.5	56.5	41.9	59.7
Mizoram	84.8	34.8	89.1	91.3	93.5	65.2	73.9
Nagaland	88.1	19.4	77.6	89.6	91.0	62.7	88.1
Odisha	74.9	51.1	58.3	76.6	78.7	35.1	44.3
Puducherry	92.3	42.9	62.6	89.0	91.2	29.7	94.5

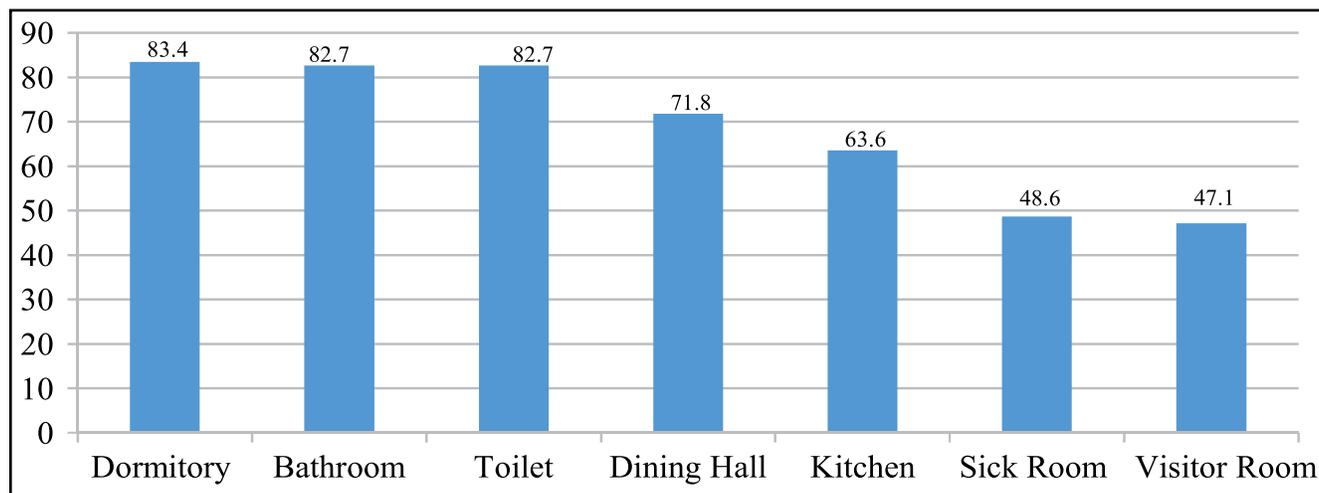
States/UTs	Dormitories	Sick Room	Dining Hall	Bathroom	Toilet	Visitor Room	Kitchen
Punjab	91.8	61.6	87.7	97.3	98.6	50.7	56.2
Rajasthan	69.7	37.5	62.1	72.6	72.9	39.4	71.1
Sikkim	95.7	60.9	69.6	100.0	100.0	87.0	100.0
Tamil Nadu	91.6	71.0	86.0	90.1	91.1	63.3	96.8
Telangana	74.3	30.4	59.5	73.7	70.6	33.8	7.3
Tripura	79.5	22.7	68.2	63.6	70.5	27.3	65.9
Uttar Pradesh	54.1	32.4	50.6	65.3	66.5	40.0	18.2
Uttarakhand	82.1	35.7	64.3	80.4	80.4	46.4	0.0
West Bengal	90.8	67.0	79.5	90.2	89.6	49.5	74.0
Total	82.9	49.1	72.1	83.0	83.4	47.6	63.5

7.20 UT of Andaman and Nicobar and Sikkim are again found to have all its CCIs/Homes with good/adequate space for toilets, closely followed by Punjab (98.6%) and Jammu and Kashmir (98.1%). Arunachal Pradesh has lowest percentage of CCIs/Homes (37.5%) in this regard. Sikkim (87%) and Kerala (80.2%) have the high percentage of CCIs/Homes with good/adequate space for visitor's room. Chandigarh has exceptionally low percent of CCIs/Homes (6.3%) in this regard; whereas less than one fourth of the CCIs/Homes in Maharashtra and Chhattisgarh have good/adequate space for visitor's room.

7.21 All CCIs/Homes in A&N and Sikkim are found to have good/adequate space dedicated for kitchen facility, closely followed by Jammu & Kashmir (98.3%) and Tamil Nadu (96.8%). None of the CCIs/Home in Uttarakhand has good/adequate space for kitchen facility; whereas it is only 7.3% in Telangana.

iv. Adequate Light and Ventilation

7.22 Adequate light and ventilation is very much required as the quality of air in the buildings of CCIs/Homes can affect the health, productivity and comfort of the children. The national figure shows that the best provision of well-lit and ventilated space in CCIs/Homes is generally in case of dormitories is 83.4%, bathrooms is 82.7% and toilets is 82.7%. Provision of well-lit and ventilated space is much less in sick rooms (48.6%) and visitor's room (47.1%).

Graph 7.3 Percent of CCIs/Homes having well-lit & ventilated space for basic services

7.23 The table 7.8 shows that all CCI/Homes in all Sikkim have good/adequate light and ventilation facilities in the **dormitories**. Above 90% of such CCIs/Homes are found in the States/UTs of J&K (94.8%), Chandigarh (93.8%), West Bengal (93.6%), Tamil Nadu (93.3%), Kerala (93.2%) and Goa (91.4%). The lowest percentage of CCIs/Homes having good/adequate light and ventilation facilities is located in Arunachal Pradesh (25%).

7.24 Tamil Nadu and Chandigarh have the highest percentage of CCIs/Homes with good/adequate light and ventilation in **sick rooms**, that is 71.5% and 75% respectively; Arunachal Pradesh has the lowest percentage, in this regard, with only 12.5% of such CCIs/Homes while A&N has 17.6% percent of such CCIs/Homes.

7.25 The table 7.8 also highlights that maximum percentage of CCIs/Homes with good/adequate ventilation in the **dining halls** are found in Goa (92.9%), J&K (92.5%) and Kerala (90.5%); whereas, none of CCIs/Homes in Arunachal Pradesh has good/adequate ventilation in the **dining halls**.

7.26 Majority of the States/UTs have more than 75% of CCIs/Homes with good/adequate of light and ventilation in **bathrooms**; all CCI/Homes have such bathrooms in A&N and Sikkim, while Arunachal Pradesh has the least percentage of such CCIs/Homes (37.5%). Similar situation prevails in case of **toilet** facilities, wherein more than 75% of CCIs/Homes in majority of States/UTs have good/adequate light and ventilation. Arunachal Pradesh again has the lowest percentage in this regard.

Table 7.8 Percentage of CCIs/Homes having good/adequate light and ventilation for basic facilities

States/UTs	Dormitory	Sick Room	Dining Hall	Bathroom	Toilet	Visitor Room	Kitchen
A&N	82.4	17.6	76.5	100.0	94.1	47.1	94.1
Andhra Pradesh	83.5	43.6	71.0	80.3	80.3	39.1	30.6
Arunachal Pradesh	25.0	12.5	0.0	37.5	37.5	37.5	25.0
Assam	64.1	29.0	50.4	65.6	64.1	37.4	63.4
Bihar	75.0	31.0	50.0	77.4	81.0	38.1	36.9
Chandigarh	93.8	75.0	81.3	93.8	93.8	6.3	93.8
Chattisgarh	83.6	23.0	63.9	77.9	79.5	23.0	46.7
Delhi	84.8	45.6	68.0	84.0	85.6	52.8	90.4
Goa	91.4	57.1	92.9	91.4	95.7	75.7	35.7
Gujarat	70.4	42.0	58.6	66.9	66.9	43.2	71.0
Haryana	82.3	39.2	74.7	79.7	77.2	53.2	67.1
Himachal Pradesh	71.7	19.6	56.5	73.9	76.1	30.4	28.3
J&K	94.8	26.0	92.5	97.5	98.3	42.3	98.3
Jharkhand	74.8	35.4	56.7	74.8	74.0	48.0	25.2
Karnataka	78.7	30.8	67.6	84.7	82.8	39.7	69.5
Kerala	93.2	64.3	90.5	89.8	91.0	78.6	95.7
Madhya Pradesh	76.0	43.8	55.5	74.7	80.1	35.6	67.8
Maghalaya	81.0	54.8	85.7	82.1	88.1	61.9	70.2
Maharashtra	77.7	46.0	53.9	75.2	74.1	21.9	28.7
Manipur	62.9	27.4	51.6	56.5	56.5	40.3	58.1
Mizoram	93.5	37.0	84.8	89.1	89.1	67.4	73.9
Nagaland	88.1	17.9	76.1	88.1	88.1	61.2	88.1
Odisha	74.9	49.9	58.1	75.6	77.5	34.9	43.8
Puducherry	92.3	42.9	63.7	90.1	89.0	29.7	94.5
Punjab	90.4	60.3	87.7	95.9	95.9	52.1	56.2
Rajasthan	72.6	37.5	62.8	72.2	72.9	39.4	71.1
Sikkim	100.0	60.9	78.3	100.0	100.0	87.0	95.7
Tamil Nadu	93.3	71.5	86.4	91.8	91.8	63.4	96.8
Telangana	71.9	29.8	57.5	71.1	67.4	32.6	7.3
Tripura	88.6	25.0	63.6	56.8	68.2	27.3	68.2
Uttar Pradesh	53.5	32.4	50.6	65.9	66.5	40.6	18.2
Uttarakhand	82.1	35.7	62.5	82.1	82.1	41.1	0.0
West Bengal	93.6	68.2	81.0	91.4	90.8	50.2	74.3
India	83.4	48.6	71.8	82.7	82.7	47.1	63.6

7.27 Good/Adequate light and ventilation in **kitchen** are mostly found in the CCIs/Home of J&K (98.3%), Tamil Nadu (96.8%), Kerala (95.7%), Sikkim (95.7%), Pondichery (94.5%), A&N (94.1%), Chandigarh (93.8%) and, Delhi (90.4%); while none of the CCIs/Homes of Uttarakhand have such kitchens.

II. Educational Facilities

7.28 Educational facilities in the CCIs/Homes would include rooms for education (Classrooms), vocational training, counseling, recreation and a library. These rooms must be adequately equipped.

Table 7.9 Percentage of CCIs/Homes having Educational Facilities for Children across India

Category	Total percentage of CCIs/Homes having Rooms	Total percentage of CCIs having Adequate equipment
Education	58.1	52.3
Vocational Training	22.8	22.4
Counseling	34.9	32
Recreation	44.5	40.9
Library	42.2	38.6

7.29 The table 7.9 suggests that the figures for educational facilities are not close to the ideal numbers as prescribed under the JJ Rules, as it can be seen that less than 50% of the CCIs/Homes have dedicated spaces for vocational training counselling, recreational and library. Only 58.1% CCIs/Homes have educational rooms within the premises which is only slightly over half of total CCIs/Home. There is no information as to what alternate arrangements are made in the other 42% which do not have such a dedicated space for learning. Table 7.10 below shows that across India, 5569 CCIs/Homes have educational rooms, 3342 have counselling rooms, 4267 have recreation rooms, 2182 have dedicated rooms for vocational training, and 4048 CCIs/Homes have rooms for library. The JJ Act and Rules stress highly upon the importance of vocational training to be imparted to children in the CCIs/UTs for securing a more productive independent future for them. However, the reality as seen from the figure above shows otherwise. This needs to be addressed immediately and children must get the training guaranteed as per the JJ principles.

Table 7.10 Number of CCIs/Homes having Educational Facilities for Children across States/UTs

States/UTs	Total CCIs/ Homes	Education- al rooms	Counseling rooms	Recreation rooms	Vocational training	Library
A&N	17	10	1	3	3	7
Andhra Pradesh	762	377	283	391	157	242
Arunachal Pradesh	8	2	1	1	1	1
Assam	131	57	53	58	40	28
Bihar	84	36	29	17	13	21
Chandigarh	16	8	12	13	10	11
Chhattisgarh	122	70	45	53	31	44
Delhi	125	63	57	85	33	68
Goa	70	69	41	58	37	46
Gujarat	169	108	58	82	62	75
Haryana	79	51	48	59	31	38
Himachal Pradesh	46	27	9	31	12	14
J&K	362	316	27	45	36	192
Jharkhand	127	87	44	51	32	49
Karnataka	911	498	248	297	203	314
Kerala	1,242	1058	538	723	343	865
MP	146	82	50	75	37	53
Maharashtra	1,284	425	345	463	168	358
Manipur	62	23	16	31	10	13
Meghalaya	84	47	41	41	22	31
Mizoram	46	20	35	33	8	20
Nagaland	67	38	25	34	18	13
Odisha	427	176	142	174	102	126
Puducherry	91	69	24	23	8	19
Punjab	73	46	34	51	28	38
Rajasthan	277	141	130	153	92	102
Sikkim	23	12	6	10	3	4
Tamil Nadu	1,647	1041	599	697	331	851
Telangana	494	242	162	177	80	150
Tripura	44	10	11	19	12	21
Uttar Pradesh	170	105	69	79	58	57
Uttarakhand	56	27	11	24	12	15
West Bengal	327	228	148	216	149	162
All India	9,589	5569	3342	4267	2182	4048

Number of rooms dedicated for the educational facilities

7.30 As shown in table 7.11, among those CCIs/Homes having one **educational room**, the highest percentage is observed in Pondicherry (56%) followed by Goa (54.3%). The highest percentage of CCIs/Homes having two rooms are located in Andaman & Nicobar which is 23.5% followed by Goa with 17.1%. CCIs/Homes in Jammu & Kashmir (65.7%) have the highest percentage of CCIs/Homes with three or more educational rooms followed by Punjab at a distant 34.2%.

Table 7.11 Percentage of CCIs/Homes having Educational Facilities

States/UTs	Educational Rooms (Classrooms)			Vocational Training Facilities		
	One Room	two rooms	three or more than three	One Room	two rooms	three or more than three
A&N	35.3	23.5	0.0	17.6	0.0	0.0
Andhra Pradesh	49.5	0.0	0.0	15.9	3.1	1.6
Arunachal Pradesh	0.0	0.0	25.0	0.0	0.0	12.5
Assam	26.0	4.6	13.0	25.2	3.8	1.5
Bihar	32.1	7.1	3.6	8.3	4.8	2.4
Chandigarh	6.3	0.0	43.8	25.0	37.5	0.0
Chhattisgarh	29.5	9.8	18.0	19.7	4.1	1.6
Delhi	36.0	8.8	5.6	17.6	3.2	5.6
Goa	54.3	17.1	27.1	48.6	2.9	1.4
Gujarat	40.8	6.5	16.6	29.0	4.7	3.0
Haryana	34.2	13.9	16.5	32.9	2.5	3.8
Himachal Pradesh	32.6	8.7	17.4	21.7	2.2	2.2
J&K	5.2	16.3	65.7	9.7	0.3	0.0
Jharkhand	28.3	11.0	29.1	23.6	1.6	0.0
Karnataka	30.4	8.8	15.5	18.3	2.7	1.2
Kerala	48.9	16.7	19.6	22.4	4.1	1.1
Madhya Pradesh	36.3	6.8	13.0	20.5	1.4	3.4
Maharashtra	16.5	5.4	11.2	10.6	1.4	1.1
Manipur	24.2	8.1	4.8	14.5	1.6	0.0
Maghalaya	46.4	4.8	4.8	25.0	0.0	1.2
Mizoram	23.9	6.5	13.0	13.0	4.3	0.0
Nagaland	43.3	3.0	10.4	26.9	0.0	0.0

States/UTs	Educational Rooms (Classrooms)			Vocational Training Facilities		
	One Room	two rooms	three or more than three	One Room	two rooms	three or more than three
Odisha	22.2	8.2	10.8	20.6	1.4	1.9
Puducherry	56.0	13.2	6.6	7.7	1.1	0.0
Punjab	23.3	5.5	34.2	30.1	2.7	5.5
Rajasthan	29.6	9.4	11.9	30.7	0.7	1.8
Sikkim	43.5	0.0	8.7	8.7	4.3	0.0
Tamil Nadu	47.7	9.2	6.3	18.3	1.3	0.4
Telangana	25.9	7.7	15.4	14.0	1.4	0.8
Tripura	13.6	0.0	9.1	25.0	2.3	0.0
Uttar Pradesh	38.8	8.2	14.7	25.3	6.5	2.4
Uttarakhand	28.6	1.8	17.9	21.4	0.0	0.0
West Bengal	31.8	14.4	23.5	29.7	11.0	4.9
Total	34.8	9.0	14.3	18.8	2.6	1.3

7.31 In respect of percentage of CCIs/Homes having one room dedicated to the **vocational training**, Goa (48.6%) ranks first while Haryana (32.9%) stands next. Percentage of CCIs/Homes with two rooms for vocational training is the highest in Chandigarh (37.5%). Percentage of CCIs/Homes having three or more than three rooms for vocational training is very small (1.3% across India), only one CCIs/Homes in Arunachal Pradesh out of a total of 8 CCIs/Homes has such facility, making it the state with highest percentage of CCIs/Homes of the same. This point to the urgent need for increasing the number of rooms for vocational training in CCIs/Homes across India.

7.32 The table 7.12 below presents the distribution of CCIs/Homes as per number of rooms for Counseling, Recreation and Library. Among the CCIs/Homes that have one room dedicated to the **counseling room**, the highest percentage can be found located in Mizoram (73.9%); Goa comes next with 58.6% of such CCIs/Homes. Maximum percentage of CCIs/Homes with two counseling rooms is located in Chandigarh (37.5%). Himachal Pradesh at 2.2% has the highest percentage of CCIs/Homes having three or more than three counseling rooms. The percentage of CCIs/Homes having a counseling room across India is only 34.9% whereas the remaining 65% do not have such rooms.

Table 7.12 Distribution of CCIs/Homes as per number of rooms for Counseling, Recreation and Library

States/UTs	Counseling Room			Recreation Rooms			Library		
	One Room	Two Rooms	three or more than three	One Room	Two Rooms	three or more than three	One Room	Two Rooms	three or more than three
A&N	5.9	0.0	0.0	17.6	0.0	0.0	41.2	0.0	0.0
Andhra Pradesh	34.4	2.1	0.7	48.0	2.4	0.9	29.8	1.8	0.1
Arunachal Pradesh	0.0	12.5	0.0	12.5	0.0	0.0	12.5	0.0	0.0
Assam	40.5	0.0	0.0	42.7	1.5	0.0	21.4	0.0	0.0
Bihar	32.1	1.2	1.2	17.9	1.2	1.2	21.4	2.4	1.2
Chandigarh	37.5	37.5	0.0	62.5	18.8	0.0	68.8	0.0	0.0
Chattisgarh	34.4	0.8	1.6	41.8	1.6	0.0	36.1	0.0	0.0
Delhi	43.2	1.6	0.8	58.4	7.2	2.4	53.6	0.0	0.8
Goa	58.6	0.0	0.0	54.3	22.9	5.7	64.3	1.4	0.0
Gujarat	31.4	2.4	0.6	42.0	4.7	1.8	42.6	1.8	0.0
Haryana	53.2	6.3	1.3	64.6	7.6	2.5	39.2	7.6	1.3
Himachal Pradesh	17.4	0.0	2.2	60.9	4.3	2.2	30.4	0.0	0.0
J&K	6.9	0.6	0.0	10.8	1.4	0.3	52.5	0.6	0.0
Jharkhand	32.3	2.4	0.0	37.0	2.4	0.8	38.6	0.0	0.0
Karnataka	24.8	2.3	0.1	28.8	3.6	0.2	33.2	1.2	0.1
Kerala	40.6	2.6	0.2	54.1	3.7	0.4	67.1	2.4	0.1
Madhya Pradesh	32.9	0.7	0.7	42.5	2.1	6.8	35.6	0.7	0.0
Maharashtra	25.5	0.6	0.8	34.0	1.4	0.6	27.2	0.6	0.1
Manipur	22.6	1.6	1.6	48.4	1.6	0.0	21.0	0.0	0.0
Maghalaya	45.2	2.4	1.2	47.6	0.0	1.2	36.9	0.0	0.0
Mizoram	73.9	2.2	0.0	54.3	15.2	2.2	41.3	2.2	0.0
Nagaland	37.3	0.0	0.0	49.3	1.5	0.0	19.4	0.0	0.0
Odisha	31.9	1.2	0.2	37.5	2.3	0.9	28.1	0.7	0.7
Puducherry	24.2	1.1	1.1	23.1	2.2	0.0	20.9	0.0	0.0
Punjab	43.8	1.4	1.4	57.5	11.0	1.4	52.1	0.0	0.0
Rajasthan	45.8	1.1	0.0	53.4	1.4	0.4	36.5	0.4	0.0
Sikkim	26.1	0.0	0.0	34.8	8.7	0.0	17.4	0.0	0.0
Tamil Nadu	34.9	1.3	0.2	40.5	1.5	0.3	50.8	0.7	0.2
Telangana	31.2	1.4	0.2	34.4	1.0	0.4	30.2	0.2	0.0
Tripura	25.0	0.0	0.0	43.2	0.0	0.0	47.7	0.0	0.0
Uttar Pradesh	34.1	5.3	1.2	38.2	6.5	1.8	28.2	5.3	0.0
Uttarakhand	17.9	1.8	0.0	39.3	0.0	3.6	25.0	1.8	0.0
West Bengal	42.8	2.1	0.3	57.2	5.8	3.1	46.5	2.8	0.3
India	32.8	1.7	0.4	40.9	2.8	0.8	40.9	1.2	0.1

7.33 The table 7.12 further depicts the percentage of CCIs/Homes across the nation that have **recreational rooms**. The state of Haryana has the highest percentage (64.6%) of such CCIs/Homes that have one dedicated room for recreational purposes followed closely by Chandigarh at 62.5%. Majority of CCIs/Homes that have allotted two rooms for recreation purposes are found in Goa (22.9%) followed by Chandigarh at 18.8%. The overall percentage of CCIs/Homes that have three or more than three rooms for recreation of children is very low, majority of which are located in Goa (5.7%). The table 7.12 above shows that 44.5% CCIs/Homes in India have dedicated rooms for the purpose of recreation.

7.34 The States/UTs that have the highest percentage of CCIs/Homes with one room dedicated for **library** are Chandigarh at 68.8% followed by Kerala at 67.1%. CCIs/Homes having two rooms dedicated for library facility are located primarily in Haryana (7.6%); whereas highest percentage of CCIs/Homes having three or more than three rooms is found in Himachal Pradesh (1.3%). The percentage of CCIs/Homes having a library is only 42.2% out of the total percentage of CCIs/Homes covered across India.

III. Administrative Facilities

7.35 Administrative facilities in the CCIs/Homes include store room, record room, room for an office and sitting room for the CWC/JJB. Table 7.13 below represents that out of the total number of 9589 CCI/Homes studied, 7874 have store rooms; 4221 have rooms dedicated for the purpose of a record room; 8056 CCIs/Homes have an office room whereas 1618 have rooms for 'the sitting of CWC/JJB' within their premises.

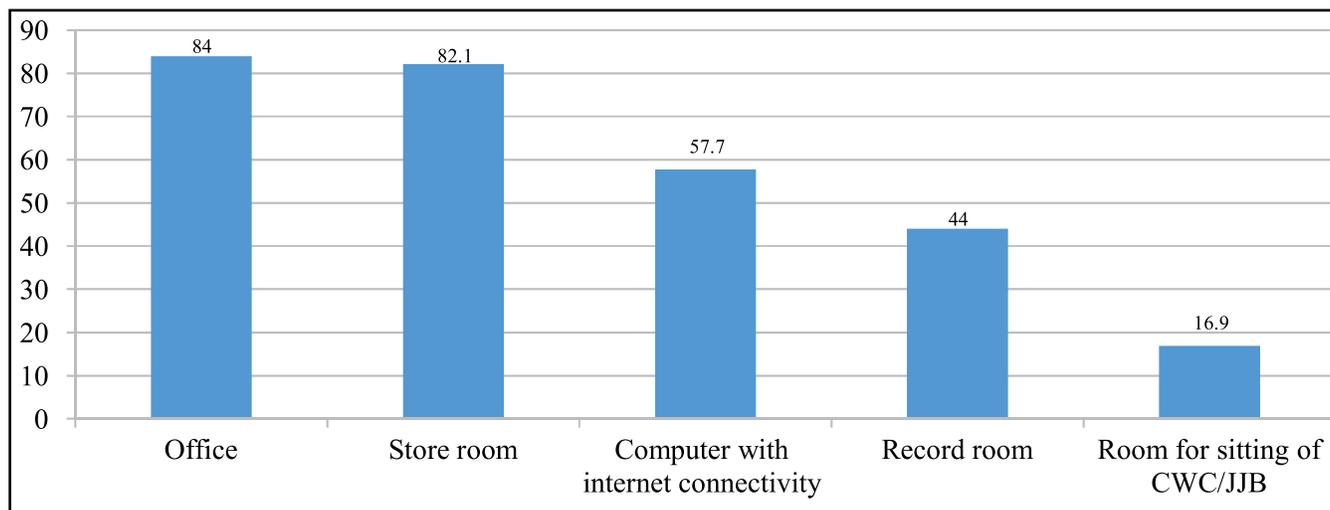
Table 7.13 State-wise number of CCIs/Homes having administrative facilities

States/UTs	Total CCIs/Homes	CCIs/Homes having store rooms	CCIs/Homes having records rooms	CCIs/Homes having office rooms	CCIs/Homes having sitting of CWC/JJB rooms
A&N	17	11	3	12	1
Andhra Pradesh	762	623	298	638	83
Arunachal Pradesh	8	3	5	5	4
Assam	131	70	36	77	22
Bihar	84	60	28	62	27

Physical Infrastructure

States/UTs	Total CCI/Homes	CCIs/Homes having store rooms	CCIs/Homes having records rooms	CCIs/Homes having office rooms	CCIs/Homes having sitting of CWC/JJB rooms
Chandigarh	16	15	3	15	9
Chhattisgarh	122	86	44	91	22
Delhi	125	98	52	108	3
Goa	70	66	63	66	31
Gujarat	169	130	87	141	53
Haryana	79	64	58	66	16
Himachal Pradesh	46	39	15	37	9
J&K	362	237	152	338	0
Jharkhand	127	97	60	90	31
Karnataka	911	713	298	711	103
Kerala	1,242	1167	860	1168	95
Madhya Pradesh	146	114	88	127	34
Maharashtra	1,284	1076	519	1146	127
Manipur	62	33	7	38	8
Meghalaya	84	72	28	67	5
Mizoram	46	40	8	42	8
Nagaland	67	34	11	53	8
Odisha	427	322	121	327	43
Puducherry	91	83	12	69	2
Punjab	73	71	42	72	14
Rajasthan	277	172	111	184	72
Sikkim	23	17	16	23	2
Tamil Nadu	1,647	1492	729	1406	646
Telangana	494	387	171	377	32
Tripura	44	32	6	37	9
Uttar Pradesh	170	116	101	125	50
Uttarakhand	56	43	35	44	10
West Bengal	327	291	154	294	39
Total	9,589	7874	4221	8056	1618

7.36 From the graph 7.4 below, it is evident that most of the CCIs/Homes do not have rooms for 'sitting of CWC/JJB' as only 16.9 are found to have this facility. Computer with internet connectivity is present only in 57.7% of CCIs/Homes, while only 44 percent have record rooms.

Graph 7.4 Percentage of CCIs/Homes having Administrative Facilities across India**Number of rooms dedicated for Administrative Facilities**

7.37 The table 7.13 reflects that among all States/UTs, the highest percentage of the CCIs/Homes that have one room dedicated as the store room are located in Pondicherry (83.5%) followed by Kerala at 81.4% and Chandigarh at 81.3%. Percent of CCIs/Homes having two rooms dedicated for store rooms is highest in Punjab (24.7%). Some CCIs/Homes are also using three or more than three rooms as store room; and Punjab has the highest percentage of such CCIs/Homes (19.2%) followed by Haryana at 16.5%. As seen from the graph 7.4 above, 82.1% of CCIs/Homes have a store room.

Table 7.14 Distribution of number of rooms in CCIs/Homes for Administrative Facilities

States/UTs	Store room			Record room			Office			Sitting of CWC/JJB		
	One Room	Two Rooms	Three or More Than Three	One Room	Two Rooms	Three or more than three	One Room	Two Rooms	Three or more than three	One Room	Two Rooms	Three or more than three
A&N	47.1	11.8	5.9	17.6	0.0	0.0	70.6	0.0	0.0	5.9	0.0	0.0
Andhra Pradesh	77.2	3.5	1.0	37.1	1.8	0.1	81.9	1.4	0.4	8.8	2.1	0.0
Arunachal Pradesh	37.5	0.0	0.0	50.0	0.0	12.5	50.0	0.0	12.5	50.0	0.0	0.0
Assam	45.0	6.9	1.5	26.7	0.8	0.0	48.1	6.1	4.6	16.8	0.0	0.0
Bihar	64.3	3.6	3.6	31.0	2.4	0.0	65.5	7.1	1.2	16.7	7.1	8.3
Chandigarh	81.3	12.5	0.0	18.8	0.0	0.0	37.5	18.8	37.5	56.3	0.0	0.0

Physical Infrastructure

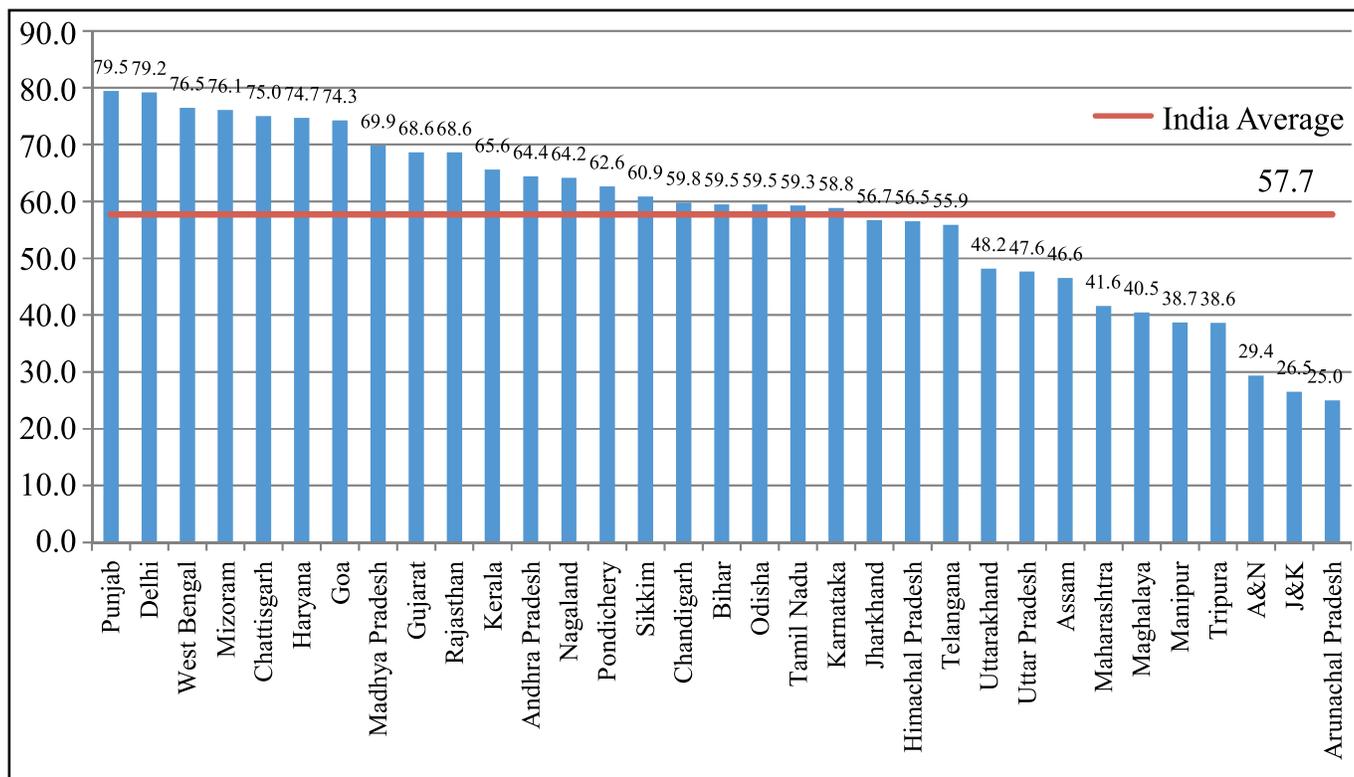
States/UTs	Store room			Record room			Office			Sitting of CWC/JJB		
	One Room	Two Rooms	Three or More Than Three	One Room	Two Rooms	Three or more than three	One Room	Two Rooms	Three or more than three	One Room	Two Rooms	Three or more than three
Chattisgarh	61.5	5.7	3.3	32.0	0.8	3.3	63.1	4.9	6.6	16.4	1.6	0.0
Delhi	49.6	19.2	9.6	36.8	4.0	0.8	60.0	16.8	9.6	2.4	0.0	0.0
Goa	61.4	20.0	12.9	90.0	0.0	0.0	91.4	1.4	1.4	34.3	1.4	8.6
Gujarat	59.2	7.1	10.7	46.7	3.6	1.2	66.9	13.6	3.0	28.4	2.4	0.6
Haryana	44.3	20.3	16.5	72.2	1.3	0.0	65.8	8.9	8.9	19.0	0.0	1.3
Himachal Pradesh	50.0	19.6	15.2	30.4	0.0	2.2	78.3	2.2	0.0	17.4	0.0	2.2
J&K	60.8	2.8	1.9	40.9	0.6	0.6	91.2	1.7	0.6	0.0	0.0	0.0
Jharkhand	66.1	7.9	2.4	46.5	0.8	0.0	69.3	0.8	0.8	18.9	3.1	2.4
Karnataka	63.7	11.2	3.4	30.2	2.2	0.3	71.5	5.2	1.4	9.3	1.2	0.8
Kerala	81.4	8.8	3.8	66.2	3.0	0.1	90.4	3.0	0.6	5.5	2.0	0.2
Madhya Pradesh	64.4	11.6	2.1	54.8	4.8	0.7	73.3	8.9	4.8	20.5	2.1	0.7
Maharashtra	74.5	6.5	2.8	39.3	0.5	0.6	83.3	3.1	2.8	9.0	0.6	0.3
Manipur	48.4	4.8	0.0	11.3	0.0	0.0	50.0	6.5	4.8	9.7	3.2	0.0
Maghalaya	79.8	3.6	2.4	31.0	2.4	0.0	52.4	14.3	13.1	6.0	0.0	0.0
Mizoram	69.6	13.0	4.3	17.4	0.0	0.0	82.6	6.5	2.2	17.4	0.0	0.0
Nagaland	43.3	7.5	0.0	16.4	0.0	0.0	64.2	11.9	3.0	11.9	0.0	0.0
Odisha	62.3	9.8	3.3	25.8	2.1	0.5	71.9	2.8	1.9	9.8	0.2	0.0
Puducherry	83.5	7.7	0.0	13.2	0.0	0.0	74.7	0.0	1.1	2.2	0.0	0.0
Punjab	53.4	24.7	19.2	52.1	4.1	1.4	64.4	16.4	17.8	17.8	0.0	1.4
Rajasthan	56.7	3.6	1.8	39.0	1.1	0.0	64.3	1.4	0.7	16.2	9.7	0.0
Sikkim	69.6	4.3	0.0	69.6	0.0	0.0	100	0.0	0.0	8.7	0.0	0.0
Tamil Nadu	80.4	8.1	2.1	43.2	1.0	0.1	83.7	1.2	0.4	38.7	0.3	0.2
Telangana	68.8	8.1	1.4	34.2	0.4	0.0	73.3	2.0	1.0	5.5	0.6	0.4
Tripura	65.9	4.5	2.3	13.6	0.0	0.0	79.5	2.3	2.3	18.2	2.3	0.0
Uttar Pradesh	61.2	2.9	4.1	55.9	3.5	0.0	64.7	8.2	0.6	25.9	3.5	0.0
Uttarakhand	67.9	3.6	5.4	53.6	3.6	5.4	75.0	1.8	1.8	16.1	0.0	1.8
West Bengal	66.7	13.8	8.6	41.3	4.3	1.5	66.7	15.9	7.3	8.3	3.4	0.3
India	70.6	8.1	3.3	42.0	1.7	0.4	78.0	4.0	2.1	15.0	1.4	0.4

7.38 The highest percentage of CCIs/Homes having one room dedicated for **record room** are in Goa (90%) followed by Haryana at 72.2%. Among the CCIs/Homes that have two rooms as record room, the highest percentage of such CCIs/Homes can be found in Madhya Pradesh (4.8%) whereas CCIs/Homes having three or more than three rooms dedicated for record rooms are found to be highest in Uttarakhand (5.4%). Out of the total percentage of CCIs/Homes, only 44% have a dedicated record room meant for storing and keeping all records (Graph 7.4).

7.39 All the CCIs/Homes in Sikkim are found to have one **office room** at least; Goa has 91.4% of such CCIs/Homes; 18.8% of CCIs/Homes in Chandigarh have two office rooms which is the highest in this category, followed by Delhi (16.8%). CCIs/Homes in Chandigarh (37.5%) have the highest percentage of 'three or more' office rooms. Across India, 84% of CCIs/Homes have rooms being used for the purposes of an office.

7.40 As seen from the graph 7.4 above, only 16.9% of CCIs/Homes in India have a room dedicated for the '**sitting of the CWC/JJB**' to carry out its functions. Percentage of CCIs/Homes having one dedicated room for 'sitting of **CWC/JJB**' are highest in Chandigarh (56.3%); whereas CCIs/Homes having two rooms for CWC/JJB are highest in Rajasthan (9.7%). Goa (8.6%) has the highest percentage of CCIs/Homes with three or more rooms for 'sitting of CWC/JJB'.

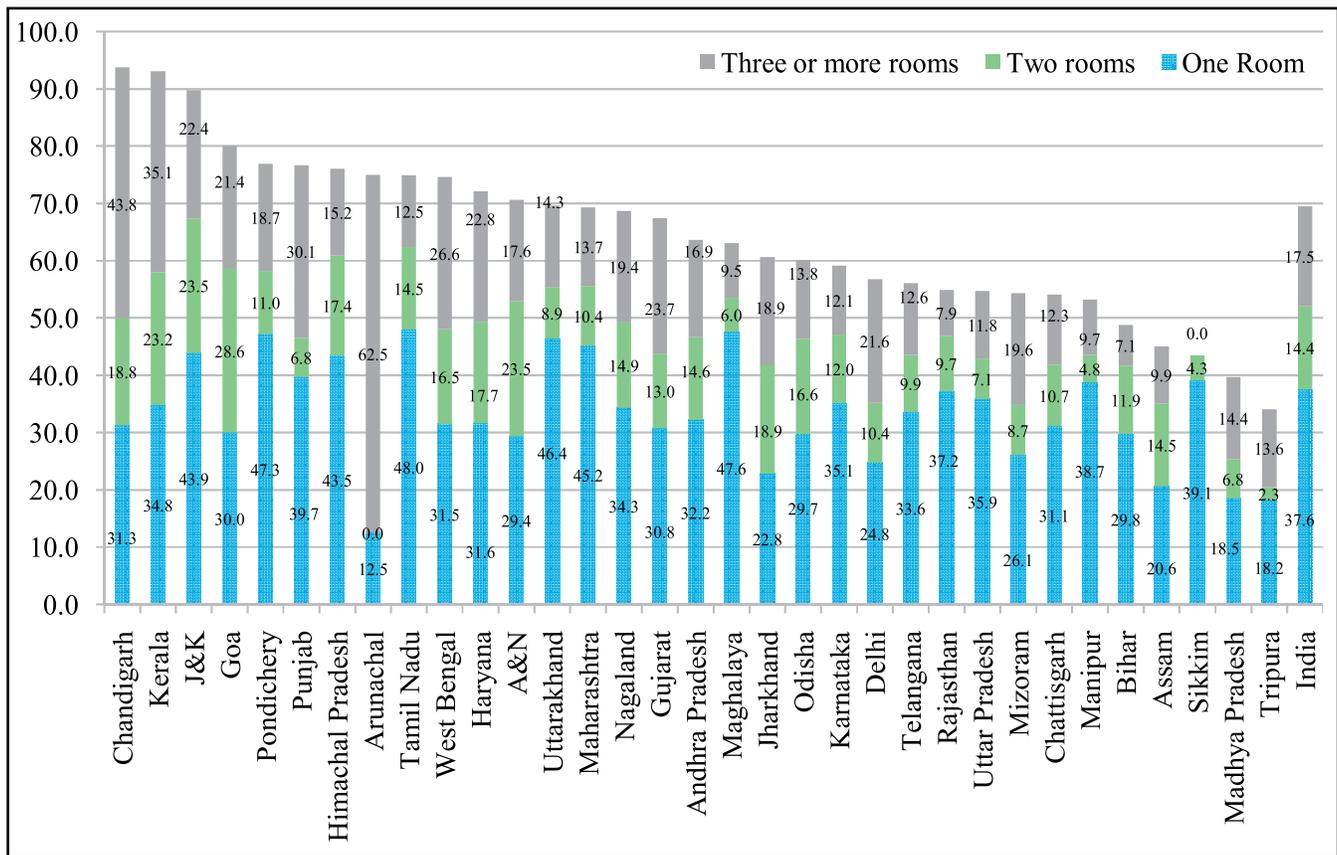
7.41 Graph 7.5 shows that percentage of CCIs/Homes having **computers with internet facility** is the highest in Punjab (79.5%) closely followed by Delhi with 79.2% and West Bengal at 76.5%. Only one fourth of the CCIs/Homes in Arunachal Pradesh have computers with internet facility, while Jammu & Kashmir has (26.5%) of such CCIs/Homes. The national average shows that only 57.7% of CCIs/Homes have computer with internet facility.

Graph 7.5 Percentage of CCIs/Homes having computer with internet facility

IV. Staff Residence

Number of rooms dedicated

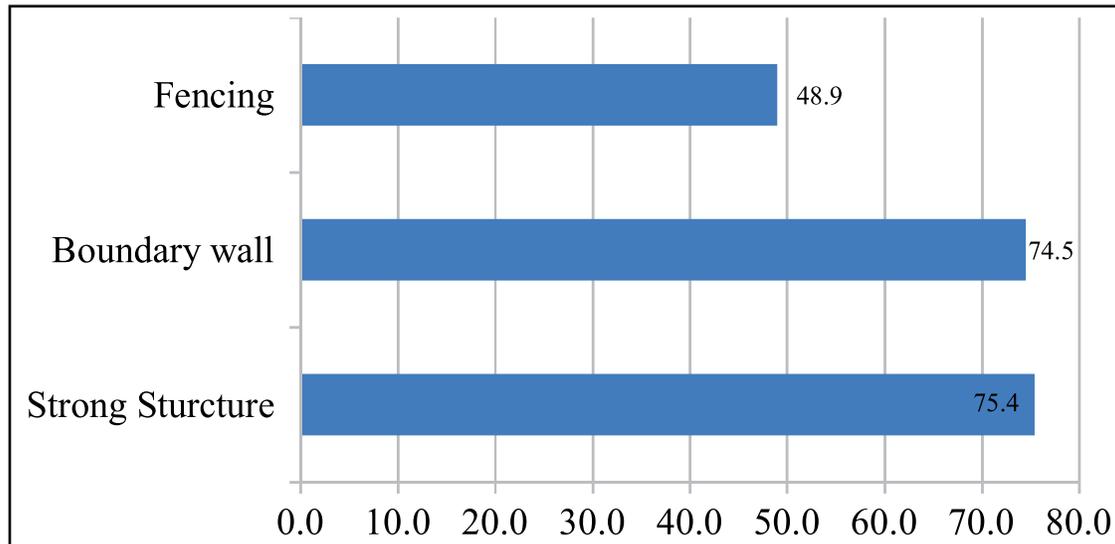
7.42 Provision of residential facilities for staff is important to ensure that children of the CCIs/Homes find care and necessary help whenever required. The table 7.14 shows that Tamil Nadu has the highest percentage of CCIs/Homes that have one dedicated room for staff (48%). Meghalaya is close with 47.6% of such CCIs/Homes. CCIs/Homes that have two residential rooms for staff are primarily located in the state of Goa (28.6%). Arunachal Pradesh at 62.5% has the highest percentage of CCIs/Homes having three or more than three rooms as staff residence. Out of the total number of CCIs/Homes, 6666 have dedicated rooms for the purpose of staff residence within their premises.

Graph 7.6 Percentage of CCIs/Homes having residential facilities for staff across States/UTs

V. Infrastructure and Security

i. Infrastructural Security

7.43 Proper infrastructure ensuring security is crucial for safety and protection of children in the CCIs/Homes. The graph 7.7 below presents three aspects of infrastructure security in the CCIs/Homes viz. boundary wall, fencing and strong structure. At an average out of every four CCIs/Homes, three CCIs/Homes have strong Structure and Boundary walls; while less than half of them have fencings.

Graph 7.7 Percentage of CCIs/Homes having infrastructural security

7.44 The state level analysis (Table 7.15) highlights that 98.6% of the CCIs/Homes in Punjab have a boundary wall for security purpose followed by Chandigarh and Haryana at 93.8% and 87.3% respectively; the lowest percentage in this regard is observed in Sikkim (17.4) followed by Andaman & Nicobar (47.1%) and Manipur (50%).

Table 7.15 Percentage of CCIs/Homes having Infrastructural Security

States/UTs	Boundary wall	Fencing	Strong Structure
A&N	47.1	47.1	41.2
Andhra Pradesh	85.7	50.8	75.3
Arunachal Pradesh	75.0	25.0	62.5
Assam	55.0	22.9	45.0
Bihar	67.9	31.0	77.4
Chandigarh	93.8	87.5	93.8
Chattisgarh	73.0	49.2	50.8
Delhi	84.0	59.2	89.6
Goa	87.1	85.7	95.7
Gujarat	76.3	48.5	73.4
Haryana	87.3	79.7	89.9
Himachal Pradesh	65.2	47.8	78.3
India	74.5	48.9	75.4
J&K	70.7	55.0	74.0
Jharkhand	78.0	40.9	58.3
Karnataka	72.3	40.8	77.7

States/UTs	Boundary wall	Fencing	Strong Structure
Kerala	87.1	56.4	89.7
Madhya Pradesh	72.6	41.8	82.2
Maghalaya	65.5	57.1	57.1
Maharashtra	50.3	44.5	66.2
Manipur	50.0	46.8	41.9
Mizoram	60.9	80.4	87.0
Nagaland	55.2	55.2	49.3
Odisha	67.9	34.4	70.7
Puducherry	64.8	34.1	64.8
Punjab	98.6	69.9	97.3
Rajasthan	74.7	69.7	74.7
Sikkim	17.4	43.5	95.7
Tamil Nadu	82.2	47.2	76.0
Telangana	82.4	46.8	76.5
Tripura	63.6	36.4	40.9
Uttar Pradesh	64.7	47.1	67.6
Uttarakhand	78.6	57.1	78.6
West Bengal	84.1	57.8	86.5

7.45 The table 7.15 also reflects percentage of the CCIs/Homes that have **fencing**; the highest percentage of CCIs/Homes having fencing are found in Chandigarh (87.5%) followed by Goa with 85.7%. The lowest percentage in this regard was seen in Assam at 22.9% followed by Arunachal Pradesh at 25% and Bihar 31%.

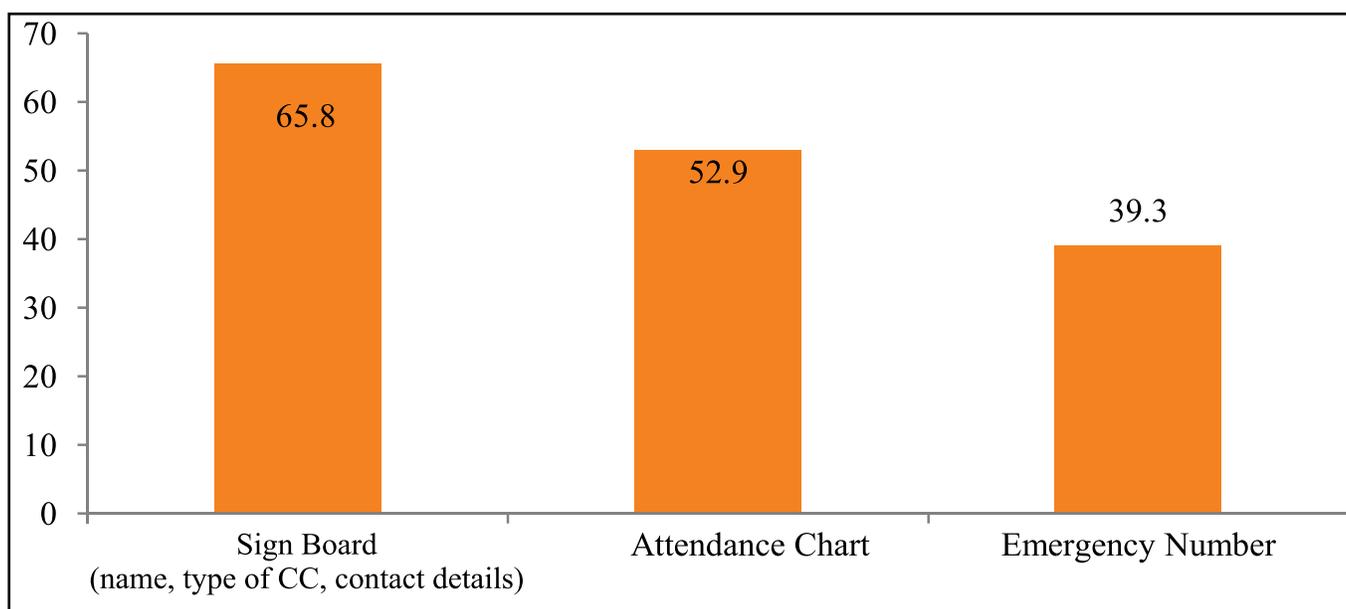
The JJ Rules 2016 recommend that all institutions must have barbed wire fencing to ensure miscreants and anti social elements stay out of the premises thereby ensuring the safety and security of the children and staff within the CCI which is of absolute importance. In CCIs which do not have fencing, must adopt other security measures to keep the institutions free from anti social elements, intruders. There must be a high boundary wall that will prevent people from jumping in as well as the children from jumping out. The structure must be strong and in good condition which should be able to withstand extreme weathers and intrusion.

7.46 Responses were also collected from CCIs/Homes regarding the structural strength of the CCI buildings. Highest percent of CCIs/Homes having strong structure are observed in Punjab (97.3%) followed by Sikkim (95.7%) and Goa (95.7%). Percentage of CCIs/Homes that reported weak infrastructure foundation is highest in Tripura (40.9%), Andaman & Nicobar (41.2%) and Manipur (41.9%).

ii. Display of essential details

7.47 Displaying of important information at CCIs/Homes is mandatory; it facilitates easy access to facilities of the CCIs/Homes and also helps quick access to information related to the CCIs/Homes. The below graph 9.8 reflects whether the CCIs/Home have i) essential details on sign boards indicating the following - the name, type of CCIs/Homes, contact details; ii) Attendance Chart; iii) Emergency Numbers. The graph reveals that only 39.3% of CCIs/Homes have emergency numbers displayed. With regard to attendance chart and sign boards, only 52.9% and 65.8% CCIs/Homes respectively displayed the details.

Graph 7.8 Percentage of CCIs/Homes that have displayed essential information



7.48 **Sign Board:** The table 7.16 shows that 97.8% of the CCIs/Homes in Mizoram, being highest, stated that they have Sign boards displayed, followed by Sikkim with 91.3% of CCIs/Homes. States/UTs that have lowest percentage of CCIs/Homes displaying Sign Boards are Chandigarh (37.5%) at the end of the ladder, next to Uttar Pradesh (47.1%).

7.49 **Attendance status:** The national average for percentage of CCIs/Homes that keep attendance records is 52.9%; about 83.5% of CCIs/Homes in Haryana claim to keep attendance records whereas Pondicherry has only 9.9% of such CCIs/Homes.

7.50 **Emergency number:** Table 7.16 highlights that 81% of the CCIs/Homes in Haryana displayed emergency numbers followed by Odisha at 72.8%. The lowest percentage of was observed in CCIs/Homes of Arunachal Pradesh (12.5%) and Manipur (12.9%).

Table 7.16 Percentage of CCIs/Homes that display essential information

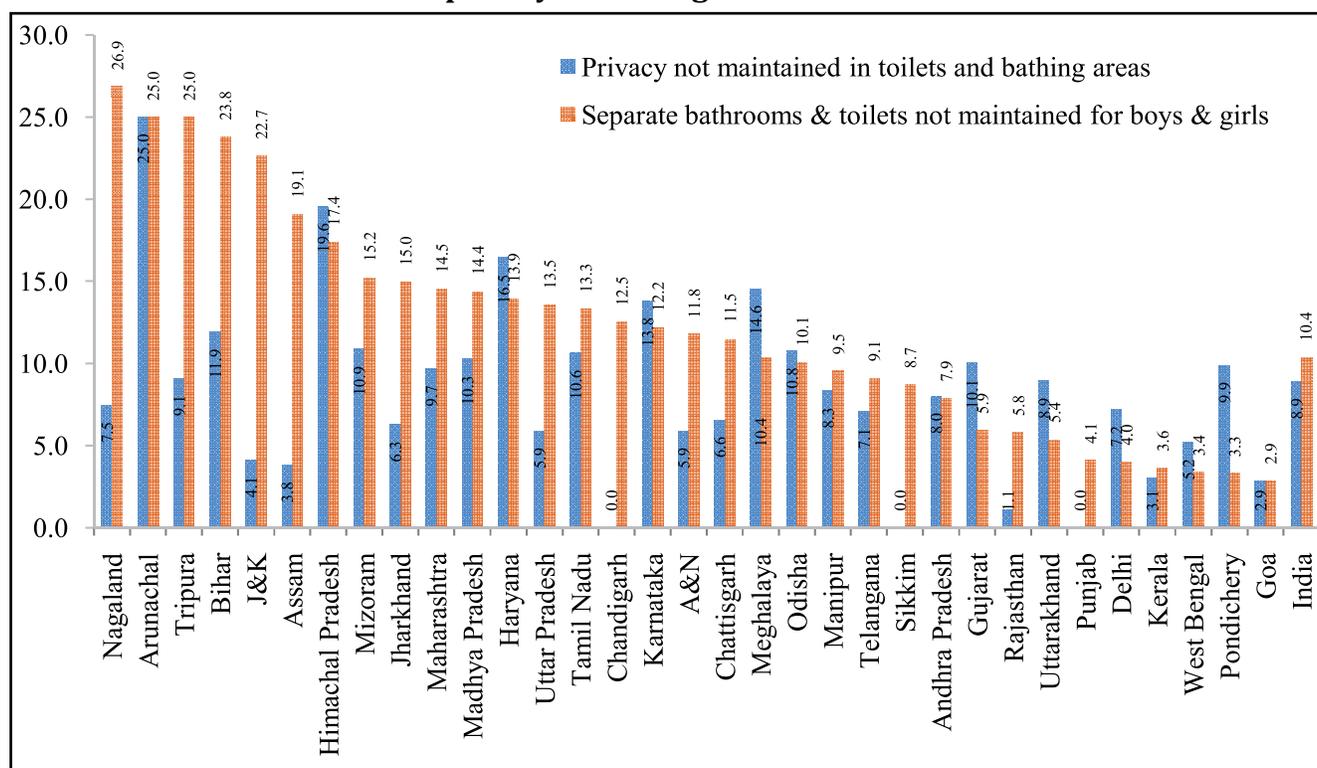
States/UTs	Sign board	Attendance chart	Emergency number
A&N	70.6	70.6	52.9
Andhra Pradesh	71.1	62.2	37.5
Arunachal Pradesh	62.5	37.5	12.5
Assam	58.0	35.9	32.8
Bihar	61.9	61.9	39.3
Chandigarh	37.5	50.0	50.0
Chhattisgarh	57.4	50.8	49.2
Delhi	72.8	48.0	45.6
Goa	85.7	44.3	48.6
Gujarat	67.5	58.0	38.5
Haryana	64.6	83.5	81.0
Himachal Pradesh	65.2	52.2	26.1
J&K	48.3	54.4	28.7
Jharkhand	48.0	55.1	29.9
Karnataka	55.7	59.6	29.2
Kerala	79.9	49.1	30.4
Madhya Pradesh	80.8	47.3	40.4
Maghalaya	65.5	61.9	46.4
Maharashtra	50.8	37.8	24.5
Manipur	58.1	38.7	12.9
Mizoram	97.8	65.2	60.9
Nagaland	82.1	28.4	28.4
Odisha	70.7	52.2	72.8
Puducherry	62.6	9.9	15.4
Punjab	86.3	58.9	60.3
Rajasthan	72.9	46.9	64.3
Sikkim	91.3	78.3	26.1
Tamil Nadu	70.3	61.3	57.0
Telangana	65.0	48.4	31.4
Tripura	75.0	11.4	22.7
Uttar Pradesh	47.1	51.8	23.5
Uttarakhand	48.2	44.6	32.1
West Bengal	72.2	75.5	39.4
India	65.8	52.9	39.3

7.51 The names and contact details of the Special Juvenile Police Unit or Child Welfare Police Officer is to be kept in a way that is easily noticeable or in a place that is a conspicuous part of the police stations, Child Care Institutions, Committees, Boards and the Children's Courts; the data shows that on an average the performance of the State/UTs needs improvement. CCIs/Homes that are not adhering or falling short on the above this criterion must adopt the practice to ensure smooth functioning of the institution.

iii. Privacy and gender-segregation maintained in toilets and bathing areas

7.52 The graph 7.9 represents the percentage of CCIs/Homes that do not maintain privacy and gender segregation for toilets and bathing areas. Arunachal Pradesh (25%) and Himachal Pradesh (19.6%) have the highest percentage of CCIs/Homes that do not adhere to maintenance of privacy in toilets and bathing area; whereas much better condition is observed in Punjab and Sikkim with no such CCIs/Homes.

Graph 7.9 CCIs/Homes that do not maintain gender segregation and privacy in bathing areas and toilets



Note: States are arranged in ascending order of percentage of CCIs/Home maintaining privacy toilets and bathing areas

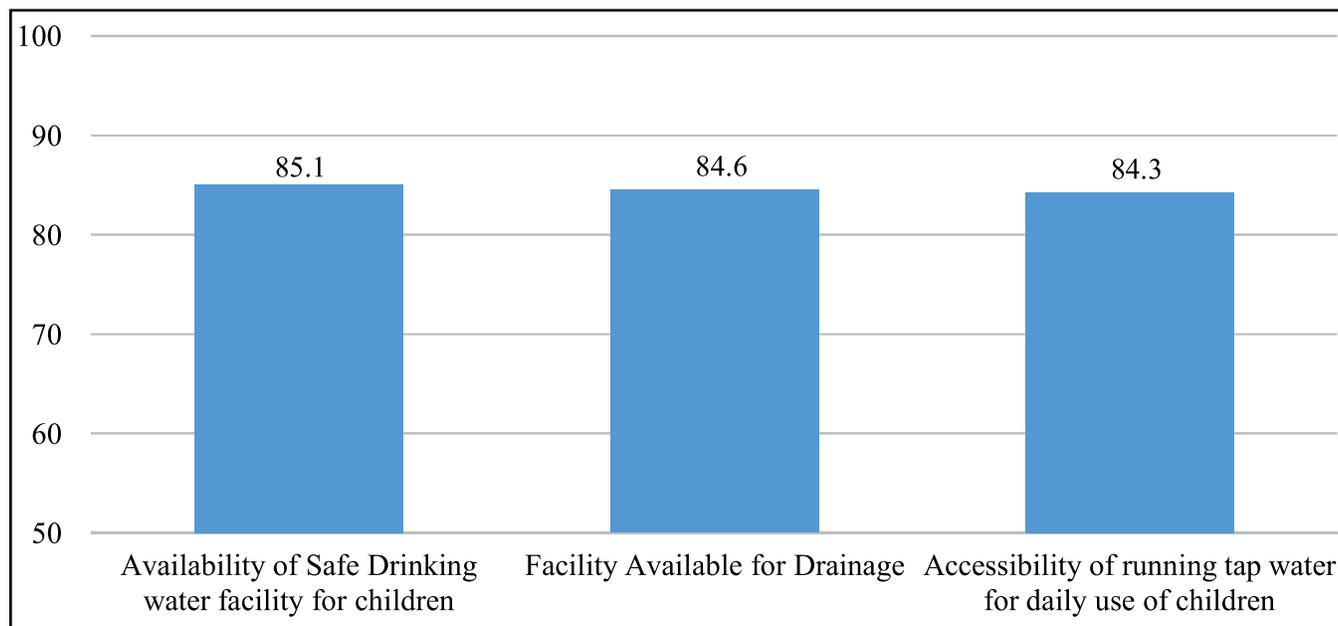
7.53 With respect to non-maintenance of gender-segregation for toilets and bathing areas highest percentage of CCIs/Homes are found in Nagaland (26.9%) followed Arunachal Pradesh and Tripura each at 25%.

7.54 Privacy is an important issue that cannot be overlooked. The CCIs/Homes that house children have staff and employees who are adults. There have to be clear guidelines to ensure that children are respected as individuals and given privacy, especially in areas where they would be most vulnerable, i.e. the bathrooms and toilets, by maintaining high windows and proper doors with latches. It is ideal that the bathroom and toilet areas for the staff and children must be in separate areas of the campus so as to provide utmost privacy and comfort to the children. In the graph 7.9 above, a positive trend can be seen, as majority of the CCIs/Homes maintain privacy and gender-segregation in this regard. However in those CCIs/Homes that do not have these facilities, a review must be done to understand the shortcomings; and help/suggestions must be taken from those CCIs/Homes that have such system in place.

VI. Hygiene and Sanitation

7.55 Maintaining hygiene and sanitation in CCIs/Homes is very much important to ensure that children residing in the institutions stay healthy, fit and fine. In order to ensure this, it is necessary that there is availability of safe drinking water for children and enough water for other daily uses, and a proper drainage system.

7.56 Graph 7.10 below shows national level figures for hygiene and sanitation at CCIs/Homes. About 85.1% of the CCIs/Homes have availability of safe drinking water facility; 84.6% have drainage facility and 84.3% have running tap water facility for daily usage.

Graph 7.10 Percentage of CCIs/Homes having adequate hygiene and sanitation

i. Running tap water for daily use of children

7.57 All CCIs/Homes must have running tap water that is accessible and available to children for the purposes of bathing, maintaining personal hygiene, washing clothes, utensils, etc.

Table 7.17 Percentage of CCIs/Homes having water for drinking and daily usage and with drainage system

States/UTs	Tap water for daily use of children	Drinking Water for children	Drainage System
A&N	88.2	100.0	58.8
Andhra Pradesh	93.0	92.0	86.2
Arunachal Pradesh	87.5	50.0	62.5
Assam	61.8	64.9	66.4
Bihar	78.6	78.6	82.1
Chandigarh	93.8	93.8	93.8
Chhattisgarh	79.5	78.7	82.0
Delhi	89.6	90.4	89.6
Goa	100.0	95.7	100.0
Gujarat	79.9	78.1	78.1
Haryana	81.0	83.5	81.0
Himachal Pradesh	80.4	82.6	76.1
J&K	93.4	95.9	91.7
Jharkhand	73.2	73.2	70.1

States/UTs	Tap water for daily use of children	Drinking Water for children	Drainage System
Karnataka	88.7	86.5	84.0
Kerala	96.5	98.7	96.1
Madhya Pradesh	84.9	82.2	85.6
Maharashtra	62.0	63.1	67.1
Manipur	19.4	50.0	53.2
Meghalaya	83.3	88.1	81.0
Mizoram	82.6	97.8	93.5
Nagaland	65.7	91.0	92.5
Odisha	79.4	75.6	79.2
Puducherry	96.7	92.3	95.6
Punjab	98.6	98.6	98.6
Rajasthan	75.8	76.2	75.8
Sikkim	100.0	100.0	100.0
Tamil Nadu	91.9	92.0	91.5
Telangana	87.9	89.9	87.9
Tripura	65.9	93.2	90.9
Uttar Pradesh	68.2	67.6	70.6
Uttarakhand	78.6	78.6	82.1
West Bengal	89.0	90.8	93.0
India	84.3	85.1	84.6

7.58 The table 7.17 reflects percentage of CCIs/Homes that have availability and accessibility of running tap water for daily use. State wise details presented in shows that all CCIs/Homes in Sikkim and Goa have this facility; 98.6% of the CCIs/Homes in Punjab are found to have accessible/available running tap water for daily use. Comparatively, much lesser percentage of CCIs/Homes in Manipur (19.4%) has running tap water for daily use. Majority of the CCIs/Homes across the nation have running water but CCIs/Homes which don't have this facility must ensure that water storing arrangement are in place. In such places, water must be arranged through tankers and water tanks must be installed for storing water.

ii. Facility of safe drinking water for the children

7.59 The analysis shows that safe drinking water is available and provided to children in all the CCIs/Homes of Andaman & Nicobar and Sikkim. However, CCIs/Homes in Arunachal Pradesh has lowest percentage of CCIs/Homes with the facility (50%).

7.60 The JJ Rules of 2016 state that in every CCIs/Homes there must be sufficient treated drinking water. Water filters or RO shall be installed at multiple locations in the premises for easy access to areas such as kitchen, dormitory, recreational rooms, etc. Adequate and safe drinking water must be provided to children in the CCIs/Homes at any cost. Children should not find it hard to access drinking water and neither should the supply be restricted. Clean and safe drinking water that is free from pollutants and contamination should be easily available to all children within the premises. The CCIs/Homes that are failing in this aspect need to review their inadequacies and make provisions for the same.

iii. Drainage facility

7.61 The table 7.17 highlights that all CCIs/Homes in Goa and Sikkim have drainage facilities followed by Punjab at 98.6% and Kerala at 96.1%. The lowest percentage in this regard is found in CCIs/Homes of Manipur (53.2%).

7.62 Under the JJ Rules, 2016, sanitation and hygiene have been given primary importance. The Rules state that the CCIs/Homes must have a proper drainage system which must be regularly maintained. A good drainage system would mean that the drains must be clean and free of clogging. Pipes carrying water for consumption must not get contaminated by sewage water at any cost hence a proper drainage and water disposal system must be in place. In Manipur, only about a half of the CCIs/Homes have a proper drainage facility. This not only raises major sanitation and hygiene concerns but also poses a health hazard to all the inhabitants of the CCI/Home in the form of incidents of water borne diseases. There is no information as to what is being done on a daily basis to get rid of the sewer water. Efforts must be made to tackle this issue with the help of the concerned government departments.

7.63 The JJ Act and Rules clearly emphasise that the CCIs/Homes is not merely an institution for children but is also their home. It must be a child friendly, safe and inviting space for institutionalized children to grow and flourish. It should have all the facilities to ensure the safety, privacy and well-being of its children. The spaces accessible and limited to children must be free from hazardous materials as well as heavy objects.

VII. Highlights

7.64 **Status of accommodation:** The overall findings show that across all the States and UTs of India major improvements are needed with regard to accommodation of children. As in some cases, there are no dedicated rooms under some categories, for example in Uttar Pradesh about 34.1% of CCIs/Homes that were covered by the study do not have a dormitory, which raises a very serious question on the sleeping arrangements for the children.

7.65 Many CCIs/Homes do not have dedicated sick rooms; there is no clarity as to the alternative arrangements being made in the event of a child requiring medical care, especially during emergencies when first aid is needed, thereby putting the life and health of the children at grave risk. Rooms for recreational purposes and vocation training too are non-existent in many CCIs/Homes. Some CCIs/Homes do not have a kitchen, raising questions on arrangement of food for the children. Many CCIs/Homes do not maintain privacy and gender-segregation of bathing area and toilets. This is a bare minimum that must be addressed in every institution. The very fact that these facilities are not maintained/ available in the CCIs/Homes raises serious questions on the hygiene, safety and privacy of children. Many CCIs/Home do not have basic amenities but are housing children and running child care services. Regular inspections by the relevant authorities are thus required.

7.66 Information on alternative arrangements in case of non-availability of facilities/services was not gathered during the mapping exercise. A second level of investigation will help to uncover the ground reality with better clarity.

7.67 **Additional Facilities:** There exists ample room for improvement with regard to educational, administrative and infrastructural facilities to ensure safety and privacy of children. The availability of running tap and drinking water, proper drainage facilities is not adequate in a number of CCIs/Homes. State-wise review for addressing the above mentioned factors in a qualitative manner will help to bring out the answers. This will help in arriving at constructive solutions to the problems and shortcomings of the CCIs/Homes.

Chapter 8

Adherence to JJ Procedures



नए समाज की ओर
Towards a new dawn

Chapter 8 : Adherence to JJ Procedures

8.1 This chapter provides the details of CCIs/Homes with regard to adherence of all the aspects of the JJ Act and the Rules. In the first part of the chapter issue like child rights, care, protection, welfare and wellbeing is being discussed. The second part focuses on the ways CCIs/Homes maintain and update various documents, registers and records.

8.2 The Child Welfare Committee (CWC) is an autonomous body, declared as the competent authority to deal with children in need of care and protection (CNCP). It is mandatory to form a CWC in every district under section 27 (1) of the JJ Act. The JJ Act mandates that all the State Governments shall constitute at least one CWC 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.

8.3 Documentation and record keeping are important aspects that all CCIs must undertake to keep track of the administration, each child's progress inside and outside the CCI. Registers must be updated regularly. Under JJ Rule No. 77 'Maintenance of Registers', it's mentioned that specific persons shall maintain registers and forms. The act also mentions the custodian of the registers.

I. Production before CWC/JJB

8.4 As per Section 30 (1) of the JJ Act, 2015, the functions and responsibilities of the Child Welfare Committee shall include taking cognizance of and receiving the children produced before it. Rule 18 further states that any child in need of care and protection shall be produced before the Committee during the working hours at its place of sitting and beyond working hours before the member as per the duty roster. Provided that where the child cannot be produced before the Committee, the Committee shall reach out at its location. The Rule 9 of the JJ Rules, 2016, dealing with production of the alleged CCL before the Board states that when the child, alleged to be in conflict with law, is apprehended, s/he shall be produced before the Board within twenty-four hours of his/her being apprehended, along with a report explaining the reasons for the child being apprehended by the police.

8.7 As per Section 31 of the JJ Act 2015 (1), any CNCP may be produced before the Committee or any of the listed persons. Provided that the child shall be produced before the Committee without any loss of time but within a period of twenty-four hours excluding the time necessary for the journey.

Key Highlights: Production of Children before CWC/JJB

- Chandigarh and Mizoram are among best performing States/UTs
- Andaman and Nicobar has the poorest performance

8.8 The table 8.1 below describes the percentage of CCIs/Homes that reportedly produce all children before CWC/JJB initially as per norm and within the prescribed time limit. In connection with producing children before CWC, the highest percentage of CCIs/Homes was found in Chandigarh at 94% followed by Mizoram at 91% and Maharashtra at 85%; whereas Kerala at 11% has the lowest percentage of CCIs/Homes that reported producing children before CWC/JJB. This is followed by Andaman and Nicobar and Himachal Pradesh at 24%.

Table 8.1 Percentage of CCIs/Homes adhering to initial and periodic production of children before the CWC/JJB

States	Percentage of CCIs adhering to initial production of children before the CWC/JJB	Percentage of CCIs adhering to periodic production of children before the CWC/JJB
A&N	23.5	17.6
Andhra Pradesh	29.5	25.3
Arunachal Pradesh	50	50
Assam	40.5	36.6
Bihar	66.7	60.7
Chandigarh	93.7	81.3
Chhattisgarh	53.3	51.6
Delhi	76.8	82.4
Goa	54.3	45.7
Gujarat	76.3	61.5
Haryana	67.1	69.6
Himachal Pradesh	23.9	21.7
J&K	0	0
Jharkhand	42.5	34.7
Karnataka	41.2	37.2

States	Percentage of CCIs adhering to initial production of children before the CWC/JJB	Percentage of CCIs adhering to periodic production of children before the CWC/JJB
Kerala	10.8	9.8
Madhya Pradesh	73.3	54.1
Maharashtra	85.4	80.4
Manipur	50	46.8
Meghalaya	35.7	29.8
Mizoram	91.3	87
Nagaland	43.3	37.3
Odisha	52.5	58.1
Puducherry	39.6	42.9
Punjab	54.8	60.3
Rajasthan	67.2	66.8
Sikkim	34.8	17.4
Tamil Nadu	71	63.2
Telangana	41.5	36.6
Tripura	52.3	40.9
Uttar Pradesh	49.4	47.7
Uttarakhand	44.6	42.9
West Bengal	41.9	34.9
India	49.89	45.81

8.9 Percentage of CCIs/Homes that produce children periodically before CWC is highest in Mizoram (87%) followed by Delhi (82%), Chandigarh (81%), and Maharashtra (80%); whereas Kerala (10%) has the lowest percentage of CCIs/Homes that adhere to the same.

II. Process followed in handling produced cases in CWC/JJB

8.10 As per Section 8 (3) 9 (e) of the JJ Act, 2015, the functions and responsibilities of the Board (i) include– directing the Probation Officer, or in case a Probation Officer is not available to the Child Welfare Officer or a social worker, (ii) to undertake a social investigation into the case and submit a social investigation report within a period of fifteen days from the date of the first production before the Board. The Board has to ascertain the circumstances in which the alleged offence was committed. Similarly under Section 30 (iii) the functions and responsibilities of the Committee shall include directing the Child Welfare Officers or probation officers or District Child Protection Unit or non-governmental organisations to conduct social investigation and submit a report before the

Committee. Therefore, both the JJB and CWC require inputs from the social investigation report to pass important orders.

Table 8.2 Percentage of CCIs/Homes that submitted Social Investigation Report of Children and make efforts to trace biological family of children

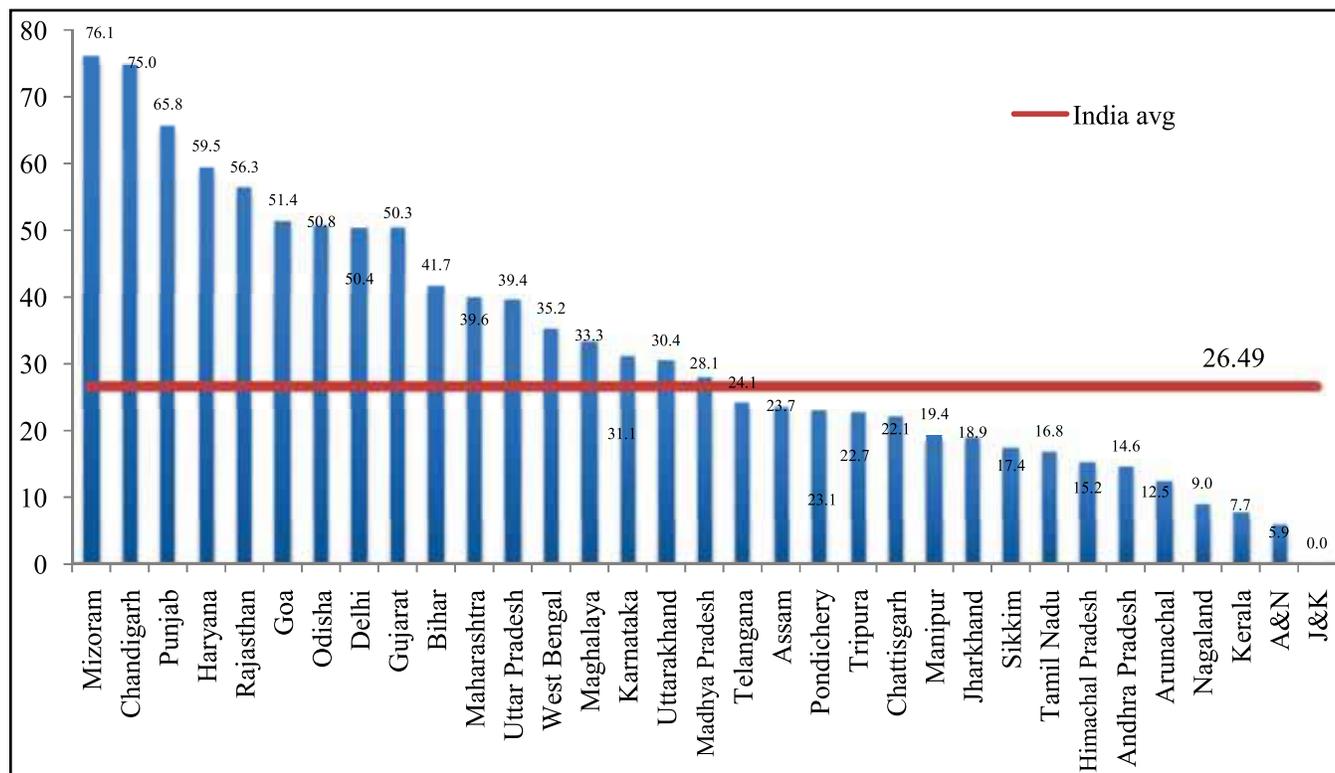
State	Percentage of CCIs/Homes that submitted Social Investigation Report(SIR) of Children before CWC/JJB in time period	Percentage of CCIs/Homes who make their own efforts to trace biological families
A&N	17.65	5.88
Andhra Pradesh	18.9	15.75
Arunachal Pradesh	37.5	25
Assam	25.95	21.37
Bihar	41.67	41.67
Chandigarh	68.75	6.25
Chhattisgarh	31.15	38.52
Delhi	67.2	54.4
Goa	55.71	24.29
Gujarat	52.66	35.5
Haryana	65.82	43.04
Himachal Pradesh	15.22	8.7
J&K	0	0
Jharkhand	22.05	20.47
Karnataka	30.08	21.41
Kerala	7.41	4.51
Madhya Pradesh	41.78	35.62
Maharashtra	60.2	21.81
Manipur	14.52	30.65
Meghalaya	35.71	23.81
Mizoram	78.26	63.04
Nagaland	29.85	4.48
Odisha	44.03	30.44
Puducherry	40.66	5.49
Punjab	19.18	21.92
Rajasthan	66.43	53.79
Sikkim	17.39	4.35
Tamil Nadu	23.86	12.39
Telangana	25.1	15.38
Tripura	22.73	15.91
Uttar Pradesh	42.35	28.24
Uttarakhand	33.93	26.79
West Bengal	25.38	31.8
India	31.18	19.31

8.11 The table 8.2 above shows the percentage of CCIs/Homes which submit Social Investigation Report (SIR) of Children before CWC/JJB within the stipulated time period and make efforts to trace children's biological family on an average is just 31.18% and 19.31% respectively. Mizoram has maximum percentage of CCIs/Homes at 78.26% followed by Chandigarh at 68.75% and Delhi at 67.2% where SIR of each child has been submitted before CWC/JJB within the stipulated time period as directed by CWC/JJB; Kerala (7.4%) and Manipur (14.5%) perform worst in this regard. Sikkim, Nagaland, Kerala, Pondicherry, A&N, Chandigarh and Himachal Pradesh have less than 10 per cent of CCIs/Homes that make an effort to trace children's biological families; while Mizoram at 63.04% followed by Delhi at 54.4% and Rajasthan at 53.79% have the highest percentage of CCIs/Homes.

8.12 Section 38 of the JJ Act, 2015 states that in case of a child reported to be an orphan and abandoned, the Committee shall make all efforts for tracing the parents or guardians of the child and, on completion of such inquiry, if it is established that the child is either an orphan having no one to take care of or abandoned, the Committee shall declare the child legally free for adoption.

8.13 An "individual care plan" is a comprehensive development plan for a child based on age and gender specific needs and case history, prepared in consultation with the child, in order to restore the child's self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following, including but not limited to, needs of a child, namely:- (a) health and nutrition needs, including any special needs; (b) emotional and psychological needs; (c) educational and training needs; (d) leisure, creativity and play; (e) protection from all kinds of abuse, neglect and maltreatment; (f) restoration and follow up; (g) social mainstreaming; (h) life skill training. The individual care plan prepared for every child in the institutional care shall be developed with the ultimate aim of the child being rehabilitated and re-integrated based on the case history, circumstances and individual needs of the child.

Under Section 39 (1) of the JJ Act, the process of rehabilitation and social integration of children shall be undertaken, based on the individual care plan of the child, preferably through family based care such as by restoration to family or guardian with or without supervision or sponsorship, or adoption or foster care. Provided that all efforts shall be made to keep siblings placed in institutional or non-institutional care, together, unless it is in their best interest not to be kept together.

Graph 8.2 Percentage of CCIs/Homes having every child's Individual Care Plan

8.14 The graph represents whether Individual Care Plan has been prepared for every child in the Home within 30 days of admission of the child. As per the data available, the highest percentage of CCIs/Homes was observed in Mizoram at 76% followed closely by Chandigarh at 75% and Punjab at 66%; the lowest percentage was found in Andaman and Nicobar (6%) followed by Kerala (8%) and Nagaland (9%).

8.15 The analysis shows that Mizoram has maximum percentage of CCIs/Homes where Individual Care Plan has been prepared for every child within 30 days of admission of the child. Whereas the state where least percentage of CCIs/Homes where ICP has been prepared are the CCIs/Homes of Andaman & Nicobar followed by Kerala and Nagaland. This shows that a vital step is not being undertaken by CCIs/Homes affecting the best interests of the resident children.

8.16 TrackChild portal provides an integrated virtual space for all stakeholders & ICPS bodies which includes Central Project Support Unit (CPSU), State Child Protection Society/

Units and District Child Protection Units (DCPU), Child Care Institutions (CCIs), Police Stations, Child Welfare Committees (CWCs), Juvenile Justice Boards (JJBs), etc. in the 35 State/UTs. It also provides a networking system amongst all the stakeholders and citizens to facilitate tracking of a “Child in distress”. It requires data entry and updating at various levels, such as, Police stations, Child Care Institutions (CCIs)/Homes, Shelters, Child Welfare Committees, and Juvenile Justice Boards etc.

Table 8.3 Percentage of CCIs/Homes that maintain admission registers & update it in TrackChild and/or CARINGS and file FIR in case of child’s leave without permission

State	Percentage of CCIs/Homes where	
	Admission records are maintained & updated in TrackChild and/or CARINGS	FIR is filed in case of missing children / leave without permission
A&N	41.18	5.88
Andhra Pradesh	33.07	14.3
Arunachal Pradesh	25	25
Assam	31.3	32.82
Bihar	60.71	39.29
Chandigarh	75	93.75
Chhattisgarh	42.62	50
Delhi	54.4	40.8
Goa	58.57	15.71
Gujarat	62.72	30.18
Haryana	64.56	48.1
Himachal Pradesh	21.74	6.52
J&K	0.83	6.08
Jharkhand	36.22	18.11
Karnataka	54.99	16.25
Kerala	33.17	3.46
Madhya Pradesh	76.71	39.04
Maharashtra	75.08	30.3
Manipur	11.29	6.45
Meghalaya	39.29	27.38

State	Percentage of CCIs/Homes where	
	Admission records are maintained & updated in TrackChild and/or CARINGS	FIR is filed in case of missing children / leave without permission
Mizoram	84.78	30.43
Nagaland	29.85	11.94
Odisha	64.64	18.27
Puducherry	41.76	3.3
Punjab	67.12	61.64
Rajasthan	66.43	20.58
Sikkim	86.96	8.7
Tamil Nadu	56.53	10.56
Telangana	37.04	21.46
Tripura	63.64	15.91
Uttar Pradesh	39.41	24.71
Uttarakhand	50	16.07
West Bengal	48.01	25.99
India	49.96	18.32

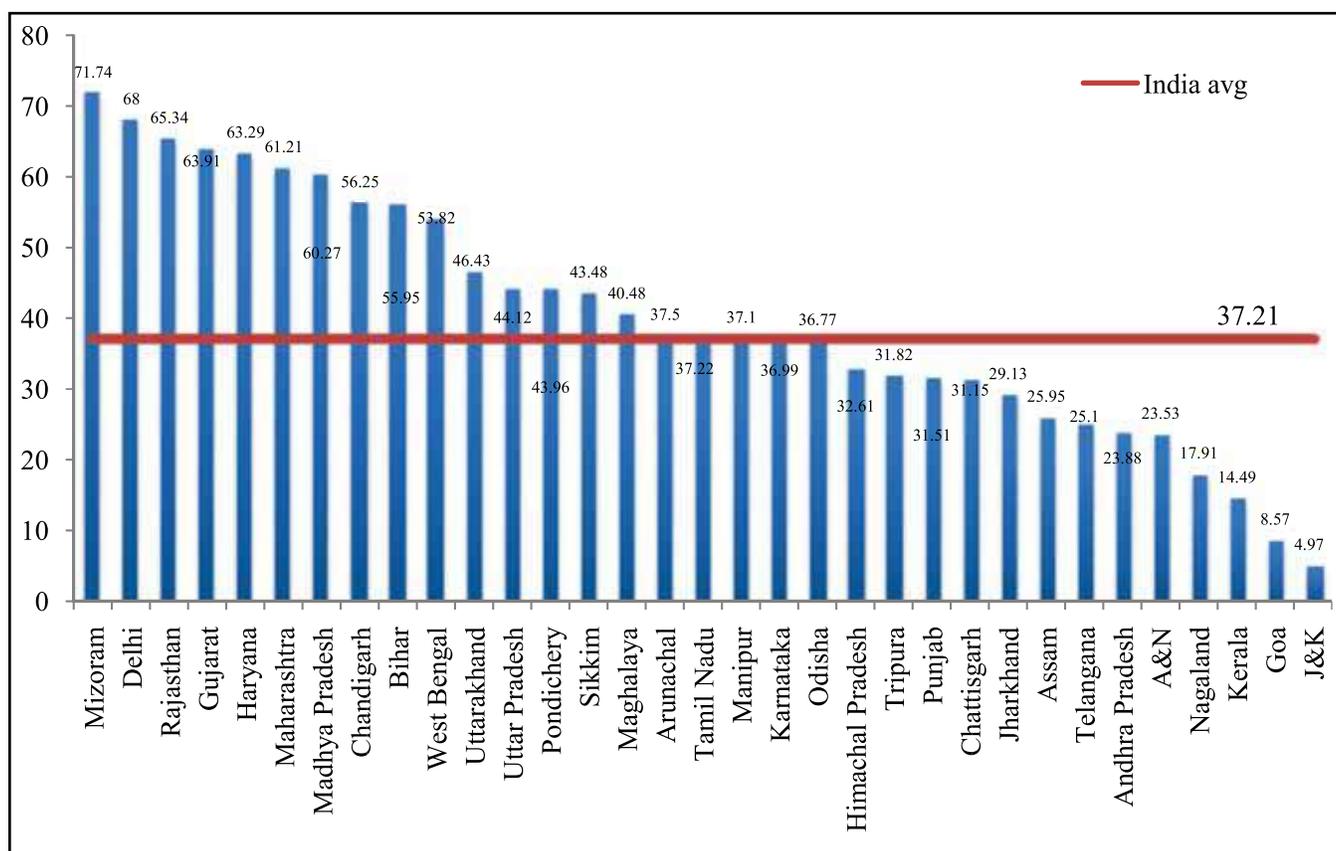
8.17 Across the country, about 50% of CCIs/Homes maintain admission records and update it in TrackChild/CARINGS while the percentage of CCIs/Homes that file FIR in case of 'missing children' / 'leave without permission' is merely 18.32%. Data indicates that Sikkim at 86.9% followed by Mizoram at 84.7% and Madhya Pradesh at 76.7% have the highest percent of CCIs/Homes that maintain admission records and update these; Jammu and Kashmir (0.83%) and Manipur (11.3%) rank lowest in this regard.

8.18 As per the data, Chandigarh at 93.7% is the highest performing among the States/UTs to file an FIRs in the said cases. This is followed by Punjab at 61.6% and Chhattisgarh at 50% which are significantly behind. The data also reveals that a dismal 18.32% of CCIs/Homes in the country have filed FIR in case of missing children /leave without permission which is a great cause of concern. The dismal situation reflects that more than 80% of the CCIs/Homes do not give priority to child protection. States/UTs with less than 10 percent of CCIs/Homes filing FIR were Pondicherry (3.3%), A&N (5.9%), Jammu and Kashmir (6.1%), Himachal Pradesh (6.5%) and Sikkim (8.7%)

8.19 The JJ Rules states that in the event of a child leaving, the Child Care Institution without permission or committing an offence within the institution, the information shall be sent by the Person-in-charge to the police and the family, if known; and the detailed report of circumstances along with the efforts to trace the child if the child is missing, shall be sent to the Board or the Committee or the Children’s Court, as the case may be.

8.20 Further, under Rule 92 that deals with inquiry in case of a missing child states that a missing child is a child, whose whereabouts are not known to the parents, legal guardian or any other person or institution legally entrusted with the custody of the child, whatever may be the circumstances or causes of disappearance, and shall be considered missing and in need of care and protection until located or his safety and well-being established. When a complaint is received about a child who is missing, the police shall register a First Information Report (FIR) forthwith. Therefore as per the provisions of the JJ Rules an FIR must be filed and such instances must be dealt with urgency and seriousness.

Graph 8.3 Percentage of CCIs/Homes reporting all restoration cases

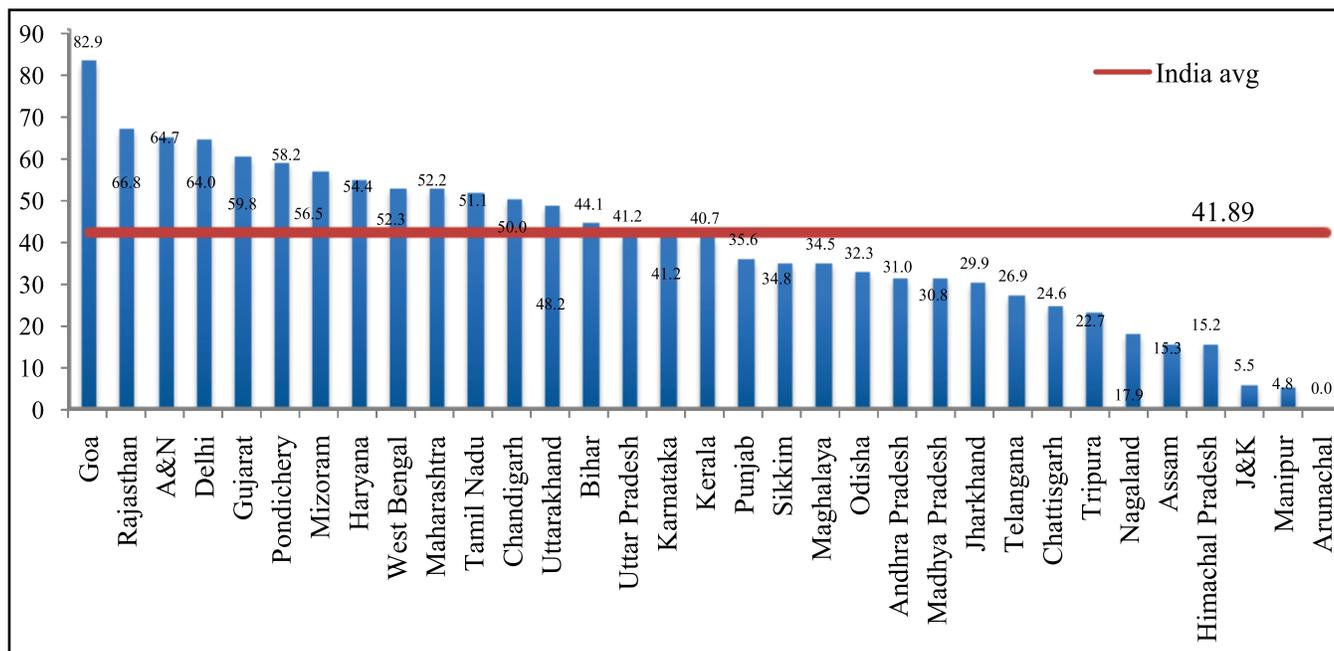


8.21 The graph 8.3 shows the percentage of CCIs/Homes that have any document available in the Home as proof of restoration of the child – parent/guardian letter with identity proof regarding the same, for instance. The highest percentage was observed in Mizoram at 72% followed by Delhi at 68% and Rajasthan at 65%; lowest in Jammu & Kashmir at 5% followed by Goa/Jammu and Kashmir at 9% and Rajasthan at 14%. The national average is at 37.2 percent.

8.22 Restoration is goal of the JJ Act if it is for the best interest of the child. The JJ Rules state that the Board or the Committee or the Children’s Court may make an order in Form 44 for the release of the child placed in a Child Care Institution after hearing the child and his parents or guardian, and after satisfying itself as to the identity of the persons claiming to be the parents or the guardian. While passing an order for restoration of the child, the Board or the Committee or the Children’s Court shall take into account the reports of the Probation Officer, social worker or Child Welfare Officer or Case Worker or non-governmental organisation, including report of a home study prepared on the direction of the Board or the Committee or the Children’s Court in appropriate cases, and any other relevant document or report brought before the Board or the Committee or the Children’s Court. It is absolutely essential to ensure that the children are with their family members and not unknown people therefore taking identity proof, other documents, letters for verification is important.

8.23 State/UT with highest percentage CCIs/Homes with a regular system of parent-child interaction/meetings is in Goa at 83% followed by Rajasthan at 67% and Andaman and Nicobar at 65%. The lowest percentage is found in Manipur at 5% followed by Jammu and Kashmir at 6% and both Himachal Pradesh and Assam at 15%. This can be observed from the Graph 8.4 below.

Graph 8.4 Percentage of CCIs/Homes with system of regular parent-child interaction/meetings



8.24 Parent-child interactions must take place regularly and the CCI must create an environment that supports such interactions. Helping the child stay in touch with his/her family can help to cope with life in the CCI and strengthen chances of restoration. The Rules state that every child in the Child Care Institution may be permitted to have one meeting in a week with his/her relatives.

8.25 The national average shows, the cases of children being reported to CWC are not high; only 54.69 % of CCIs/Homes report all admissions. Thereby many children staying in the 45% of CCIs/Homes that do not get reported. Only 29.2% CCIs/Homes report all restoration cases and 7.53% report all repatriations. CCIs that report all cases of transfers are just 11.92%; only 5.24% of the report all cases of death, while 6.37% report leave without permission. These percentages reflect a very poor picture where reporting is not being conducted diligently as a matter of practice.

8.26 Data on the CCIs/Homes that report all cases with respect to admission shows that the highest percentage is found in Mizoram at 89% followed by Maharashtra and Pondicherry at 78% each. The lowest percentage is seen in Jammu and Kashmir at 3% followed by Andaman and Nicobar at 6%. With respect to restoration the highest percentage is found in Mizoram at 76% followed by Delhi at 67% and Haryana at 63%. The lowest percentage is seen in Pondicherry and Telangana at 0% followed by Jammu and Kashmir at 3%.

8.27 Some States/UTs have no CCIs/Homes that report cases of repatriation; the highest percentage of those which reported, however, is found in Gujarat at 20% followed by Uttar Pradesh at 18% and Telangana at 17% (Table 10.4). With respect to transfer of its children the maximum percentage is seen in Delhi at 54% followed by Chandigarh at 44% and Mizoram at 41%.

III. Types of cases reported by the CCIs/Homes

8.28 The process of reporting must be undertaken diligently. This includes aspects such as admission, restoration, repatriation and transfer. With respect to restoration, the JJ Rules state that Board or the Committee or the Children’s Court may make an order in Form 44 for the release of the child placed in a Child Care Institution after hearing the child and his/her parents or guardian, and after satisfying itself as to the identity of the persons claiming to be the parents or the guardian. While passing an order for restoration of the child, the Board or the Committee or the Children’s Court shall take into account the reports of the Probation Officer, social worker or Child Welfare Officer or Case Worker or non-governmental organisation, including report of a home study prepared on the direction of the Board or the Committee or the Children’s Court in appropriate cases, and any other relevant document or report brought before the Board or the Committee or the Children’s Court.

Table 8.4 Percentage of CCIs/Homes that report admission and other important cases

States	All admissions	All restoration cases	All repatriations	All cases of transfers	All cases of death	Leave without permission
A&N	5.88	11.76	5.88	5.88	5.88	0
Andhra Pradesh	47.51	19.82	15.62	11.81	2.62	2.76
Arunachal Pradesh	62.5	25	12.5	37.5	0	12.5
Assam	40.46	25.95	4.58	9.92	3.82	7.63
Bihar	64.29	50	9.52	36.9	25	21.43
Chandigarh	75	56.25	12.5	43.75	81.25	81.25
Chhattisgarh	45.9	31.97	4.1	21.31	1.64	7.38
Delhi	68.8	67.2	4.8	54.4	18.4	33.6
Goa	61.43	5.71	4.29	2.86	1.43	1.43
Gujarat	52.66	34.32	19.53	20.12	2.96	5.92
Haryana	70.89	63.29	1.27	29.11	5.06	18.99
Himachal Pradesh	19.57	19.57	8.7	8.7	6.52	4.35
J&K	3.04	2.76	0.28	0.28	2.21	1.38

Adherence to JJ Procedures

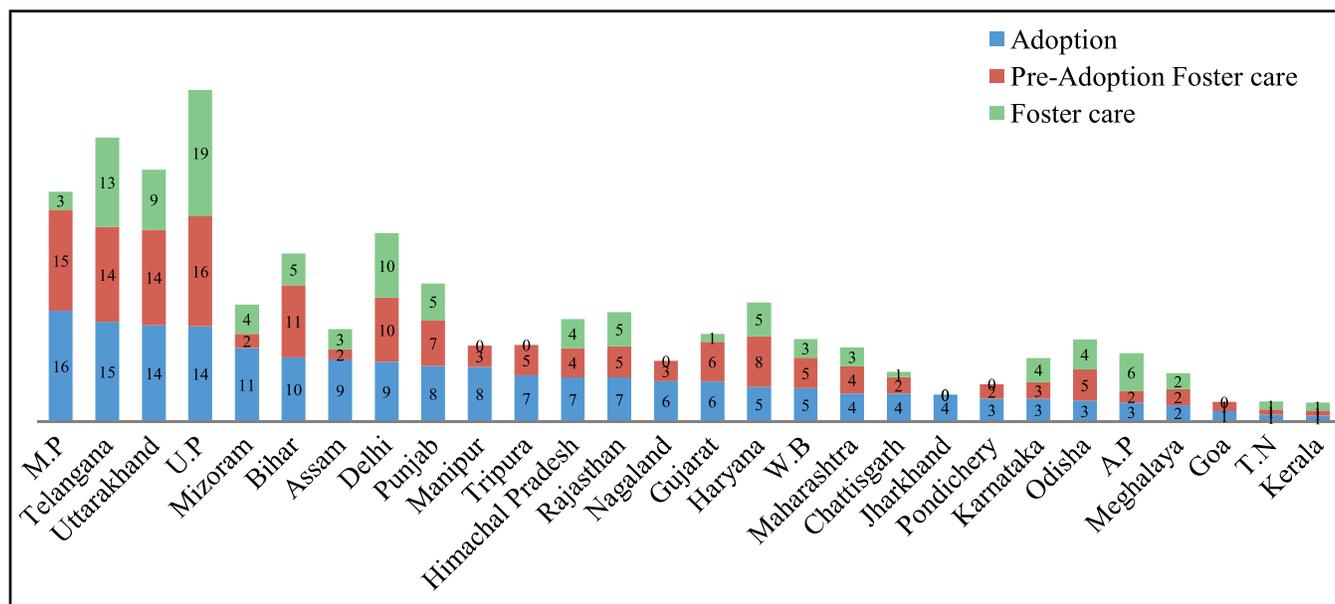
States	All ad- missions	All restora- tion cases	All repa- triations	All cases of transfers	All cases of death	Leave without permission
Jharkhand	36.22	17.32	11.02	13.39	6.3	8.66
Karnataka	65.2	31.94	11.31	12.95	3.95	4.39
Kerala	24.24	7.65	1.29	4.67	1.05	1.29
Madhya Pradesh	71.23	44.52	5.48	38.36	9.59	17.12
Maharashtra	78.04	58.02	9.11	15.65	3.89	4.75
Manipur	38.71	29.03	3.23	6.45	1.61	1.61
Meghalaya	40.48	17.86	7.14	5.95	0	3.57
Mizoram	89.13	76.09	0	41.3	13.04	13.04
Nagaland	49.25	26.87	0	10.45	0	5.97
Odisha	43.56	21.55	8.2	6.09	4.92	6.32
Puducherry	78.02	0	0	14.29	1.1	3.3
Punjab	67.12	43.84	6.85	17.81	42.47	43.84
Rajasthan	63.18	50.54	11.91	19.86	5.78	10.11
Sikkim	30.43	8.7	0	8.7	4.35	4.35
Tamil Nadu	65.15	32.48	2.85	3.76	1.46	2.25
Telangana	67.61	0	17	14.57	15.59	15.79
Tripura	40.91	20.45	0	6.82	2.27	0
Uttar Pradesh	55.29	32.94	17.65	32.35	24.12	23.53
Uttarakhand	51.79	37.5	16.07	16.07	14.29	12.5
West Bengal	58.72	35.17	7.03	13.76	14.37	13.46

8.29 Further, the Table 8.4 also represents percentage of CCIs/Homes that report all cases related to child death, wherein, the highest percentage is seen in Chandigarh at 81.2% followed by Punjab at 42.4%. The table also reflects percentage of CCIs/Homes that reported cases on child leaving without permission where Chandigarh at 81.2% is the highest followed by Punjab 43.8% and Delhi at 33.6%

8.30 The JJ Rules lay down procedure in under Rule 75 in case of death of a Child that goes beyond reporting. The JJ Rules further state that in the event of a child leaving the Child Care Institution without permission or committing an offence within the institution, the information shall be sent by the Person-in-charge to the police and the family, if known; and the detailed report of circumstances along with the efforts to trace the child if the child is missing, shall be sent to the Board or the Committee or the Children's Court, as the case may be.

8.31 Even though reporting of cases is necessary, the data reveals that reporting as a matter of practice is not undertaken diligently. The death of a child in the CCIs/Homes cannot be taken frivolously. In Arunachal, Nagaland and Meghalaya none of the home reported any cases of death whereas, in Andaman and Nicobar, Tripura, Jammu and Kashmir, no Home reported cases of 'leave without permission'.

Graph 8.5 Percentage of CCIs/Homes reporting Adoption, Pre-Adoption Foster Care and Foster Care



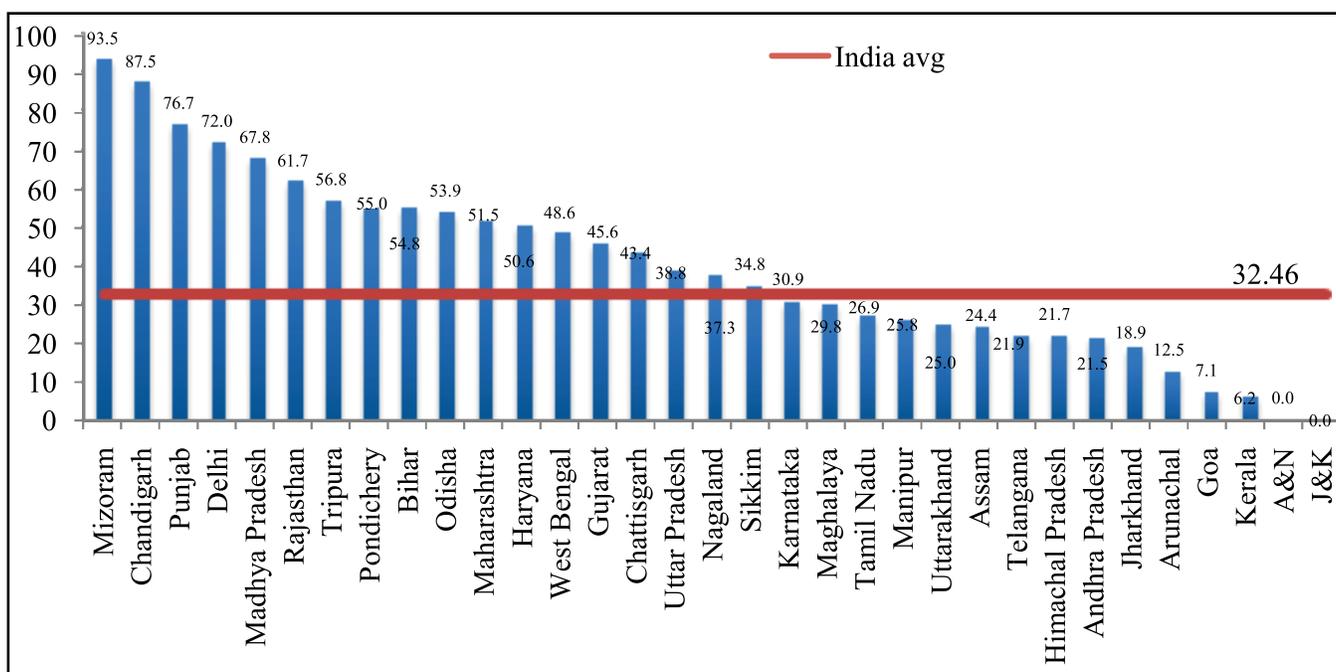
Note: States are arranged in ascending order of percent of CCIs/Homes reporting adoption.

8.32 The graph 8.5 denotes the percentage of CCIs/Homes that report cases regarding adoption, pre-adoption foster care and foster care, the highest percentage of adoption was reported in Madhya Pradesh at 16% followed by Telangana at 15% and Uttarakhand and Uttar Pradesh at 14% each; lowest percentage was reported in Kerala, Tamil Nadu and Goa at 1% each.

8.33 If only the cases of Pre-adoption care are considered, the highest percentage was reported in Uttar Pradesh at 16% followed by Madhya Pradesh at 15% and both Telangana and Uttarakhand at 14% each. Many states/UTs have no CCIs/Homes reporting Foster Care; the highest percentage however was reported in Uttar Pradesh at 19% followed by Telangana at 13% and Delhi at 10%. The lowest percentage is found in Chhattisgarh, Gujarat, Kerala, and Tamil Nadu at 1%.

8.34 The graph therefore shows that percentage of CCIs/Homes that reported cases related to adoption and pre adoption foster care are highest in the states of Madhya Pradesh, Telangana and Uttarakhand. Reporting on the status of adoption and foster care is must so as to track the individual progress of the child with the objective of child successfully leaving institutional care and integrating into a family environment.

Graph 8.6 Percentage of CCIs/Homes that send monthly data on children to SARA / DCPU

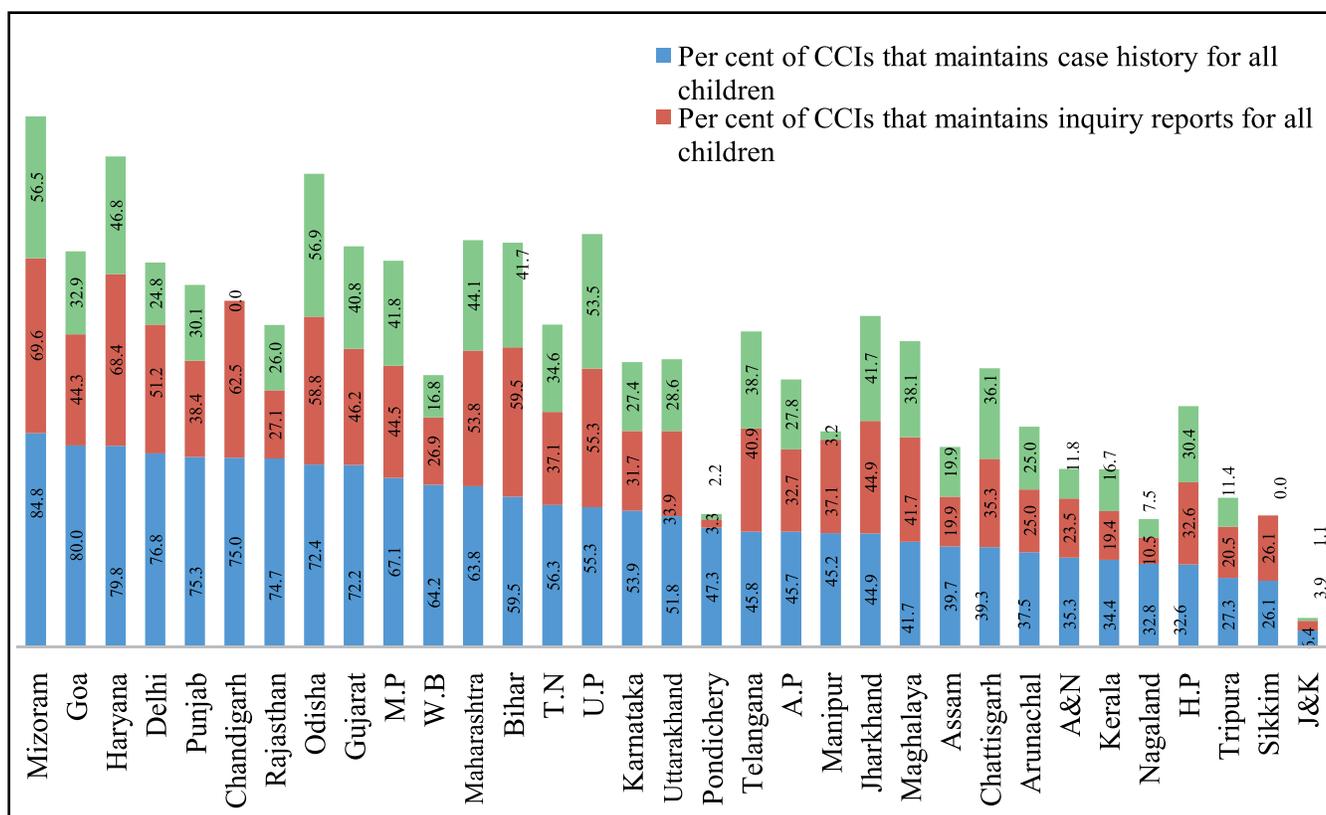


8.35 The Graph 8.6 reflects the percentage of CCIs/Homes that send monthly data about children to SARA/DCPU. The highest percentage is seen in Mizoram at 93% followed by Chandigarh at 88% and Punjab at 77%; Kerala ranks lowest with 6% percent of CCIs/Homes followed by Goa at 7% and Arunachal Pradesh at 13%. The all India average is at 32.5 percent.

8.36 Each open shelter are required to send information regarding the children availing the services monthly in Form 29 to the District Child Protection Unit and the Committee. According to Rule 18 (9), whenever the Committee orders a child to be kept in an institution, a copy of the order of short term placement pending inquiry in Form 18 with particulars of the Child Care Institution and parents or guardian and previous record shall be forwarded to the person-in-charge of the institution. A copy of such order shall also be forwarded to the District Child Protection Unit.

8.37 The graph 8.7 below shows percentage of CCIs/Homes maintaining the case history of every child. Mizoram at 85% of CCIs/Homes ranks highest in this regard followed by 80% in Haryana and Goa. Jammu and Kashmir has the lowest percentage (6%) of CCIs/Homes that maintains case history of children; followed by Sikkim at 26 % and Tripura at 27%.

Graph 8.7 Percentage of CCIs/Homes that maintain child history, inquiry reports and HSR



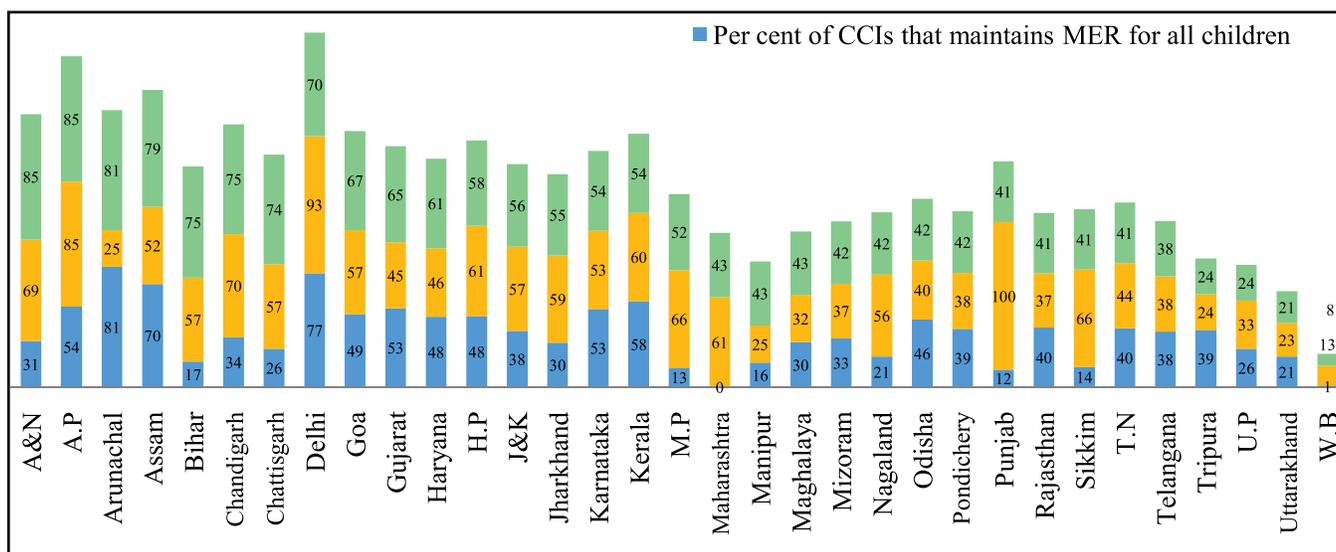
8.38 Mizoram ranks the highest on percentage of CCIs/Homes (70%) that maintain inquiry reports for all the children followed by 68% in Haryana and Chandigarh at 63%. Pondicherry has the least percentage (3%) of CCIs/Homes that maintains inquiry report for children. J&K has second lowest percentage of homes at 4% and Nagaland state has 10% of CCIs/Homes that maintain inquiry reports for children.

8.39 Additionally, with respect to CCIs/Homes maintaining Home Study Report for all its children. Mizoram and Odisha are the highest at 57% each followed by 54% in Uttar Pradesh and Haryana at 47% which maintain Home study report for every children. Sikkim and Chandigarh reported

no such CCIs/Homes. Jammu and Kashmir had only 1% and Pondicherry 2% CCIs/Homes that reported to have the inquiry reports for children.

8.40 The data shows that Mizoram has performed very well in all three criteria compared to the other States with respect to maintaining important records and documents. This is an important responsibility for all CCIs/Homes to undertake.

Graph 8.8 Percentage of CCIs/Homes that maintain MER, birth certificate and health reports of all children



8.41 The graphs 10.8 shows the percentage of CCIs/Homes that maintain Medical Examination Report (MER), Birth Certificate and Health Report. Andaman & Nicobar and Andhra Pradesh have the highest percentage of CCIs/Homes (85%) that maintain Health Report of all children; followed by 81% in Arunachal Pradesh and 79% in Assam. West Bengal has lowest percentage (8%) of CCI/Homes in this regard. Uttarakhand at 21% and Uttar Pradesh at 24% were the other states among the bottom three.

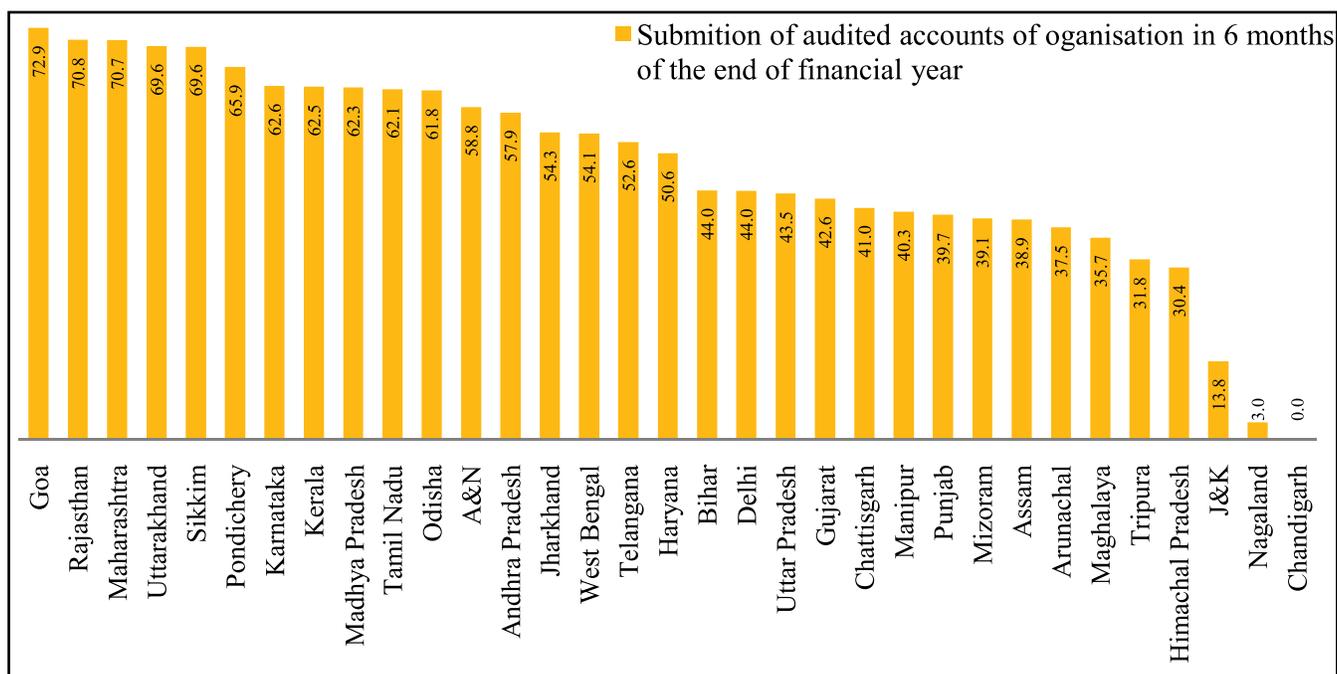
8.42 All CCIs/Homes in Punjab maintain Birth Certificate for children. About 93% of CCIs/Homes in Delhi and 85% in Andhra Pradesh follow the practice. West Bengal again has the lowest percentage of CCIs/Homes (13%) followed by Uttarakhand at 23% and Tripura at 24% that maintain Birth Certificate.

8.43 Arunachal Pradesh has the highest percentage (81%) of CCIs/Homes that maintain MER of children followed by 77% in Delhi and 70% in Assam. Whereas the lowest percentage is found in Maharashtra at 0% this is closely followed by West Bengal at 1% and Punjab at 12%

8.44 Record keeping is a very important but often ignored task that must be diligently undertaken at all stages. Regularly maintaining and efficiently preserving records helps increase efficiency and output. Hence the same must be stressed upon by all CCIs/Homes.

IV. Submission of Audited Accounts, Audit Report and Annual Report

Graph 8.9 Percentage of CCIs/Homes that submit copy of audited accounts, audit report and annual report to SARA or State Government



i. All categories of CCIs/Homes

8.45 As shown in Graph 8.9, the highest percentage CCIs/Homes submitting documents to SARA or the State Government is in Goa at 72.9% followed by Rajasthan at 70.8% and Maharashtra close behind at 70.7%; whereas no CCIs/Homes follow the practice in Chandigarh. Percentage is comparatively very low in J&K (13.8%) and Nagaland at (3%).

8.46 The graph shows that with respect to all CCIs/Homes across the States/UTs of India, percentage of CCIs/Homes submitting a copy of audited accounts of the organisation with its audit report and Annual Report within six months from the date of closing of the financial year, to the SARA or State Government as the case may be was extremely low for Nagaland and Jammu and Kashmir while for the many other States is lower than 50% mark which is not a good trend and shows that there is a long way to go before financial accountability becomes a norm.

ii. Among the Government / Non-government CCIs/Homes

8.47 All the Government run CCIs/Homes in Uttarakhand follow this procedure for financial accountability with Goa at 83.3% and Rajasthan at 73.8%. Chandigarh at 85.7% had the lowest percentage followed by Pondicherry at 83.3% and Delhi at 72.2%. Whereas among the NGO run Homes, the highest percentage of those with a positive response was found in Sikkim at 83.3% followed by Goa at 71.9% and Maharashtra close behind at 71.1%. The lowest percentage was found in Chandigarh where none of its SAAs send a copy of audited accounts, audit report and Annual Report sent to SARA or State Government. 91.4% of SAAs in Jammu & Kashmir and 73.7% in Himachal Pradesh also do not follow this step.

8.48 From the data received, only in the State of Uttarakhand, all government run homes, submit a copy of audited accounts of the organisation with its audit report and Annual Report within six months from the date of closing of the financial year, to the SARA or State Government as the case may be. No such NGO run homes had a 100% record. The data shows that all NGO run CCIs/Homes in Chandigarh show zero financial accountability. The overall total average of the government run homes which adhere to this is 51.2% in India, and that of the homes run by NGOs are 58.1%, which shows that non-government run CCIs/Homes maybe more diligent than those run by the government. Further investigation needs to be made to find out the reasons for the general low accountability among this category of CCIs/Homes and more so as to why government homes are not stepping up and providing the required reports to the SARA or State Government.

iii. Among the Registered / Unregistered CCIs/Homes

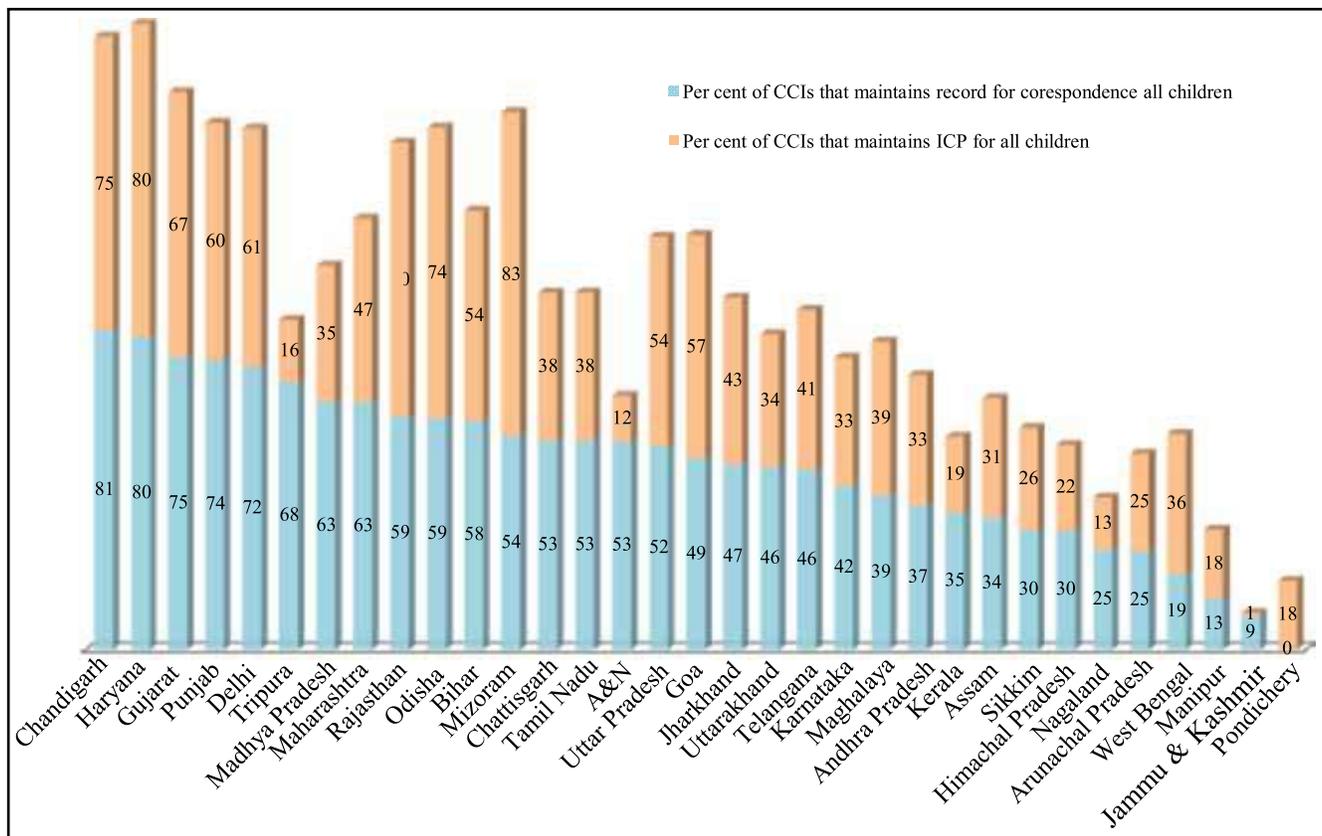
8.49 All the Registered CCIs/Homes in Jammu & Kashmir send a copy of audited accounts, audit report and Annual Report sent to SARA or State Government this practice is also followed by Uttarakhand at 92.9% and Rajasthan at 86%. None of the registered homes in Chandigarh follow 68.2% of them do so in Punjab and 61.1% in Pondicherry.

8.50 Among unregistered CCIs/Homes, the highest percentage of positive response was found in Pondicherry at 74%, followed by Maharashtra at 66% and Karnataka at 63%. Whereas the lowest response was found in Jammu & Kashmir at 86% . Chandigarh at 82% and Nagaland at 61% were the other among the bottom three States.

8.51 The data shows that only in State of Jammu & Kashmir, all the registered CCIs/Homes submit a copy of audited accounts of the organisation with its audit report and Annual Report within six months from the date of closing of the financial year, to the SARA or State Government as the case may. Both the registered and unregistered homes in Chandigarh gave no positive response showing low financial accountability. From the data received, the overall total average of the registered CCIs/Homes who adhere to this submission of report is 66.4% in India and that of the unregistered homes are only 53% which shows that unregistered homes are not as diligent than those which are registered. One reason could be that CCIs/Homes under the JJ Act can be better monitored; however, further investigation needs to be made to find out the reasons for the financial accountability not being optimal among this category of CCIs/Homes and government homes are not stepping up and providing the required reports to the SARA or State Government.

V. Maintenance of Records in CCIs/Homes

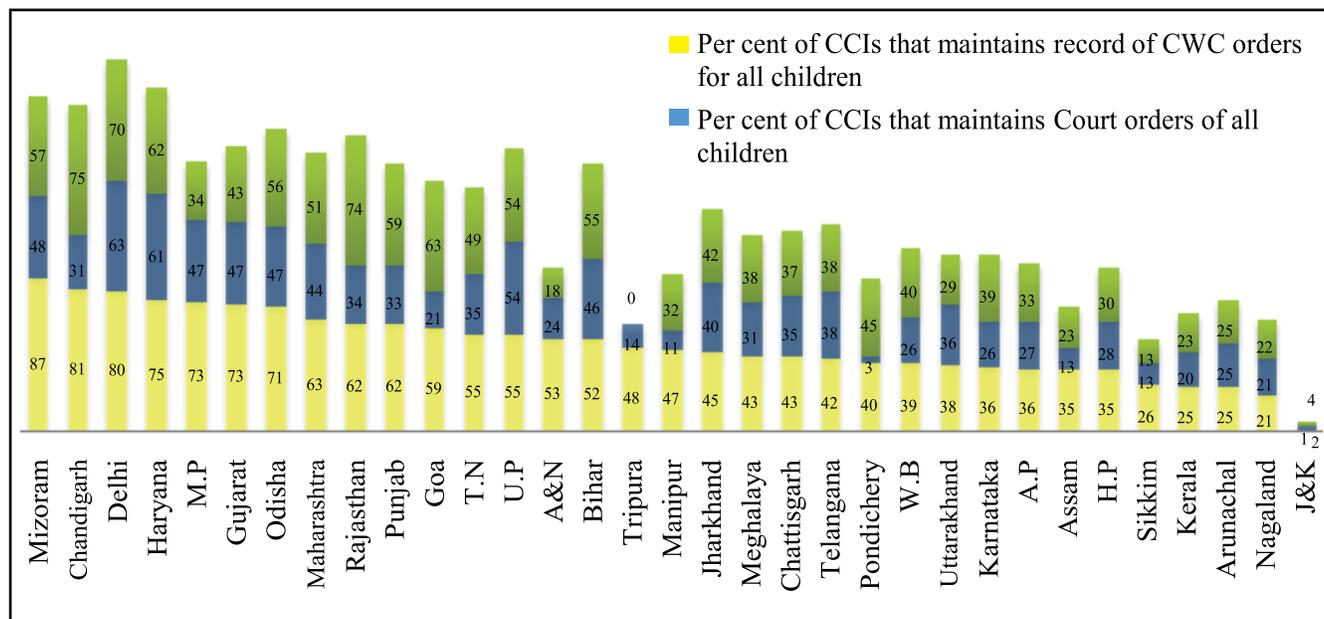
Graph 8.10 Percentage of CCIs/Homes that maintain correspondences and ICP



8.52 The graph 8.10 show percent of CCIs/Homes following two criteria, first whether CCIs/Homes maintain record for correspondence where the highest percentage is seen in Chandigarh at 81% followed by Haryana at 80% and Gujarat at 75%. The lowest percentage is found in Pondicherry followed by Jammu and Kashmir and Manipur. The second criteria is 'whether the CCIs maintain ICP, here the highest percentage is found in Mizoram at 83% followed by Haryana at 80% and Chandigarh at 75% of CCIs/Homes; the lowest percentage is seen in Jammu and Kashmir at 1%. Andaman and Nicobar at 12% and Nagaland at 13% are the next two from below.

8.53 A system of documentation and record keeping is crucial in every CCI for its smooth functioning and to track the progress of children. As seen from the data above that most States are maintaining the same.

Graph 8.11 Percentage of CCIs/Homes that maintain CWC orders, Court orders and quarterly progress reports of children



8.54 The graph 8.11 reflects data of three criteria. First with respect to quarterly reports being maintained in the CCIs/Homes. Chandigarh has highest percentage of these with 75%. This is followed by Rajasthan at 74%, and Delhi at 70%. Tripura has the lowest percentage followed by Jammu and Kashmir at 4 %, next to Sikkim at 13%.

8.55 With respect to CCIs/Homes maintaining Court orders, Delhi has the highest percentage at 63% followed by 61% in Haryana and Uttar Pradesh at 54%. The bottom three states are Jammu and Kashmir at 1% Pondicherry at 3% and Manipur at 11%.

8.56 The data also shows that percentage of CCIs/Homes maintaining records of the CWC, Mizoram has the is the highest percent of CCI/Homes in this regard at 86.9% followed by 81.2% in Chandigarh and Delhi at 80%. Jammu and Kashmir at 2% is the lowest followed by Nagaland at 21% and both Arunachal Pradesh and Kerala at 25% each. The JJ Rules state that the Order Book must be maintained by the Person-in-charge of the CCI/Homes who will also be its custodian.

8.57 Further the JJ Rules, 2015 state that the Children's Suggestion Book must be maintained by the Children's Committee and the custodian is the Person-incharge. The Meals Register/Nutrition Diet File is to be maintained by the House Parent and the custodian should be the Shift Incharge. The

Meeting Book has to be maintained by Child Welfare Officer/ Case Worker and its custodian to be the Person-incharge. The maintenance of the Minutes Register of Children's Committee is to be done by Child Welfare Officer/ Case Worker and the custodian is the Person-incharge. With respect to the Minutes Register of Management Committee, both the maintenance and custodian is the Person-incharge.

Table 8.5 Type of records and registers that are maintained and updated by CCIs/Homes

States	Master Admission and discharge register are maintained and updated	case file of each child is maintained and updated	Medical file & medical reports are maintained and updated	report files are maintained and update	Children suggestion book/file are maintained and updated	Maintenance Record of Minutes of meeting of HM, CC, Staff-Children interaction etc.	Nutrition / diet register are maintained and updated	maintenance and update individual case files and care plans
A&N	82.35	41.18	23.53	11.76	5.88	47.06	17.65	11.76
Andhra Pradesh	72.05	56.04	46.59	12.2	24.02	24.8	31.63	35.96
Arunachal Pradesh	62.5	50	37.5	12.5	0	12.5	37.5	37.5
Assam	48.09	41.22	40.46	9.92	15.27	30.53	26.72	30.53
Bihar	75	70.24	67.86	33.33	20.24	50	29.76	57.14
Chandigarh	87.5	93.75	93.75	62.5	56.25	75	18.75	75
Chhattisgarh	81.97	45.9	63.11	29.51	33.61	46.72	54.1	36.89
Delhi	83.2	88.8	78.4	34.4	22.4	63.2	56.8	73.6
Goa	82.86	88.57	91.43	20	31.43	58.57	67.14	71.43
Gujarat	75.74	79.29	72.78	40.24	45.56	68.64	65.68	65.68
Haryana	84.81	79.75	79.75	35.44	59.49	62.03	69.62	68.35
Himachal Pradesh	65.22	58.7	56.52	26.09	34.78	39.13	43.48	47.83
J&K	73.76	21.27	14.92	6.63	7.46	6.63	41.44	10.77
Jharkhand	70.87	54.33	51.97	22.83	23.62	39.37	40.94	39.37
Karnataka	73.55	67.73	57.3	20.42	21.3	41.82	29.2	53.13
Kerala	93.8	40.82	52.33	8.21	41.63	57.25	25.93	23.91
Madhya Pradesh	80.14	82.19	68.49	30.14	21.23	50	41.78	44.52
Maharashtra	90.19	88.63	81.78	35.05	28.19	44.94	70.02	65.65
Manipur	54.84	53.23	46.77	38.71	14.52	30.65	14.52	41.94
Meghalaya	70.24	42.86	50	38.1	21.43	39.29	33.33	34.52
Mizoram	95.65	93.48	84.78	39.13	47.83	82.61	45.65	91.3
Nagaland	61.19	34.33	46.27	8.96	17.91	26.87	1.49	13.43
Odisha	82.9	75.41	64.64	29.98	31.85	55.5	38.88	67.68
Puducherry	45.05	54.95	53.85	9.89	6.59	31.87	52.75	26.37
Punjab	91.78	87.67	83.56	38.36	19.18	31.51	60.27	75.34

States	Master Admission and discharge register are maintained and updated	case file of each child is maintained and updated	Medical file & medical reports are maintained and updated	report files are maintained and update	Children suggestion book/file are maintained and updated	Maintenance Record of Minutes of meeting of HM, CC, Staff-Children interaction etc.	Nutrition / diet register are maintained and updated	maintenance and update individual case files and care plans
Rajasthan	74.37	74.01	75.09	50.54	45.85	64.98	75.45	63.54
Sikkim	78.26	69.57	56.52	13.04	13.04	39.13	17.39	21.74
Tamil Nadu	85.85	65.27	64.06	10.99	25.08	52.34	36.79	35.09
Telangana	65.79	57.09	56.88	20.65	20.04	24.7	35.43	40.69
Tripura	68.18	56.82	47.73	11.36	13.64	34.09	36.36	27.27
Uttar Pradesh	65.29	59.41	56.47	22.94	24.71	35.88	37.06	41.18
Uttarakhand	67.86	69.64	69.64	35.71	17.86	44.64	33.93	46.43
West Bengal	90.83	73.7	85.32	25.38	39.45	72.17	61.47	52.29
Total	80.73	63.64	61.52	20.87	27.82	45.63	42.13	44.26

8.58 Across the country, CCIs/Homes that maintain and update individual case files and care plans are 80.73%. Percent of CCIs/Homes that maintain master admission and discharge register and update it is 63.64%; while is 61.52% of CCIs/Homes maintain case file of each child and updated it and 44.3% maintain and update Nutrition / diet register. Medical file & medical reports are maintained and updated by 20.87% of CCIs/Homes, and report files are maintained and update by 27.82%. Children suggestion book/file are maintained and updated by 45.63% of CCIs/Homes, and Record of Minutes of meeting of HM, CC, Staff-Children interaction etc. is maintained by 42.13% of CCIs/Homes.

8.59 As per the JJ Rules, the Admission and Discharge Register which will indicate change of nature of custody must be maintained by the Child Welfare Officer/Case Worker/Receiving Officer and the custodian is to be the Person-incharge. Similarly, the case file of each child has to be maintained by Child Welfare Officer or Case Worker and its custodian is the Person-incharge. The Medical File of each child has to be maintained by the Staff Nurse and the Person-incharge is the custodian.

8.60 Mizoram has highest percentage of CCIs/Homes (95.6%) where Master admission and Discharge register has been maintained and updated, followed by 93.8 % in Kerala and Punjab 91.7%. Pondicherry has lowest percentage in this regard with 45.05% of CCIs/Homes that maintain

Master Register of children; Assam is at 48.09 % and Manipur has at 54.8%. The table shows that 80.73% CCIs are conforming to this across the country.

8.61 Chandigarh has highest percentage of CCIs/Homes (93.7%) that maintain and update Medical report for children; followed by Goa at 91.4% and West Bengal at 85.3%. State of Jammu and Kashmir has lowest 14.92% of CCIs/Homes; followed by Andaman and Nicobar at 23.5%. As seen from the table 10.5 above, 63.64% CCIs/Homes are adhering to maintenance and updating of the medical report.

8.62 The highest number of CCIs/Homes where case file of children is maintained and updated is found in Chandigarh at 93.7%, followed by Mizoram at 93.4% and Goa, Maharashtra and Delhi at around 88%. Jammu and Kashmir is the lowest at 21 % of CCIs/Home that maintain case file for children. Nagaland has the second lowest percentage (31%) of CCIs/Homes. As seen from the table 10.5 above, nationwide only 61.52% CCIs/Homes are adhering to maintenance and updating of the case file of each child.

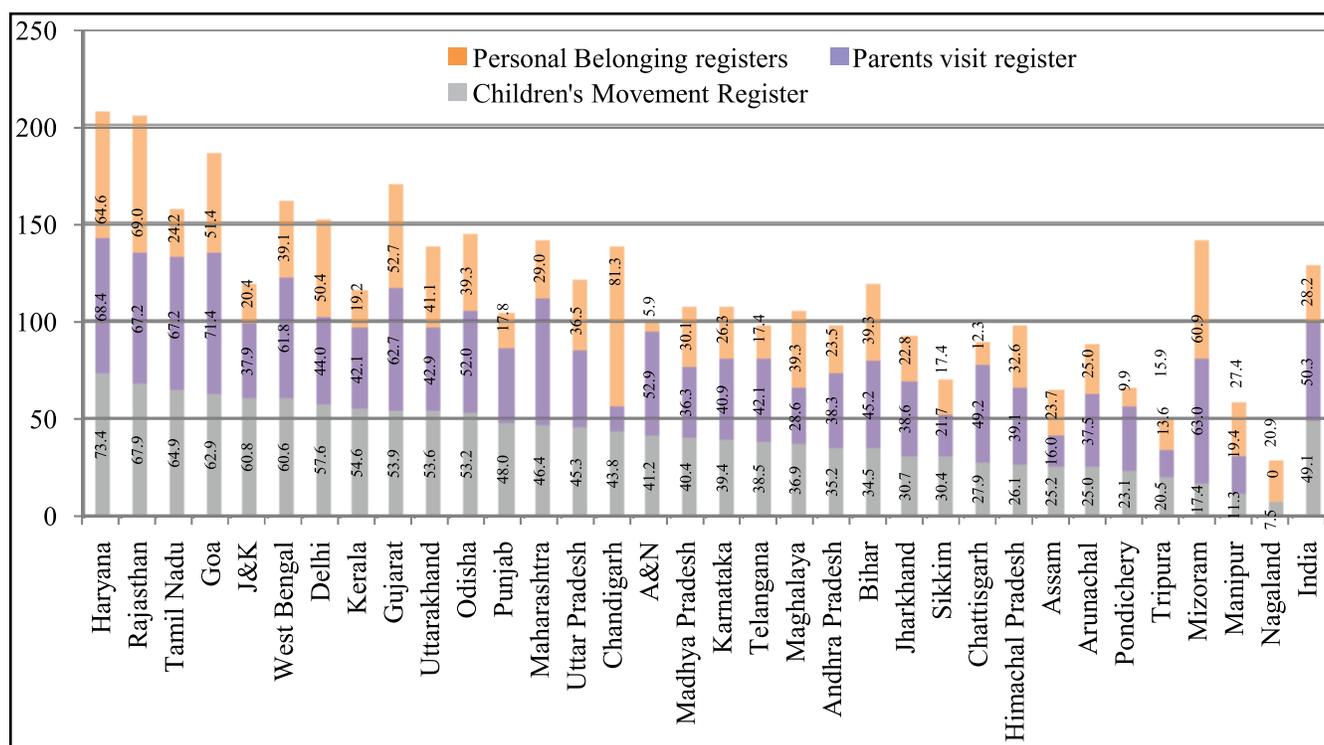
8.63 Chandigarh has the highest percentage of CCIs/Homes (63%) where Inquiry report file of children has been maintained and updated. State with the second highest percentage is Rajasthan at 51 %. The State of J&K has the lowest percentage of CCIs/Home (7%) that maintains Inquiry report file for children. Kerala ranks second lowest with 8% percentage of CCIs/Homes that maintain Inquiry report file for children. In India, only 20.87% CCIs/Homes maintain and update the inquiry report file.

8.64 The Table 10.5 also reflects percentage CCIs/Homes that maintained and updated children suggestion book; the state with highest percentage is Haryana at 59%, followed by Chandigarh at 56% and Mizoram at 48%. Arunachal Pradesh has no CCIs/Homes that follow the practice; states with the lowest percentage are Andaman and Nicobar at 6%, and Pondicherry and Jammu and Kashmir at 7% each. With respect to CCIs/Homes maintaining records of the meeting, Mizoram has the highest percentage at 83%. This is followed by Chandigarh at 75% and West Bengal at 72%. The lowest percentage is seen in Jammu and Kashmir at 7% next only to Arunachal Pradesh at 13%. As seen from the table 10.5 above, 27.82% and 45.63% of CCIs/Homes regularly maintain update children's suggestion book and records of the meeting respectively.

8.65 Among CCIs where nutrition and diet register are maintained and updated regularly, Rajasthan at 75% of them is the highest. This is followed by Haryana and Maharashtra at 70% each. The lowest percentage is seen in Nagaland at 1%. Sikkim at 17% and Andaman and Nicobar at 18% of CCIs/Homes are the other among bottom three. With respect to CCIs/Homes that maintain and update the individual case files and care plans, Mizoram at 91% has the highest percentage followed by Punjab and Chandigarh at 75% each. The lowest percentage is seen in Jammu and Kashmir at 11%, Andaman and Nicobar at 12% and Nagaland at 13%. At the national level about 42.13% and 44.26% of CCIs/Homes maintain and update the nutrition/diet register and the individual case file respectively.

8.66 The JJ Rules state that the Visitor’s Book must be maintained by Security Guards and the custodian is to be the Main Gate Keeper. The Attendance Registers for staff and children is to be maintained by the Shift Incharge and the Person-incharge is the custodian. The maintenance of the Staff Movement Register is to be done by Incharge of Security and the custodian is the Person-incharge.

Graph 8.12 Percentage of CCIs/Homes that maintain and update parents visit register, personal belonging register and children movement register



8.67 Examining further of maintenance of necessary records, the graph 8.12 represents three criteria. The first criteria deals with percentage of CCIs/Homes that maintain and update the Children's Movement register; Haryana at 73% is the highest followed by Rajasthan at 68% and Tamil Nadu at 65%. Nagaland at 7% has the lowest percentage followed by Manipur at 11% and Mizoram at 17%.

8.68 The second criteria deals with maintenance and updation of **Parents visit register**. Goa ranks first with at 71% of CCIs/Homes that maintain Parent visit register; followed by Haryana at 68% and Rajasthan and Tamil Nadu at 67% each. Nagaland had no CCIs/Homes that follow the norm. Chandigarh at 13% and Tripura at 14% had the smallest share non-adhering CCIs.

8.69 Percentage of CCIs/Homes that maintain and update the **Personal belongings file** is highest in Chandigarh at 81%, followed by Rajasthan at 69% and Haryana at 65%. The lowest percentage is observed in Andaman and Nicobar at 6% followed by Pondicherry at 10% and Chhattisgarh at 12%.

8.70 The JJ Rules states that the Personal Belongings Register shall be maintained by the Child Welfare Officer/Case Worker and the custodian is to be the Person-incharge.

8.71 Table 8.6 shows that only 33.14% of CCIs/Homes nation-wide maintain and update Supervision register. Attendance register of children and staff are maintained and update by 85.1% of CCIs/Homes while only 7.97% maintain and update PAP with details of registration, home study, matching & referral etc. About 79.77% of CCIs/Homes maintain and update Visitor books; staff movement register are maintained and updated by 47.8% of CCIs/Homes at the national level.

Table 8.6 Percentage of CCIs/Homes that maintain registers on supervision, attendance, visitor and staff movement register

States	Supervision register are maintained and update	Attendance register of children and staff are maintained and update	PAP with details of registration, home study, matching & referral etc are maintained and update	Visitor books are maintained and update	Staff movement register are maintained and update
A&N	17.65	64.71	0	64.71	29.41
Andhra Pradesh	20.47	81.5	5.38	69.16	32.28
Arunachal Pradesh	37.5	50	12.5	75	25
Assam	14.5	51.15	6.87	49.62	30.53

Adherence to JJ Procedures

States	Supervision register are maintained and update	Attendance register of children and staff are maintained and update	PAP with details of registration, home study, matching & referral etc are maintained and update	Visitor books are maintained and update	Staff movement register are maintained and update
Bihar	46.43	77.38	13.1	76.19	52.38
Chandigarh	75	93.75	12.5	93.75	87.5
Chhattisgarh	37.7	84.43	8.2	71.31	37.7
Delhi	27.2	87.2	6.4	84.8	67.2
Goa	31.43	87.14	1.43	87.14	64.29
Gujarat	42.01	82.25	13.61	82.84	69.23
Haryana	67.09	73.42	32.91	78.48	72.15
Himachal Pradesh	34.78	76.09	15.22	84.78	36.96
J&K	38.67	95.3	0.55	41.99	64.64
Jharkhand	36.22	66.14	16.54	65.35	37.8
Karnataka	29.09	80.35	11.53	73.98	40.07
Kerala	30.11	93.88	2.01	93.32	36.96
Madhya Pradesh	32.19	81.51	23.29	80.82	38.36
Maharashtra	33.49	91.67	11.45	87.38	49.07
Manipur	6.45	56.45	6.45	56.45	17.74
Meghalaya	34.52	61.9	7.14	65.48	50
Mizoram	23.91	91.3	8.7	93.48	56.52
Nagaland	10.45	46.27	5.97	73.13	22.39
Odisha	37.24	77.05	9.6	77.52	46.6
Puducherry	48.35	84.62	5.49	59.34	38.46
Punjab	38.36	93.15	13.7	97.26	68.49
Rajasthan	68.23	76.9	25.27	76.17	67.15
Sikkim	30.43	73.91	0	86.96	17.39
Tamil Nadu	32.79	93.69	2.25	89.74	58.96
Telangana	29.96	73.48	11.13	72.67	40.49
Tripura	38.64	72.73	11.36	61.36	22.73
Uttar Pradesh	45.29	70.59	12.94	57.65	47.65
Uttarakhand	50	69.64	7.14	67.86	50
West Bengal	34.86	88.07	7.34	88.38	66.36
Total	33.14	85.1	7.97	79.77	47.8

8.72 With respect to CCIs/Homes that maintaining a **supervision register**, Chandigarh has highest percentage of CCIs/Homes (75%), followed by Rajasthan at 68% and Haryana at 67%. The lowest percentage is seen in Manipur at 6%, followed by Andhra Pradesh at 10% and Assam at 15%. 33.14% of the total CCIs/Homes in India, adhere to maintaining a supervision register.

8.73 Jammu and Kashmir has the highest percent of CCIs/Homes that maintain an **Attendance register** at 95%, followed closely by Kerala, Chandigarh and Tamil Nadu at 94% each, the lowest percentage is seen in Andhra Pradesh at 46%, 50% in Arunachal Pradesh and 51% in Assam. As seen from the table 10.6 about 85.1% of the CCIs/Homes in India adhere to this task.

8.74 The percentage of CCIs/Homes that maintain a register with **PAP details** is very low across the country with Haryana having highest percentage of such CCIs/Homes at 33%, followed by Madhya Pradesh at 23%. The overall performance of many States/UTs is poor, as many CCIs/Homes do not maintaining such details or not providing information in these regard. The table above shows that a dismal 7.9% CCIs/Homes in the country maintain a PAP register, which raises serious questions aregarding the state of work being done for the purpose of adoption of children.

8.75 Among the CCIs/Homes who maintain a visitor book, percentage of CCIs/Homes (97%) in Punjab is highest, followed by Chandigarh at 94% and Kerala at 93%. The lowest is obsrved in Jammu and Kashmir at 42% next only to Assam at 50%. There are around 79.8% CCI/Homes in India that are maintaining a visitor book on a regular basis.

8.76 The last criteria is whether CCIs maintain a staff movement register. In this regard Chandigarh has the highest percentage of CCIs (88%), followed by 72% in Haryana and Gujarat at 69%. Lowest percentages are obsred in Sikkim at 17% followed by Manipur at 18% and Andhra Pradesh at 22%. The table 10.6 shows that at an avergae in India less than half of the CCIs/Homes adhere to maintenance of a staff movement register.

8.77 The JJ Rules state that the Stock Register is to be maintained by Store keeper cum accountant and the custodian is the Person-incharge. The Budget Statement file is to be maintained by Person-in-charge who is also its custodian.

Table 8.7 Percentage of CCIs/Homes that maintain and update accounts and registers on grant utilization, stock, budget statement

States	Voucher, cash book, ledger, journal & annual accounts are maintained and updated	Grant utilization register are maintained and updated	Stock register are maintained and updated	Budget Statement register are maintained and updated
A&N	47.06	35.29	47.06	29.41
Andhra Pradesh	79	50.52	61.94	42.52
Arunachal Pradesh	50	12.5	25	12.5
Assam	53.44	34.35	50.38	32.82
Bihar	47.62	34.52	59.52	33.33
Chandigarh	18.75	37.5	87.5	62.5
Chhattisgarh	59.84	30.33	59.84	30.33
Delhi	68	33.6	72.8	36.8
Goa	91.43	52.86	85.71	68.57
Gujarat	78.7	59.76	72.78	62.72
Haryana	70.89	58.23	74.68	51.9
Himachal Pradesh	60.87	47.83	78.26	32.61
J&K	78.73	28.18	62.43	54.97
Jharkhand	57.48	48.82	56.69	38.58
Karnataka	68.06	39.96	58.51	35.13
Kerala	91.22	45.01	80.92	34.94
Madhya Pradesh	67.12	40.41	69.86	39.73
Maharashtra	83.41	56.78	83.88	51.48
Manipur	40.32	22.58	29.03	8.06
Meghalaya	69.05	53.57	55.95	47.62
Mizoram	91.3	65.22	71.74	54.35
Nagaland	41.79	2.99	26.87	4.48
Odisha	63.23	43.33	63.47	36.77
Puducherry	91.21	40.66	34.07	42.86
Punjab	94.52	26.03	86.3	43.84
Rajasthan	75.81	71.48	74.73	72.2
Sikkim	73.91	47.83	47.83	43.48
Tamil Nadu	80.09	30.72	78.63	29.39
Telangana	75.91	43.93	57.89	40.89
Tripura	70.45	31.82	56.82	6.82
Uttar Pradesh	51.76	30.59	54.71	37.65
Uttarakhand	67.86	51.79	57.14	48.21
West Bengal	84.71	59.02	81.35	58.72
Total	76.92	43.63	70.55	40.76

8.78 The table 8.7 presents the percentage of CCIs/Homes on four criteria of maintainance and updation of — i) Voucher, cash book, ledger, journal & annual accounts, ii) Grant utilization register, iii) Stock register, and iv) Budget Statement register. About 77% of CCI maintain and update Voucher, cash book, ledger, journal & annual accounts, and 43.63% maintain and update Grant utilization register. Stock register are maintained and updated by 70.5% while Budget Statement register are maintained and updated by 40.76% of CCIs/Homes.

8.79 On the first aspect, i.e maintaining and updating voucher, cash book, ledger, journal & annual accounts, Punjab has the the highest percentage of CCIs/Homes (95%), followed by Goa, Mizoram, Kerala and Pondicherry at 91% each. The lowest percentage is found in Chandigarh at 19%. The table 10.7 shows that 76.92% of CCIs/Homes in India adhere to this.

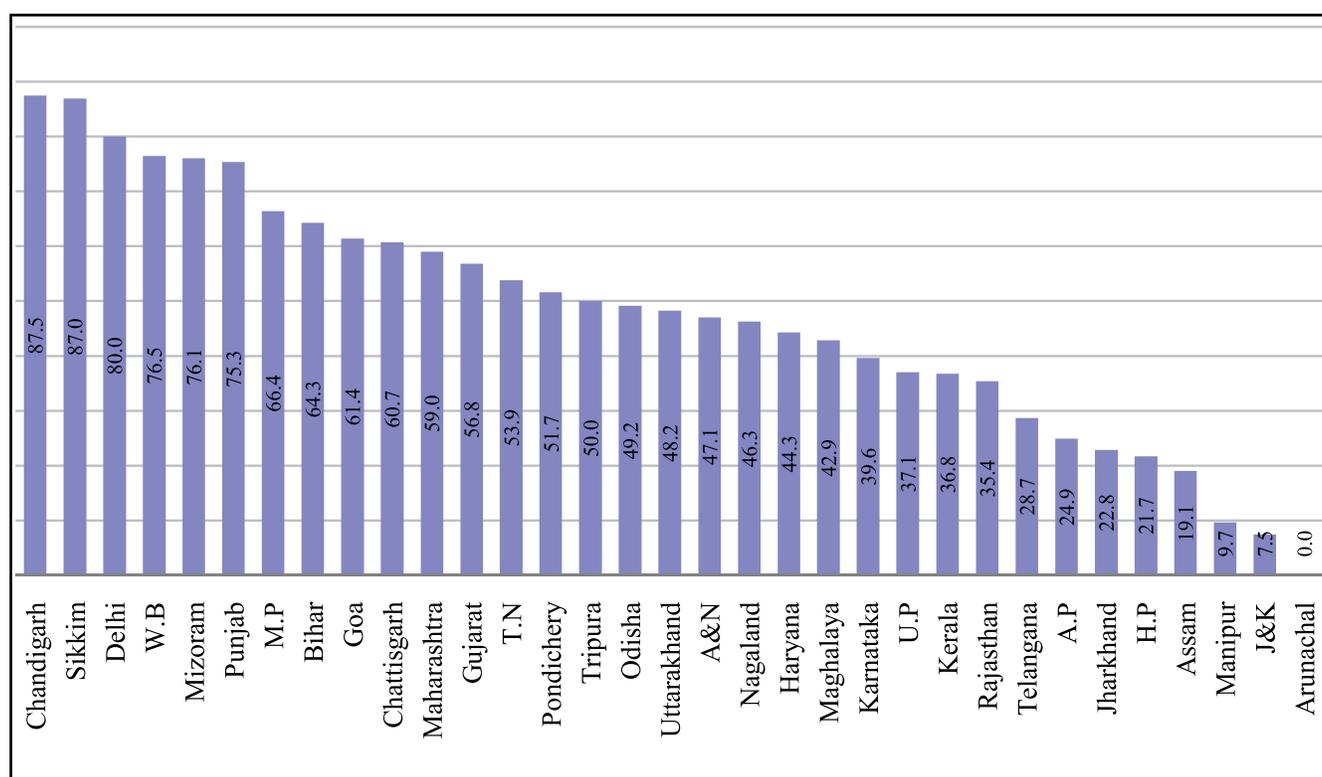
8.80 Among CCIs/Homes that maintain and update the Grant utilization register, Rajasthan ranks first with 71% of CCIs/Homes in the state, followed by Mizoram at 65% and Gujarat at 60% of CCIs/Homes. The lowest percentage is seen in Nagaland at 3% followed by Arunachal Pradesh at 13% and Manipur at 23%. As seen in the table 10.7 only 43.63%—i.e less than half of the CCIs/Homes maintain and update the grant utilization register thereby undermining the importance of financial transparency.

8.81 Percentage of CCIs/Homes that maintain and update stock register is found to be highest in Chandigarh at 88%, followed by Punjab and Goa at 86%. The lowest percentage is in Arunachal Pradesh at 25% followed by Nagaland at 27% and Manipur at 29%. The table above reflects that about 70.5% of the CCIs maintain and update the Stock register regularly across the country.

8.82 With respect to CCIs/Homes that maintain and update the Budget Statement Register, the highest percentage is observed in Rajasthan at 72%, followed by Goa at 69% and Gujarat and Chandigarh at 63% each; Nagaland (4%) Tripura (7%) and Manipur (8%) have the lowest percentage of CCIs/Homes in this regards. On an average only 40.8% of CCIs/Homes adhere to maintenance and updation of Budget Statement.

8.83 That Graph 8.13 below show percentage of CCIs/Homes that matched the children admitted during a particular year with the children present at the end of the year, after excluding placement in families (restoration, repatriation, pre-adoption foster care/adoption, foster care), death, transfer & leave without permission. The highest percentage of such CCIs/Homes is seen in Chandigarh at 88% followed by Sikkim (87%) and Delhi (80%); the state with lowest percentage of CCIs/Homes is Jammu and Kashmir at 7%, Manipur at 10% and Assam at 19%; while no home in Arunachal Pradesh have such CCIs/Homes. There is no information as to why some States/UTs have such a low percentage.

Graph 8.13 Percentage of CCIs/Homes that matched children admitted during a year with the children present at the end of the year after exclusions



VI. Highlights

8.84 **Admission and Reporting:** With respect to initial production and periodic production of all children before CWC / JJB; the home maintaining and updating a master admission register and filing of a missing child FIR, the data showed that the general performance is poor. The data reveals

that at some places, CWCs do not exist at the district level. Many CCIs/Homes are functioning as residential care for educational purposes and do not recognize and categorize children in need of care and protection. This is a serious issue that needs immediate State intervention to streamline all the CCIs/Homes.

8.85 It is also found that in CCIs/Homes in many States/UTs prepared/sent individual care plan of the child, the Social Investigation Report and monthly data about children to SARA/DCPU, but CCIS/Homes in some States such as Kerala, this is not being adhered to. This raises concerns regarding the quality of work and condition of children, especially since many homes in the State are not registered under the JJ Act. Another observation showed that no State or UT had all its CCIs/Homes where the number of children admitted during a particular year matched with the children present at the end of the year this was after excluding placement in families (restoration, repatriation, pre-adoption foster care/adoption, foster care), death, transfer & leave without permission. The maximum percentage was found in Chandigarh at 88%. There is no information on the reasons for the same- whether such instances are reported or any specific measures have been taken to deal with this.

8.86 Another important function to be performed by the CCI/Homes and the SAA is, to report the cases to the relevant authority with respect to admission, restoration, repatriation, transfer, adoption, pre adoption foster care, foster care, death and leave without permission. They must be proactive and aware about the number of children under each category and information about the same must be reported to ensure the child is integrated into the JJ system. However, the data collected reveals that except CCIs/Homes in a few States/UTs most are not following this. Especially in dealing with situations such as death of a child, it is imperative that the circumstances surrounding the death are honestly disclosed, not only to the authorities but more importantly to the families; however data reveals that percentage of CCIs/Homes in Arunachal, Nagaland and Meghalaya reporting this is very low. With respect to restoration it is not only important that cases be reported, but having proof of restoration is even more vital to ascertain that the child is in safe custody and not in an unpleasant situation. This is possible if the home has a valid proof of restoration with the necessary id proof of the parent and guardian. In this regard, except for CCIs/Homes in Andhra Pradesh (72%) and Kerala (68%) most of the other States and UTs have a poor performance, raising concerns with respect to

the safety, well-being, care and protection of the child. There is no information as to why the erring CCIs/Homes do not have such proof, whether any mechanisms are in place to ensure that the child so restored is safe.

8.87 **Documentation and Record Keeping:** The analysis shows that most CCIs/Homes in many States are maintaining all records pertaining to children. The JJ Rules have specifically assigned duties of maintaining and updating records and books by various staff and personnel associated with the CCIs/Homes. They must be held accountable and responsible for undertaking their work diligently. Information on some aspects was lacking details, as responses received to questions were only in a 'yes' and 'no' format. Hence qualitative data is missing which leaves questions such as reasons for not maintaining and updating the relevant document and online systems, alternative systems used if any, the effect of non-maintenance of records on the overall performance of the CCI and the effect it can have on children.

Chapter 9

Adoption Status (Performance)



नए समाज की ओर
Towards a new dawn

Chapter 9 : Adoption Status (Performance)

9.1 This chapter deals specifically with *Specialized Adoption Agencies (SAA)* and all the aspects pertaining to adoptions in India. The process and agencies for adoption are regulated through Central Adoption Resource Authority (CARA) which is a statutory body of the Ministry of Women & Child Development, Government of India. CARA Guidelines provide the regulatory framework in the country as the nodal body for adoption of children and is mandated to monitor and regulate in-country and inter-country adoptions. CARA is designated as the Central Authority to deal with inter-country adoptions in accordance with the provisions of the Hague Convention on Inter-country Adoption, 1993, ratified by Government of India in 2003. CARA primarily deals with adoption of orphan, abandoned and surrendered children through its associated / recognized adoption agencies¹.

9.2 The chapter deals exclusively with the CCIs/Homes which are dealing with orphan, abandoned and surrendered children who are either free or can be made free for adoption. CCIs/Homes are expected to adhere to and ensure certain facilities and services for the children according to the CARA's specified guidelines coupled with the norms of the JJ Act. The chapter attempts to bring these aspects into examination.

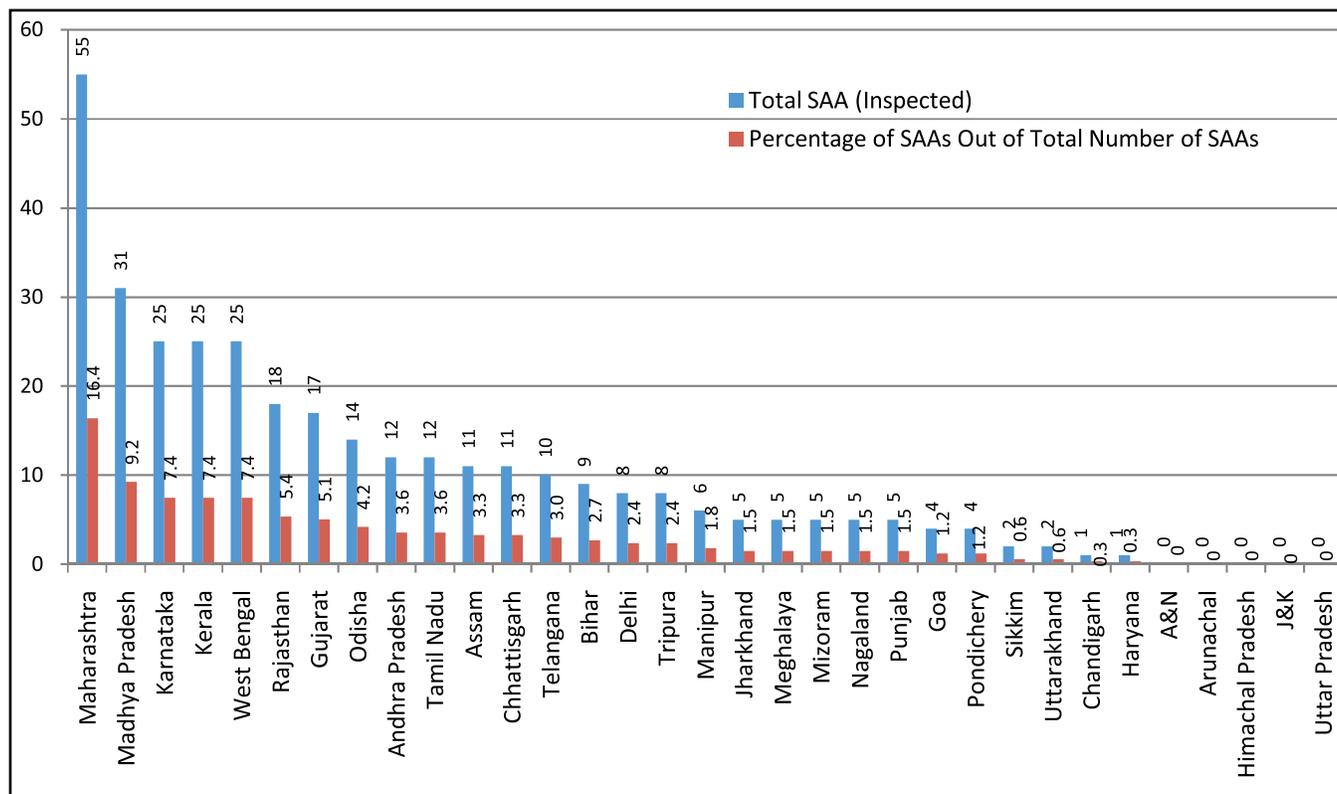
I. Number of Specialized Adoption Agencies Surveyed

9.3 There are a total of 336 SAAs covered under the study, out of which 20% are Government run SAAs and 80% are non-government run SAAs. The numbers do not include 34 CCIs/Homes of Uttar Pradesh which were not covered by this exercise in accordance with request from the State Government which also included SAA.

¹ Website of Central Adoption Resource Authority http://cara.nic.in/about/about_cara.html

Table 9.1 State-wise distribution of number of SAAs inspected

States/UTs	Total CCIs/Homes	Total SAA (Inspected)	Percentage of SAAs out of Total Number of SAAs
A&N	17	0	0
Andhra Pradesh	762	12	3.6
Arunachal Pradesh	8	0	0
Assam	131	11	3.3
Bihar	84	9	2.7
Chandigarh	16	1	0.3
Chhattisgarh	122	11	3.3
Delhi	125	8	2.4
Goa	70	4	1.2
Gujarat	169	17	5.1
Haryana	79	1	0.3
Himachal Pradesh	46	0	0
J&K	362	0	0
Jharkhand	127	5	1.5
Karnataka	911	25	7.4
Kerala	1,242	25	7.4
Madhya Pradesh	146	31	9.2
Maharashtra	1,284	55	16.4
Manipur	62	6	1.8
Meghalaya	84	5	1.5
Mizoram	46	5	1.5
Nagaland	67	5	1.5
Odisha	427	14	4.2
Puducherry	91	4	1.2
Punjab	73	5	1.5
Rajasthan	277	18	5.4
Sikkim	23	2	0.6
Tamil Nadu	1,647	12	3.6
Telangana	494	10	3.0
Tripura	44	8	2.4
Uttar Pradesh	170	0	0
Uttarakhand	56	2	0.6
West Bengal	327	25	7.4
Total	9,589	336	100

Graph 9.1 State-wise distribution of number of SAAs

9.4 Among the inspected SAAs, the graph 9.1 above shows that maximum numbers of SAAs are in Maharashtra with 55 and Madhya Pradesh with 31 followed by Karnataka with 35. States/UTs like Chandigarh and Haryana have only 1 SAA. States/UTs where no SAAs were found are Andaman and Nicobar, Jammu and Kashmir, Arunachal Pradesh Himachal Pradesh and Uttar Pradesh.

9.5 SAAs in many States/UTs have to take additional burden of those districts where SAA is non-existing and non-functioning. The CWC/JJB is in charge of monitoring and assessing functioning of SAAs. In practice, the fulfillment of prospective parents from States/UTs with no SAAs goes to their neighboring States/UTs where SAA exists. The state SAAs are still addressing the need of having long pending cases of prospective parents of their own States/UTs. According to the JJ Act, each district must have one SAA. Table 9.1 shows that, on national scale, there is a definite deficit of SAAs as many of the States/UTs do not have a single one of them.

II. Profile of Adoptable children

9.6 The data in Table 9.2 below represents the gender wise percentage of adoptable children out of the total children. Across the country the total number of children who are adoptable counts to 52793 staying in 9589 CCIs/Homes.

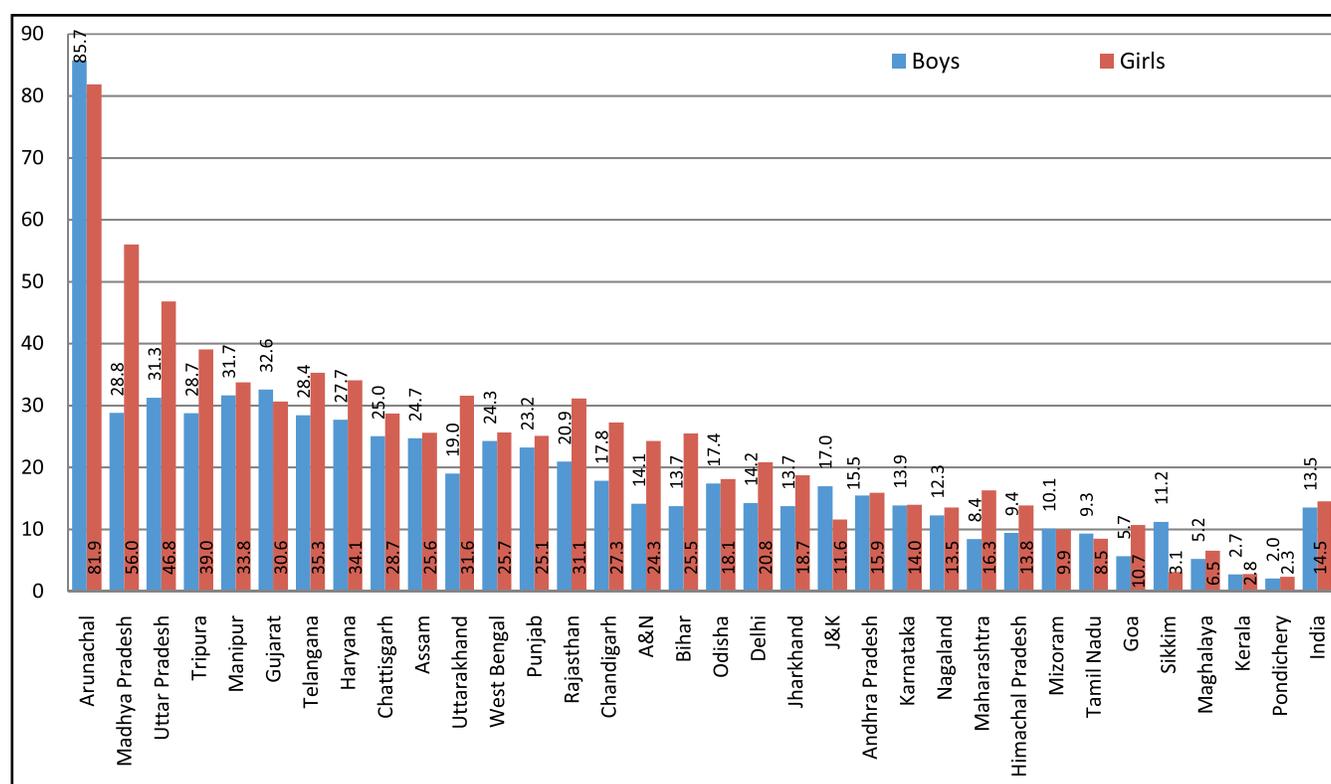
Table 9.2 Gender and age wise number of Adoptable Children

States/UTs	Total CCIs/ Homes	Adoptable Children					
		0-6	7-18	Boys	Girls	TG	Total
A&N	17	9	90	33	66	0	99
Andhra Pradesh	762	509	5380	2981	2906	2	5889
Arunachal Pradesh	8	3	167	102	68	0	170
Assam	131	102	676	421	357	0	778
Bihar	84	90	407	219	277	1	497
Chandigarh	16	23	70	33	60	0	93
Chhattisgarh	122	59	773	557	275	0	832
Delhi	125	151	553	319	385	0	704
Goa	70	17	190	88	119	0	207
Gujarat	169	309	1250	929	630	0	1559
Haryana	79	94	714	367	441	0	808
Himachal Pradesh	46	5	140	88	57	0	145
J&K	362	53	2823	2388	488	0	2876
Jharkhand	127	125	624	389	360	0	749
Karnataka	911	365	3844	2384	1819	6	4209
Kerala	1,242	134	1010	537	607	0	1144
Madhya Pradesh	146	186	1059	514	731	0	1245
Maharashtra	1,284	1054	5442	3328	3154	14	6496
Manipur	62	26	341	189	178	0	367
Meghalaya	84	20	69	39	50	0	89
Mizoram	46	22	86	63	45	0	108
Nagaland	67	21	127	81	67	0	148
Odisha	427	356	3015	1788	1581	2	3371
Puducherry	91	41	14	22	33	0	55
Punjab	73	61	407	212	256	0	468
Rajasthan	277	247	1032	869	410	0	1279
Sikkim	23	5	23	23	5	0	28
Tamil Nadu	1,647	543	7221	3424	4337	3	7764
Telangana	494	363	4795	2535	2592	31	5158
Tripura	44	35	236	127	144	0	271
Uttar Pradesh	170	223	1538	859	902	0	1761
Uttarakhand	56	41	239	109	171	0	280
West Bengal	327	327	2819	1730	1416	0	3146
Total	9,589	5619	47174	27746	24987	59	52793

9.7 The JJ Act and its corresponding Rules state that after due process, inquiry has to be conducted and if a child is fit for adoption then the child must be integrated with the adoption process without any delay so as to ensure that the child gets a family and does not have to stay in the CCI without any reason.

9.8 The Table 9.2 shows that 0-6 years children are 5619 in numbers while 47174 are between the ages of 7-18 years. When segregated based on gender the numbers of adoptable boys, girls and transgender are 27747, 24987 and 59 respectively.

Graph 9.2 Percentage of Adoptable Children



9.9 The highest percentage of adoptable boys out of total boys as per record can be found in Arunachal Pradesh, which is 85.7%. The lowest percentage is seen in Puducherry at 2% and Kerala at 2.7%. Arunachal Pradesh again comes at the top with respect to the percentage of adoptable girls, i.e. 81.9% followed by Madhya Pradesh at 56%. The lowest percentage is in Kerala at 2.8% and Puducherry at 2.3%. With respect to transgender children who are adoptable, the percentages are the highest in Bihar and Maharashtra, followed by Telangana.

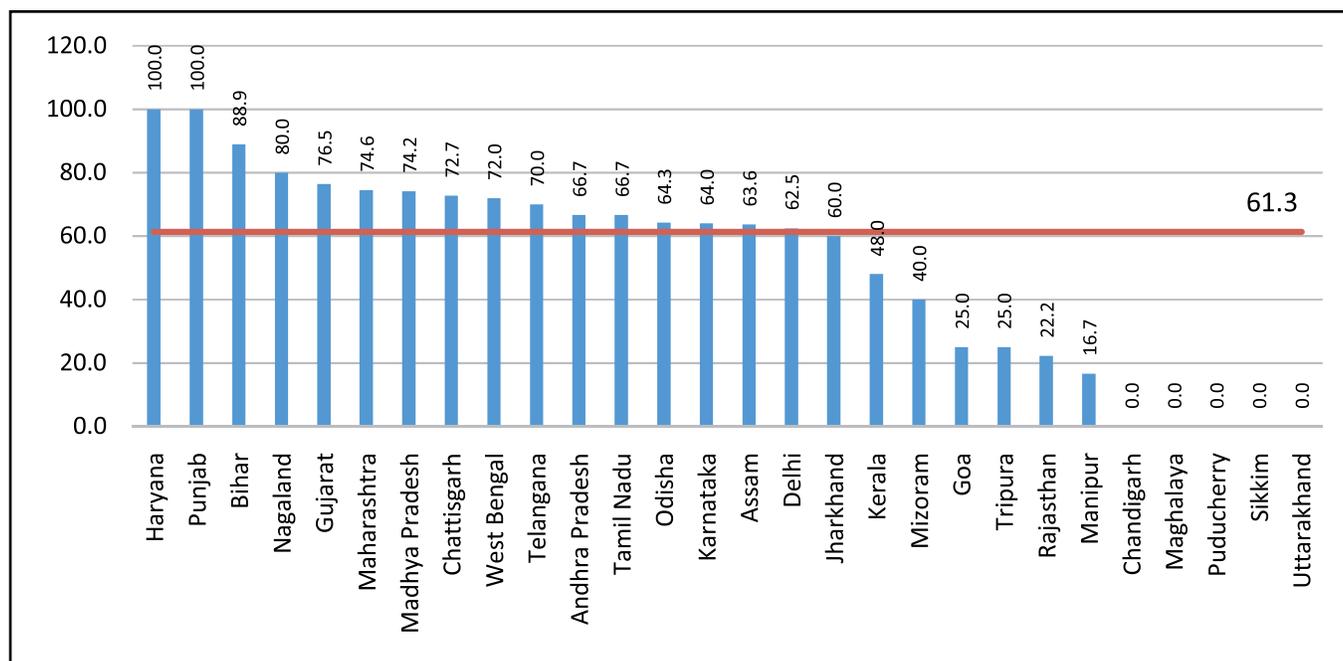
9.10 The data in Table 9.2 also reflects that the average percentage for adoption, out of total occupancy of children in CCIs/Homes, is higher among the 0-6 years age group (as less number of children of this age group are found in the CCIs/Homes than it is for the 7-18 years age group). The children in this age group (0-6 years) need to be given more attention for adoption as it will be easier to bring up an infant to suit the lifestyle, customs, and religions of the adopting family/couple than it is for a child who may be of older age.

III. Formation of Adoption Committee

9.11 As per the CARA Regulations, Adoption Committee means the Committee comprising of the authorized office-bearer of the Specialized Adoption Agency concerned, its visiting doctor or a medical officer from a Government hospital and one official from the District Child Protection Unit; and shall also include a representative of the Child Care Institution, in case the adoption is from a Child Care Institution other than the Specialized Adoption Agency.

9.12 The graph 9.3 below represents whether the Adoption Committee (AC) has been constituted by SAAs.

Graph 9.3 Percentage of SAAs with Adoption Committee



9.13 The highest percentage of ACs can be seen in Haryana and Punjab at 100% followed by Bihar at 88.9% Nagaland at 80% and Gujarat at 76.5%. The national average in this respect is 61.3%, which reflects the possible scope of improvement in implementation of rules in many SAAs across the country.

9.14 The CARA guidelines state that the Specialized Adoption Agency shall constitute an 'Adoption Committee' consisting of its Secretary or Managing Trustee, a senior professional social worker, Visiting Medical Officer and one other functionary of the Agency for assignment of the child. Therefore, adoption committees must be formed by every SAA but the data shows that this is not the case as many States/UTs have less than 50% of SAA with Adoption Committees.

IV. Standard of Care

9.15 According to the definition given in the JJ Rules, 2016, 'Child Study Report' means the report which contains details about the child, such as his date of birth and social background. 'Medical Examination Report' means the report of a child given by a duly licensed physician. As stated above, these are very critical for knowing the past, present status and also preparing plan for the future. The preparation of Child Study Report (CSR) & Medical Examination Report (MER) needs to be done mandatorily by the CCIs/Homes which at present seems to be lacking. Across the country, out of the 336 SAAs mapped, only 266 are currently preparing CSR and MER, which means the percentage, is only 61.3%.

9.16 The indicators in the table 9.3 below are critical for the well-being and preparation of individual plan of children in SAAs.

Table 9.3 Number and percentage of SAAs with Professional Social Worker, Preparation of Child Study Report (CSR) & Medical Examination Report (MER)

State	Number of SAA			Percentage of SAA		
	with Professional Social Worker	that prepares Child Study Report	that prepare Medical Examination Report	with Professional Social Worker	that prepares Child Study Report	that prepare Medical Examination Report
Andhra Pradesh	9	9	9	75	75	75
Assam	5	3	3	45.5	27.3	27.3

Adoption Status (Performance)

State	Number of SAA			Percentage of SAA		
	with Professional Social Worker	that prepares Child Study Report	that prepare Medical Examination Report	with Professional Social Worker	that prepares Child Study Report	that prepare Medical Examination Report
Bihar	8	8	9	88.9	88.9	100
Chandigarh	0	0	0	0	0	0
Chhattisgarh	3	2	5	27.3	18.2	45.5
Delhi	8	8	8	100	100	100
Goa	0	0	0	0	0	0
Gujarat	15	16	16	88.2	94.1	94.1
Haryana	0	1	1	0	100	100
Jharkhand	1	1	1	20	20	20
Karnataka	23	21	20	92	84	80
Kerala	12	12	11	48	48	44
Madhya Pradesh	23	26	26	74.2	83.9	83.9
Maharashtra	50	46	45	90.9	83.6	81.8
Manipur	6	6	6	100	100	100
Maghalaya	1	0	0	20	0	0
Mizoram	2	2	1	40	40	20
Nagaland	2	5	5	40	100	100
Odisha	12	11	11	85.7	78.6	78.6
Puducherry	3	3	3	75	75	75
Punjab	5	5	5	100	100	100
Rajasthan	5	4	4	27.8	22.2	22.2
Sikkim	0	0	0	0	0	0
Tamil Nadu	7	7	7	58.3	58.3	58.3
Telangana	7	8	8	70.0	80	80
Tripura	4	4	4	50	50	50
Uttarakhand	0	0	0	0	0	0
West Bengal	22	22	21	88	88	84
Total	233	230	229	69.4	68.5	68.2

9.17 The provision of professional social worker, preparation of CSR and MER has a wide variation ranging from nil to 100% in SAAs across different States/UTs. The national average with respect to these three aspects of SAAs is more than 65%. It shows that preparation of the CSR and

MER, very crucial documents vital for the adoption process, have not been undertaken in about one third of SAAs in the country. This is bound to raise questions regarding diligence exercised for the adoption process.

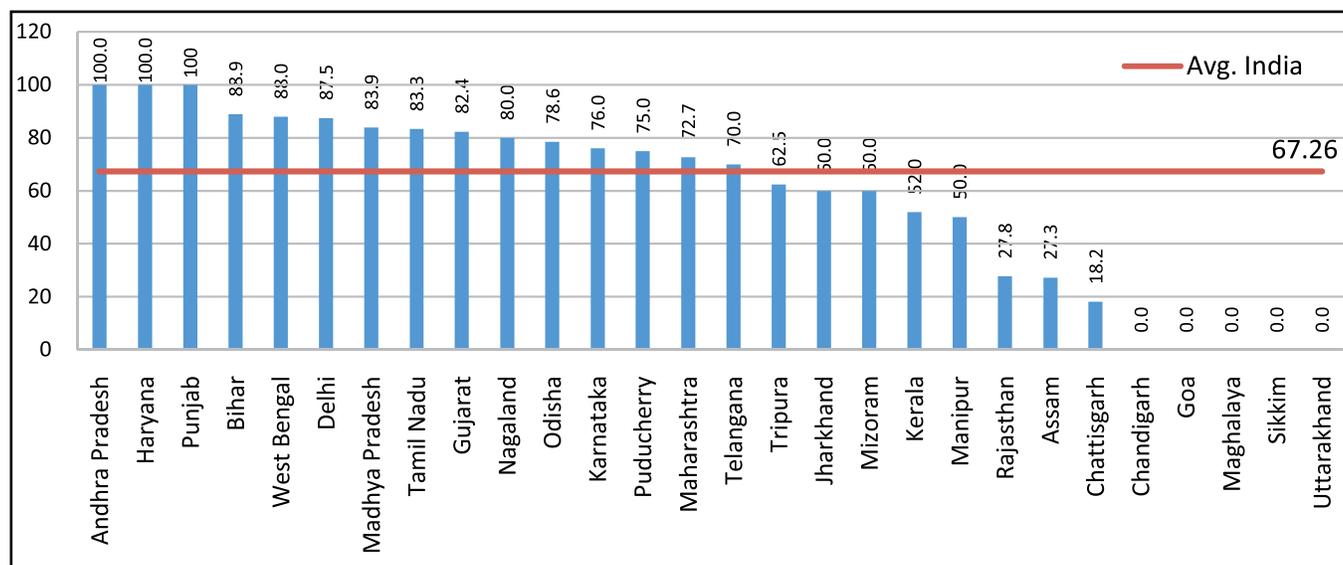
V. Adoption Performance

A. Home Study Report (HSR) and Adoption

9.18 This section deals with the uploading of Home Study Report (HSR) that includes two aspects, Child Study Report and Medical Examination Report. As per the adoption regulations framed by CARA, the Child Study Report and Medical Examination Report of an orphan, abandoned or surrendered child must be prepared in the prescribed format and posted in the Child Adoption Resource Information and Guidance System by the Specialized Adoption Agency maximum within ten days from the date the child is declared legally free for adoption by the CWC and the details shall be updated on Child Adoption Resource Information and Guidance System in every six months or whenever appreciable physical changes are observed in the child.

9.19 The graph 9.4 below reflects the percentage of agencies that expeditiously upload the Home Study Report (HSR) that includes CSR and MER as soon as children become legally free for adoption.

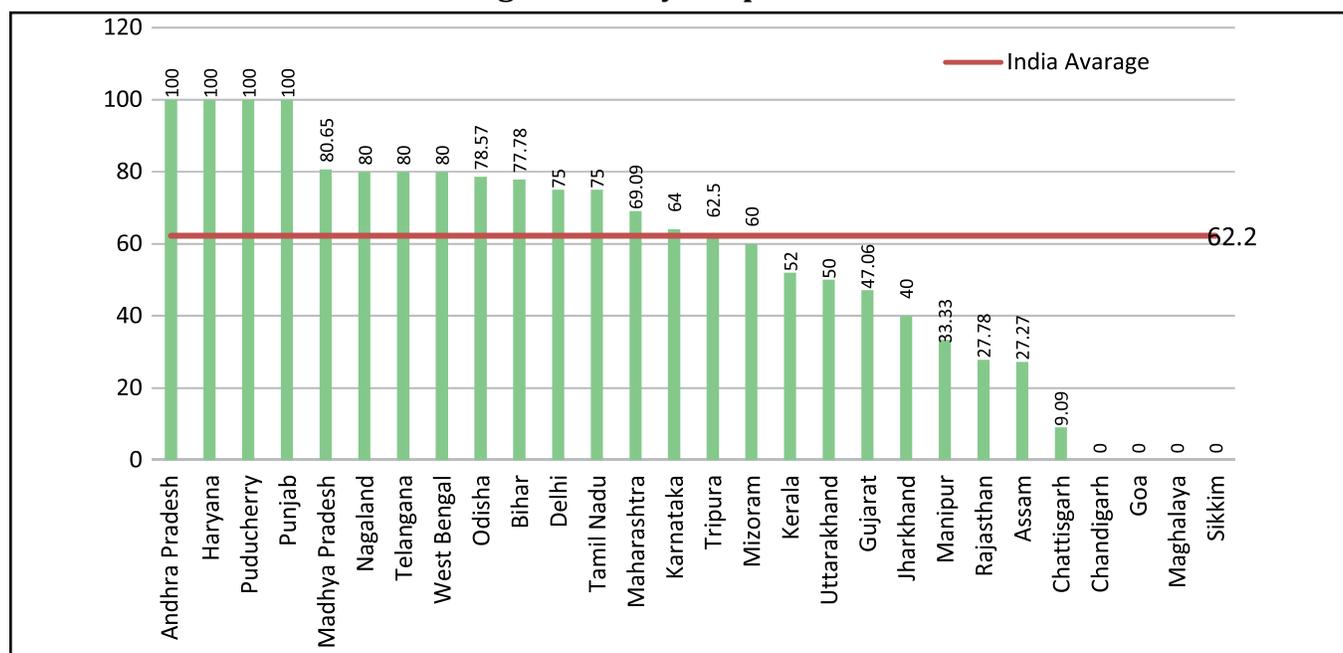
Graph 9.4 Percentage of SAAs that expeditiously upload CSR and MER



9.20 Among all the States/UTs, CCIs/Homes of Haryana Punjab and Andhra Pradesh reported adherence to uploading of HSR completely followed by Bihar at 88.89%, whereas SAAs of Chandigarh, Goa, Meghalaya, Sikkim and Uttarakhand do not adhere to this at all (and are thus out of the graph) and do not upload the reports. Chhattisgarh is lowest at 18.2% in this regard.

ii. Decision of referral and matching

Graph 9.5 Percentage of SAAs where decision of referral and matching is taken by Adoption Committee



9.21 The graph 9.5 shows the percentage of SAA where the decision for referral and matching of each child is taken by the Adoption Committee (AC). The national figures for SAAs where the decisions are taken by AC are 209 out of the 336 SAAs.

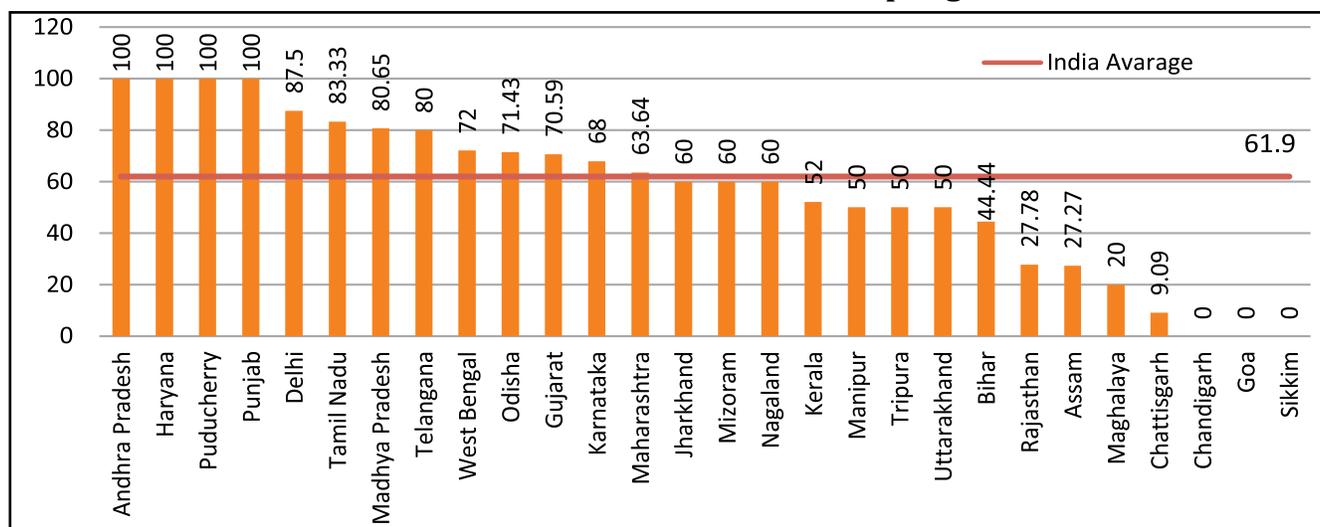
9.22 In all the SAA of Andhra Pradesh, Haryana, Puducherry and Punjab, the decision for referral and matching of each child is taken by the Adoption Committee. This is followed by Madhya Pradesh at 80.65% whereas SAA of Chandigarh, Goa, Meghalaya and Sikkim record 0% in this regard. Chhattisgarh is at 9.1% that is the lowest positive response with respect to whether the decision for referral and matching of each child has been taken by the Adoption Committee.

iii. Encouragement and Assistance to Domestic PAPs

9.23 Under the CARA guidelines the Specialized Adoption Agency shall make best efforts to assign a child as per required description given by the PAP(s), if any. After matching the child, the Specialized Adoption Agency shall advise PAP(s) to see the child physically before they give their acceptance. The PAP(s) shall be shown the matched child or children only at the premises of Specialized Adoption Agency.

9.24 The graph 9.6 below shows whether domestic PAPs are encouraged supplied necessary information and rendered all sort of assistance for taking decision to accept a referral. The national figures for SAAs where PAPs are encouraged are 208 out of the 336 SAAs.

Graph 9.6 Percentage of SAAs encouraging domestic PAPs and supplying them with all assistance and information to decide on accepting a referral



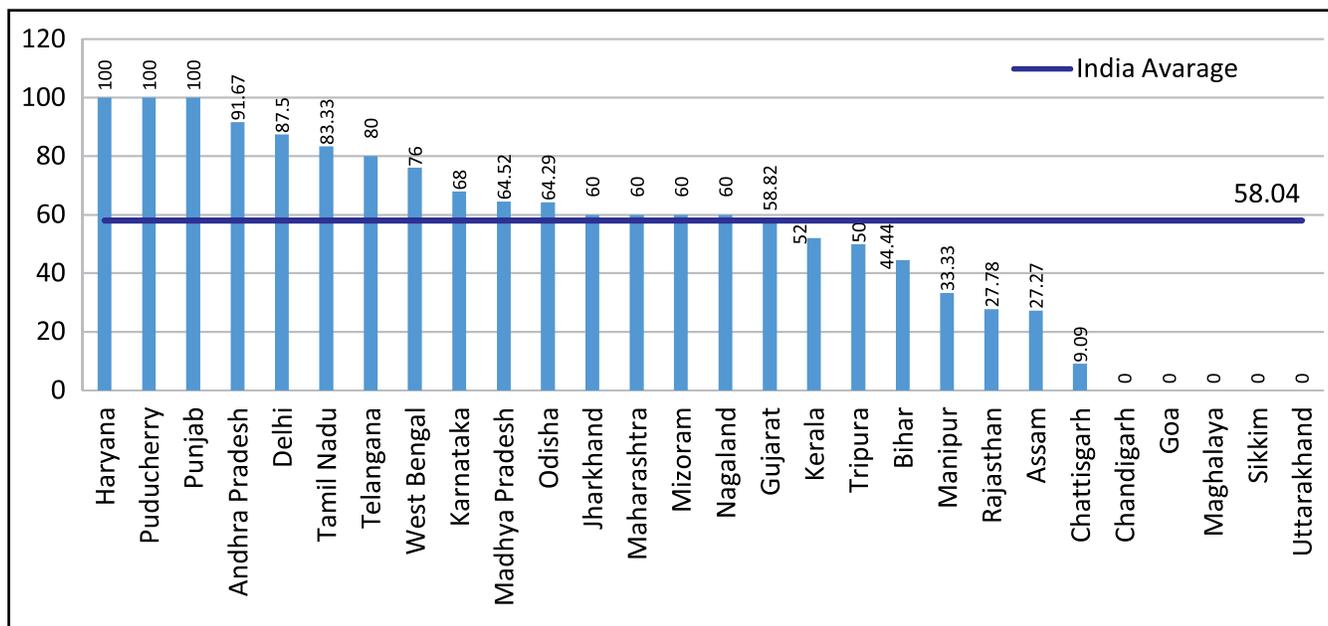
9.25 In Andhra Pradesh, Haryana, Puducherry and Punjab, all SAAs follow this procedure with Delhi next at 87.5.3% whereas no SAAs of Chandigarh, Goa and Sikkim are found to adhered to this; low positive response for this is obtained from the SAAs of with Chhattisgarh, which is just 9.1%.

iv. Psychological Preparation of the Adoptable Child

9.26 The roles played by the SAA are many; not only do they have to help the PAPs with the entire adoption process, they also have to mentally and emotionally prepare children (who are fit

for adoption) for their new life with their new prospective parents and new families. At a national level, it is observed that 195 SAAs out of 336 SAAs prepared every adoptable child psychologically.

Graph 9.7 Percentage of SAAs that reported to prepare the adoptable child psychologically



9.27 The graph 9.7 shows that all the SAAs in Haryana, Puducherry and Punjab prepare every adoptable child psychologically for his or her assimilation with the adoptive family; whereas 91.67% of SAAs in Andhra Pradesh followed by 87.5% SAAs in Delhi are found to prepare the child for the process of adoption. However, the SAAs of Chandigarh, Goa, Meghalaya, Uttarakhand, and Sikkim do not seem to prepare the adoptable child psychologically for assimilation. Chhattisgarh with 9.1% response is also on the lower side.

9.28 This process is majorly carried out by the primary caregiver of the child in the institution and starts at the time the child is a toddler. This process is absolutely essential to ensure that the child can adjust with his or her new parents into a new lifestyle without any major psychological problem or emotional trauma.

v. Development of Publicity Materials Regarding Adoption Process

9.29 The table 9.4 below shows the percentage of SAAs that develop publicity materials on adoption process and the amount of contribution made to CCC.

Table 9.4 Number of SAAs that develop publicity materials mentioning adoption process and amount of contribution to CCC

States/UTs	SAA developed leaflets/pamphlets/ literature/any other publicity materials		SAA where the amount of contribution to CCC for adoption is clearly mentioned in such publicity material		Total
	Number	Percentage	Number	Percentage	
Andhra Pradesh	8	66.7	8	66.7	12
Assam	3	27.3	3	27.3	11
Bihar	6	66.7	6	66.7	9
Chandigarh	0	0	0	0	1
Chhattisgarh	2	18.2	2	18.2	11
Delhi	4	50	4	50.0	8
Goa	0	0	0	0	4
Gujarat	3	17.7	3	17.6	17
Haryana	1	100	1	100	1
Jharkhand	2	40	2	40	5
Karnataka	11	44	7	28	25
Kerala	11	44	6	24	25
Madhya Pradesh	22	71.0	14	45.2	31
Maharashtra	24	43.6	14	25.5	55
Manipur	3	50	3	50	6
Meghalaya	0	0	0	0	5
Mizoram	1	20	1	20	5
Nagaland	0	0	0	0	5
Odisha	6	42.9	6	42.9	14
Puducherry	3	75	3	75	4
Punjab	3	60	3	60	5
Rajasthan	3	16.7	3	16.7	18
Sikkim	0	0	0	0	2

States/UTs	SAA developed leaflets/pamphlets/ literature/any other publicity materials		SAA where the amount of contribution to CCC for adoption is clearly mentioned in such publicity material		Total
	Number	Percentage	Number	Percentage	
Tamil Nadu	7	58.3	7	58.3	12
Telangana	4	40	4	40	10
Tripura	1	12.5	1	12.5	8
Uttarakhand	0	0	0	0	2
West Bengal	14	56	14	56	25
Total	142	42.3	115	34.2	336

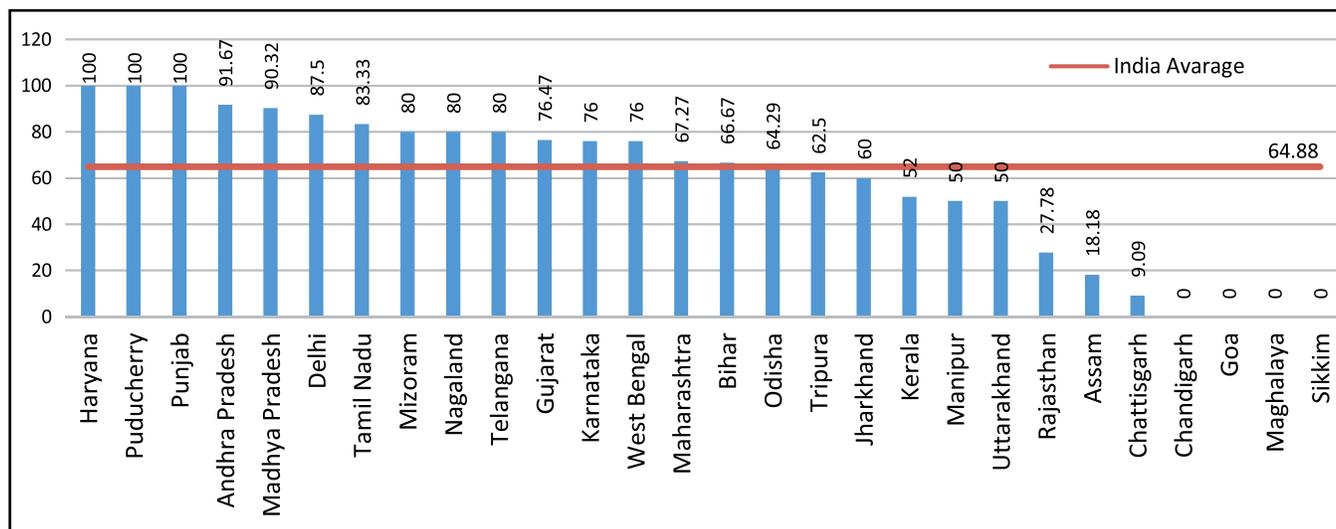
9.30 The table 9.4 above represents that all the SAAs in Haryana develop publicity materials depicting process of adoption followed by Puducherry at 75% whereas SAAs of Chandigarh, Goa, Meghalaya, Uttarakhand, Nagaland and Sikkim do not adhere to this. Only 12.5% SAAs of Tripura gave positive response in this regard. Additionally the table shows that all SAAs of Haryana followed by 75 percent SAAs of Puducherry gave high percentages of positive response with respect development of publicity material where the amount of contribution to CCC for adoption is clearly mentioned. Only 12.5 % SAAs of Tripura have given positive response in this regard.

9.31 The publicity material must have all the relevant information required by PAPs to easily understand the entire process of adoption in detail with list of important websites and numbers, FAQs, etc. This should be done to spread awareness among general public, clear doubts and answer the questions. The material must also give a breakup of amount that is contributed towards the CCC (Child Care Corpus) i.e. the corpus fund maintained by the Specialized Adoption Agency into which child care and adoption related expenses are contributed by the adoptive parents. The adoption agencies shall utilize the amounts available in the Child Care Corpus only for welfare of the children in the Home and maintenance of the Home. The amount shall also cover all expenses incurred to finalize the adoption. Therefore, publicity material, in all forms, plays an important role and must not be neglected by agencies. The poor performing agencies must take inspiration from the model agencies while formulating and designing their material so as to increase and improve their overall performance and adoption rate.

vi. Maintenance of adoption files and registers

9.32 The graph 9.8 shows percentage of SAAs where adoption register is maintained & complete adoption file of each child placed in adoption is available.

Graph 9.8 Percentage of SAAs that maintain adoption file and register



9.33 In States/UTs like Haryana, Puducherry and Punjab, all SAAs maintain adoption register and complete adoption file of each child placed in adoption is available. In Andhra Pradesh, 91.67% of SAAs followed this practice. None of the SAAs in Chandigarh, Goa, Meghalaya and Sikkim are found to have maintained adoption file and register implying that such procedures are not followed; only 9.1% of the SAAs in Chhattisgarh follow this practice.

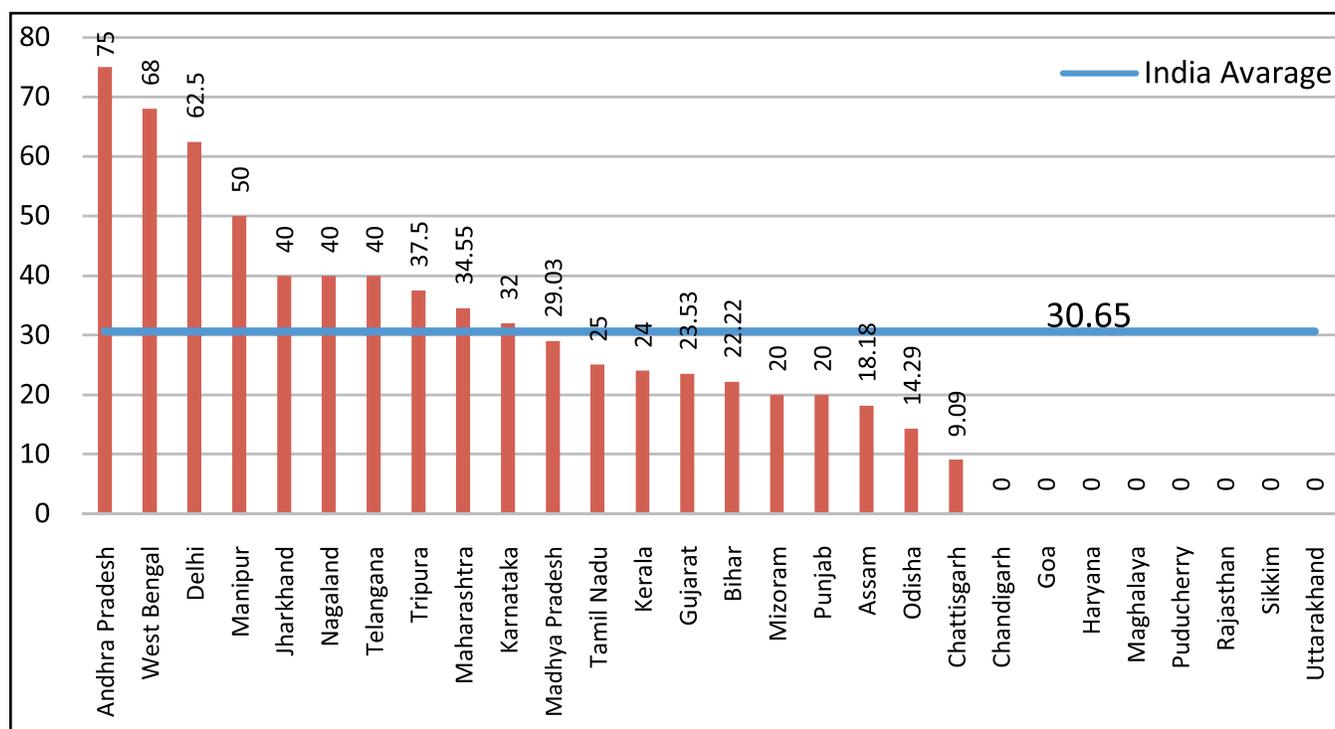
9.34 Every Agency has to maintain a number of records, documents such as registers pertaining to administration and the adoption process including register of adopted children with details of adoptive parents (date of registration, date of Home Study Report, date(s) of referral of child or children, date of court order, date of handing over of the child to prospective adoptive parents, etc.). The complete adoption file of child must also be updated and preserved for follow ups and in the event of root searches.

vii. Lodging of complaints against illegal adoption

9.35 The role and duty of agencies do not stop at facilitating adoptions but they have a responsibility to report and complaint against the illegal adoptions or connected activities which would also include illegal sourcing of children carried out by nursing Homes, hospitals or persons that can put the life and limb of an adopted child at risk. Though reporting does take place in many CCIs/Homes, the analysis reveals that in a number of States/UTs none of the SAAs adhere to this. Many others have a very low percentage of reporting which is a cause of concern. Failure to report illegal activities must be taken seriously by SARA and CARA.

9.36 The graph 9.9 reveals that whether the agency lodges complaints with SARA, CARA, CWC and police authorities if Nursing Homes or Hospitals or any other person(s) are found involved in illegal adoptions. Across the country, 103 out of the 336 SAAs have lodged complaints with authorities and this is 30.65 % of the total SAAs.

Graph 9.9 Percentage of SAAs that lodge complaints against illegal adoption

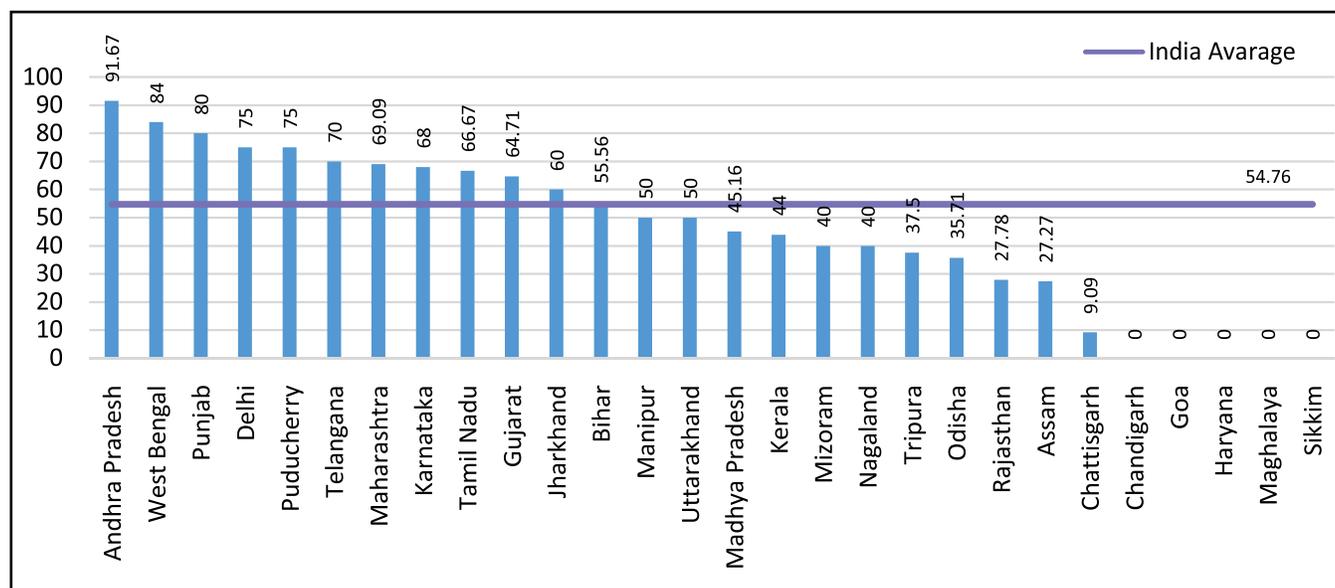


9.37 The highest percentage of SAAs registering complaints against illegal adoption is from the States/UTs of Andhra Pradesh at 75% followed by West Bengal at 68% and Delhi at 62.5%. SAAs of Chandigarh, Goa, Haryana, Meghalaya Puducherry, Rajasthan, Uttarakhand, and Sikkim are found to have not filed any complaints in this regard; only 9.1% of the SAAs of Chhattisgarh are found to have lodged such complaints showing that reporting of illegal adoptions is not being done which is a serious cause of concern.

viii. Filing of adoption petitions for cases of pre-adoption foster care

9.38 The graph 9.10 below gives a picture of filing of adoption petitions for cases of pre-adoption foster care by SAAs.

Graph 9.10 Percentage of SAAs that have filed adoption petitions for cases of pre adoption foster care



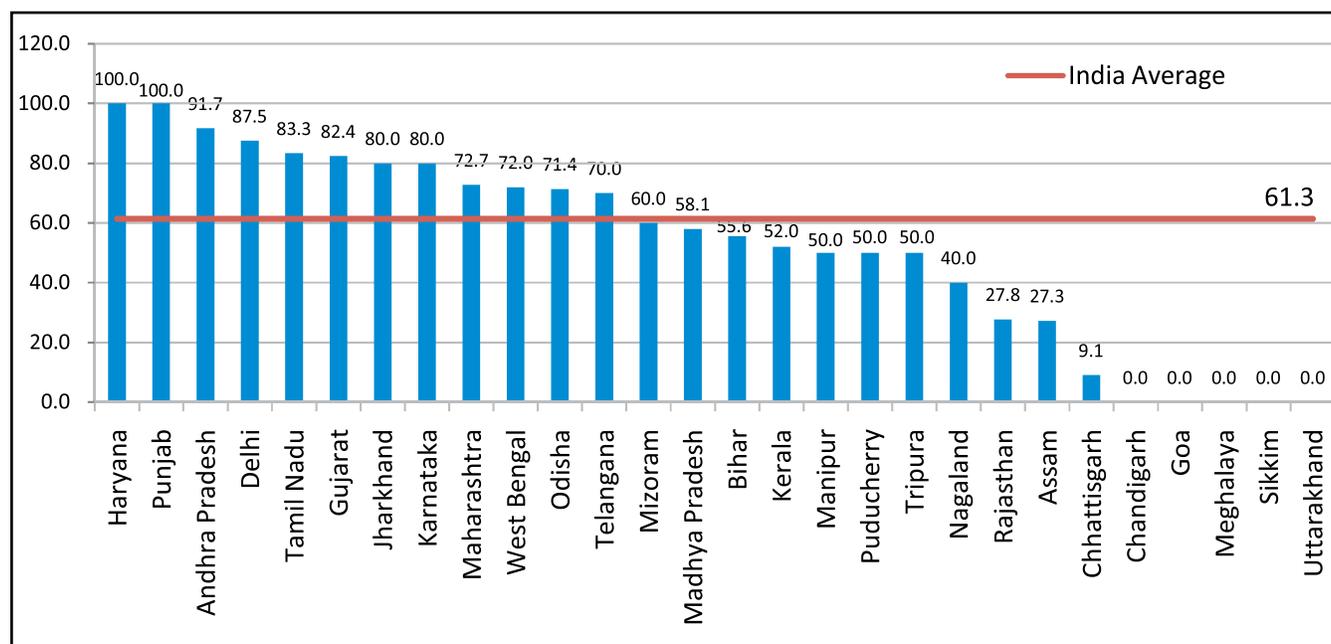
9.39 The national figures for SAAs who have filled petition in the Court in cases of children placed under pre adoption foster care are 184 out of the 336 SAAs. Among the States/UTs, 92% SAAs of Andhra Pradesh have filed petitions in the Court in cases of children placed under pre adoption foster care followed by West Bengal at 84% whereas none of the SAAs of Chandigarh, Goa, Haryana, Meghalaya and Sikkim are found to have filed such petitions. Only 9.1% of SAAs in Chhattisgarh have positively responded to filing of such petitions.

ix. Post-Adoption Follow-up

9.40 The Specialized Adoption Agency has to carry out half yearly follow-up visits of the child from the time the child has been placed in pre-adoption foster care till a period of two years after the legal adoption. The copies of the follow-up reports of the children shall be submitted by the Specialized Adoption Agency to SARA. This is the only way to track the progress and understand how children have been placed in adoption or in non-institutional care are coping with their new life, understanding how the PAPs are adjusting with the child.

9.41 The graph 9.11 presented below shows the percentage of SAAs that monitor wellbeing of adopted children through post-adoption follow-up. Nationally, out of the 336 SAAs, 206 SAAs are monitoring adopted children for two years from placement date.

Graph 9.11 Percentage of SAAs that monitor well-being of adopted children through post- adoption follow-up



9.42 From the graph 9.11, it can be seen that in states like Haryana and Punjab all SAAs are monitoring adopted children for two years from placement date and follow the procedure. This is followed by Andhra Pradesh at 91.7% whereas the lowest percentage could be found in Chhattisgarh at 9.1%. SAAs in Chandigarh, Goa, Meghalaya, Sikkim and Uttarakhand are not found to be monitoring

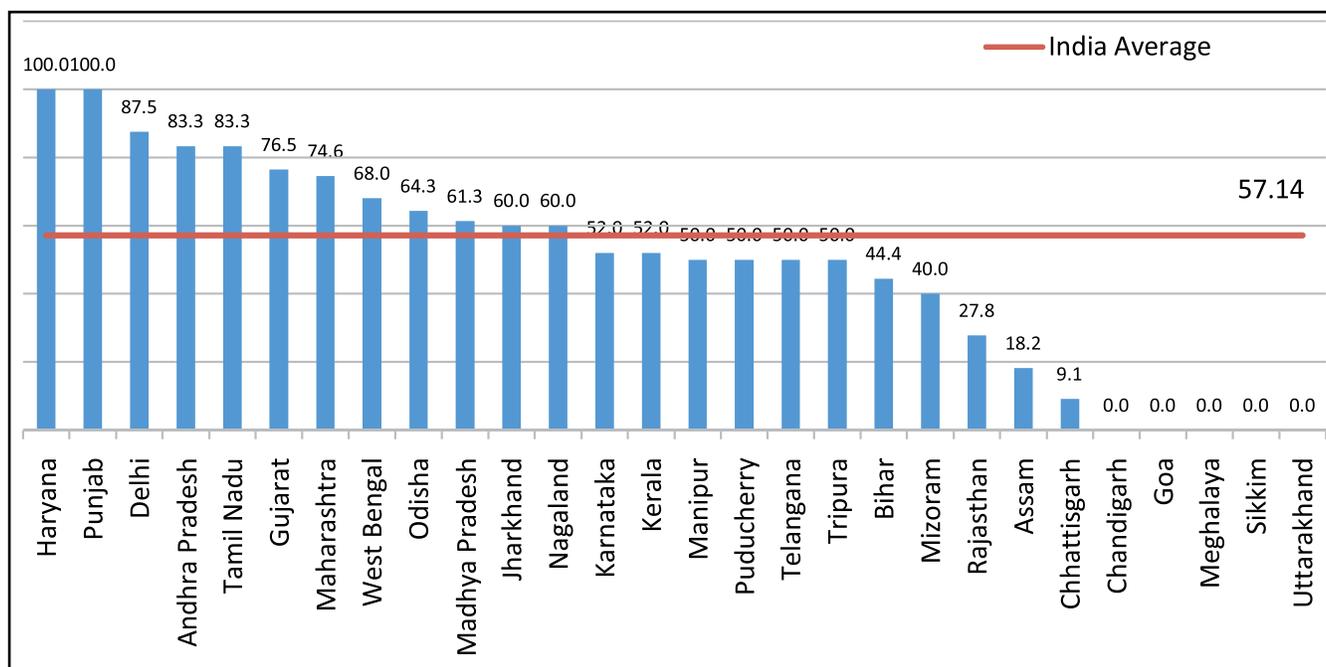
the well-being of adopted children through post-adoption follow-up.

x. Keeping of all post-adoption records inaccessible to public

9.43 The CARA Regulations state that all agencies or authorities involved in the adoption process shall ensure that confidentiality of adoption records is maintained, except as permitted under any other law for the time being in force and for such purpose, the adoption court order may not be displayed in any public portal.

9.44 The national figures for SAAs that keep the mandatory post adoption records are 192 out of the 336 SAAs. The data varies across the country with average percent being 57.14 out of the 336 SAAs.

Graph 9.12 Percentage of SAAs that keep all post-adoption records inaccessible to public



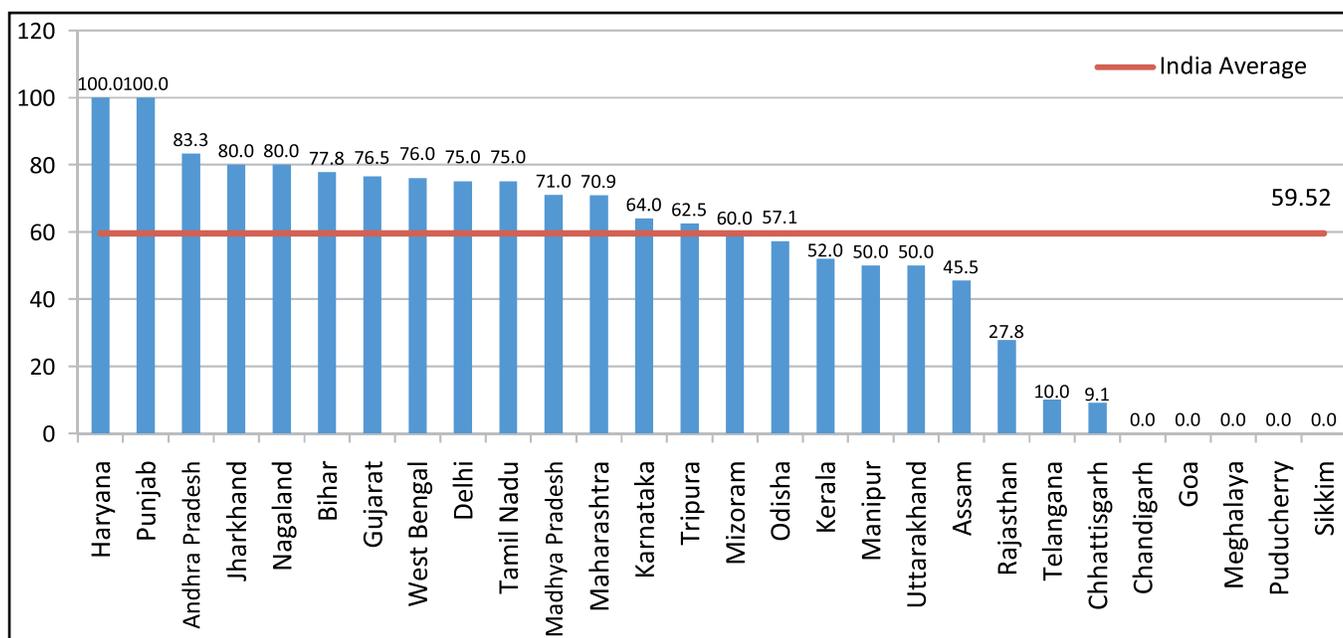
9.45 The Graph 9.12 shows that there are some States/UTs where no such efforts are being made, these States/UTs are Chandigarh, Goa, Meghalaya, Sikkim and Uttarakhand. All SAAs in Haryana and Punjab are keeping all post-adoption records inaccessible to public; these states are followed by Delhi at 87.5% and Tamil Nadu at 83.3%. Only 9.1% SAAs in Chhattisgarh are keeping all post-adoption records inaccessible to public.

xi. Root Search

9.46 The specialized adoption agencies must keep information, documents and belongings of the child in safe custody. This needs to be done to enable easy access to information and items when required. It is also helpful in the event of a possible root search in the future. Hence a safe and efficient system must be in place, incidents of misplacing documents, or mix up of documents and belongings must be avoided at all costs.

9.47 The graph 9.13 below shows the percentage of SAAs that maintains records of the children. The national figures of SAAs that keep all the information and documents as well as belongings of the child in safe custody are 200 out of the 336 SAAs. The data varies across the country with average 59.5 of SAAs keeping these records.

Graph 9.13 Percentage of SAAs that keep records of child, etc. in safe custody



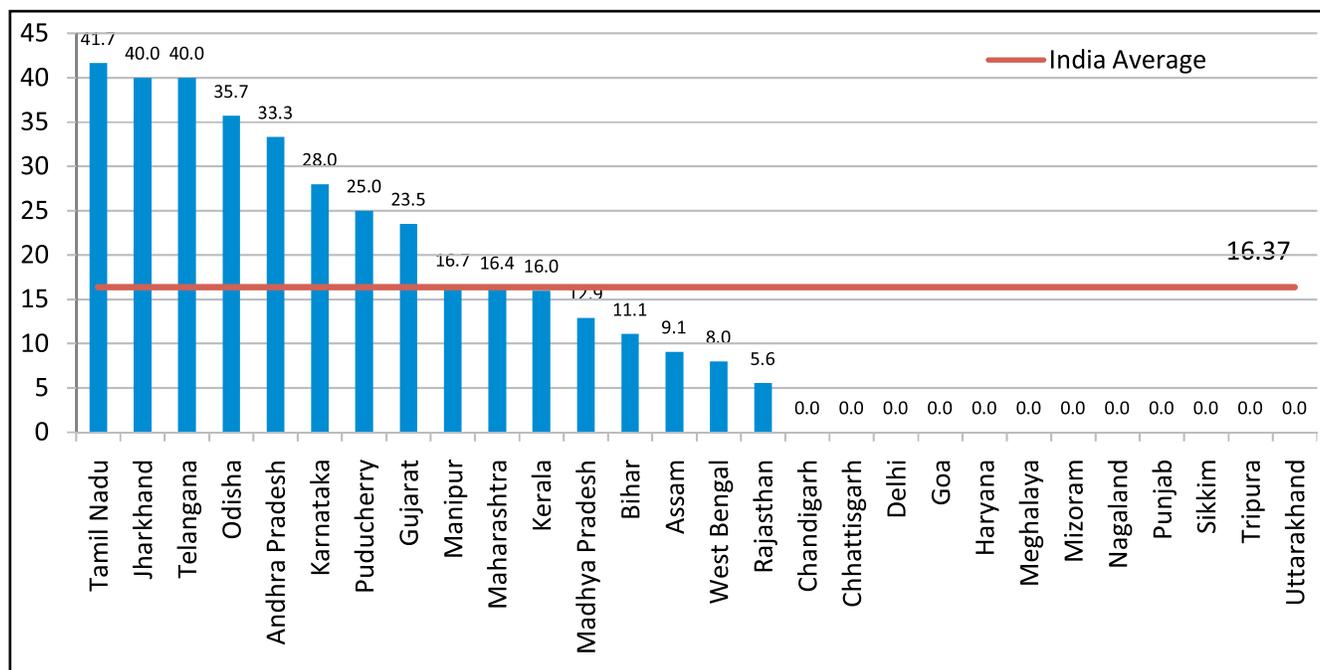
9.48 The graph 9.13 above highlights that there are some States/UTs where none of the SAAs are found to have kept such records; these States/UTs are Chandigarh, Goa, Meghalaya, Puducherry and Sikkim. All SAAs in Haryana and Punjab are following the norms. This is followed by Andhra Pradesh and Jharkhand at 83.3% and at 80%. In Chhattisgarh, only 9.1% of its SAAs are keeping the records.

xii. Disruption and Repatriation

9.49 Under the CARA guidelines, in cases of disruption of adoption (post-adoption), the Specialized Adoption Agency shall make efforts for alternate rehabilitation of the child. In case of disruption during pre-adoption foster care, the child will be taken back by the adoption agency and a suitable rehabilitation plan for the child shall be worked out in consultation with SARA. In case of disruption after final court order, it shall be the responsibility of the concerned adoption agency to take suitable steps, including seeking order from the competent court, for rehabilitation of the child in consultation with SARA.

9.50 From the graph 9.14 below, it can be observed that the national figures for SAAs where disruptions occurred in in-country adoption are 55 out of the 336 SAAs. On an average, 16.37% of SAAs reported to have faced disruptions in in-country adoption. The data, however, varies across the country.

Graph 9.14 Percentage of SAAs where disruption occurred in in-country adoption

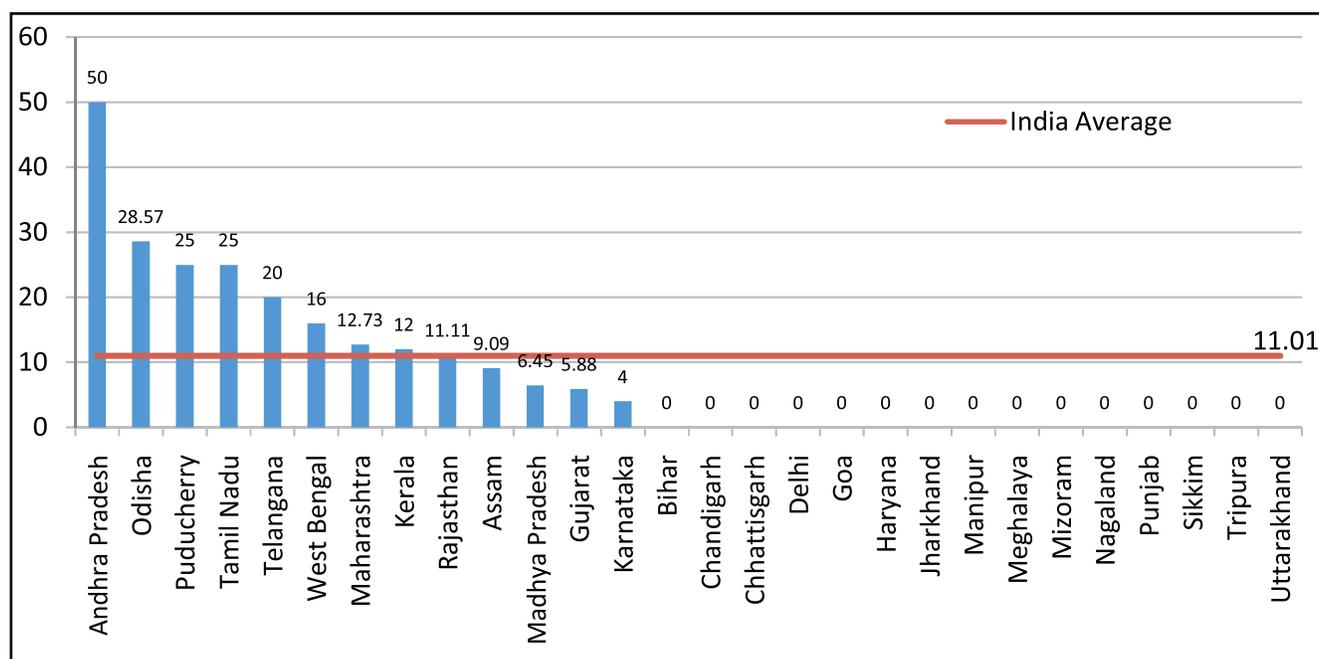


9.51 It is seen from the graph that 41.7% of the SAAs in Tamil Nadu, which is the highest percentage, reported to have suffered such disruptions followed closely by both Jharkhand and

Telangana at 40% each. SAAs in Chandigarh, Chhattisgarh, Delhi, Haryana, Goa, Meghalaya, Mizoram, Nagaland, Punjab Sikkim, Tripura and Uttarakhand have not faced disruptions regarding in-country adoption. Agencies from rest of the States/UTs are found to have experienced instances of such cases in large or small numbers.

9.52 The graph 9.15 below shows the percentage of SAAs where disruption occurred in inter-country adoption.

Graph 9.15 Percentage of SAAs where disruption occurred in inter-country adoption



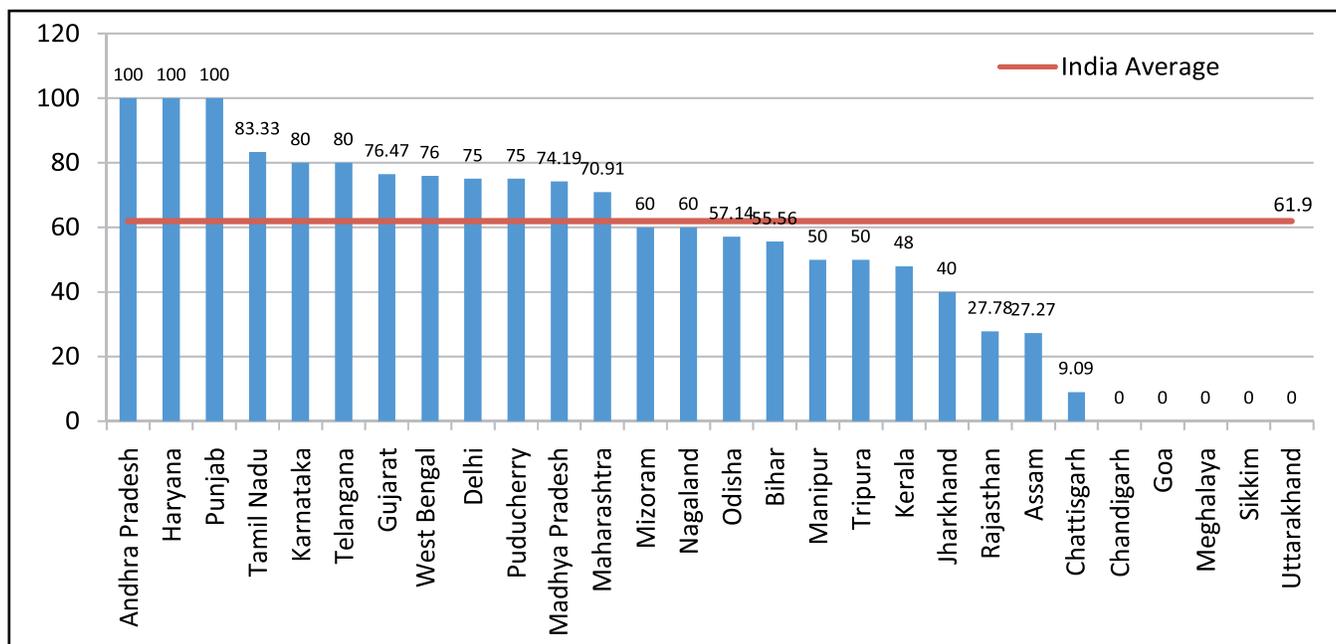
9.53 The national figures for SAAs where disruptions occurred in inter-country adoption are 37 out of the 336 SAAs. The data varies across the country with average percent being 11.01 out of the 336 SAAs. The highest percentage was seen in SAAs of Andhra Pradesh at 50% followed closely by Orissa at 28.6% and both Puducherry and Tamil Nadu at 25% each.

9.54 As seen from the data, many agencies across India have to deal with such cases, with significant number are found in Andhra Pradesh, the percentage of which is 50%. Reasons of the same must be looked into to understand whether issues are at the matching and referral level, inadequate counseling and psychological help to the child and adoptive parents, etc.

xiii. PAP(s) & Biological Parent (s)

9.55 The national figures for SAAs which places child in pre-adoption foster care are 208 out of the 336 SAAs. The data varies across the country with average percent being 61.9 out of the 336 SAAs.

Graph 9.16 Percentage of SAAs that place children in pre-adoption foster care



9.56 The graph 9.16 above shows that all SAAs in Andhra Pradesh, Haryana and Punjab place children in pre-foster adoption after completing the necessary procedures as laid down in the CARA Guidelines. This is followed by Tamil Nadu at 83.33%. None of SAAs in Chandigarh, Goa, Meghalaya, Sikkim and Uttarakhand place child in the pre-adoption foster care. Only 9.1% SAAs in Chhattisgarh, which is the lowest, follow this procedure.

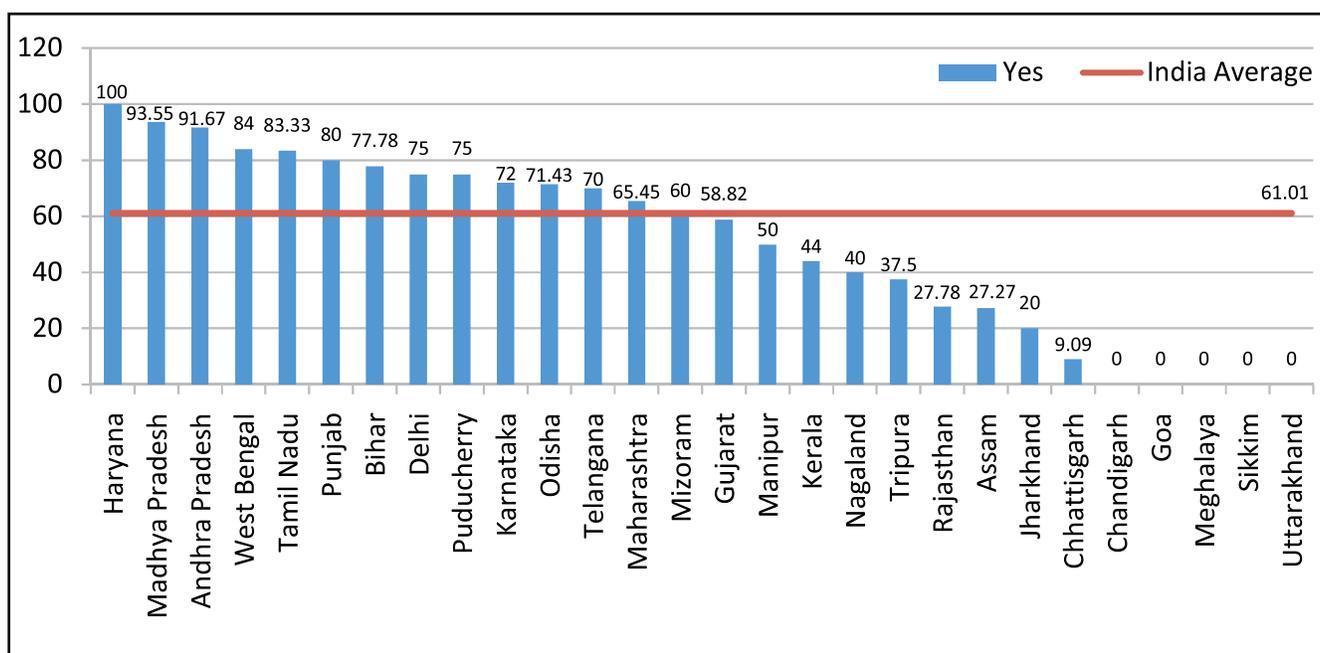
9.57 Pre-adoption foster care means a stage when the custody of a child is given to prospective adoptive parents (PAPs) with a view to adopt. The CARA Guidelines have clearly listed out the procedure to be followed with respect to both in-country and inter-country adoptions.

9.58 This is a very important step before the final and permanent custody of the child is handed over to the PAPs. This is the period when the relation between child and adoptive parents can

be observed, a strong bond can be created, issues or problems can be resolved with the help of counseling. The very fact that this step has been specified in the guidelines means that it cannot be ignored and must be followed by all agencies. The data shows that there is a lot of scope for improvement with regard to pre-adoption placement and that it is not being practiced as a norm. The agencies that do not follow this procedure must be identified and necessary intervention must be undertaken.

9.59 The graph 9.17 below presents the percentage of SAAs that seek contribution from PAPs towards CCC.

Graph 9.17 Percentage of SAAs that seek contribution from PAPs towards CCC



9.60 The national figures for SAAs which seek contribution from PAPs towards CCC (Child Care Corpus) are 205 out of the 336 SAAs. The data varies across the country with the national average percentage being 61% out of the 336 SAAs. In Haryana, all SAAs receive the appropriate fee from the PAPs towards the CCC with at Madhya Pradesh 93.6% and Andhra Pradesh at 91.7%. Only 9.1% of the SAAs in Chhattisgarh stated to have sought such contributions.

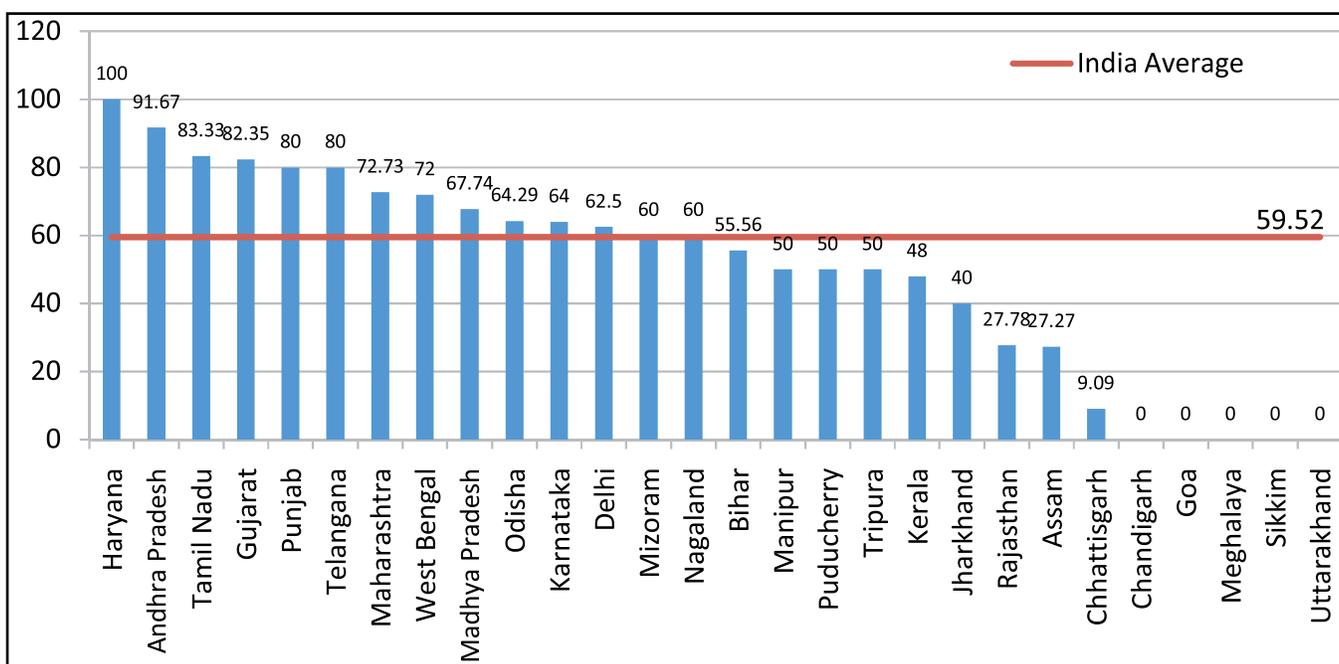
9.61 The CARA Guidelines have prescribed amounts with the relevant details that must be paid towards the CCC and this amount must be paid by the PAPs to the agency and the same will be utilized for the various purposes intended under the guidelines.

xiv. Responsibility towards biological parents

9.62 Before the surrender of a child by his/her biological parents, it is required that information from the parents is sought by the SAAs. The graph 9.20 presented below shows that the national figures for SAAs which obtains information from natural parents before surrendering of the child are 200 out of the 336 SAAs. This turns out to be an average of 59.5%.

9.63 Parents or one parent may wish to surrender their child at the SAA for various reasons; it is the duty of the agency to counsel the parents not to do so. However, in the event that they still wish to do so, the agency must provide all cooperation and assistance in ensuring the process takes place smoothly. The agency must take down all the relevant details and information from the birth parents concerning the child such as (a) The details of the biological mother and father, including:- (i) The social and psychological background;(ii) The proof of address and identity ;(iii) Known medical history of both biological parents and(iv) Details of close relatives, if available. (b) The details of the child being surrendered, including:-- (i) Social and psychological background;(ii) Details of sibling(s), if any;(iii) Known medical history; (vi) Date and place of birth along with birth certificate, if available.

Graph 9.18 Percentage of SAAs that obtain information from birth parents before surrender of the child



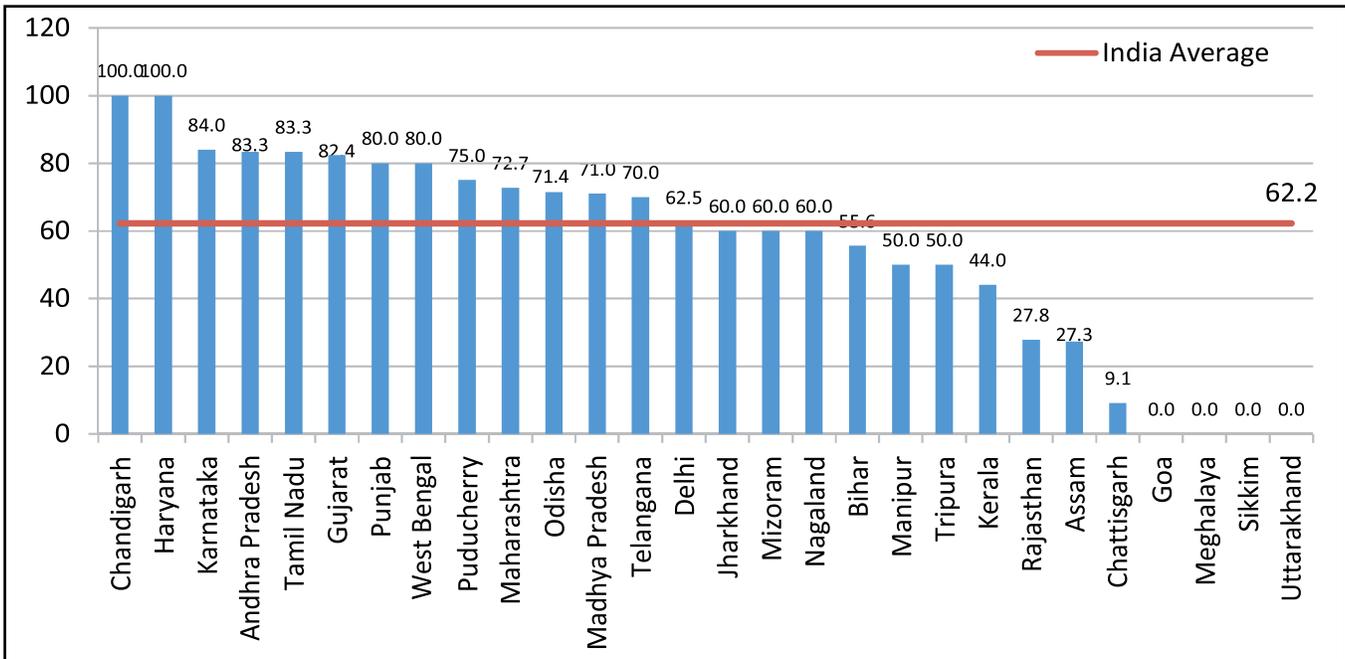
9.64 The graph 9.18 reveals whether the agency obtains appropriate information from birth parent(s) before surrender of the child. As per the data, all the SAAs in Haryana obtain the said information followed by Andhra Pradesh at 91.67% and Tamil Nadu at 83.3%. Only 9.1% SAAs in Chhattisgarh obtain such information from biological parents.

9.65 The agency must encourage the biological parents surrendering a child to provide maximum information such as name of the child (if any), likes, dislikes, habits, illness or disabilities if any, etc., information about the background and development of the child as well as their own health. This is vital so that the PAPs can make an informed choice before adopting. The study is limited in scope as it does not provide reasons in the case of agencies that do not follow this or the methods that they follow instead.

9.66 Under the CARA Regulations, a parent or guardian wishing to surrender a child under subsection (1) of section 35 of the Act, shall apply to the Child Welfare Committee in the Form 23 of Juvenile Justice (Care and Protection of Children) Model Rules, 2016. For parents or guardians who are unable to give an application, due to illiteracy or any other reason, the Child Welfare Committee shall facilitate the same through the legal aid counsel provided by the Legal Services Authority. The Deed of Surrender shall be executed as per Schedule wherein the Deed has to be executed in the presence of the CWC. Hence all agencies must do so.

9.67 The graph 9.19 below highlights the percentage of SAAs that get the surrender deed executed before the CWC.

Graph 9.19 Percentage of SAAs that get the surrender deed executed before CWC



9.68 The national figures for SAAs which ensures that the surrendered deed is executed only in presence of the CWC are 209 out of the 336 SAAs. This turns out to be an average of 62.2% in the country. The graph shows all the SAAs in Haryana and Chandigarh get the surrender deed executed only in the presence of CWC. This practice is also highly seen in SAAs of Karnataka (84%). Only 9.1% SAAs of Chhattisgarh execute the surrender deed.

9.69 The CARA guidelines clearly state that the Specialized Adoption Agency and the Child Welfare Committee shall ensure that the surrendering parents or the legal guardian is made aware that they can reconsider the surrender and reclaim the surrendered child only within a period of sixty days from the date of such surrender. The Specialized Adoption Agency or the CWC shall ensure that a copy of the Surrender Deed is retained by the surrendering parents or legal guardian, as the case may be, for reconsideration of their decision to surrender the child; lastly, that the Committee shall declare the surrendered child legally free for adoption after the expiry of a reconsideration period of sixty days.

9.70 The table 9.5 presented below reflects the percentage of SAAs that engages in restoration of the child to biological parents after reconsideration period is over (if claimed by parents) as well as the percentage of SAAs that inform the time frame of 60 days to the birth parents for reconsideration. The national figures for SAAs which have actually restored back the child are 122 out of the 336 SAAs. This turns out to be an average of 36.3% across the country.

Table 9.5 Restoration of child and informing time frame to birth parents for reconsideration

States/UTs	SAAs that restores the child to the biological parent(s) if claimed after the reconsideration period		SAA that informs the parent(s) of the surrendered child about 60 days of reconsideration period.		Total
	Yes	Percentage	Yes	Percentage	
Andhra Pradesh	10	83.33	11	91.67	12
Assam	1	9.09	3	27.27	11
Bihar	2	22.22	2	22.22	9
Chandigarh	0	0	1	100	1
Chhattisgarh	1	9.09	1	9.09	11
Delhi	5	62.5	6	75	8
Goa	0	0	0	0	4
Gujarat	6	35.29	14	82.35	17
Haryana	1	100	1	100	1
Jharkhand	1	20	2	40	5
Karnataka	10	40	21	84	25
Kerala	7	28	13	52	25
Madhya Pradesh	10	32.26	22	70.97	31
Maharashtra	28	50.91	39	70.91	55
Manipur	2	33.33	3	50	6
Meghalaya	0	0	0	0	5
Mizoram	2	40	3	60	5

Adoption Status (Performance)

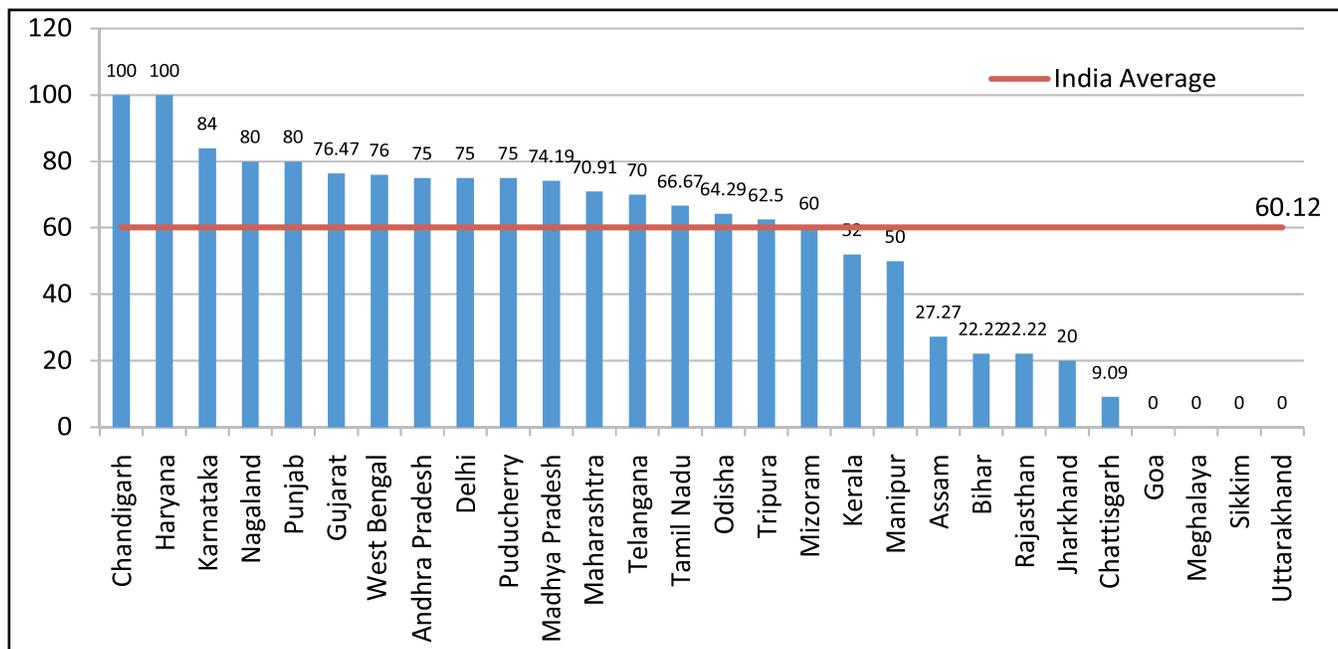
States/UTs	SAAs that restores the child to the biological parent(s) if claimed after the reconsideration period		SAA that informs the parent(s) of the surrendered child about 60 days of reconsideration period.		Total
	Yes	Percentage	Yes	Percentage	
Nagaland	2	40	3	60	5
Odisha	6	42.86	10	71.43	14
Puducherry	0	0	3	75	4
Punjab	2	40	4	80	5
Rajasthan	0	0	5	27.78	18
Sikkim	0	0	0	0	2
Tamil Nadu	8	66.67	10	83.33	12
Telangana	4	40	6	60	10
Tripura	1	12.5	4	50	8
Uttarakhand	0	0	0	0	2
West Bengal	13	52	17	68	25
India	122	36.31	204	60.71	336

9.71 As per the data, all the SAAs in Haryana follow this system and 83.3% in Andhra Pradesh do so. No SAAs in Chandigarh, Goa, Meghalaya, Puducherry, Rajasthan, Sikkim and Uttarakhand follow this system; while 9.1% of SAAs in Assam and Chhattisgarh follow it.

9.72 For the second criteria, all the SAAs in Chandigarh and Haryana inform the parent(s) that from the date of surrender they would get a reconsideration period of sixty days during which they can take back the child. In this case, 91.7% of SAAs in Andhra Pradesh followed 84% of SAAs in Karnataka informed the parents whereas none of the SAAs in Goa, Sikkim, Meghalaya and Uttarakhand were found to follow this. Only 9.1% of the SAAs in Chhattisgarh abide by this.

9.73 The graph 9.20 below highlights the percentage of SAAs that maintain confidentiality of unwed mothers and biological parents.

Graph 9.20 Percentage of SAAs that maintain confidentiality of unwed mothers and biological parents



9.74 The national figures for SAAs which maintains confidentiality of unwed mothers and biological parents are 202 out of the 336 SAAs. The data varies across the country with average percent being 60.1 out of the 336 SAAs. As per the data, all SAAs in Haryana and Chandigarh maintain the confidentiality of the unwed mother and the biological parent(s) followed by Karnataka at 84% and, Nagaland and Punjab at 80% each whereas none of the SAAs in Goa, Meghalaya, Sikkim and Uttarakhand are found to adhere to this. In Chhattisgarh only 9.1% of SAAs maintain this norm.

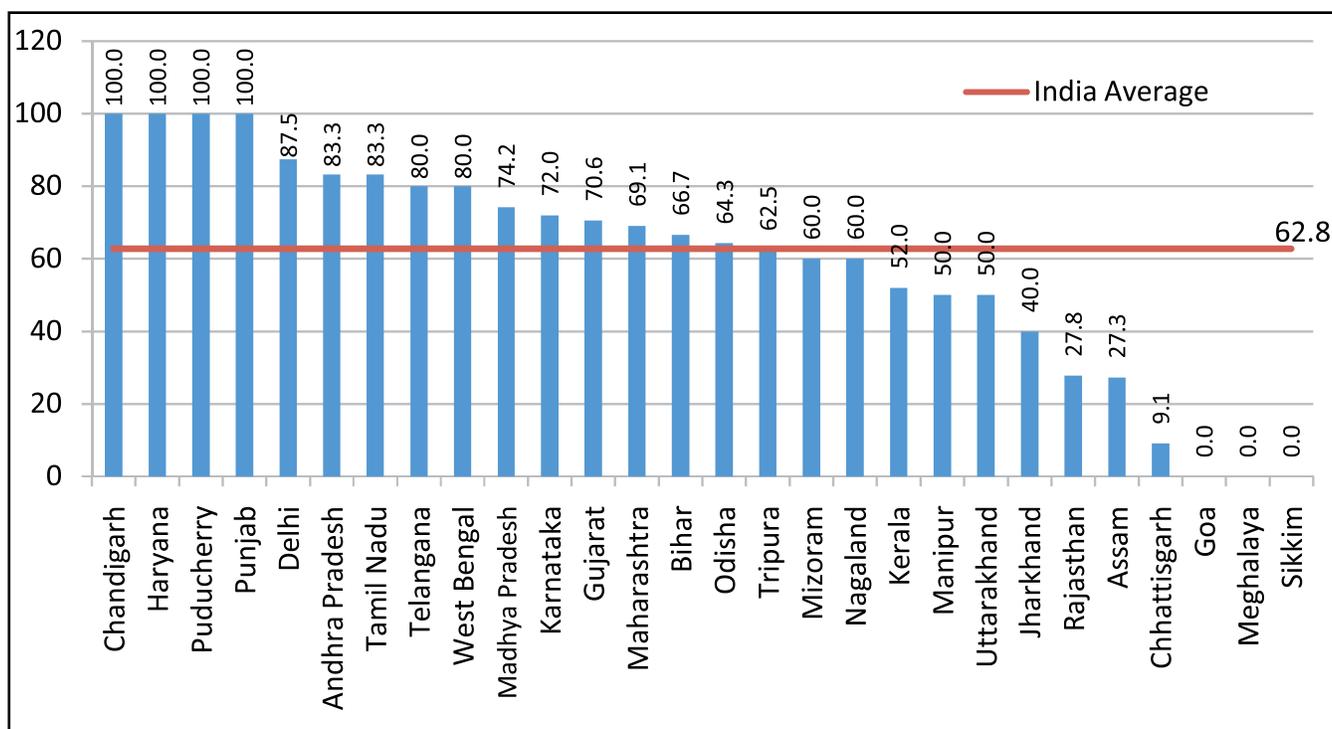
9.75 The CARA guidelines and regulations clearly state that in all cases of surrender, confidentiality of unmarried mother and biological parents shall be maintained by the authorities and agencies involved in the process.

xv. Counseling Services

9.76 Across the country, 211 SAAs out of the total of 336 SAAs provide counseling services to PAPs. The data varies across the country with average percent being 62.8 out of the 336 SAAs.

9.77 As per the data in the graph 9.21 above, all SAAs in Haryana, Chandigarh, Puducherry and Punjab reportedly provide counseling services to PAP(s) and children as and when required by them. About 87.5% SAAs in Delhi stated that they do so. It is seen that only 9.1% of the SAAs in Chhattisgarh provided such services to PAPs and children.

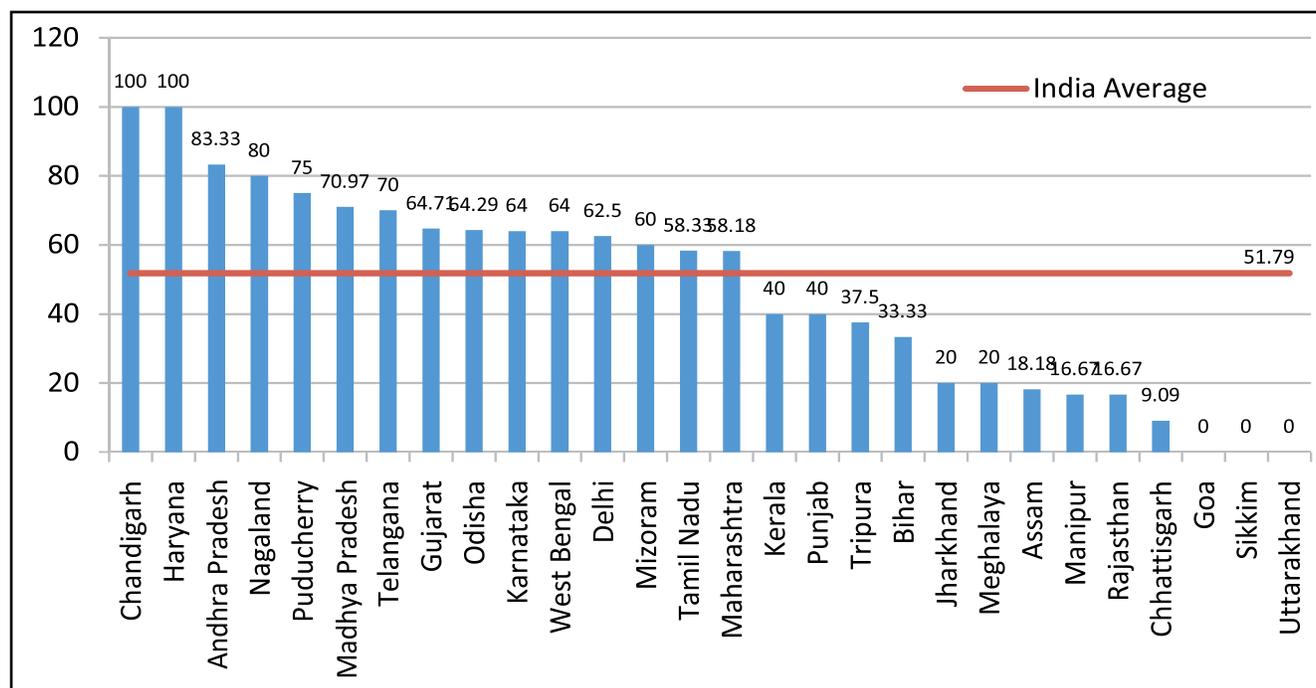
Graph 9.21 Percentage of SAAs that provide counseling services to PAPs and children



9.78 Counseling services would include both pre-adoption and post-adoption services. With respect to pre-adoption counseling, in order to facilitate the PAPs to take appropriate decision, the concerned Specialized Adoption Agency shall provide pre-adoption counseling to them. Such agency shall also prepare the PAP(s) for the adoption and related process by providing them with all relevant information and also counseling of older children before and during adoption.

9.79 The graph 9.22 provided below shows the percentage of SAAs that assist, counsel and inform surrendering parents of possible future contact by the child.

Graph 9.22 Percentage of SAAs that assist, counsel and inform surrendering parents of possible future contact by the child



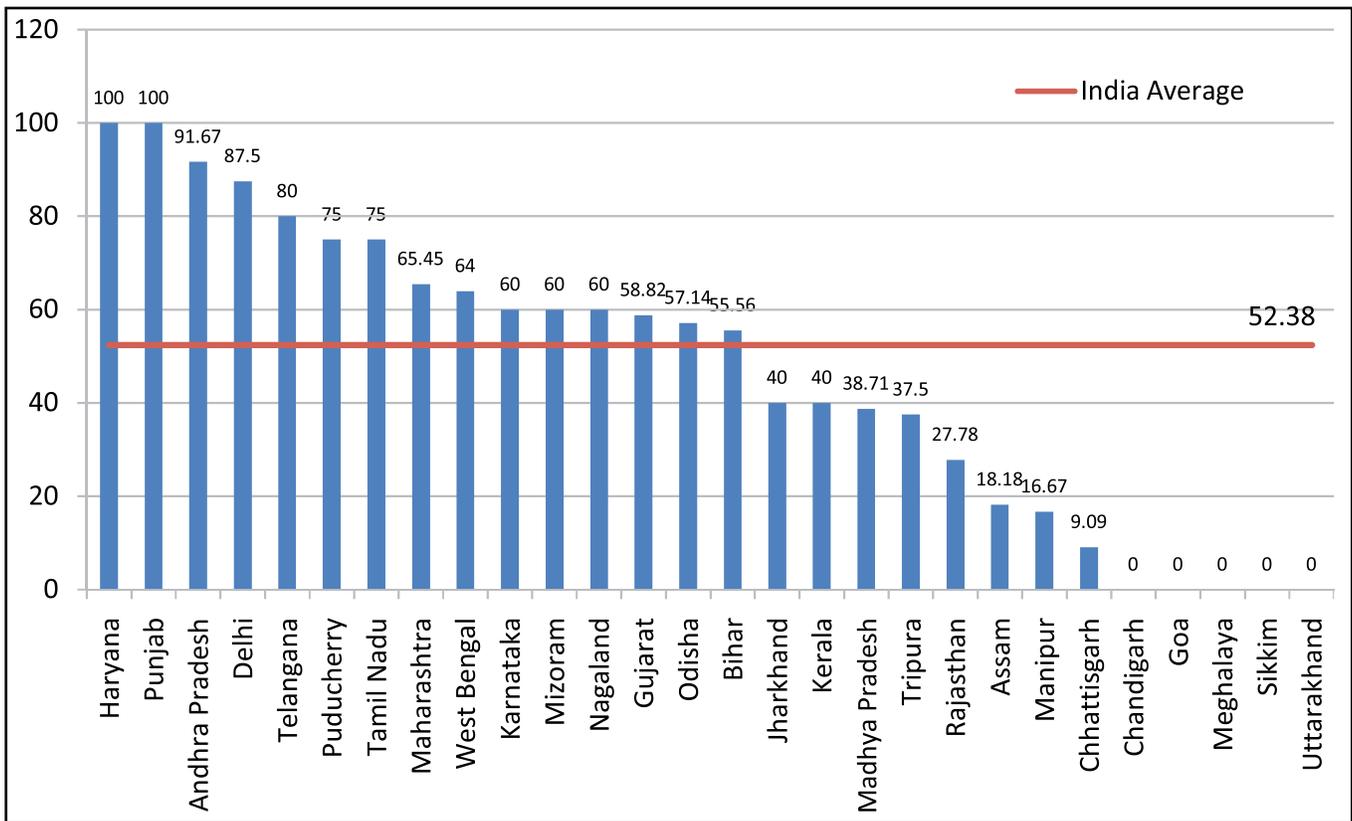
9.80 The national figures for SAAs which assists surrendering parents' possible for future contacts are 174 out of the 336 SAAs i.e 51.8% out of the 336 SAAs across country.

9.81 The graph 9.22 above also shows that all SAAs in Haryana and Chandigarh counsel and assist surrendering parents and ensure that they are informed about the possibility of a future contact by their children in the event of a search for their roots. This is followed by Andhra Pradesh at 83.3 and Nagaland at 80%. Only 9% of SAAs in Chhattisgarh follow this.

9.82 An important function that the agency has towards biological parents is to counsel the surrendering parents and inform them about a possible root search, in future, by their child. They must be made mentally and emotionally ready to answer all types of questions that may be raised by their child which may lead to emotional breakdowns, frustration and anger on the part of the child.

9.83 The graph 9.23 below presents the percentage of SAAs that encourage PAPs to contact the adoptive parents association, adoptive families and older adoptees to understand the entire process of adoption.

Graph 9.23 Percentage of SAAs that encourage PAPs to contact the Adoptive Parents Association, etc.



9.84 In India, out of the total of 336 SAAs, 176 SAAs encourages PAPs to contact adoptive parents association. The data varies across the country with average percentage being 52.38 out of the 336 SAAs. The graph represents that all the SAAs in Haryana and Punjab advice / encourage PAP(s) to contact Adoptive Parents Associations, adoptive families and older adoptees to understand the entire process of adoption. SAAs of Andhra Pradesh at 91.7% and Delhi at 87.5% are also active in this regard. Only 9.1% SAAs of Chhattisgarh are reported to advice or encourage PAPs in this regard.

9.85 It is extremely beneficial for PAP's to contact Adoptive Parents Associations and meet adoptive families and older adoptees so that they are able to understand the entire process of adoption, the impact on the lives of the adoptive parents as well as the children, challenges faced by them and means to overcome the same. It will give them a sense of belonging as the association works as a support system to share fears, apprehensions and reservations of PAPs if they have any.

VI. Highlights

9.86 **Administrative role of the SAA:** For successful adoptions to take place, the Child Study Report and the Medical Examination Report with relevant details of the child must be uploaded and updated online by the SAA. The data shows that though States/UTs such as Haryana, Punjab and Andhra Pradesh have been doing good and expeditious work in this regard, there are some states like Goa, Meghalaya, Sikkim and Uttarakhand which do not upload the information as soon as a child is free for adoption which may lead to fewer chances of children getting adopted.

9.87 Maintaining an adoption register and updating adoption file of child is an important function that helps the authorities concerned in various ways. It is also beneficial in the event of a root search. Ensuring privacy of post adoption data and providing all relevant information and assistance to PAPs are other important functions of the agency. Data available shows that these functions are not being diligently carried out by many agencies. Reporting of illegal adoptions and procurement of children is a critical issue that must not be ignored. Though some SAAs are proactively reporting such cases, majority of CCIs/Homes are not going beyond the scope of their basic duties by not reporting such instances. The study does not cover the role of the SARA and CARA in such situations.

9.88 **Role of the SAA towards the child and PAPs:** Another aspect is the role of the SAA in not only mentally and psychologically preparing the child for adoption but also preparing the PAPs with the process of adoption and informing them about the impact of adopting a child. Counseling services and assistance must be made available to them at every step of the way both before and after adoption take place. This is a very important function that all agencies must carry out. However, the data shows that Chandigarh, Goa, Meghalaya, Uttarakhand, and Sikkim do not perform this role diligently. The performance of such SAAs with respect to the number of adoptions and the rate of successful adoptions, the number of disruptions, etc. needs to be looked into.

9.89 The responsibility of the SAAs goes beyond the mere process of ensuring a successful adoption; it also includes following up with the child and the PAP after adoption on a regular basis for a period of two years. This is crucial as it helps track the progress made by the child and the

PAP as one unit. Timely intervention and counseling can help avoid a disruption; also the wellbeing of the child can be monitored. This is applicable not only for adoptions in the country but also in cases of inter-country adoption. Proper interventions and monitoring can be done through the post placement progress reports. Therefore, the SAAs have to be a proactive and vigilant body. Unfortunately, the data shows that a number of CCIs/Homes are failing to carry out this important post adoption check which can lead to a number of problems with respect to clarity on disruptions if any, safety and well-being of the child, coping by both the child and PAPs, in case of an older child, information on whether the child is determined to carry out a root search, etc.

9.90 The PAPs must be assessed through HSR. They must also undergo the pre-adoption Foster Care process, and on completion of assigning and referral, they must pay the necessary fee to SAA who in turn has the responsibility to ensure that the process takes place at the right time. However, the ground reality, as observed from the data, is that many CCIs/Homes are not undertaking these important exercises which may lead to an unsuccessful adoption. There is a lot of room for improvement in this regard.

9.91 Root search is a reality that many families with an adopted child experience, as the child has questions with respect to his biological parents and life before adoption. The SAA must prepare the PAPs for such a situation. They must also be equipped with all the relevant details pertaining to the child and must preserve all the belongings and documents for dealing with such a situation. The child must be given the required mental and emotional help during this time. However, there has to be a balance between the wishes of the biological/ surrendering parents who may not want their identities revealed and the questions that the child has. There must be counsellors to help all parties involved. The data shows that though many CCIs/Homes are equipped with the necessary resources for the same, there are also a large number of CCIs/Homes that do not have any such resources or systems to deal with this situation.

9.92 **Responsibility towards biological parents:** The SAAs have an important function with respect to maintaining confidentiality of the surrendering or biological parents. It is important that these agencies acquire all necessary background details of the surrendering/biological parents and,

more importantly, inform them of the implications of surrendering a child; SAAs must also counsel and inform them that the time frame of changing their decision to surrender a child is limited to sixty days. At the same time, they must keep the surrender details confidential and also take into consideration the wishes related to the religious upbringing of the child by the PAP. The data shows that there a number of SAAs that take these functions very seriously which is a positive trend. However, there are also many erring SAAs in some States/UTs who do not provide the necessary assistance to the parents of the child; this situation needs to be rectified at the earliest as the process of surrender and adoption is one that must be dealt with sensitivity.

Chapter 10

Financial Transparency



नए समाज की ओर
Towards a new dawn

Chapter 10 : Financial Transparency

10.1 This chapter deals with all aspects of financial transparency that every CCI/Home must follow, like details of the sources of funding, amount received (individual, government, NGO and foreign), details of donors; whether SARA or the State Government receives a copy of the audited accounts with the audit report and the annual report of the organisation; whether accounts are audited annually by an authorized Chartered Accountant; whether copies of Audited Statement of Accounts and FC Returns for last 2 years are submitted to the competent authority; and, whether government grants are received as per norm and timeline.

10.2 Under Rule 21 of the JJ Rules, 2016 dealing with procedure for Registration of Child Care Institutions (CCIs), the State Government while taking a decision on the application for registration may consider the financial position of the organization and documents maintained along with audited statement of accounts for the previous three years. Therefore, financial transparency is an important factor that is considered for registration of a CCI. Regular inspection ensures that all norms and procedures are adhered to and contravention of any of these can result in cancellation of registration.

Table 10.1 Percentage distribution of CCIs/Homes on the basis of source of funding

States	Provided Details of Receiving Funds from			
	Individual donation	Government Grant	Non-government Grant	Foreign Grant
A&N	76.5	29.4	0.0	11.8
Andhra Pradesh	50.7	19.6	14.8	46.1
Arunachal Pradesh	75.0	25.0	12.5	0.0
Assam	37.4	45.0	17.6	9.9
Bihar	39.3	48.8	19.0	19.0
Chandigarh	12.5	75.0	0.0	0.0
Chhattisgarh	43.4	50.8	9.0	5.7
Delhi	65.6	29.6	28.8	43.2

States	Provided Details of Receiving Funds from			
	Individual donation	Government Grant	Non-government Grant	Foreign Grant
Goa	72.9	42.9	14.3	24.3
Gujarat	53.3	54.4	8.9	20.7
Haryana	74.7	41.8	40.5	27.8
Himachal Pradesh	47.8	60.9	13.0	10.9
Jammu and Kashmir	89.8	13.0	6.9	6.4
Jharkhand	51.2	37.8	18.9	13.4
Karnataka	58.8	41.1	15.5	19.4
Kerala	74.7	53.3	8.8	14.8
Madhya Pradesh	41.1	61.0	10.3	11.0
Maharashtra	40.1	76.0	9.7	15.2
Manipur	29.0	53.2	1.6	1.6
Meghalaya	38.1	66.7	9.5	7.1
Mizoram	69.6	91.3	28.3	15.2
Nagaland	50.7	3.0	3.0	1.5
Odisha	49.9	26.7	33.0	41.9
Puducherry	37.4	39.6	33.0	31.9
Punjab	75.3	28.8	6.8	9.6
Rajasthan	36.1	61.7	15.5	13.7
Sikkim	39.1	52.2	8.7	0.0
Tamil Nadu	57.3	26.7	15.6	33.6
Telangana	69.0	18.2	13.2	27.3
Tripura	43.2	52.3	2.3	2.3
Uttar Pradesh	47.6	32.4	21.8	23.5
Uttarakhand	48.2	41.1	16.1	25.0
West Bengal	71.9	58.1	32.7	29.4
All India	56.8	42.3	14.8	23.4

10.3 Out of the 9589 CCIs/Homes in the country, 56.8% reported that they have been receiving funds through individual donation; 42.3 % receive funds through government grants; 14.8% get funds from non-government grants; and 23.4% of CCIs/Homes receive funds from foreign sources.

The table reflects the sources of funding of CCIs/Homes (and its parent organization) in the past 3 years. In the table 10.1 CCIs might have received funds through various sources; it may happen that a CCI/Home has received funds from Government, Non-Government or other sources.

10.4 Percentage of CCIs/Homes receiving individual donations was found to be the highest in Jammu & Kashmir at 89.8% followed by Andaman & Nicobar at 76.5%, Punjab at 75.3% and Arunachal Pradesh being close behind at 75%. The data shows that homes irrespective of them being Government run, NGO run, registered or unregistered, receive individual donations.

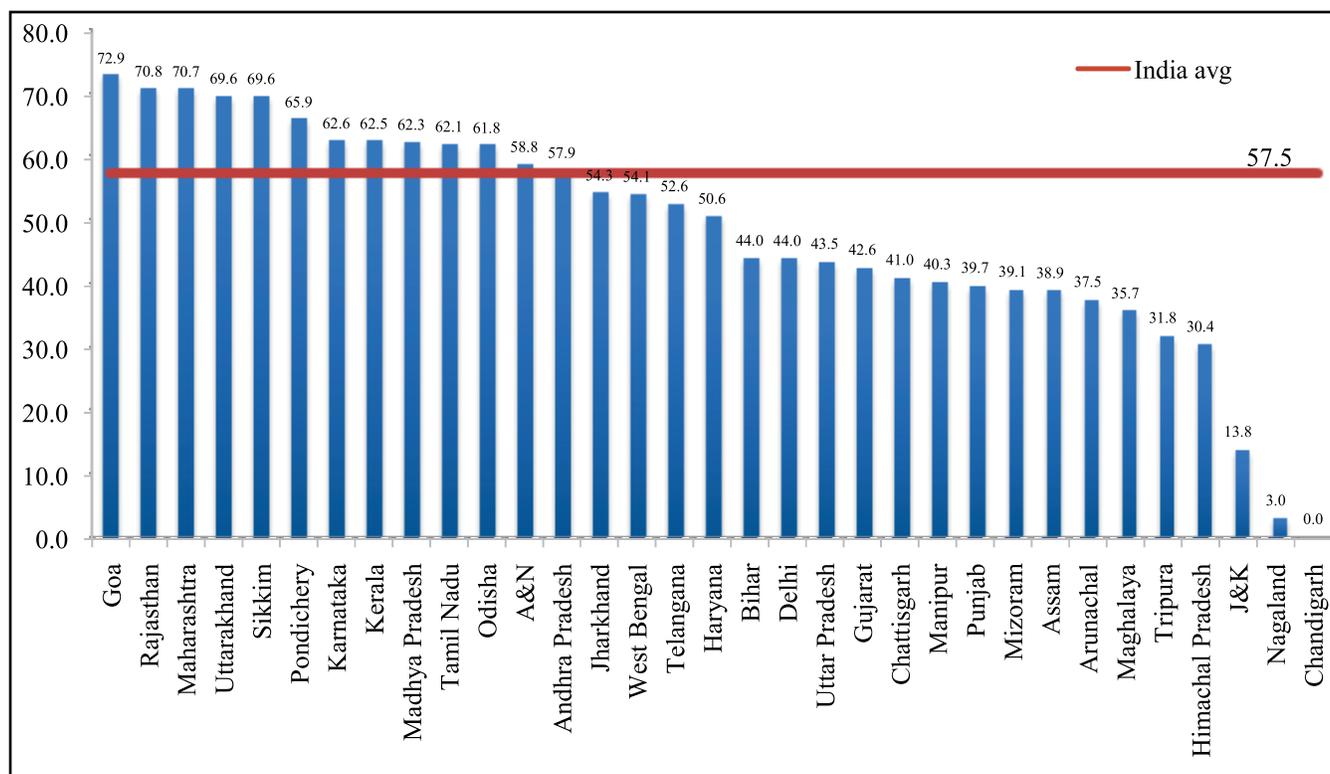
10.5 Table further reflects that across the country, 42.3% of CCIs/Homes (and its parent organization) have received Government grant in the last 3 years. Among the States, the highest percentage was found in Mizoram at 91.3%, followed by Maharashtra at 76% and Chandigarh at 75%.

10.6 The national average of the CCIs/Homes that received non-governmental grant in the last three years is below 15%; States with higher percentage are Haryana at 40.5% followed by Odisha and Pondicherry at 33% each.

10.7 Similar to non-governmental grants, the percentage of CCIs/Homes receiving funds from foreign sources in the past 3 years is less than 25%, which is much less than the percentage of CCIs/Homes receiving government grants. The top three states with the highest percentage of CCIs/Homes receiving funds from foreign sources are Andhra Pradesh at 46.1%, followed by Delhi at 43.2% and Odisha at 41.9%.

10.8 The graph 10.1 presents the percentage of CCIs/Homes that submit a copy of audited accounts of the organization along with their audit report and the annual report within six months from the date of closing of the financial year to the SARA or the State Government, as the case may be. The highest percentage of CCIs/Homes submitting these documents were found in Goa at 72.9% followed by Rajasthan at 70.8% and Maharashtra close behind at 70.7%, while Jammu & Kashmir is at 13%.

Graph 10.1 Percentage of CCIs/Homes that submit copy of audited accounts and annual report to SARA or the State Government



10.9 Further, the graph suggests that many States/UTs have less than 50 percent of CCIs/Homes that abide by the rule regarding submission of financial documents to the appropriate authorities. In the state of Nagaland, the percentage of such CCIs/ Homes is as low as 3%; while in Chandigarh, no CCIs/Homes were found to submit financial documents. There is a long way to go before financial accountability becomes a norm.

Table 10.2 Percentage and number of CCIs/Homes that maintain audited accounts by certified Chartered Accountant

States	Total No. of CCIs	No. that reported compliance	% that reported compliance
A&N	17	14	82.4
Andhra Pradesh	762	590	77.4
Arunachal	8	1	12.5
Assam	131	69	52.7
Bihar	84	52	61.9
Chandigarh	16	2	12.5

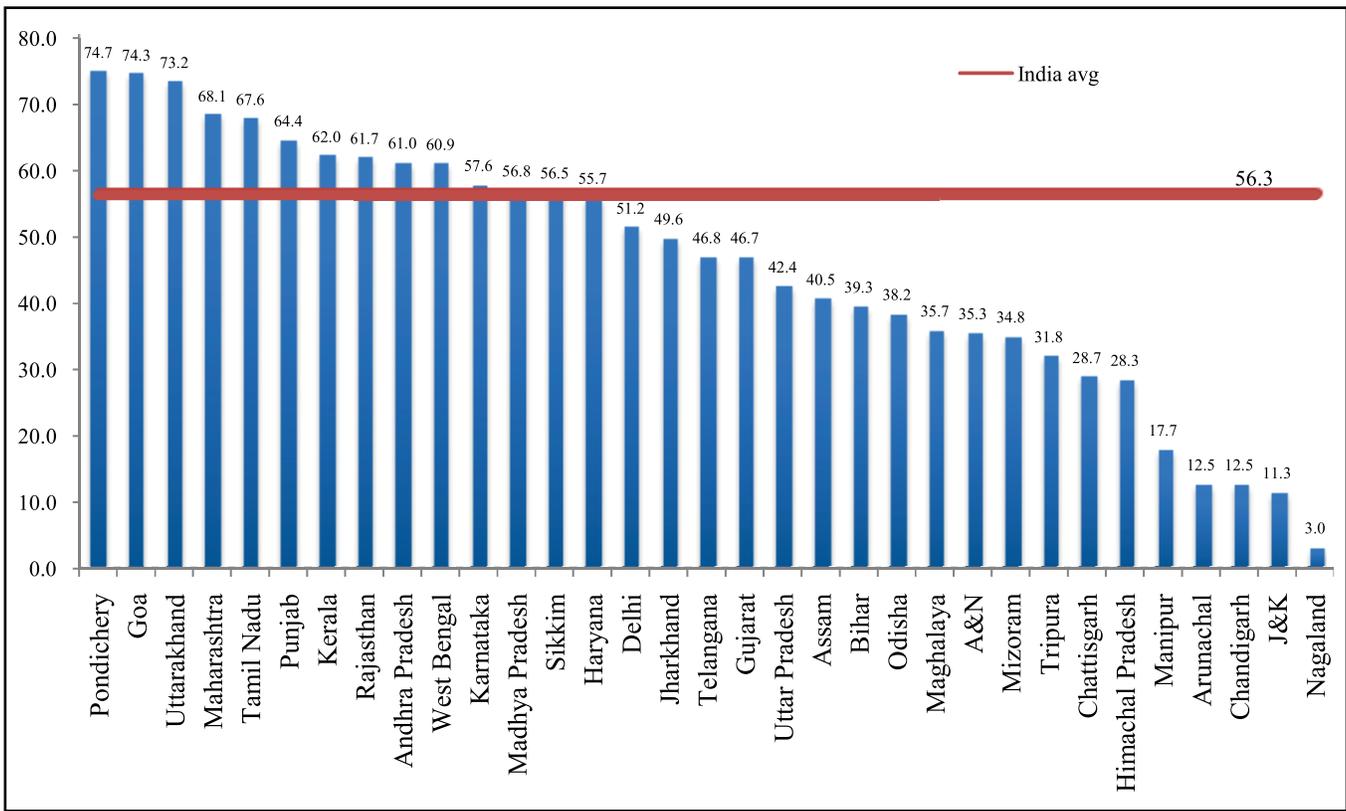
Financial Transparency

States	Total No. of CCIs	No. that reported compliance	% that reported compliance
Chattisgarh	122	69	56.6
Delhi	125	69	55.2
Goa	70	65	92.9
Gujarat	169	102	60.4
Haryana	79	54	68.4
Himachal Pradesh	46	25	54.3
J&K	362	69	19.1
Jharkhand	127	81	63.8
Karnataka	911	681	74.8
Kerala	1242	1078	86.8
Madhya Pradesh	146	99	67.8
Maharashtra	1284	1140	88.8
Manipur	62	27	43.5
Maghalaya	84	39	46.4
Mizoram	46	18	39.1
Nagaland	67	5	7.5
Odisha	427	240	56.2
Puducherry	91	72	79.1
Punjab	73	51	69.9
Rajasthan	277	208	75.1
Sikkim	23	18	78.3
Tamil Nadu	1647	1450	88.0
Telangana	494	340	68.8
Tripura	44	20	45.5
Uttar Pradesh	170	100	58.8
Uttarakhand	56	42	75.0
West Bengal	327	259	79.2
All India	9589	7149	74.6

10.10 As per the data received from all CCIs/Homes in the country, none of the States/UTs have cent percent of institutions being audited annually by an authorised Chartered Accountant (C.A). The study shows that majority of CCIs/Homes (74.6%) across the country are maintaining accounts audited by a C.A. However, progress in this regard is needed, so that all CCIs/Homes follow their financial duties and abide by the laws.

10.11 The data reflects that the highest percentage of CCIs/Homes maintaining the audited accounts were found in Goa at 92.9% followed by Maharashtra 88.8% and Tamil Nadu close behind at 88%.

Graph 10.2 Percentage of CCIs/Homes providing audited Statement of Accounts & FC Returns to the competent authority



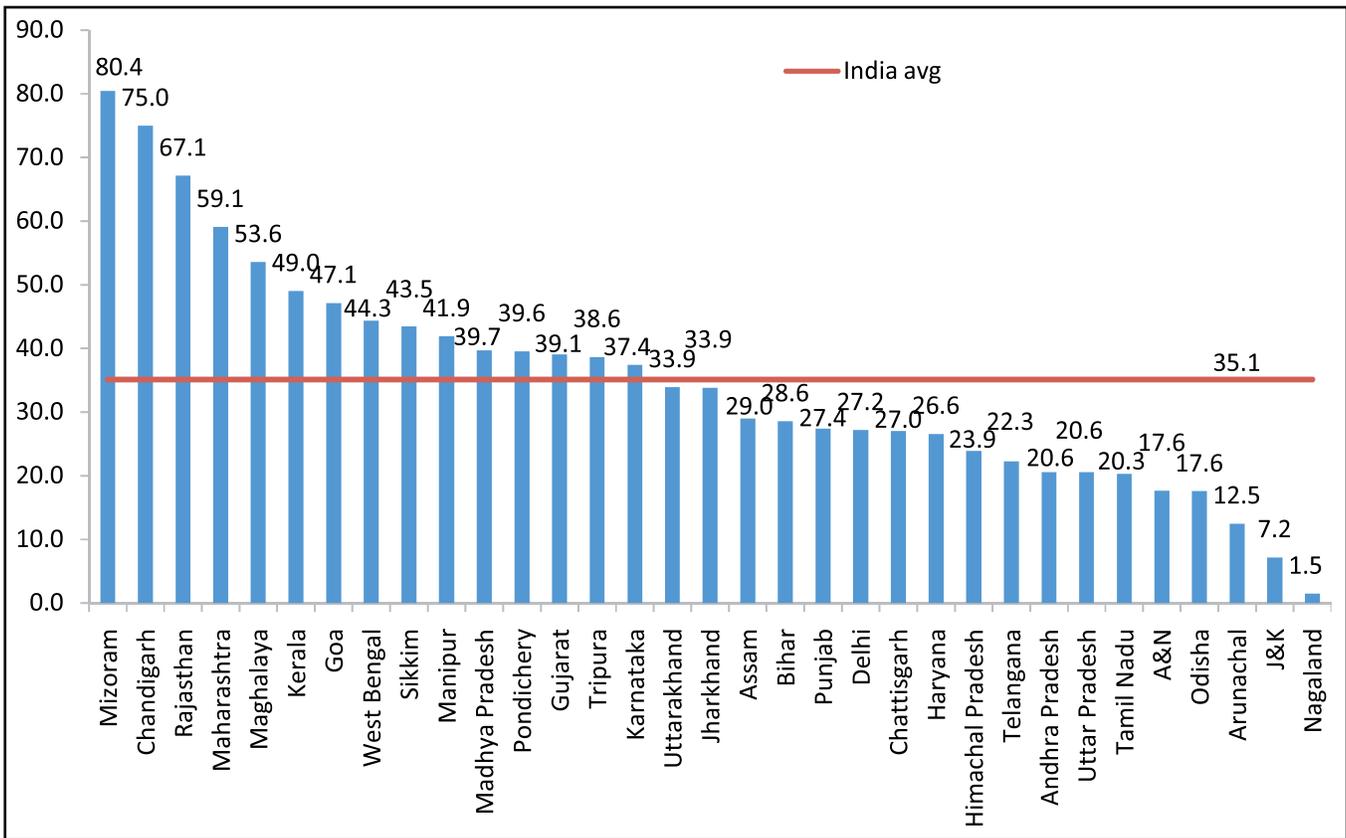
10.12 The graph 10.2 shows the percentage of home/agency that provided copies of Audited Statement of Accounts & FC Returns for last 2 years to the competent authority. The data shows that the percentage of CCIs/Homes following the norm was highest in Pondicherry (74.7%) while Goa ranks second with 74.3% of CCIs/Homes.

10.13 Across India, only 56.3% of CCIs/Homes provided Audited Statement of Accounts & FC Returns to the competent authority. This shows that the overall performance is poor in this regard. It is essential that the copies of Audited Statement of Accounts and FC Returns for last 2 years is provided to the competent authority, which could be the department concerned, so as to keep them informed about the financial status of the CCIs/Homes. The practice will ensure financial

transparency of the CCIs/Homes and increase accountability too and enable timely intervention by the competent authority to improve things. However, as per the data, the existing scenario can be better improved, especially in Nagaland, Chandigarh, Jammu & Kashmir, Arunachal Pradesh and Manipur, where less than 20% CCIs/Homes follow the norm. Systems must be set up to ensure that defaulters are taken to task. Repeated defaulters must be given a show cause notice to explain their actions. This will help bring about accountability and honesty.

10.14 The graph 10.3 below depicts percentage of CCIs/Homes receiving government grants as per norms; the highest percentage was found in Mizoram at 80.4% followed by Chandigarh at 75% and Rajasthan at 67.1%.

Graph 10.3 Percentage of CCIs/Homes that received government grants as per norm



10.15 The data shows that on an average 35.1% of CCIs/Homes received government grants as per norms while the 46.8% CCIs/Homes did not receive grants from the government as per the prescribed timelines and norms in past three years. The implications of this could mean that the

CCIs/Homes are suffering on many fronts: day-to-day administration and running of the CCIs, infrastructure, provisions and facilities for not only the staff and management but more importantly the children who are dependent on institution for their overall growth, well-being, development and care.

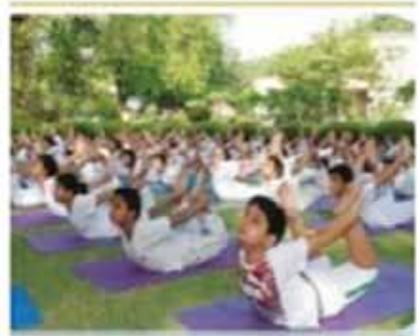
I. Highlights

10.16 Although many CCIs and SAAs are up to date with all financial records and accounts, a majority of them do not have the necessary systems in place. Funds not properly used, collection of donations, incorrect or lack of financial records are major concerns across CCIs in the country. It is important to regularise finances, monitor transactions and bring about transparency in the system. This may require independent State level intervention by the respective governments or some other mechanisms as appropriate. The ultimate goal is for children to be the beneficiaries and this is possible only if there is maximum utilization of funds. In cases where there is a shortage of funds, generating the same through awareness will be advantageous. Moreover, utilisation of financial resources in right manner is important for PAPs to get the right child introduced to them, and for each child to be legally free for adoption. Donations and advertising or acceptance of money in exchange for a child must not take place under any circumstance; and the PAPs may ask for the financial records so that they are not misguided.

10.17 The detailed information on the above mentioned aspects has been sought for, with the response either 'yes' or 'no'. This binary response could not answer all question related to financial transparency. Besides knowing whether a certain criteria is followed or not, there is no information on the details, which would have enriched the study. From the limited information received it can be seen that financial transparency and accountability is an issue that needs to be looked into seriously, as, many CCIs/Homes have no audit records, proper financial records or book of accounts. Without questioning the integrity and quality of work undertaken by these CCIs/Homes, there are no answers to the reasons for the lack of financial transparency and accountability, the account books not being reviewed by professionals and records not being in place. Hesitation on the part of the CCIs/Homes to disclose the funds/donations received and the utilization of the funds also leaves questions of financial transparency unanswered.

Chapter 11

Inspection and Audit



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Chapter 11 : Inspection and Audit

11.1 Transparency and accountability of the CCIs/Homes can be maintained only through regular inspection and follow up. The cornerstone of every CCIs/Homes must be upholding and practicing transparency and accountability in all spheres – financial, management and staff, infrastructure, standard of care provided to the children, networking with individuals and agencies, adherence to the JJ Act and its Rules among others. The JJ Act and its Rules need to be respected and followed by all child care institutions, and to ensure the same, the Inspection Committee, Child Welfare Committee, Department of WCD/SARA, JJ Committee of the High Court, Commissions for Protection of Child rights (National / State) are expected to undertake regular inspection of the CCI. Therefore, the onus of ensuring child welfare and protection is not only on the CCI but more on the aforementioned institutions who must diligently carry out their responsibilities to monitor the premises, make suggestions and follow up to see that the suggestions and recommendations are acted upon with a corresponding action report.

11.2 Therefore, the inspection and review is a very important task that must be consistently conducted for maintaining quality in CCIs/Homes. There is a possibility of CCIs/Homes flouting norms and standard of care if they are not subject to scrutiny. This will only result in sub-standard care for the children living in the CCIs/Homes.

11.3 The JJ Act, 2015 under Rule 91 deals with monitoring of CCIs/Homes by National Commission for Protection of Child Rights and State Commissions for Protection of Child Rights. In addition to the functions specified under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006), National Commission or State Commission for Protection of Child Rights may also perform function such as reviewing of setting up of institutions created under the JJ Act. Regular inspections of the CCIs/Homes must be conducted by them to ensure smooth implementation of the JJ Act. Moreover, the National Commission or, as the case may be, the State Commission are also required to include its activities under this section in the annual report referred to in Section 16 of the Commissions for Protection of Child Rights Act, 2005.

Table 11.1 Percentage of CCIs/Homes being inspected by various statutory authorities

States/UTs	Inspection Committee	Child Welfare Committee	Department of WCD/SARA committee	High Court JJ Committee	Commissions for protection of Child Rights(National/state)
A&N	76.5	47.1	11.8	58.8	17.6
Andhra Pradesh	16.8	23.6	53.7	2.9	5.0
Arunachal Pradesh	50.0	25.0	0.0	0.0	12.5
Assam	25.2	32.8	9.9	6.1	14.5
Bihar	33.3	48.8	27.4	22.6	21.4
Chandigarh	93.8	62.5	12.5	0.0	62.5
Chhattisgarh	68.0	35.2	57.4	9.0	8.2
Delhi	21.6	69.6	58.4	1.6	24.0
Goa	51.4	61.4	47.1	28.6	17.1
Gujarat	68.0	39.1	20.1	26.0	33.7
Haryana	58.2	77.2	67.1	48.1	25.3
Himachal Pradesh	39.1	54.3	71.7	54.3	28.3
J&K	30.1	0.6	2.2	0.0	0.0
Jharkhand	38.6	39.4	15.7	11.8	17.3
Karnataka	21.1	32.8	33.0	8.1	10.1
Kerala	39.3	15.1	30.8	2.1	10.6
Madhya Pradesh	10.3	40.4	63.0	39.7	13.7
Maharashtra	54.6	52.5	62.1	23.8	12.4
Manipur	0.0	35.5	38.7	25.8	21.0
Meghalaya	46.4	47.6	20.2	8.3	15.5
Mizoram	89.1	45.7	19.6	23.9	8.7
Nagaland	83.6	6.0	4.5	0.0	1.5
Odisha	64.6	56.9	34.0	8.7	18.7
Puducherry	3.3	53.8	4.4	2.2	4.4
Punjab	82.2	27.4	60.3	20.5	12.3
Rajasthan	62.1	53.1	39.4	45.1	18.8
Sikkim	34.8	4.3	34.8	8.7	21.7
Tamil Nadu	47.1	51.8	4.1	6.5	2.4
Telangana	21.1	33.8	42.7	6.5	5.3
Tripura	9.1	45.5	2.3	29.5	13.6
Uttar Pradesh	32.4	30.0	34.1	18.2	13.5
Uttarakhand	39.3	28.6	17.9	14.3	8.9
West Bengal	37.9	41.0	29.4	20.2	18.7
All India	40.0	38.3	32.9	12.0	10.4

11.4 Across the country, out of the 9589 CCIs/Homes, Inspection Committee inspected 40% of the CCI/Homes in the last 3 years. Similarly, 38.3% CCIs/Homes have been inspected by Child Welfare Committees (CWCs), 32.9% by the department of WCD / SARA, 12% by High Court JJ Committee and another 10.4% has been inspected by the National / State Commissions for Protection of Child Rights.

11.5 The survey reveals that the highest percentage of CCIs/Homes inspected by the Inspection Committee during the last three years (up to the survey period) is from Chandigarh (93.8%), followed by Mizoram (89.1%) and Nagaland (83.6%), whereas, the bottom three are Puducherry at 3.3%, and Tripura at 9.1%, while no inspection was found to be done by the Inspection Committee in Manipur.

11.6 Table 11.1 also highlights the status of inspection of CCIs/Homes by CWCs. The highest percentage of CWC inspections were recorded in the CCIs/Homes of Haryana, where 77.2% CCIs/Homes reported these inspections. This was followed by Delhi at 69.6% and Chandigarh at 62.5%. The lowest percentage of response indicating such visits were observed in the state of Jammu & Kashmir which is just 0.6% followed by Sikkim at 4.3% and Nagaland at 6% CCIs/Homes.

11.7 It is found that 71.7% of the CCIs/Homes in Himachal Pradesh have been inspected by the Department of WCD / SARA Committee. In Haryana 67.1% and Madhya Pradesh 63% CCIs/Homes have been inspected. There was no such inspection in Arunachal Pradesh; and such inspections were conducted in Jammu & Kashmir only in 2.2% and in Tripura only in 2.3% CCIs/Homes.

11.8 Information was also collected regarding any inspection done in the CCIs/Homes by the High Court Juvenile Justice Committee during the last 3 years. 58.8% of CCIs/Homes in Andaman & Nicobar responded that inspections have been carried out by the body, followed by 54.3% of such responses in Himachal Pradesh and 48.1% in Haryana. The lowest percentage of positive responses were received in Arunachal Pradesh, Jammu & Kashmir and Chandigarh. It is found that the CCIs/Homes of Nagaland, Chandigarh and Arunachal Pradesh have not undergone any inspection done by High Court Juvenile Justice Committee during the last three years.

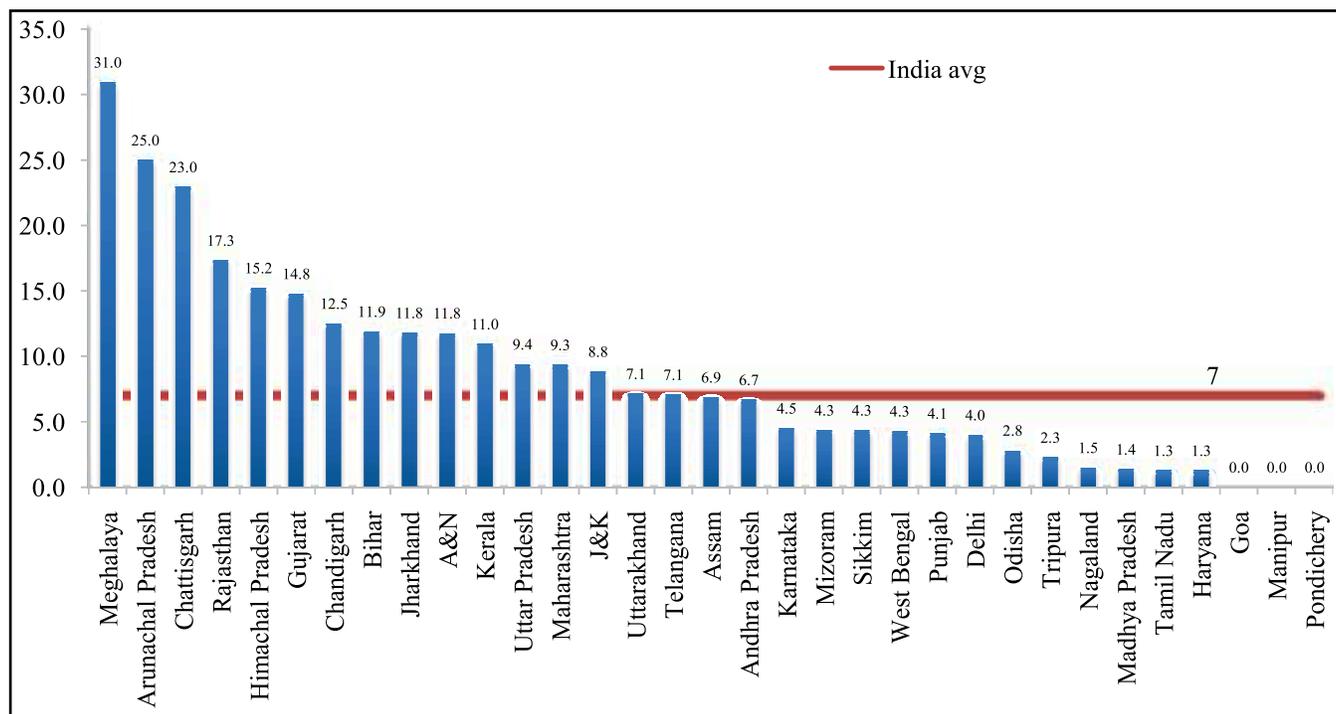
11.9 The data further shows whether the CCIs/Homes have been inspected in the last 3 years by Commissions for Protection of Child rights (National/State). 62.5% of the CCIs/Homes in Chandigarh are found to have undergone these inspections followed by Gujarat at 33.7% and Himachal Pradesh at 28.3%. The lowest positive responses were received in Jammu and Kashmir followed by Nagaland at 1.5% and Tamil Nadu at 2.4%.

I. Social Audit

11.10 The JJ Act, 2015, States/UTs that Central Government or State Government may monitor and evaluate the functioning of the Children’s homes at such period and through such persons and institutions as may be specified by that Government. It has been stressed also by the Supreme Court that there is a need for a social audit of all child-care institutions in the country to ensure accountability and transparency in the effective implementation of the Juvenile Justice Act. Moreover, the Integrated Child Protection Scheme also encourages the need of conducting social audits.

11.11 The information provided in the graph 11.1 below reflects whether any social audit has been conducted in the CCIs/Homes in the last 3 years.

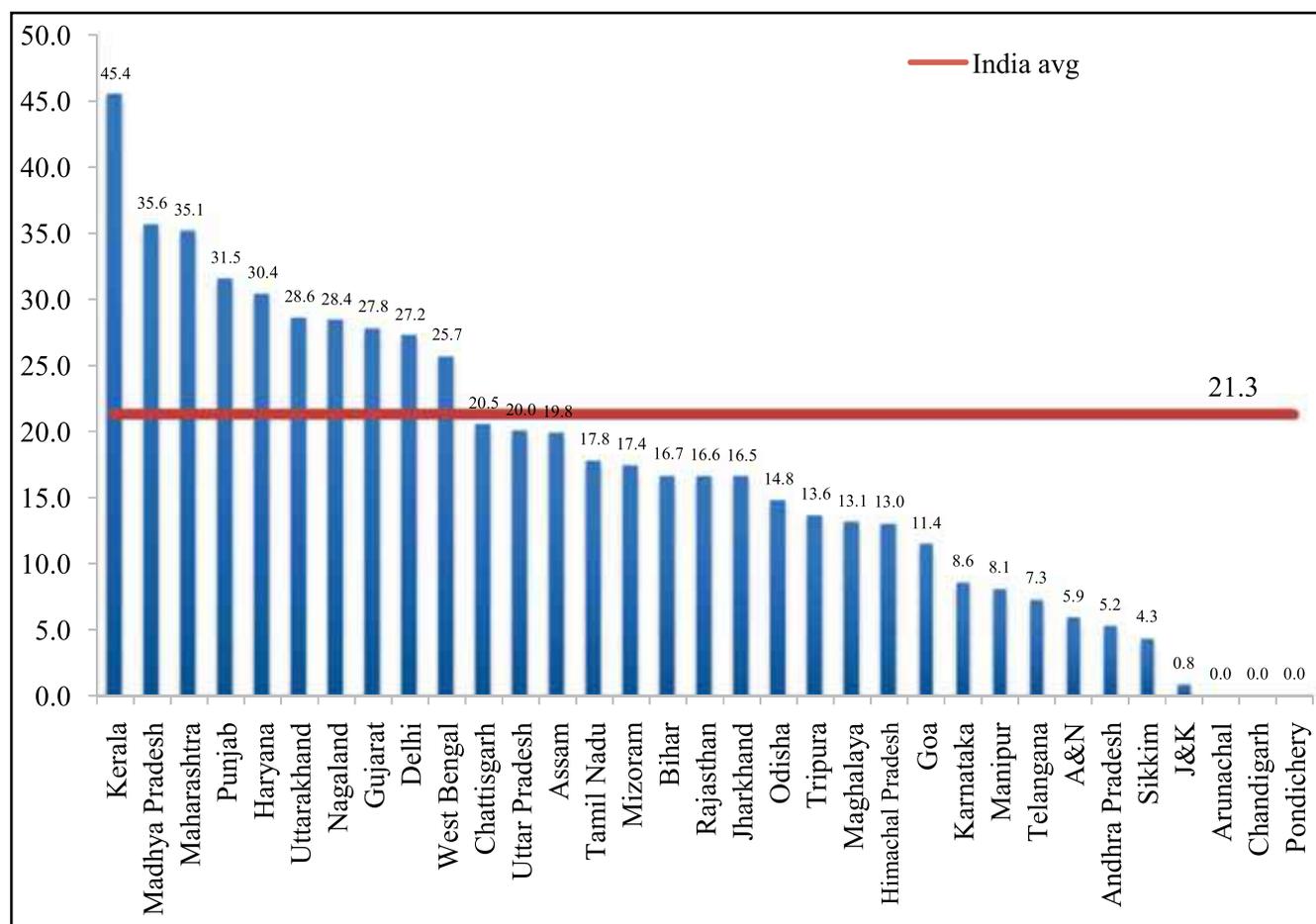
Graph 11.1 Percentage of CCIs/Homes where Social Audit has been conducted



11.12 Social Audit has been conducted in only 672 CCIs/Homes out of 9589 CCIs/Homes in India. The highest percentage of such CCIs/Homes/Homes, where social audit has been conducted, belong to the state of Meghalaya (31%). Arunachal Pradesh and Chhattisgarh, where 25% and 23% CCIs/Homes have undergone social audit hold second and third place respectively.

11.13 During the mapping exercise, as part of the social audit, an attempt was made to ascertain if the CCIs/Homes have a copy of inspection recommendations and record of action taken thereafter. It is important that CCIs/Homes are provided with the copies of the inspection recommendations by the inspection team so that they can adhere to the recommendations to improve their overall functioning and service quality.

Graph 11.2 Percentage of CCIs/Homes that have a copy of inspection recommendations and record of action taken thereafter



11.14 The above graph 11.2 shows that 45.5% of CCIs/Homes in Kerala, which is the highest among all States/UTs, reported having these records. CCIs/Homes of Madhya Pradesh (35.6%) and Maharashtra (35.1%) come second and third in this regard. 31.5% of CCIs/Homes in Punjab also stated that they had these records. The National average of CCIs/Homes having copies of inspection recommendations and record of action taken thereafter is only 21.3%. On the other hand, 78.7% CCIs/Homes do not have any inspection report or record of action taken thereafter. This low percentage reflects that there is a lack of transparency in information sharing between the inspection team and CCI/Homes that have been visited. CCIs/Homes which are not provided with the inspection recommendations cannot take any corrective action.

II. Highlights

11.15 This Chapter highlighted the inspection and audit functions of Inspection Committee, Child Welfare Committee, Department of WCD/SARA, JJ Committee of the High Court, and State and National level Commissions for Protection of Child Rights for ascertaining the quality of services provided by the CCIs/Homes. The following important points have emerged from the analysis:

- i. It has been observed that even though there are many systems and mechanisms in place to guarantee smooth functioning of the CCIs/Homes and child welfare and protection, the systems are either failing or not performing their tasks efficiently. CCIs/Homes in the States/UTs of Chandigarh, Haryana, and Himachal Pradesh are found to have given more positive responses on the inspection and audit functions/duties performed by these inspection bodies during the last three years as compared to CCIs/Homes of rest of the States/UTs. However there is still a long way to go before an ideal figure is achieved. As reflected from the lower percentages of positive response of the CCIs/Homes in this regard, it is seen that inspecting agencies in the States/UTs of Puducherry, Jammu and Kashmir, Manipur, Madhya Pradesh and Tamil Nadu are not doing inspection regularly/properly.
- ii. With respect to social audit too, the responses received were not very encouraging. However, 31% of the CCIs/Homes of Meghalaya, which is the highest figure in this regard, reported to have undergone social audit done by the inspecting bodies. However, as stated above, in-

spection of the CCIs/Homes is just one aspect, whereas, more important is that CCIs/Homes implement / act upon the suggestions, recommendations and concerns offered/raised by these bodies. To act in this regard, it is necessary that CCIs/Homes are provided the copies of the inspection recommendations. However, data reveals that only 21.3% of the total CCIs/Homes in India have a copy of the inspection recommendations and record of action taken thereafter. This implies three possibilities; firstly, that majority of the CCIs/Homes across India do not have a copy of the recommendations and the record of action taken, secondly, that no inspection has been carried out, and lastly, that inspection has been carried out but no record of the action taken exists. Clarity on the same can be received only if a secondary investigation is carried out. Nevertheless, on the face of it, what can be observed is that among the majority of the CCIs/Homes in India, inspection and consequential action is not taking place. The onus here is on the stakeholders and authorities to undertake inspections as mandated, monitor progress on implementation of the recommendations made so that service quality and care for children is not compromised.

Chapter 12

Linkages and Coordination



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Chapter 12 : Linkages and Coordination

12.1 The JJ Act and the Rules have stressed on the fact that the CCIs/Homes must make all efforts to ensure the best interest of the child for his/her overall growth and development. For this purpose, the existing facilities in a CCIs/Homes may not be sufficient which calls for networking, coordinating and linking with various professionals, institutions and community based organizations who are well-versed and experts in the concerned areas. The services required may include:- (a) mental health services for children, parents & staff (including one to one & group counseling, need based therapy, regular consultation & supervision by a psychiatrist & staff personal growth & supervision sessions, (b) education (including Montessori, supplementary, bridge & special education), (c) Vocational training, (d) Life Skills and other issue based workshops, (e) Recreational activities including sports, (f) Health including speech/physiotherapy, (g) Legal aid services, (h) De-addiction services, (i) Music, Movement, Art, Dance and Drama therapy and Occupational therapy, (j) After-care, (k) Community service, (l) appropriate authorities for birth registration, identity proof & reserved / special category certificate.

12.2 This chapter presents information on whether the CCIs/Homes across India have effectively created systems of networking and linkages with external organizations/professionals to create better outcomes for the children in the CCIs/Homes.

Table 12.1 Percentage of CCIs/Homes having linkages with external professionals/ institutions / community based organizations for various services

States/UTs	Mental health services for children, parents and staff	Education	Vocational training	Life skills & issue based workshops	Recreational activity	Health including speech / Physiotherapy	Legal aid services	De-addiction services
A&N	0	0	11.8	5.88	11.8	5.9	0.0	0.0
Andhra Pradesh	30.2	45.5	26.0	25.33	57.7	22.7	7.9	2.1
Arunachal Pradesh	12.5	25.0	25.0	25.00	37.5	12.5	12.5	0.0
Assam	25.2	31.3	24.4	12.21	22.1	21.4	17.6	8.4
Bihar	9.5	15.5	4.8	3.57	10.7	9.5	13.1	6.0

Linkages and Coordination

States/UTs	Mental health services for children, parents and staff	Education	Vocational training	Life skills & issue based workshops	Recreational activity	Health including speech / Physiotherapy	Legal aid services	De-addiction services
Chandigarh	93.8	93.8	75.0	6.25	75.0	93.8	75.0	50.0
Chhattisgarh	27.9	25.4	23.8	18.85	30.3	11.5	9.8	4.9
Delhi	64.0	69.6	44.8	57.60	64.0	63.2	60.8	18.4
Goa	72.9	75.7	65.7	74.29	85.7	47.1	27.1	12.9
Gujarat	37.9	45.6	42.0	32.54	56.2	35.5	29.0	26.0
Haryana	77.2	63.3	58.2	74.68	81.0	72.2	54.4	19.0
Himachal Pradesh	17.4	13.0	13.0	10.87	17.4	19.6	8.7	10.9
J&K	20.2	12.4	6.9	7.46	15.2	6.1	19.1	22.7
Jharkhand	21.3	36.2	26.0	22.83	29.9	17.3	19.7	9.4
Karnataka	36.0	37.1	30.3	38.75	57.8	26.5	17.9	7.6
Kerala	32.9	33.6	23.6	31.72	47.8	14.0	9.0	3.7
Madhya Pradesh	41.8	45.2	25.3	22.60	49.3	21.2	11.6	6.2
Maharashtra	25.6	28.9	24.0	24.69	38.0	13.2	17.4	6.1
Manipur	6.5	19.4	33.9	11.29	37.1	8.1	9.7	6.5
Meghalaya	32.1	20.2	31.0	46.43	69.0	19.0	35.7	11.9
Mizoram	65.2	54.3	28.3	50.00	84.8	47.8	21.7	10.9
Nagaland	4.5	14.9	26.9	47.76	55.2	1.5	7.5	1.5
Odisha	22.7	24.6	30.7	26.46	43.6	19.7	11.9	10.1
Puducherry	79.1	89.0	11.0	54.95	70.3	17.6	4.4	1.1
Punjab	67.1	67.1	35.6	23.29	52.1	68.5	47.9	12.3
Rajasthan	45.1	46.9	48.4	36.10	70.4	41.9	25.6	10.8
Sikkim	34.8	73.9	13.0	21.74	69.6	52.2	34.8	13.0
Tamil Nadu	36.6	43.5	25.4	30.12	57.4	24.7	16.0	11.2
Telangana	22.3	27.3	21.1	25.91	30.4	16.0	10.9	4.7
Tripura	40.9	36.4	36.4	29.55	56.8	9.1	34.1	15.9
Uttar Pradesh	45.3	50.6	34.1	33.53	53.5	38.2	27.6	10.6
Uttarakhand	48.2	44.6	37.5	41.07	26.8	35.7	1.8	10.7
West Bengal	38.2	74.6	57.5	24.46	74.6	35.2	24.2	5.5
Total	33.2	38.3	27.8	29.39	49.4	22.4	16.7	8.3

12.3 At the national level, statistics highlight that linkages of CCIs/Homes with external professionals/ institutions / community based organizations are not that encouraging. Linkages developed reflect the expertise of CCIs/Homes to garner support of services required for the care and protection of children;at the same time, it also reflects the issue of non-availability of such services. Having proper linkages with professional institutions benefits the children significantly while lack of linkages deprives them of such benefits. The situations of linkages at the national level show the following picture:

Table 12.2 Percentage of CCIs/Homes that provide Key Services on their own or through external linkages

Services	Percentages
Mental health services for children, parents and staff	33.2%
Education	38.3%
Vocational training	27.8%
Life skills & issue based workshops	29.3%
Recreational activity	49.4%
Health including speech / physiotherapy	22.4%
Legal aid services	16.7%
De-addiction services	8.3%

12.4 The data shows that across the States/UTs in India, with respect to **Mental Health Services** for children, the highest percentage of CCIs/Homes where parents and staff were reportedly being called in, was seen in Chandigarh at 93.8% followed by Pondicherry at 79.1% and Haryana at 77.2%.

12.5 The overall health and well-being of children living in the child care institutions is extremely important and this includes not only physical health but mental health as well. In order to ensure the happiness, growth and development of children in CCIs/Homes, timely assessments and

interventions is necessary. There is no clarity on whether the CCIs/Homes are themselves equipped with the required personnel or they are hiring these services from outside. The role of the CWC and other concerned authorities must also be reviewed to find out whether recommendations have been made to the CCI/Home within its jurisdiction to this effect.

12.6 Rule 36 of the JJ Rules, 2016 deals with education and states that every institution shall provide education to all children according to the age and ability, both inside the institution or outside, as per requirement. There shall be a range of educational opportunities including, mainstream inclusive schools, bridge school, open schooling, non-formal education and learning where needed. Learning disorders shall be identified, assessed and reported in the Individual Care Plan. Further assistance shall be given to the child by trained professionals.

12.7 From the CCIs/Homes across the States/UTs in India, CCIs/Homes that provided **Education** services on their own or relies on external linkages, the highest percentage was seen in CCIs/Homes of Chandigarh at 93.8% followed by Pondicherry at 89% and Goa at 75.7% whereas the lowest percentage was found in Andaman and Nicobar followed by Jammu and Kashmir at 12.4% and Himachal Pradesh at 13%.

12.8 There must be linkages and networking with professional individuals and organizations. Vocational training shall include occupational therapy, skill and interest based training, aimed at suitable placement at the end of the course. In case of training through any linkage, the institute, preferably government recognized, providing vocational training shall give a certificate, on the completion of the course. Where vocational training is offered outside the premises of the Child Care Institution, children shall be escorted for such programmes with proper security planning and services, particularly for children who are at risk. A record shall be maintained for all children attending the programmes and the progress made by each child shall be reviewed.

12.9 With respect to linkage for **Vocational training** in the CCIs/Homes, the highest percentage was seen in the CCIs/Homes of Chandigarh at 75% followed by Goa at 65.7% and Haryana at 58.2%. The least percentage of vocational training service in CCIs/Homes is found in the states of Bihar (4.8%), Jammu & Kashmir (6.9%), Pondicherry (11%) and Sikkim (13%).

12.10 The data in Table 12.1 reflects that at National level, only 27.8% CCI/Homes either provide vocational training facilities on their own or through external linkages, highlighting that vocational training is not something that is stressed upon. Providing vocational training to children can equip them with the skill and aptitude required to gain employment and become productive individuals for life outside the CCI/Homes. However, the lack of such resources being provided in majority of the CCI/Homes shows a negative trend that needs immediate intervention.

12.11 The data further shows that with respect to providing of **Life skills and issue based workshops** in the CCI/Homes, the highest percentage of CCI/Homes either offering the service on their own or through external linkage was seen in Haryana at 74.68% followed by Goa at 74.29% and Delhi at 57.6%.

12.12 Linkage to **Recreational Activity** or provision of such service has been found to be the highest in the CCI/Homes of Goa which is 85.7% followed by Mizoram at 84.8% and Haryana at 81%. Rule 38 of the JJ Rules, 2016 dealing with recreational facilities states that these may include indoor and outdoor games, yoga and meditation, music, dance, television, picnic and outings, cultural programmes, gardening, library, etc.

12.13 The data presents that among the CCI/Homes that have **Health including speech and physiotherapy** service either offered through linkage or through own in-house trained staff, the highest percentage is seen in Chandigarh at 93.8% followed by Haryana at 72.2% and Punjab at 68.5%. Networking and working in close association with doctors, medically trained professional, therapists and institutions is essential as the CCI/Homes may not be equipped with in-house trained staff especially specialists dealing with speech therapy and physiotherapy. Therefore, in such a case, making arrangements for the right professional to visit the CCI/Homes or provisions to send the child to the right institution is important for the child to cope with and overcome his/her disability. Moreover, networking and coordinating with hospitals too is essential to ensure the health of the child both in times of emergency and otherwise.

12.14 Educating the management and staff on law and how to deal with legal proceedings is a task that must be taken up with seriousness. Regular legal training and workshops for CCI/Homes, CWC and other personnel involved with implementation of the JJ Act must be conducted. Assessment on

what procedure is followed by the CCIs/Homes when a child is involved in a legal proceeding must be done on a national scale.

12.15 With respect to **legal aid services**, the highest percentage of CCIs/Homes providing the service on their own or through external linkages was seen in Chandigarh at 75% followed by Delhi at 60.8% and Haryana at 54.4%. Very often children in need of care and protection require court intervention especially in cases of abuse, child marriage and trafficking. Here, the judiciary lends assistance to the CWC and passes the necessary orders to give justice to the child (victim). In situations when legal recourse is to be taken, lawyers are to be appointed to provide legal aid to the victims to handle all court proceedings. Also in matters of adoption, the assistance of a lawyer becomes important. It is for the CCIs/Homes with the support of the CWC to help the children and their families with legal aid. The CCIs/Homes can either ask for para-legal volunteers, lawyers and NGOs to help in this regard or may be equipped with its own legal aid cell within the institution to provide legal assistance and guidance to the children and their families.

12.16 As per the JJ Rules, within two days of the receipt of the child, if required, he may be examined by a panel of doctors to understand his physical, medical, psychological state and his state of addiction, if any, for assessment of his personality and requirements to assist in the rehabilitation plan to be prepared for him. Every child care institution must refer such children who require specialized drug de-addiction and rehabilitation programme, to an appropriate Centre administered by qualified persons where these programmes shall be adopted to the age, gender and other specifications of the child concerned.

12.17 With respect to provision of **De-addiction services** or linkage with such service providers, it is found that the 50% of the CCIs/Homes in Chandigarh (which is the highest percentage), either have these services or provide it through external agencies. Chandigarh is followed by Gujarat at 26% and Jammu and Kashmir at 22.7% with respect to providing De-addiction services.

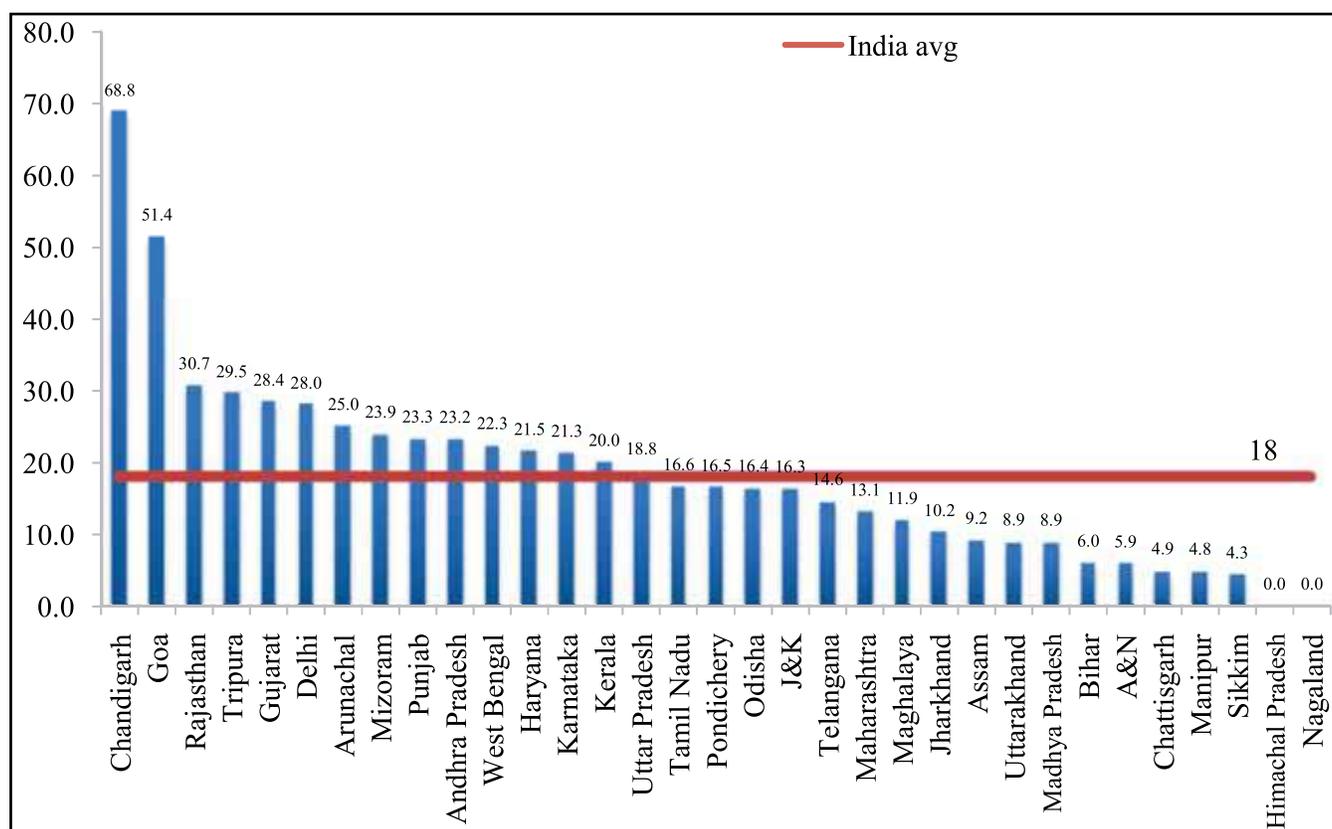
I. After-Care Service

12.18 After care services are integral to the continuum of care given at the institutions. These are support services that support the work that has already been done by staff, trainers, etc. It builds on

the health, skills and capacity of the children to make them ready to take care on their own before they leave the institution on attaining the age of eighteen.

12.19 Rule No. 25 of the JJ Rules, 2016 states that the State Government shall prepare a programme for children who have to leave Child Care Institutions on attaining eighteen years of age by providing for their education, giving them employable skills and placement as well as providing them places for stay to facilitate their re-integration into the mainstream of society.

Graph 12.1 Percentage of CCIs/Homes having linkages with external professionals/ institutions / community based organizations for After Care



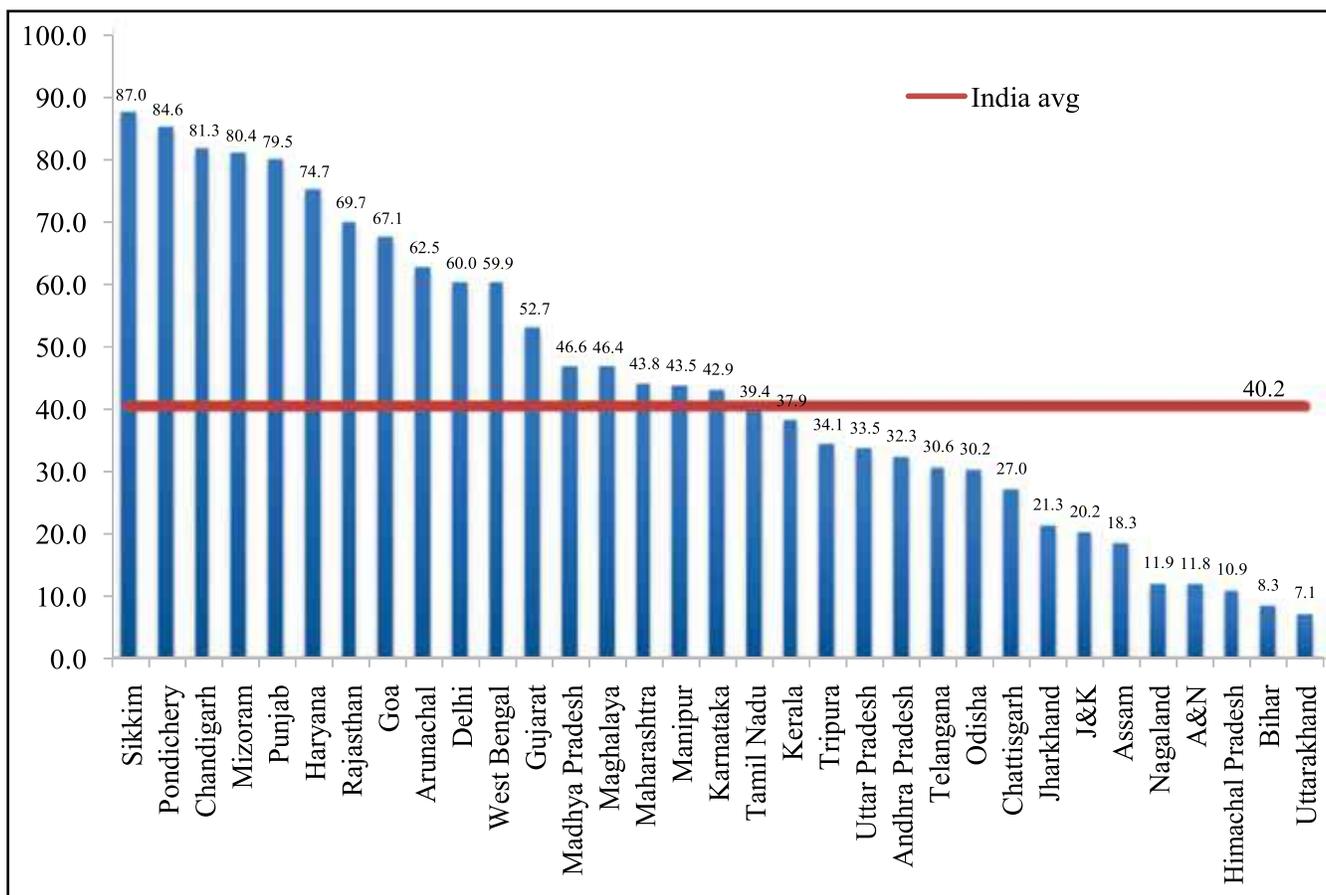
12.20 According to the Graph 12.1, the highest percentage i.e. 68.8% of CCIs/Homes that have provision or linkages for after-care services can be seen in the CCIs/Homes of Chandigarh, followed by Goa at 51.4%, Gujarat at 28.4% and Delhi at 28%. 10 States/UTs have reported less than 10% CCIs/Homes with some linkage in this regard, 2 of the having no such CCIs/Homes at all.

II. Birth registration, identity proof & reserved / special category certificate Services

12.21 A Child Study Report contains details about the child, such as his date of birth and social background; and the same must be completed for every child who enters into the child care institution. This information must be entered into the register of the CCIs/Homes with the help of trained staff. Effective coordination with the concerned government departments must be established in this regard. However, assistance from NGO or volunteers can also be utilized for this task.

12.22 The highest percentage of linkage with external agencies for birth registration, identity proof, etc. can be seen among the CCIs/Homes of Sikkim, which stand at 87% followed by Pondicherry at 84.6% and Chandigarh at 81.3%.

Graph 12.2 Percentage of CCIs/Homes having linkages with external professionals/ institutions / community based organizations for birth registration, identity proof & reserved / special category certificate

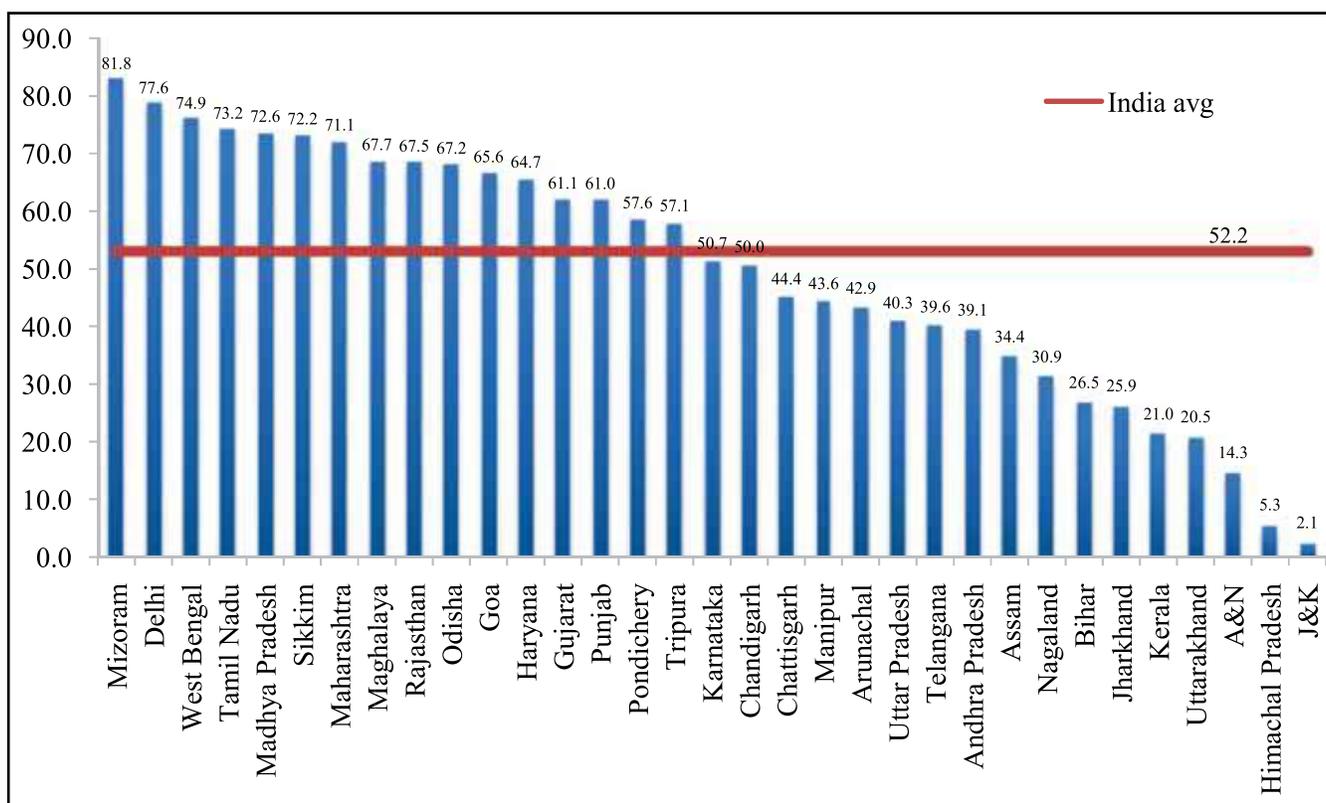


III. Restoration and rehabilitation of children

12.23 Establishing linkage with bodies like CWC, JJB CHILDLINE, DCPU, DSFAC is very much crucial for restoration & rehabilitation of children, especially for those institutions that are run by NGOs.

12.24 Restoration and Rehabilitation is the prime objective of the JJ Act. Under Rule 21 of the JJ Rules, 2016, the State Government, while taking a decision on the application for registration of Child Care Institutions, may consider the details of linkages and networking with other governmental, non-governmental, corporate and other community based agencies on providing need-based services to children.

Graph 12.3 Percentage of NGO run CCIs/Homes having linkages with external professionals/ institutions / community based organizations for restoration and rehabilitation of children



12.25 The Graph above reflects that above 75% of CCIs/Homes run by NGOs in the Delhi, Mizoram and West Bengal have linkages with important bodies like CWC, JJB, Childline, DCPU, DSFAC, etc. The lowest percentage of linkage is among the CCIs/Homes of Jammu & Kashmir (2%) followed by Himachal Pradesh (5%).

IV. Highlights

12.26 Linkage and connection of CCIs/Homes with important and skilled service providers of mental health, education, vocational training, life skills, legal aid services, aftercare services, de-addiction services, services for registration of birth, etc. is crucial to ensure that the children residing in the institutions are guaranteed care, welfare and protection. However, it is observed that major percentage of CCIs/Homes across the country either lack the linkage to these services or do not have any provision of their own. This could have the following implications - (i) the CCIs/Homes have not given emphasis on the criteria mentioned above and so do not collaborate even if they have the resources to do so, (ii) there is a lack of awareness among the CCIs/Homes on agencies and individuals who are qualified to carry out the abovementioned services, and (iii) there are insufficient funds for the same.

Chapter 13

Conclusion and Recommendations



नए समाज की ओर
Towards a new dawn

Chapter 13 : Conclusion and Recommendations

13.1 The principles of Juvenile Justice (Care and Protection of Children) Act, 2015 recognize family as the best place for nurturing children, and institutionalization care as the last possible resort for safety and shelter. It also views stay in an institution as the least desirable for long term or permanent placement of any child. In India, however, there are a large number of children who find themselves housed in various CCIs/Homes after facing several harsh realities like homelessness, abandonment, abuse, exploitation, trafficking, violence, etc. or coming in conflict with the law. Such children are in urgent need of care and protection.

13.2 It is important to ensure that institutional care of children, where necessary, is available and the quality of such care and protection is ensured so that it does not become detrimental to their mental, behavioural, emotional and social development. Over a period of time, several issues of concern for children in institutional care have been raised. There is evidence that suggests that children in institutional care experience delayed physical, behavioural and cognitive development. The lack of one-to-one human contact, play facilities, wholesome nutrition, adequate space, proper medical care and family upbringing are commonly observed problems amongst children who spend long spans of time in CCIs/Homes.

13.3 This chapter is a reflection of key finding of the analysis that has been done on the data collected through the study conducted in 9589 CCI/Homes across the country. The National mapping exercise has attempted to cover all the homes, barring 34 homes in Uttar Pradesh where Social Audit was recently conducted. Out of the 678 districts, the District Administration confirmed that 98 districts did not have CCI/Homes. Also 3 UTs Lakshadweep, Dadra and Nagar Haveli and Daman & Diu that there are no CCIs/Homes functioning there

13.4 The mapping exercise also cover 295 Swadhar and Ujjawala Homes (the remaining from the list of 308 provided by MWCD were found to be closed/non-operational) for the limited purpose

of ascertaining whether children housed there were being connected to the JJ System for Services. Standards of Care were not to be checked. These homes fall under the large categories of responses labeled N.A (not applicable). Therefore though 9589 CCIs/Homes were visited only 9294 qualify to be categories as CCIs under the JJ Act. However the children staying in Swadhar and Ujjawala Homes (1985) undoubtedly are children in need of care and protection even though they are not provided services under the JJ System.

13.5 Below are the key findings on some of the important indicators of the study:

I. Child Care Institutions

13.6 The study revealed that the 'Children Homes' are the highest numbering 6368, amongst all the categories of CCIs/Homes available. Amongst the 9589 CCIs/Homes mapped, 3071 numbers (32.03%) have been found to be registered under the JJ Act. It means that a very high majority of the CCIs/Homes continue to operate outside the purview of the JJ Act.

13.7 The total number of Government CCIs/Homes is 845, whereas Non-Government Homes are 8744. The Government CCIs/Homes include 211 Observation Homes, 40 Special Homes, 3 Places of Safety, 436 Children Homes, and 40 Shelter Homes.

13.8 The Non-Government CCIs/Homes include 67 Observation Homes, 12 Special Homes, 5 Places of Safety, 5932 Children Homes, 333 Shelter Homes and 295 Swadhar and Ujjawala Homes. Out of the 33 State/UTs Covered in the study only 21 States/UTs have Special Home, while 7 have Place of Safety.

13.9 As far as accessibility of Homes is concerned, majority of the Homes/CCIs in most of the States/UTs are easily accessible.

13.10 Three thirty-six Specialized Adoption Agencies covered in this study, are in existence in all States/UTs except Andaman and Nicobar, Arunachal Pradesh, Jammu and Kashmir and Himachal Pradesh.

II. Details of Children

13.11 A total number of 3,77,649 children were found to be residing in 9589 CCIs/Homes across the country including 7422 Children in Conflict with Law (CCL) and 370227 Children in Need of Care and Protection (CNCP). Under the CCL category 5671 boys and 1805 girls were reported in CCIs/Homes whereas the total number of CNCP included 1,99,760 boys and 1,70,375 girls.

13.12 The total number of orphans residing in CCIs/Homes across India is 41,730, including 22,264 boys and 19,427 girls. The number of abandoned children were found to be 3,498 boys and 4,178 girls, while surrendered children in the CCIs/Homes numbered 3,471 boys and 3,306 girls.

13.13 In the age-group of 0-6 years, 2,599 orphans, 1,763 abandoned and 1,209 surrendered children were found. Whereas, of the age group of 7-18 years, 38765 orphan, 5914 abandoned and 5584 surrendered children were staying in the CCIs/Homes across the country.

13.14 Children with single parent residing in CCIs/Homes across the Country is around 1,20,118 in numbers.

13.15 Children across the country who have been victims of sexual abuse and child pornography, and are housed in the CCIs/Homes number 1,575 and 189 respectively.

13.16 In total 857 children were found under the category 'children trafficked for domestic work', 1827 number under the category 'children trafficked for labor', and 489 children were categorized under 'children trafficked for commercial sexual exploitation'.

13.17 There are in total 469 children staying in CCIs/Homes who were victims of child marriage, among whom 29 are boys and 440 are girls. Among different age groups, there are 13 children in the age below 11 years, 149 in the age group of 12-16 years and 307 in the age group of 16-18 years who are victims of child marriage.

13.18 It has been seen that the effects of man-made disasters and conflicts are particularly significant on children as they often bring with them abandonment by, or separation from, families.

These event also make the affected families, especially children, vulnerable to trafficking and unsafe migration.

III. Standard of Care

13.19 The national average of CCIs/Homes that segregated children on the basis of age-groups and gender is only about 65%. Therefore, key issues pertaining to the safety and privacy of children are not sufficiently being addressed in large numbers of CCIs/Home.

13.20 In terms of adequate children-care givers ratio, the percentage of CCIs/Homes with adequate (numbers) care givers per child is 46.7%, showing an inadequacy in this aspect in large numbers of CCIs/Home. This is bound to affect the individual attention and care that every child needs.

13.21 As far as adopting a written 'Child Protection Policy' is concerned and training related to it, it is seen that the national average is only 23.6%.

13.22 The collected data shows that awareness regarding CHILDLINE 1098 is present only in 29.5% of CCIs/Homes across the country indicating a major lacunae as awareness amongst children in CCIs/Homes regarding child protection mechanisms available, such as the 1098 helpline is minimal.

13.23 All States/UTs have CCIs/Homes that use some form of discipline enforcement measure which is against the norms stated in the JJ Act and Rules.

IV. Human Resource

13.24 As per norm, about 8 personnel are required for a CCI/Home housing 50 children.

13.25 A large number of vacancies exist in CCIs/Homes; for instance, in Tamil Nadu 3178 full time and 1083 part time vacancies were reported.

13.26 The data shows that superintendent/ Person-in-charge were reported to be residential in 6998 CCIs/Homes, leaving a large number of CCIs/Homes relatively unsupervised at night.

V. Physical Infrastructure

13.27 The overall findings show that across all the States/UTs, major improvements are required with respect to the physical infrastructure of CCIs/Homes so that norms can be ensured. It is seen that the most common room available in the largest number of CCIs/Homes is a dormitory, the national percentage of availability of which is 83.4%. However even for this category of dedicated room, there are a number of States with larger number of CCIs/Homes which do not have dormitories

13.28 Infrastructure facilities for education, safety and privacy of children have also been looked into and the overall picture shows that there is a lot of room for improvement. The availability of running water, drinking water, proper drainage and garbage disposal facilities is not adequate in over 15% CCIs/Homes.

VI. Adherence to Juvenile Justice (Act and Rules) Procedure

13.29 With respect to adherence to the norm of producing children before the CWC /JJB initially in the CCIs/Homes, it is seen that only 49.9 percent homes are following the norm. Though this figure can easily be explained with the large number of unregistered CCIs/Home under the JJ Act, however the safety of children who are not being supervised by the CWC/JJB is a huge cause of concern.

13.30 The national average for percentage of CCIs/Homes which submit Social Investigation Report (SIR) of Children before CWC/JJB within the stipulated time period is only 31.2% and 19.3% respectively. Mizoram has highest percentage of CCIs/Homes at 78.3% followed by Chandigarh at 68.7% and Delhi at 67.2% where SIR of each child has been submitted before CWC/JJB within stipulated time period as directed by CWC/JJB.

13.31 The analysis shows that the highest percentage of CCIs/Homes where Individual Care Plan has been prepared for every child within 30 days of child's admission was found to be 76% in Mizoram, followed closely by Chandigarh at 75% and Punjab at 66%. The lowest percentage of such CCIs/Homes is found in Andaman and Nicobar at 6%, followed by Kerala at 8% and Nagaland at 9%. Reasons for Kerala having such a low percentage is easily explained by the fact that in Kerala, a large number of CCIs/Homes are unregistered under the JJ Act and registered under 'Any Other' category instead.

13.32 Documentation and Record keeping is not taken very seriously in most CCIs/Homes. However, ascertaining reasons for non-maintenance and updation of the relevant documents and online systems, or use of alternative systems, if any, is beyond the scope of the study. The data available shows the Chandigarh, Mizoram and Haryana are among the better performing States/UT.

VII. Adoption Performance

13.33 In the adoption scenario it is seen that children in the 0-6 years of age group are adopted more readily than the older age-group. It is important therefore that all such children who have been identified via this mapping exercise and have been declared legally free for adoption are linked expeditiously to the adoption process. This is desirable as it is easier to make an infant or very young child adjust to the culture and lifestyle of the adopting family.

13.34 SAA have responsibilities towards children, biological parents and the PAPs and a key function here is providing counselling services and assistance at all times to help in the various stages of adoption that include surrendering, helping adjust to a new life, avoid disruptions, deal with root searches etc. However, the data shows that this is not being done diligently by over 40% of SAAs.

13.35 Out of 336 SAAs covered (excluding SAAs in Uttar Pradesh), 20.2% are Government and 79.8% are non-government. Maximum numbers of SAAs are in Maharashtra (55) and Madhya Pradesh (31) followed by Karnataka, Kerala and West Bengal with 25 each. States/UTs like Chandigarh and Haryana have only 1 SAA, whereas no SAAs exist in Andaman and Nicobar, Jammu and Kashmir, Arunachal Pradesh and Himachal Pradesh. Uttar Pradesh also has one SAA but that was not covered by the exercise. As the number of SAAs are so few, there is a possibility of the existing SAAs taking on additional burden which needs to be addressed.

VIII. Financial Transparency

13.36 Information collected shows that financial transparency and accountability is an issue that needs to be looked into immediately and seriously, as, many CCIs/Homes do not have audit records or records of compliance with FCRA norms. Only 56.3% CCIs/Homes reported that they had

provided copies of Audited Statement of Accounts & FCRA compliance reports for last 2 years to the competent authority.

13.37 Across the country, percentage of CCIs/Homes that have annual audits being carried out by a CA is 74.6%. Less than 50 percent of CCIs/Homes submit a copy of audited accounts of the organisation with its audit report and Annual Report within six months from the date of closing of the financial year, to the SARA or State Government as the case may be.

IX. Inspection and Audit

13.38 Although mechanisms for monitoring and assessing the performance of the CCIs/Homes exist through Inspection Committee, Child Welfare Committee, Department of WCD/SARA, JJ Committee of the High Court, Commissions for Protection of Child rights (National / State) etc. The analysis reveals that adherence to norms of regular inspections by the said authorities is low in many States/UTs.

13.39 The national average percentage of CCIs/Homes where social audit is being conducted is also not encouraging at 7%, with the highest percentage reported being 31% in Meghalaya.

13.40 It is important that corrective actions are taken by the CCIs/Homes, based on the suggestions and recommendations made by various inspecting authorities. However, the utility of inspection is much reduced if CCIs/Homes do not receive the copy of the recommendations thereby limiting their follow up and remedial actions. The national average of the percentage of CCIs/ Homes that have a copy of inspection recommendations and record of action taken thereafter is only 21.3% which is a huge area of concern.

X. Linkages and Coordination

13.41 Analysis shows that only 33.2 % of CCIs/Homes have linkages for mental health services for children, parents and staff amongst which Chandigarh shows the highest percentage at 93.8%, followed by Puducherry at 79.1% and Haryana at 77.2%. Similarly, for speech and physiotherapy, the national average is only 22.4% CCIs/Homes and with respect to de-addiction services, the national

average percentage is only 8.3%. As each of these services play a critical role in the rehabilitation of children these low figures reflect the need for immediate improvement in this respect.

13.42 With regard to linkages for the purpose of education, the highest percentage of CCIs/Homes was observed in Chandigarh at 93.8%, Puducherry at 89% and Goa at 75.7%, whereas Andaman and Nicobar, Jammu and Kashmir and Himachal Pradesh are among the lowest.

13.43 Above 75% of CCIs/Homes run by NGOs in the Delhi, Mizoram and West Bengal have linkages with important bodies like CWC, JJB, CHILDLINE, DCPU, DSFAC, etc. The lowest percentage of linkage is among the CCIs/Homes of Jammu & Kashmir (2%) followed by Himachal Pradesh (5%). However, the national average in this regard, being 52.2% only draws our attention to the need for more coordination and convergence between stakeholders in the JJ System to ensure that the child is provided the care and protection that is required.

XI. Recommendations

The following recommendations are being made based on the key findings of the mapping exercise:

i. General Recommendations:

13.44 **Establishment of adequate number of CCIs/Homes based on mapping of child vulnerability/situational analysis of each district:** Each State/UT has to ensure that an exhaustive district based analysis is done including identification of key child protection concerns and number of children vulnerable thereby. Based on this need analysis, CCIs/Homes are to be set up as per the norm of the JJ Act and the Child Protection Services (CPS), so that children of various categories children in difficult circumstances are provided with adequate care, protection and services. These district based assessments need to be conducted from time to time and the emerging need addressed by the authorities concerned.

13.45 **Registration:** The analysis shows that the majority of CCIs/Homes are yet to be registered under the JJ Act making monitoring of standards impossible. Necessary actions need to be taken in mission mode and in a time bound manner by States/UTs to ensure 100% compliance with the norms of the JJ Act. CCIs/Homes need to keep constraints of space and available resource in mind

when applying for the registration and State/UT administration can draw up guidelines to help facilitate processes for the same. Use of technology for this purpose needs to be pursued to promote transparency and facilitate speedy registration.

13.46 Rationalisation of availability of CCIs: The data has shown an imbalance in the number of CCIs/Homes (within different categories) as well as the spread of CCIs/Homes across different States/UTs. Rationalising the number of CCIs/Homes is imperative keeping district based need and occupancy in mind. This too may be conducted along with registration in mission mode with strict timelines.

13.47 Assessment of CCIs/Homes not under the JJ Act: It is imperative that all children in need of care and protection are housed in the CCIs/Homes under the JJ Act. Therefore, procedures have to be developed to ensure that children staying in Swadhar Homes with their mother are linked to the JJ System for services. Standalone homes for special categories of Children such as Ujjwala Homes also need to be registered as CCIs and brought under the purview of the JJ System. A large category of '*Any Other homes*' have been identified through this exercise which house children in need of care and protection and therefore there is a need to bring all these CCIs/Homes under the ambit of JJ Act.

13.48 Ease of Accessibility to CCIs/Homes: Data with regard to the accessibility of CCIs is encouraging for many States/UTs such as Andaman & Nicobar, Chandigarh, Manipur, Mizoram, Pondicherry, Punjab etc. However, for States/UTs where CCIs/ Homes are not easily accessible, it is recommended that all key facilities are made available within the CCI/Home premise.

13.49 Provision of Place of Safety: A Place of Safety and a dedicated shelter home for de-addiction services is imperative in each State/UTs and availability of other mandatory institutions should also be ensured in each district so as to provide care and protection as required.

13.50 Child Protection Policy (CPP): It is essential that existence of a written CPP is made mandatory for every CCI/Home to ensure safety and security of children. Additionally, sensitisation of all staff, from guards and cooks to Persons-in-charge, also must be a norm. Basic templates for the same can be developed at the Central and the State-level with participation of all stakeholder

concerned. Good practices adopted by some of the States/UTs may be studied for the same including effective rehabilitation programmes centred on mental health initiatives for children and caregivers.

13.51 Policy reorientation for Financial and Technical Support: It has been seen that many CCIs/Homes are affected by delays in receipt of funds and in the amount of resources available. This, in all probability, affects the quality of standards and services provided by the CCIs/Homes to the children residing there. A relook is required by the Ministry of Women and Child Development at the amount available as well as the process of fund disbursement, for CCIs/Homes.

13.52 Emphasis on Constitution of Statutory Committees: The existence of Home Management and children committees ensure in-depth supervision as well as participation in the management of the CCIs/Home. Many CCIs/Homes have failed to constitute Home Management Committee and Children's Committee, possibly due to the lack of awareness on the JJ Act. Hence, training on the same is recommended. It is also suggested that constitution of functional committees should be looked at as an essential parameter for fund provision as well as renewal of registration.

13.53 Separation of Different Types of Homes: Combination CCIs/Homes are not in accordance with the mandate of JJ Act, 2015. States/UTs Must ensure that the norms related to segregation of different gender, age and categories of children as well as Homes are strictly maintained and registration is not provided to any such Combination Home. CWC and JJBs may be trained to identify and streamline such CCIs/Homes.

13.54 Guidelines for Transgender Children: Data collected shows that CCIs/Homes only in a few States housed transgender children. Thus guidelines need to be issued to increase accommodation of transgender children in CCIs/Homes.

13.55 CCTV Cameras: These are one of the possible safety measures, and need to be placed in all the CCIs/Homes as per available guidelines.

13.56 Presence of Medical Personals: In CCIs/Homes that cater to children with medical issues/special needs children and presence of at least one trained medical professional is recommended at all times in the campus. Other staffs and nurses must also be adequately trained to provide care to such children.

13.57 **Emphasis on Child Safety and Privacy:** Safety, privacy, comfort and protection of the children must be the driving force for the management. However, the findings suggest that many CCIs/Homes are lacking in this regard and need immediate attention. This can include awareness on CHILDLINE 1098, constitution of other grievance redressal mechanisms as well as the strict adherence to methods of dealing with difficult child behaviour as prescribed under the JJ Act and Rule. Separate facilities for boys and girls and segregating them from the staff are essential requirements of the JJ Act.

ii. Staff :

13.58 **Availability of Trained Personnel and Provision of on-job Skilling:** Rule 89 of JJ Rules, 2016 specifies that a comprehensive training should be imparted to all functionaries of CCIs for minimum 15 days from a recognized institution. The staff (permanent, temporary, full time and part time) in the CCIs/Homes need to be appropriately trained to deal sensitively and efficiently with issues, needs, problems, concerns and safety of children. However, the findings revealed that a majority of functionaries of CCIs have not undergone any training yet. Therefore, sensitisation of CCI Staffs is required on an urgent basis. The State Government may identify one or two institutions at State Level to impart training to staff of CCIs/Homes.

13.59 **Filling-up Vacant Positions:** Vacant positions must be filled on an immediate basis and extra staff must be employed if required. Appropriate substitutes must be designated among senior staff members to take charge in the absence of the superintendent or person-in-charge in all CCIs/Homes.

13.60 **Consistency of Tenure:** Frequent transfer of staff creates a vacuum in coordination and affects smooth running of the government CCIs/Homes. Having a fixed tenure can help to bridge this gap and create consistency in work.

13.61 **Screening and background check:** A thorough screening and background check of staff at all levels must be carried out as a matter of practice. The CPP of the CCIs/Homes needs to include procedures for this.

iii. Monitoring and Inspections:

13.62 **Regular Inspection of amenities:** A very disturbing trend was observed, wherein CCIs lacking basic amenities were running childcare facilities possibly leading to child rights violations. In order to correct the situation recommendation on the basis of regular inspections by appropriate authorities like SCPS, DCPU, CWC, JJB, High Level Committee and District Inspection Committee should be made; CCIs/ Homes not complying should be appropriately dealt with. Reports and recommendation of the inspecting authorities need to be shared with the CCIs/Homes so that corrective measures can be taken.

13.63 **Monitoring for ensuring legal adoption:** Periodic monitoring of SAAs by the SARA and DCPU is essential. SAA-CCI linkage must be established so that the children eligible for adoption can be linked to the adoption process. This linkage needs to be facilitated through an integrated and digitised real-time MIS containing end to end details of all children found in the JJ System.

13.64 **Evaluation to Bridge Implementation Gaps:** State-wise third party evaluation of the child related schemes and services especially, functioning of CCIs/Homes by the respective governments may be carried out with the help of external agencies to find out the gap in implementation and bring about transparency in the system.

iv. Record Keeping and Documentation:

13.65 Lack of proper documentations and maintenance of files/records was observed in most of the CCIs/Homes. Essential documents related to the CCIs/Homes must be available in the premises for scrutiny by any competent authority when required. Basic training to the Officer-in-Charge and staff of CCIs on how to maintain and update various registers and accounts is recommended. Additionally, regular status updates must be sent to the DCPU, CWC, SARA.

v. Networking and Coordinating:

13.66 **Linkages with Experts:** Linkages with external agencies and individuals experts in various areas of child care must be encouraged and made mandatory (where applicable). DCPU must have

an updated database of CCIs/Homes, details of children in CCIs and details of experts whose services can be utilized.

13.67 Convergence of CCIs/ Homes with following institutions should be encouraged:

- a) SSA for basic primary education,
- b) NSDC & ITI for vocational training,
- c) Health department for health check-ups and
- d) DLSA for free legal aid.
- e) Mental Health institutions such as NIMHANS

13.68 Inter-ministerial coordination may be established to facilitate speedy repatriation process of children to their home countries.

13.69 Corporate tie-ups to provide quality services, especially in the areas of skill development, vocation, recreation and after-care programme for children is recommended.

vi. Funding and Transparency:

13.70 For vocational education, provision of separate funds should be provided under ICPS.

13.71 Release of funds by State government should be prioritised as they provide a substantial part of the funding to CCIs/Homes.

13.72 To improve financial transparency, CCIs/Homes must maintain accounts with themselves; instances were found where accounts were not maintained by CCIs/Homes administration but with the parent NGO/organisation.

vii. Miscellaneous:

13.73 Some of the best practices adopted/ developed by specific CCIs/Homes should be identified and shared with others, so that they are encouraged to adopt. Innovation should be encouraged to find solutions and it should also be rewarded in appropriate ways- there can be awards for the best managed CCIs/Homes. Participation of children should be encouraged in all possible manner. Attempts should be made to encourage development of model CCIs/Home.

13.74 To overcome infrastructural and security shortcoming, CCIs/Homes can seek financial support of donors, voluntary organizations, communities and even corporates to make the necessary improvements. However, government need to take appropriate responsibility on this ground.

13.75 Use of sustainable sources of energy (biogas and solar), rain water harvesting, composting, kitchen/terrace garden must be encouraged. This will not only be beneficial for the CCIs/Homes but will also be an additional source of learning for children. Hence adequate training need to be imparted.

13.76 Awards should be instituted to encourage innovative practices for addressing the needs and concerns of children and adopting best management practices that are child friendly by the CCIs/Homes. This would incentivise improvement as well as encourage reporting and sharing practices by CCIs/Homes and States.

Annexure -I

Evolution of Child Care Institutions: A Brief History



नए समाज की ओर
Towards a new dawn

Evolution of Child Care Institutions: A Brief History

There is a long history of legislations regarding regulations of CCIs/Homes¹ for children. During the pre-independence era, the Apprentices Act, 1850; the Reformatory Schools Act, 1897; and the Children Act, 1908. The present legislation JJ Act, 2015 requires all CCIs/Homes to get registered is an effort to streamline the existing ambiguity in concern to the CCIs / Homes in India.

Orphanages existed in various parts of India for many decades, and some even more than a century. The few known orphanages such as San Thome Orphanage in Tamil Nadu was established between 1820 and 1830, Bachchon Ka Ghar—the oldest orphanage of Delhi was built in 1891, Arya Orphanage was started in Delhi in 1918 and SOS Children’s Villages of India set up its first Children’s Village in Haryana in 1964². These institutions were charity driven with least State regulations. However as time passed the mushrooming of unregulated children homes across the country became a concern due to reports of abuse of children, quality of care issues, and trafficking, illegal adoptions among others.

The Apprentices Act, 1850, was passed for better enabling children in the age group of 10-18 convicted by courts, and specially orphans and poor children brought up by public charity, to learn trades, crafts when they reach 18 years of age, they may be able to gain a livelihood. The Act attempted for the first time to help juvenile delinquents by keeping those who committed petty offences out of the prison and rehabilitating them.

The Reformatory Schools Act 1897 which was passed on all India level provided for the establishment of Reformatory schools, where juvenile delinquents under sixteen years of age were detained for a term extending from two to seven years instead of being sent to jail. The Children Act was passed in 1908 recognized the need of care, protection, and reformation of juvenile delinquents. The act was brought about through Liberal reform in Britain to protect children from adults who would seek to

¹<http://childlineindia.org.in/child-in-india.htm>

²Ratified by India on 11 December 1992

³<http://www.udayancare.org/Standards%20of%20care%20in%20child%20care%20institutions.pdf>

exploit them⁵.

The Indian Jail committee appointed in April 1919 submitted a report in May 1920 here it brought to the fore, the vital need for speedy trial and treatment of young offenders. The recommendations made in the report prompted the enactment of the Borstal Acts, Children Act and Probation Acts. The Children Acts concerning Madras, Bengal and Bombay were extensively amended between 1948 and 1959. Borstals were established in 1929 as correctional institutes for young offenders, with an emphasis on education and rehabilitation⁷. In 1933, the Children and Young Person Act was passed and it collated all existing child protection legislation into one act.

Post-Independence in 1947, adoption of the Constitution on 26 November 1949 guarantees fundamental rights of children under various Articles which ensured increasing legislative focus on children's issues. The Children Act, 1960 was one of the earliest enactments created to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the Union territories. The Act provided for Special schools for the reception of delinquent children under this Act which not only provided the child with accommodation, maintenance and facilities for education but also provided them with facilities for the development of their character and abilities and give them necessary training for their reformation along with other functions to ensure all round growth and development of their personality. The Act also provided after-care organizations for the purpose of taking care of children after they leave children's homes or special schools and for the purpose of enabling them to lead an honest, industrious and useful life.

In some States along with the JJ Act there are provisions for licensing under the Orphanages and Charitable Homes Act, 1960 in States, such as Kerala and Tamil Nadu and in Maharashtra; institutions continue to be licensed under the Women and Children Licensing Act. However, their existence became questionable after the JJ Act, 2015 which mandated all homes / CCI to be registered under the uniform system, nationally.

Over the years, the focus of care of children has been slowly shifting from institutionalized care to community/family based care. This is reflected in the National Policy for Children which says: 'To secure the rights of children temporarily or permanently deprived of parental care, the State

shall endeavour to ensure family and community-based care arrangements including sponsorship, kinship, foster care and adoption, with institutionalization as a measure of last resort, with due regard to the best interests of the child and guaranteeing quality standards of care and protection”².

he rights of children, quality of services and restoring back to families are priorities of the Juvenile Justice system. The integration and regularization of all kinds of homes are necessary to ensure tracking of children and for their rehabilitation. Besides, Section 41 of the JJ Act, 2015, provides for the Registration of child care institutions (CCI). The law makes it compulsory for “all institutions” whether run by a State government or by voluntary or non-governmental organizations, which are meant, either wholly or partially, for housing children in need of care and protection or children in conflict with law, shall, be registered under this Act in such manner as maybe prescribed, within a period of six months from the date of commencement of this act, regardless of whether they are receiving grants from the central government or, as the case maybe, the state government or not.

⁴<http://www.intriguing-history.com/childrens-act/>

⁵ <http://www.vakilno1.com/bareacts/juvenilejusticeact/juvenilejusticeact.html>

⁶<https://mumbaimirror.indiatimes.com/others/sunday-read/children-housed-at-borstals-meant-for-prisoners-over-18/articleshow/50249330.cms>

Annexure -II

Methodology and Design of the Study



नए समाज की ओर
Towards a new dawn

Methodology and Design Of The Survey:

Methodology

The National study in India involves Union and State governments, district administration and non-governmental organizations to map all the existing CCIs /Homes across all the districts of the country. The methodology was similarly complex and several parallel activities were worked upon to ensure the completion of mammoth task in an effective and timely manner. The review of homes was a mammoth task while it got initiated in December 2015, the actual review of homes started from 19 January 2016 in Maharashtra and the last home to be reviewed was on 30 September 2016 in Tamil Nadu.

CIF National Outreach

The task of anchoring the study was entrusted to CHILDLINE India Foundation (CIF) through and a structure was created to aid and advise the whole process. The existing structure and partners of CIF was instrumental in creating a support and national outreach for the study.

Study Coordination Structure

Based on mandate NCPCR and CHILDLINE India Foundation (CIF) developed a detailed action plan and structure to undertake the National survey of Child Care Institutions. The survey process involved the following:

- i. National Advisory Committee [consisting of Executive Director CIF (chair), NCPCR representative, Deputy Director CIF, Head Services]; supervised the survey process from time to time as prescribed
- ii. CHILDLINE India Foundation (CIF) through its NCT and SCA's coordinated, monitored to ensure that:
 - a. Survey teams were constituted and trained;

- b. Surveys were conducted as per norms and within time frame agreed upon
- c. Reports were submitted in the prescribed format to the Commission on weekly basis;
- iii. National Coordinating Unit/Team with its Operational team of a National coordinator and four regional coordinators were based in CIF's Northern Regional Resource Centre. The NCU was put in place in December 2015.
- iv. CIF's already existing Regional Resource Centre (RRCs) Heads, 4 – Nodal persons for the zone were critical to the process as they directly linked with SCA partners
- v. State Coordinating Agencies (SCA), CHILDLINE partners (primarily Nodal and / or academic institutions) were responsible for appointment of the survey teams, collection and entry of data. *There were 64 SCAs altogether; however, some of them had been allotted districts in more than one State, thus making the total work areas 76, across all States/UTs).* The Selection of SCA was completed by December 2015.
- vi. Survey or review teams were constituted for a district/cluster of districts (3-5 districts per team or as required) by the SCA to conduct the survey; there were approximately 726 persons were engaged as part of the Review Teams. These teams included mandatorily a DC/DM nominee and members who had adequate years of experience of working with children and/or a research background and knowledge of child protection legislation.

Research Design

Cross sectional research design was adopted for putting together a database of CCLs/ Homes in the country and also to assess the information from the population working closely and ensure care and protection to the children and also from the number of children who legally benefited through the services at same time about the condition of homes and the condition of children living in, whether these identified CCLs/ Homes care institutions were following some basis standards to provide protection and care to the children.

Area of Study

The National study was an all India mapping exercise to review all homes (registered / unregistered) in all the 678 districts in 29 States and 7 Union Territories. There were reasons for not reviewing homes or districts, namely

- a. In Uttar Pradesh, out of the 260 Homes only 170 homes were visited during the mapping; remaining 90 homes where Social Audit was conducted recently were kept out of the review mapping, because of the decision of the State Government.
- b. 98 districts had no homes for children was confirmed by the district administration

Tools and method of data collection

The main quantitative tool used in the study was a structured schedule (Mapping and review process format) which included the following;

- Structured Interview Schedule (Questionnaire for Home Management)
- Focused Group Discussions for children
- Observation checklist for facilities and standards
- Verification checklist for financial and infrastructural information was for collecting corroborative documents during the visit.

Structured interview with the Home management was used to extract data concerning existing mechanisms and procedures in the home. The information was collected vis-a-vis the Home, such as the legal status, staffing, facilities, support systems, funding and financial management, adherence to norms and standards among others. These interviews aimed at obtaining an all-round perspective with regards to child protection and all related issues regarding the Home, district mechanism and the children. The list of CCLs/ Homes existing in a district was collected through Central government, State government and district base administration.

Data Collection: Process followed and norms adhered

The process of data collection for the national mapping exercise was a complex one, with individuals involved at multiple levels, and so required various preparations to minimise the limitations.

Desk Review & Finalisation of key documents was completed by December, 2016.

- a. Terms of Reference (TOR) for SCAs for Mapping & Review
- b. Work plan format for SCAs
- c. Format for Mapping & Review of Child Care Institutions under the Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act) & Other Homes
- d. Facilitators Guideline for filling of format
- e. Financial Guideline and formats
- f. Training Content for Review team
- g. Format for District Report
- h. Master Sheet for Home / CCI Data and Districts Data
- i. Data entry format (Coded MIS) was prepared to be used by SCA for each CCI.

Orientation Program on Tools and Facilitators' guideline for all the 64 State Coordinating Agencies (SCAs) across the country was completed by January 2016 through seven orientation trainings. The SCAs were oriented on their roles and responsibilities, procedure to be followed in the mapping and the review process, format prepared for data collection, financials and the budget allocation, and the terms and condition to be maintained during and after the exercise is completed.

Team selection: Selection of Review Team by SCAs initiated from December and was over by March 2016.

Review Team Training: The SCAs undertook training of their field researchers team and oriented them on the tools and methods of data collection

The participation of State Governments was a critical component of the research methodology. The State government were requested by the MWCD to ensure the following:

- a. Mandatory participation of a DC/DM representative in every Review Team as well as visit to the CCIs/Homes
- b. Provide authentic data at the district level in terms of availability of homes/CCI and in case of districts devoid of such facilities, a letter stating the same.
- c. Provide list of registered / unregistered homes / CCIs in the district.
- d. Provide inputs to the visiting review teams as to the district and state reports.

Primary Data Collection was undertaken at the CCIs / Homes and the team ensured that they met the following stakeholders and performed the following tasks to the extent possible:

- a. Home Management team
- b. Staff working as full time and part time
- c. Group of children
- d. Verification of collected information through FGD, maintained documents/papers and records of observation methods
- e. Verification of collected information together with district nominee and home in-charge
- f. Meetings were even held with the allied system to identify homes/CCIs where children are sheltered

District official as representative of DC / DM as a part of the review team was a mandatory condition. Every mapping questionnaire was closed with the approval and signature of the district representative.

The Mapping and review process was conducted with a team of minimum three members including a DM/DC representative after the letter of permission was received. One team member, preferably a women member interacted separately with the children to obtain their views;

The team was expected to do the following:

- a. Fill authentic information in the prescribed format and get duly verified documents signed/ attested by the Home In-charge;
- b. Post the mapping and review process- the team prepared the review process report;
- c. The team visit was made to the institution between 10:00 am to 4:00 pm;
- d. In case the team received any information about any offence committed against any child, they were supposed to report the same to the concerned authority for immediate intervention;
- e. The team submitted the district report to the SCA concerned along with relevant documents within 15 days at the maximum, from the initiation of the Mapping and review process in a district.

Respondents Profile

During the study the following stakeholders were engaged with for the purposes of data collection across all the states and UTs

No. of Respondent in CCIs

State	No. of CCIs	Senior Management	Full Time Staff	Part Time Staff	Children
A&N	17	16	48	14	214
AndhraPradesh	762	967	4667	991	30298
Arunachal	8	16	44	5	61
Assam	131	301	726	164	2067
Bihar	84	101	496	67	1716
Chandigarh	16	16	81	15	78
Chhattisgarh	122	287	665	173	3449

State	No. of CCIs	Senior Management	Full Time Staff	Part Time Staff	Children
Delhi	125	184	725	137	2091
Goa	70	123	415	85	2660
Gujarat	169	203	712	385	3968
Haryana	79	210	775	170	2751
Himachal Pradesh	46	45	185	48	812
J&K	362	987	2145	331	19827
Jharkhand	127	432	849	290	3632
Karnataka	911	3667	5045	1180	30066
Kerala	1,242	2444	3804	736	23630
Madhya Pradesh	146	176	773	218	2747
Maharashtra	1,284	1271	7384	893	62002
Manipur	62	56	210	1	385
Maghalaya	84	82	560	115	1863
Mizoram	46	43	281	30	694
Nagaland	67	55	176	6	869
Odisha	427	600	1771	478	10381
Pondicherry	91	120	568	211	2670
Punjab	73	273	411	89	1442
Rajasthan	277	354	2116	973	7966
Sikkim	23	47	73	7	383
Tamil Nadu	1,647	2949	10820	2362	89206
Telangana	494	656	2168	458	11718
Tripura	44	368	299	120	818
Uttar Pradesh	170	421	783	255	3148
Uttarakhand	56	54	175	53	622
West Bengal	327	433	677	255	2001
India	9,589	17957	50627	11315	326235

Data Entry, Compilation and Analysis

The collected quantitative data was entered by the respective SCAs as per the predesigned data entry format. The data entry format was prepared with the assistance from Praxis Institute of Participatory Practices, New Delhi. The data was further removed and imported to SPSS and through frequency and cross tabulation, tabulated data has been extracted. This was followed by findings and key analysis of data.

The Report

A committee was constituted by the Ministry for analysing data of mapping and review exercise of child care institutions under Juvenile Justice (Care and Protection of Children) Act, 2015 and other homes. The committee had the following members;

1.	Ms. Ratna Anjan Jena, Statistical Adviser, Ministry of Women and Child Development, Government of India	Chairperson
2.	Ms. Sanghamitra Barik, Deputy Director, National Institute of Public Cooperation and Child Development	Member Secretary
3.	Dr. Anjaiah Pandiri, Executive Director, Childline India Foundation	Member
4.	Professor Dolly Arora, Indian Institute of Public Administration (IIPA)	Member
5.	Two members with research background on child rights	Members

The Committee has also taken the help of *Independent Thought* a non-governmental organization, for the development of the report under its supervision.

Letter from the U.P Govt.

ई-मेल/स्पीड पोस्ट

प्रेषक,
निदेशक,
महिला कल्याण,
उत्तर प्रदेश।
सेवा में,
समस्त जिलाधिकारी,
उत्तर प्रदेश।

संख्या **डी. 2908** /निदे0म0क0/प्रोवे0/2015-16,

दिनांक: लखनऊ : 19 फरवरी 2016

विषय:-किशोर न्याय (बालकों की देखरेख और संरक्षण) अधिनियम, 2015 द्वारा संचालित गृहों तथा उज्ज्वला एवं स्वाधार गृहों की मैपिंग के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक शासन के पत्र संख्या-12 भा0स0/60-1-2016, दिनांक 09-02-2016 द्वारा यह अवगत कराते हुए कि भारत सरकार के पत्र संख्या-225 /2015-सी0डब्ल्यू-2, दिनांक 17-11-2015 द्वारा राजकीय बाल अधिकार संरक्षण आयोग एवं चाइल्ड लाईन इण्डिया फाउण्डेशन, नई दिल्ली द्वारा संयुक्त रूप से किशोर न्याय (बालकों की देखरेख और संरक्षण) अधिनियम, 2015 द्वारा संचालित गृहों तथा उज्ज्वला एवं स्वाधार गृहों की मैपिंग प्रदेश स्तर पर किए जाने की सूचना दी गयी है जिसके द्वारा मा0 उच्चतम न्यायालय नियोजित रिट याचिका संख्या-473/2005 सम्पूर्णा बेहुरा बनाम भारत सरकार व अन्य में पारित आदेश दिनांक 10-04-2015 हेतु प्रदेश में संचालित गैर पंजीकृत गृहों की मैपिंग कर किशोर न्याय अधिनियम-2015 अथवा अन्य सम्बन्धित अधिनियमों में उक्त गृहों का पंजीकरण कराया जा सके।

उल्लेखनीय है कि मैपिंग की कार्यवाही किए जाने हेतु भारत सरकार द्वारा चाइल्ड लाइन इण्डिया फाउण्डेशन के माध्यम से चाइल्ड लाइन एजेंसियों को चिन्हित किया गया है, जिनकी सूची संलग्न है। इन एजेंसियों के प्रतिनिधि आपके जनपद में संचालित संस्थाओं की मैपिंग का कार्य जिला प्रोबेशन अधिकारी के समन्वय से सुनिश्चित करेंगे।

इस सम्बन्ध में यह भी अवगत कराना है कि महिला एवं बाल विकास विभाग, उत्तर प्रदेश द्वारा प्रथम चरण में किशोर न्याय (बालकों की देखरेख और संरक्षण) अधिनियम-2015 द्वारा स्वैच्छिक संगठनों के माध्यम से संचालित गृहों का सोशल आडिट महिला एवं बाल विकास मंत्रालय भारत सरकार द्वारा जारी सोशल आडिट प्रपत्रों के अनुरूप डा0 राम मनोहर लोहिया राष्ट्रीय विधि विश्वविद्यालय, लखनऊ के माध्यम से कराया गया है। उन गृहों को जिनका सोशल आडिट कराया जा चुका है को मैपिंग की प्रक्रिया में सम्मिलित नहीं किया जाना है। विभाग से पंजीकृत गृहों तथा उज्ज्वला एवं स्वाधार की सूची तथा जिन संस्थाओं का सोशल आडिट कराया गया है उसकी सूची पत्र के साथ संलग्न है।

अतः मा0 सर्वोच्च न्यायालय में प्रचलित उक्त याचिका संख्या-473/2005 में पारित आदेश दिनांक 10-04-2015 का पूर्णतया अनुपालन किए जाने के दृष्टिगत आपसे अनुरोध

है कि आप जनपद स्तर के सक्षम अधिकारियों को अपने स्तर से चिन्हित चाइल्ड लाइन्स को मैपिंग कार्य में अपेक्षित सहयोग प्रदान किए जाने हेतु निर्देशित करने का कष्ट करें।
संलग्नक:-यथोक्त !

भवदीय,

(नीलिमा श्रीवास्तव)
निदेशक।

पृष्ठांकन संख्या व दिनांक यथोक्त !

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- प्रमुख सचिव, उत्तर प्रदेश शासन, महिला एवं बाल विकास विभाग को शासन के पत्र संख्या-12 भा0स0/60-1-2016, दिनांक 09 फरवरी 2016 के अनुपालन में।
- 2- उप निदेशक, चाइल्ड लाइन इण्डिया फाउण्डेशन, नई दिल्ली।
- 3- प्रतिनिधि, सोशल एण्ड डेवलेपमेण्ट रिसर्च एण्ड एक्शन ग्रुप/एहसास/जन मित्र न्यास/डेवलेपमेण्टल एसोशिएसन फॉर ह्यूमन एडवान्समेण्ट एवं शक्ति वाहिनी।
- 4- समस्त जिला प्रोवेशन अधिकारी, उत्तर प्रदेश को इस निर्देश के साथ कि मैपिंग की प्रक्रिया के समय वह अनिवार्य रूप से उपस्थित रहेंगे।

Neelima Shrivastava
(नीलिमा श्रीवास्तव)
निदेशक।

Social Audited.

किशोर न्याय अधिनियम, 2000 की धारा-34(3) के अन्तर्गत स्वैच्छिक संगठनों द्वारा संचालित पंजीकृत गृहों की सूची जिनका सोशल आडिट किया गया ।						
क्रम सं०	स्वैच्छिक संस्था का नाम	संचालित गृह का नाम	पता	जनपद का नाम जहाँ संस्था संचालित है	स्वीकृत क्षमता	पंजीकरण संख्या व दिनांक
1	2	3	4	5	6	7
बाल गृह(बालक)						
1	माधो सेवा निकेतन, 316, निराला नगर, रायबरेली	बाल गृह(बालक)	माधो सेवा निकेतन, औद्योगिक क्षेत्र-ए, अगांवा रोड, रायबरेली	रायबरेली	50	0107, 24.12.2013
2	मा काली सेवा संस्थान, गोला मोर्कणनाथ, लखीमपुर खीरी	बाल गृह(बालक)	मोर्कणनाथ, शंकरजी मन्दिर के पास गोला, लखीमपुर, खीरी	लखीमपुर खीरी	50	0117, 15.05.2015
3	उमा महिला उत्थान समिति, मिश्रिख तीर्थ, सीतापुर	बाल गृह(बालक)	कृष्णा नगर, हरदोई रोड, सीतापुर	सीतापुर	50	0114, 25.03.2015
4	देवराज ग्रामीण ग्रामोद्योग सेवा संस्थान, रदूदूक, वैयना, सागरपाली, बलिया	बाल गृह(बालक)	मौजा-पहिया, पोस्ट-फेफना, बलिया	बलिया	50	0123, 16.07.2015
5	स्व० प० गिरिजा प्रसाद सामाजिक सेवा एवं शिक्षा संस्थान, c/o डॉ० आर०आर० ओझा, निकट छपका ब्लाक, छपका, सबर्दसगंज, सोनभद्र	बाल गृह(बालक)	पाण्डेयपुर, प्रतापगढ़	प्रतापगढ़	50	0120, 25.05.2015
6	स्व० प० गिरिजा प्रसाद सामाजिक सेवा एवं शिक्षा संस्थान, c/o डॉ० आर०आर० ओझा, निकट छपका ब्लाक, छपका, सबर्दसगंज, सोनभद्र	बाल गृह(बालक)	आवारा विकास कॉलोनी, सबर्दसगंज, सोनभद्र	सोनभद्र	50	0119, 25.05.2015
7	एहसारा, 4/482, विकास नगर, लखनऊ	धरौदा, बाल गृह(बालक)	एफ-2 विराट खण्ड, निकट महाराजा अग्रसेन पब्लिक स्कूल, गोमती नगर, लखनऊ	लखनऊ	50	0198, 19.06.12
8	समाज सुधार समिति, नगला चौटा, कारागंज	बाल गृह(बालक)	कबीर नगर धाम, नगला चौटा,	कारागंज	50	0206, 30.08.12
बाल गृह (बालिका)						
9	मा विनयवासिनी महिला प्रशिक्षण एवं समाज सेवा संस्थान, भटनी, देवरिया	बाल गृह(बालिका)	गठना-205, रौनीहारी, स्टेशन रोड, कोतवाली, देवरिया	देवरिया	50	0163, 13.05.09
10	माधो सेवा निकेतन, 316, निराला नगर, रायबरेली	बाल गृह(बालिका)	माधो सेवा निकेतन, औद्योगिक क्षेत्र-II, अगांवा रोड, रायबरेली	रायबरेली	50	0108, 24.12.2013
11	स्व० शिवपूजन पाठक उ०भा० शि०समिति, हसनपुर, सैदपुर, गाजीपुर	स्व. शिवपूजन पाठक बाल गृह(बालिका)	स्व. शिवपूजन पाठक, रस्तीपुर, सैदपुर, गाजीपुर	गाजीपुर	50	0106, 24.12.2013
12	उमा महिला उत्थान समिति, मिश्रिख तीर्थ, सीतापुर	बाल गृह(बालिका)	मुफ्ता कॉलोनी, तशीनपुर, सीतापुर	सीतापुर	50	0115, 25.03.2015

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Annexure –II : Methodology and Design of the Study

13	अवध ग्रामीण विकास संस्थान, घग्गीर, सुल्तानपुर	प्रियदर्शनी बाल गृह (बालिका)	33/2, मंडी रोड, गोरावारिक, सुल्तानपुर	सुल्तानपुर	50	0112, 04.12.2014
14	पूर्ववारी ग्रामीण उत्थान विकास सेवा समिति, नसेइया (पण्डितपुर), छान्ने, गीरजापुर	बाल गृह(बालिका)	ब्रह्मनगर, राबर्टसगंज, सोनभद्र	सोनभद्र	50	0118, 28.05.2015
15	श्रीमती प्रभावती देवी बालिका विद्यालय समिति, चतुराणीटी, गोण्डा	बाल गृह(बालिका)	बयारा चौराहा, सिद्धार्थ नगर	सिद्धार्थ नगर	50	0180, 25.10.10
16	राजती डेवलपमेंट एण्ड रिसर्च संस्थान, मुमाइस कैम्प, सहारनपुर	बाल गृह(बालिका)	पुष्पाजलि विहार निकट-चकहरेटी, सहारनपुर	सहारनपुर	50	0223, 01.01.13
बाल गृह(शिशु)					50	
17	इण्डियन हेल्थ आर्गनाइजेशन वेलफेयर सोसायटी, शुक्लाहा चौराहा, गीरजापुर	बाल गृह(बालिका) (0-10 वर्ष की आयुवर्ग)	शुक्लाहा चौराहा, गीरजापुर	गीरजापुर	50	0105, 26.09.2013
18	मानसी, 14/5 इन्दिरा नगर, लखनऊ	वरदान शिशु गृह	14/5, इन्दिरा नगर, लखनऊ	लखनऊ	50	0127, 31.12.07
19	विजय लक्ष्मी महिला उत्थान समिति, सेनपुरा, लहुसबीर, वाराणसी	लक्ष्मी बाल गृह(शिशु)(0-06 वर्ष तक की आयु)	सी-22/2, मेनरोड, कबीर चौरा	वाराणसी	50	0111, 08.07.2014
20	उग्रो बाल कल्याण परिषद, मोतीमहल, लखनऊ	एडापशन सेन्टर	परिसर, लीलावती गुरी निराश्रित बाल गृह, मोतीनगर, लखनऊ	लखनऊ	50	0113, 17.03.2015
21	मिशनरीज आफ चैरिटी, शिशु भवन, 50 बी, टार्नर रोड, कानपुर नगर	एडापशन सेन्टर	शिशु भवन, 50 बी, टार्नर रोड, कानपुर नगर	कानपुर नगर	50	0175, 30.04.10
22	शान्ती देवी मेमोरियल ग्राम विकास शिक्षा संस्थान, हसनपुर, रावतपुर, कानपुर देहात	बाल गृह(शिशु)	रनिया, नेशनल हाइवे, केसरवल रोड, रमाबाईनगर	कानपुर देहात	50	0185, 17.03.11
23	द्वारिका समाज कल्याण समिति, ग्राम व पो 0 बधरावां, महाराजगंज, रायबरेली	बाल गृह (बालक/बालिका) (0 से 10 वर्ष आयु वर्ग)	महाराजगंज, रायबरेली	रायबरेली	50	0189, 26.07.11
24	माँ काली सेवा संस्थान, निकट श्रीराम मंदिर गोला मोर्कनाथ, लखीमपुर खीरी	बाल गृह (शिशु)	गाँव बहादुर नगर, लखीमपुर	लखीमपुर खीरी	50	0202, 09.08.12
25	40 जवाहरलाल नेहरू स्मारक महिला एवं बाल कल्याण समिति, 84/2, कन्वारी बाजार, फैजाबाद	शिशु गृह.	कन्वारी बाजार, फैजाबाद	फैजाबाद	50	0207, 30.08.12
26	गौतम बुद्ध सेवा समिति, गाँव बरहुली, पो 0 जसो की मंडई(मुगलसराय), बन्दीली	बाल गृह(शिशु).	शकर मोड रोड, वार्ड -10-10, नगर पंचायत, बन्दीली	बन्दीली	50	0209, 21.09.12
27	ग्रामीण विकास समिति, ग्राम व पोस्ट चारु, मनकापुर, गोण्डा	बाल गृह(शिशु).	सिधिल लाइन, कचेहरी रोड, गोण्डा	गोण्डा	50	0210, 05.10.12

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Annexure -III

WRIT PETITION (CRIMINAL) NO. 102 OF 2007



नए समाज की ओर
Towards a new dawn

**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION**

WRIT PETITION (CRIMINAL) NO. 102 OF 2007

Re: Exploitation of Children in Orphanages

in the State of Tamil Nadu

....Petitioner versus

Union of India & Ors.

....Respondents

J U D G M E N T

Madan B. Lokur, J.

1. This writ petition was taken up on the basis of an article published in the Hindi newspaper "Hindustan" (Lucknow Edition) on 4th July, 2007. The article was written by Ms. Anjali Sinha and the translated caption of the article is "Orphanage or Places for Child Abuse". The article was forwarded to this Court by one A.S. Choudhury along with a letter and that is the genesis of this petition which was registered as a Public Interest Litigation (PIL) on 10th September, 2007. Ms. Aparna Bhat was appointed as *Amicus Curiae* to assist this Court.

At the outset we must and do acknowledge the unstinting and excellent

efforts put in by Ms. Aparna Bhat over the last 10 years in rendering assistance in this matter.

2. Broadly, the article written by Ms. Anjali Sinha mentions that orphanages in Mahabalipuram in Tamil Nadu, run by NGOs as well as government institutions were reportedly involved in systematic sexual abuse of children. A sting operation indicated that sexual services of children were being provided to foreigners as well as Indian tourists and that the rates of children whose sexual services were being taken were fixed over telephone or in a meeting at the orphanage.
3. It is further stated that in a program organized by the State Commission for Women in Tamil Nadu, representatives of the National Commission for Women participated and it was acknowledged that government schools have become unsafe for girl students due to sexual abuse. The incident of an eight year old girl who was harassed by her Principal was mentioned and it was noted that the Principal was only transferred out by way of punishment. Another incident was mentioned where the school teacher misbehaved with students in the presence of other students in a closed room.
4. The then Ministry of Family and Child Welfare along with UNICEF brought out a report on the condition of children in which it was reported that 53% of children suffered from sexual abuse. Children were reported to be the subject of institutional abuse as well as by relatives.
5. On these broad facts Ms. Anjali Sinha suggested that the problem of sexual abuse of children especially in government institutions has become a serious problem and requires immediate redressal. She made some suggestions including a Counseling Cell in each school where children are taught how to recognize abuse and providing a complaint mechanism accessible to children in case of any such incident.

Proceedings in this Court

6. Over the years, this Court passed several orders and also mentioned that certain other issues such as trafficking of children, schools being occupied by Central Para Military Forces and the right to education guaranteed to children require consideration. In other words, this Court sought to expand the scope of this PIL to include the rights of children in general.
7. In an order passed on 7th February, 2013 the learned Additional Solicitor General and the learned *Amicus* submitted that the main reason for this Court issuing various orders is to ensure

that the provisions for the rights of children as well as provisions for proper facilities to children in education as also health are implemented. It was submitted that obviously the rights of children can be adequately secured only if the monitoring and controlling provisions contained in statutes relating to children such as The Commissions for Protection of Child Rights Act, 2005, The Right of Children to Free and Compulsory Education Act, 2009, The Protection of Children from Sexual Offences Act, 2012 and The Juvenile Justice (Care and Protection of Children) Act, 2000 are fully implemented.

8. A detailed order was passed by this Court on 16th December, 2013 lamenting that despite the directions issued, little or no progress was made by the States in protecting the rights of children. As far as the Commissions for the Protection of Child Rights are concerned, they exist only on paper since in some cases the Chairperson had not been appointed or the Members had not been appointed or no rules and regulations had been framed. This Court observed that the lackadaisical manner in which the States and the Union Territories had responded to the rights of children made it necessary to draw attention to the constitutional rights guaranteed to children. It was observed that the inaction of the States was in the teeth of the directions given by this Court and additionally the States and Union Territories ought to realize that they have to operate in accordance with the provisions of the Constitution of India.

9. Accordingly, specific information was sought from each State and Union Territory regarding efforts made by the respective governments. Affidavits were filed by the States and Union Territories from time to time as an attempt to respond to the questions raised by this Court regarding action taken by the concerned governments in protecting the rights of children as well as implementation of the statutes mentioned above. The responses were disheartening then and the situation has not changed substantially even after almost a decade since this Court took cognizance of the matter. Progress, if any, has been marginal. Unfortunately, it appears that the governments of some of the States and Union Territories have little remedial or pro-active concern for children.

10. On 20th March, 2015 this Court raised the need for a social audit in terms of Rule 64 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 and the utilization of funds given to the States and Union Territories under the Integrated Child Protection Scheme.

11. On 17th April, 2015 this Court raised the issue of a concurrent monitoring audit under the Integrated Child Protection Scheme as well as the establishment of Juvenile Justice Boards, Child Welfare Committees, Special Juvenile Police Units, functioning of Child Care Institutions and functioning of adoption agencies.

12. On 31st July, 2015 at the instance of the learned *Amicus*, the issue of formulating Child Care Plans was discussed in addition to laying down a policy for conducting social audits. On 28th August, 2015, the issue of vacancies in the National Commission for the Protection of Child Rights was raised by this Court. On 30th October, 2015 the format for social audits was discussed, in the context of finalizing something workable and pragmatic.

13. Since it appeared that there was a lack of seriousness and more tragically a lack of empathy towards the well being and welfare of children amongst some of the States and Union Territories and complete apathy with respect to the disturbingly increasing instances of child sexual abuse, often by someone in a position of authority and ineffective implementation of the laws passed by Parliament virtually making parliamentary legislation irrelevant, we heard detailed submissions of all the parties with the intention of passing appropriate directions so as to ensure the meaningful implementation of the statutes already enacted by Parliament. It must be appreciated that the Juvenile Justice (Care and Protection of Children) Act, 2015 is a medium for the State to honour the Directive Principles of State Policy particularly under Article 39(f) of the Constitution by giving opportunities to children to develop in a healthy manner and in conditions of freedom and dignity. Indeed, though the Directive Principles of State Policy are fundamental to the governance of the country, they are not enforceable. However, as held in ***Bandhua Mukti Morcha v. Union of India***, once a directive principle is enforced through law the State must be obligated to enforce the statute to uphold its constitutional obligation.¹

14. In this context, it is pertinent to note that India acceded to the Convention on the Rights of the Child (CRC) on the 11th December, 1992. Article 19 of the CRC obligates the State Parties to “take all appropriate legislative, administrative, social and educational measures to protect the

¹(1984) 3 SCC 161

child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse....”

15. Keeping all this in mind, the learned *Amicus* focused on three principal issues namely (1) Children in need of care and protection; (2) Trafficked children (3) Street children. We do not propose to consider the plight of trafficked or street children, since that would mean losing focus on the issues raised by Ms. Anjali Sinha. We leave open the issues of trafficked children and street children for consideration in an appropriate case.

16. On the rights of children in need of care and protection it was submitted that issues relating to child care institutions whether managed by the State Government or by NGOs or other voluntary organizations need to follow certain minimum standards of care and in addition, rehabilitation of such children must be a priority.

Children in need of care and protection

17. Who is a child in need of care and protection? The provisions of the Protection of Children from Sexual Offences Act, 2012 (for short the ‘POCSO Act’) do not provide any definition of a child in need of care and protection. But no one can deny that a child victim of sexual abuse or sexual assault or sexual harassment is a child in need of care and protection. Similarly in a given case, a child accused of an offence and brought before the Juvenile Justice Board or any other authority might also be a child in need of care and protection.

18. Even though a child in need of care and protection is defined in Section 2(14) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the JJ Act) the definition does not specifically include some categories of children. Consequently, we are of the view that since the JJ Act is intended for the benefit of children and is intended to protect and foster their rights, the definition of a child in need of care and protection must be given a broad interpretation. It would be unfortunate if certain categories of children are left out of the definition, even though they need as much care and protection as categories of children specifically enlisted in the definition. Beneficial legislations of the kind that we are dealing with demand an expansive view to be taken by the Courts and all concerned.

19. In **Workmen v. Management of American Express International Banking Corporation**² this Court held in paragraph 4 of the Report that:

“The principles of statutory construction are well settled. Words occurring in statutes of liberal import such as social welfare legislation and human rights’ legislation are not to be put in Procrustean beds or shrunk to Liliputian dimensions. In construing these legislations the imposture of literal construction must be avoided and the prodigality of its misapplication must be recognised and reduced.”

20. A similar view was expressed in **Regional Director, ESI Corporation. v. Francis De Costa**³ when it was observed that “It is settled law that to prevent injustice or to promote justice and to effectuate the object and purpose of the welfare legislation, broad interpretation should be given, even if it requires a departure from literal construction.”

21. The necessity of giving a purposeful interpretation to a provision in a statute was recognized in **MSR Leathers v. S. Palaniappan**⁴ when this Court observed that:

“.....one of the salutary principles of interpretation of statutes is to adopt an interpretation which promotes and advances the object sought to be achieved by the legislation, in preference to an interpretation which defeats such object. This Court has in a long line of decisions recognised purposive interpretation as a sound principle for the courts to adopt while interpreting statutory provisions.”

A similar view was expressed, though in a different context, in **Badshah v. Urmila Badshah Godse**.⁵ A far more detailed discussion on the subject is to be found in the Constitution Bench decision of this Court in **Abhiram Singh v. C.D. Commachen**.⁶

²(1985) 4 SCC 71

³1993 Supp (4) SCC 100

⁴(2013) 1 SCC 177

⁵(2014) 1 SCC 188

⁶(2017) 2 SCC 629

22. Read in this light, the definition of a child in need of care and protection given in Section 2(14) of the JJ Act should be given a broad and purposeful interpretation – it ought not to be treated as exhaustive but illustrative and furthering the requirements of social justice. This understanding would also be in consonance with Article 40 of the CRC which stipulates that the “State Parties shall recognize rights of every child accused of an offence and treatment of such a child shall be in a manner consistent with promotion of the child’s dignity and worth”.

23. Learned *Amicus* drew our attention to decisions rendered by some High Courts which have taken a broad based approach to the meaning of a child in need of care and protection and some other High Courts that have adopted a comparatively narrow interpretation. These decisions were rendered in the context of the Juvenile Justice (Care and Protection) Act, 2000 and would not really be applicable insofar as the JJ Act is concerned. However, this does not detract from her submission that a child in need of care and protection must be given a wider meaning and in addition to some children in conflict with law as discussed above, it must also include victims of sexual abuse or sexual assault or sexual harassment under the POCSO Act as also victims of child trafficking. Such children must also be given protection under the provisions of the JJ Act being victims of crime under the POCSO Act and the Immoral Traffic (Prevention) Act, 1956.

Child care institutions

24. Children in need of care and protection are given shelter in homes that are managed by the State Government or by NGOs or by voluntary organizations. In this context, it is necessary to draw attention to Section 41 of the JJ Act which mandates, notwithstanding anything contained in any other law for the time being in force, that all institutions, whether run by a State Government or by voluntary organizations or NGOs which are meant, either wholly or partially, for housing children in need of care and protection shall be registered under the JJ Act in such manner as may be prescribed within six months of the commencement of the said Act. The JJ Act came into force on 15th January, 2016 but we were informed that the process of registration is underway and not yet complete.

25. In this day and age when high quality technology is available and there is no shortage of manpower in the country we are unable to appreciate why the provisions of Section 41 of JJ Act have not yet been fully implemented particularly as regards registration of child care institutions.

It is virtually impossible to find out what is going on within its four walls. The article by Ms. Anjali Sinha is a prime example of what can happen in child care institutions. It is not clear from the article whether all the institutions referred to were registered or not, but surely the government run institutions must have been registered or licensed. Therefore, if activities of the nature mentioned by Ms. Anjali Sinha in her article are carried out in government run institutions, one can only imagine what possibly can go wrong in unregistered institutions, which are managed beyond the law.

26. Apart from their registration, the statute requires quite a few salutary actions to be taken by such institutions including recording the residential capacity and purpose of the child care institution. Rule 21 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (hereinafter referred to as the Model Rules) specifies the manner of registration of child care institutions and provides, *inter alia*, the availability of the bye-laws and memorandum of association, office bearers etc. of such institutions. The State Government is obligated to consider an application for registration of a child care institution (in Form 27) in light of aspects like whether provision exists for the care and protection of children, their health, education, boarding and lodging facilities, vocational studies and rehabilitation (among others things). It is only then that a certificate of registration can be issued. The State Government is also obligated to conduct an inspection of an applicant institution and it appears to us that if such an inspection is faithfully and sincerely carried out, it will reveal the dark underbelly, if any, of a dubious child care institution such as those referred to by Ms. Anjali Sinha. The strict implementation of the provisions of the JJ Act will go a long way in making the life of children in such child care institutions safer and far more comfortable than it has been and also reduce the possibility of crimes such as trafficking, sexual abuse or sexual assault or sexual harassment of children. If the registration of child care institutions is not complete, their management obviously cannot be supervised. Therefore, a misstep in the very first stage could have a chain reaction and perhaps disastrous consequences in some cases as is evident from the incidents of child abuse in institutions as brought out by Ms. Anjali Sinha.

Minimum Standards of care

27. Article 3 of the CRC mandates that all actions concerning children undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies shall

have the best interest of the children as a primary consideration. Article 3(3) of the CRC specifically obligates the State Parties to ensure that institutions responsible for care and protection of children shall conform to standards laid down by competent authorities, particularly in areas of safety, health, staff and supervision. However, the minimum standards of care prescribed for institutions cannot be ensured if the child care institution is not identified and registered.

28. In this regard it is necessary to draw attention to the provisions of Chapter VI of the Model Rules particularly the series of rules starting from Rule 26 onwards. Amongst other things, these Rules deal with the staffing pattern of child care institutions, physical infrastructure, clothing, bedding, toiletries and other articles, sanitation and hygiene, daily routine, nutrition and diet scale, medical health, mental health, education, vocational and recreational facilities and genuine efforts in the rehabilitation and re-integration of such children into society. All these requirements are rendered unenforceable in the absence of registration of child care institutions.

29. The Integrated Child Protection Scheme, which also concerns itself with the minimum standards of care in child care institutions, refers to several of these requirements and also draws attention to the rehabilitation programme of children and their recreation. The minimum standards of care prescribed for child care institutions must be adhered to in letter and spirit and not only on paper.

30. We have been given to understand by the learned *Amicus* that unfortunately, even in registered child care institutions, many of the statutory facilities and requirements are missing. If that be so, we can only imagine the living conditions of children in unregistered institutions.

31. In a given case, failure to maintain a basic or minimum standard of care can be actionable as negligence. In ***Jacob Mathew v. State of Punjab***⁷ this Court cited *Charlesworth & Percy on Negligence*⁸ and held that the essential components of negligence are: (1) the existence of a duty to take care, which is owed by the defendant to the complainant; (2) the failure to attain that standard of care, prescribed by the law, thereby committing a breach of such duty; and (3) damage, which is both causally connected with such breach and recognized by the law, has been suffered by the

⁷(2005) 6 SCC 1

⁸10th Edition (2001)

complainant. Effectively therefore, if the officers of the State do not ensure that minimum standards of care are followed in the child care institutions, they could well be guilty of negligence. Since ours is a welfare State it would be difficult for uncaring officers to absolve themselves of a charge of negligence and also perhaps of a violation of the human rights of children.

Utilization of grants

32. During the course of hearing, we found that many of the Model Rules though workable and beneficial, exist only on paper and there has been no serious attempt to implement the provisions or the requirements under the Integrated Child Protection Scheme. One of the concerns that kept coming up as an excuse for non-implementation of the Rules was a so-called shortage of funds. We are surprised that such an excuse was advanced even though a large amount allocated towards child welfare is lying unspent.

33. Really therefore, the problem is not a lack of funds but the absence of a will to gainfully utilize the available grants. In this context, learned *Amicus* brought to our notice by way of an example, the statement of expenditure under the Integrated Child Protection Scheme for the year 2013-14. This indicates that the unspent grant is over Rs.3000 lakhs. (This figure does not include unspent amounts by the State of Andhra Pradesh and the State of Uttarakhand). Therefore, it cannot be said that there is a shortage of funds. The chart brought on record is as follows:-

Year-wise details of unspent grants

Sl. No.	Name of the State	Unspent (Amount in Lakhs) 2013-14
1	Andhra Pradesh	2999.28*
2	Arunachal Pradesh	147.05
3	Assam	148.47
4	Bihar	442.14
5	Chhattisgarh	0.00
6	Goa	-
7	Gujarat	545.23

Sl. No.	Name of the State	Unspent (Amount in Lakhs) 2013-14
8	Haryana	238.92
9	Himachal Pradesh	138.10
10	Jammu & Kashmir	-
11	Jharkhand	147.21
12	Karnataka	57.94
13	Kerala	291.52
14	Madhya Pradesh	1084.67
15	Maharashtra	0.00
16	Manipur	473.13
17	Meghalaya	0.00
18	Mizoram	0.00
19	Nagaland	0.00
20	Orissa	2.63
21	Punjab	749.37
22	Rajasthan	253.33
23	Sikkim	50.36
24	Tamil Nadu	589.22
25	Tripura	0.00
26	Uttar Pradesh	99.92
27	Uttarakhand	333.92*
28	West Bengal	268.95
29	Andaman & Nicobar Island	-
30	Chandigarh	25.17

Sl. No.	Name of the State	Unspent (Amount in Lakhs) 2013-14
31	Dadra & Nagar Haveli	9.63
32	Daman & Diu	58.63
33	Delhi	676.68
34	Lakshadweep	-
35	Puducherry	-
	Total	6498.27

*States have not submitted their Statement of Expenditure (SOE)

We are told that the same situation continued for subsequent years as well.

34. No doubt, it is the constitutional obligation of the State to ensure that for safeguarding and fostering the rights of children, adequate funds are available particularly for children who are in need of care and protection. The State cannot conflate non-availability of funds to shirk their obligations with inefficient utilization of grants. We are pained that such an excuse is being trotted out.

National and State Commissions

35. Parliament has, of course, appreciated the need for protecting the rights of children in many of the ways that we have mentioned above and that is why the Commissions for Protection of Child Rights Act, 2005 was enacted. In fact the Preamble to the said Act is extremely significant and brings into focus not only the necessity of protecting the rights of children generally but also as a part of our obligations to the international community. The Preamble to the Commissions for Protection of Child Rights Act, 2005 (hereinafter referred to as 'the CPR Act') reads as follows:

"An Act to provide for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for providing speedy trial of offences against children or of violation of child rights and for matters connected therewith or incidental thereto.

WHEREAS India participated in the United Nations (UN) General Assembly Summit in 1990, which adopted a Declaration on Survival, Protection and Development of Children;

AND WHEREAS India has also acceded to the Convention on the Rights of the Child (CRC) on the 11th December, 1992;

AND WHEREAS CRC is an international treaty that makes it incumbent upon the signatory States to take all necessary steps to protect children's rights enumerated in the Convention;

AND WHEREAS in order to ensure protection of rights of children one of the recent initiatives that the Government have taken for Children is the adoption of National Charter for Children, 2003;

AND WHEREAS the UN General Assembly Special Session on Children held in May 2002 adopted an Outcome Document titled "A World Fit for Children" containing the goals, objectives, strategies and activities to be undertaken by the member countries for the current decade;

AND WHEREAS it is expedient to enact a law relating to children to give effect to the policies adopted by the Government in this regard, standards prescribed in the CRC, and all other relevant international instruments;"

36. To fulfill the obligations to children, the CPCR Act provides for the constitution of a National Commission for Protection of Child Rights (for short 'the NCPCR') and for the constitution of State Commissions for Protection of Child Rights (for short 'the SCPCR'). These Commissions are intended to function under the provisions of the CPCR Act and their vast range of functions has been delineated in Section 13 as well as in Section 24 of the CPCR Act.

37. It was pointed out by the learned *Amicus* that the NCPCR and the SCPCR can play a very crucial role in fostering child rights. This deserves to be recognized, but is unfortunately overlooked both by the Union Government as well as by the State Governments. She pointed out that there are a large number of vacancies in many of these bodies and in fact the NCPCR was, at one time, without any Chairperson for more than a year. Some of the State Governments have also not bothered to fill up the vacancies in the SCPCR and some others have used the SCPCR as a sinecure for some

favourites. This again, as pointed out, is nothing but providing lip service to the provisions of a parliamentary legislation and not giving serious attention to the constitutional rights of children. This is certainly not acceptable.

38. Similarly, in the implementation of the POCSO Act, the NCPCR and the SCPCR have a vital role to play. As mentioned above, issues of sexual abuse or sexual assault or sexual harassment complained of by Ms. Anjali Sinha need attention and Section 44 of the POCSO Act places a great burden on the shoulders of the NCPCR and the SCPCRs. These authorities have an obligation to monitor the implementation of the POCSO Act as is evident from Section 44 thereof which reads as follows:

“44. Monitoring of implementation of Act - (1) *The National Commission for Protection of Child Rights constituted under Section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under Section 17, of the Commissions for Protection of Child Rights Act, 2005 (4 of*

(2) 2006), shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed. The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

(3) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, also include, its activities under this section, in the annual report referred to in Section 16 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).”

39. In our opinion, it is imperative that the NCPCR and the SCPCR be allowed to function in terms of the CPCr Act and the POCSO Act and only for the benefit of children. These Commissions are under an obligation to take action wherever necessary including approaching the Constitutional Courts wherever necessary. These Commissions are under an obligation to prepare annual reports and if necessary special reports but it has been pointed out that this requirement has hardly been implemented mainly because of a lack of interest that these Commissions have shown in functioning

under the statute and also partly because of the large number of vacancies in these Commissions.

40. This is not to suggest that the NCPCR or the SCPCRs are not doing a good job. On the contrary, the NCPCR has of late begun taking its statutory obligations quite seriously and there are a few SCPCRs that are also faithfully performing their functions under the relevant statutes. On the other hand, there are some SCPCRs that are not performing well at all or are defunct and headless. It is difficult to appreciate how, under these circumstances, the JJ Act or the POCSO Act can at all be implemented, let alone implemented effectively.

41. Needless to say, it is obligatory on the part of the Union Government as well as of the State Governments to ensure that the provisions of laws enacted by Parliament are faithfully and sincerely implemented and the statutory Commissions constituted under the provisions of the CPCr Act must be allowed to function as independent statutory bodies under the provisions of the said Act, the POCSO Act as well as the JJ Act.

42. The rule of law includes adherence to parliamentary legislation by all concerned including State Governments and the Union Government and it would be extremely unfortunate if the concerned governments voluntarily and knowingly flout the provisions of law solemnly enacted by Parliament. We need say nothing more on this subject, except that laws solemnly enacted by Parliament cannot be insulted by putting hurdles in the effective functioning of these Commissions, such as by not appointing the Chairperson or Members.

Rehabilitation and social re-integration

43. With regard to the future of children in need of care and protection, the JJ Act contains obligatory provisions such as Section 53 which deals with rehabilitation and social re-integration services in child care institutions. This provision requires the State to take care of the basic requirements of children in such institutions including children with special needs, legal aid where required and more importantly assistance in obtaining proof of identity. There have been instances brought to our notice where children; particularly in the case of abandoned children, are unable to give any information about their parentage or permanent address etc. In such cases, proof of identify is crucial for the welfare of the child, otherwise he or she is reduced to a mere statistic.

44. The provision for rehabilitation and re-integration services has several facets and cannot be read in isolation but must be read, *inter alia*, in conjunction with Section 54 of the JJ Act which requires the inspection of child care institutions registered under the said Act. Inspection Committees are required to be set up which shall mandatorily visit all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer. Their Inspection Reports are required to be furnished to the District Child Protection Unit or the State Government, as the case may be, for further action. Form 46 of the Model Rules prepared under Rule 41 thereof is quite exhaustive and if the Form is filled up with due seriousness it will go a long way in improving the living conditions of children in child care institutions.

45. The importance of rehabilitation and social re-integration clearly stands out if we appreciate the objective of the JJ Act which is to foster restorative justice. There cannot be any meaningful rehabilitation, particularly of a child in conflict with law who is also a child in need of care and protection unless the basic elements and principles of restorative justice are recognized and practised.

46. Unfortunately, one of the problems faced in introducing restorative justice is that a child in a child care institution is treated as a number and no effort is made to introduce any individual child care plan postulated by Rule 19 of the Model Rules read with Form 7. Learned *Amicus* informed us that the Form is very rarely filled up (if at all) and little or no attention is paid to the needs of each child including a child in conflict with law. She submitted that specific directions should be given for the preparation of individual child care plans in every child care institution since that is really the heart of rehabilitation and social re-integration of a child in need of care and protection. Of course, some expertise is involved in this exercise but as we had mentioned earlier, there is no shortage of manpower in our country and it is only the will of the State Governments, Union Territories and the Union Government which is coming in the way of the effective implementation of the provisions of the JJ Act, Model Rules and filling up various Forms and their analysis.

Training of personnel

47. One of the more important issues raised by the learned *Amicus* in the context of rehabilitation and social re-integration is to be found in Rule 89 of the Model Rules which concerns itself with training of personnel dealing with children. This rule provides for a minimum period of 15 days training to various categories of personnel under the JJ Act including the staff of Children's Courts, Principal Magistrates and Members of Juvenile Justice Boards, Chairpersons and Members of Child Welfare Committees, Police Officers including persons in charge of child care institutions etc. Rule 89 of the Model Rules also postulates that the Judicial Academy and the Police Academy in the States as well as the State Legal Services Authorities prepare appropriate training modules, training manuals and provide training to personnel. It was pointed out by the learned *Amicus* that this rule is being followed more in the breach and there is hardly any Judicial Academy or Police Academy or State Legal Services Authority which conducts 15 days training programmes. This is quite unfortunate to say the least.

48. The importance of quality training can best be understood by giving a negative example, which is that unless proper training is imparted to the concerned personnel, it is quite possible that strange practices and procedures may evolve due to the absence of proper guidance. It has been brought to our notice in cases of adoption of children some extremely unusual and impracticable orders have been passed by the concerned Courts. It is high time that the High Courts exercise their supervisory jurisdiction and intervene and take appropriate remedial steps. It is also high time that training of personnel be given due importance. We may note here that it was brought to our attention by the learned *Amicus* that untrained or inadequately trained personnel can unwittingly play havoc with the lives of victims of sexual abuse or sexual assault or sexual harassment.

De-institutionalization

49. In the context of rehabilitation and social re-integration, it was submitted before us that institutionalization of children is not necessarily the only available option. This submission of the learned *Amicus* also finds support in Article 20 of the CRC. The Article obligates the State Parties to provide special protection and assistance to children temporarily or permanently deprived of family

environment. The Article illustrates alternate care in the form of foster placement, adoption “or if necessary placement in suitable institution”. It is clear that the first option exercised by the authorities should not be institutionalization of a child in need of care and protection and the same is a measure of the last resort. Article 40(4) of the CRC pertaining to children accused of violating the law also states that the State Parties shall ensure “care, guidance, supervision, counseling, probation, foster care, education and vocational training and other alternatives to institutional care”. Indeed, in keeping with the spirit of the CRC, the JJ Act itself encourages alternatives to institutionalization such as adoption (Chapter VIII), foster care (Section 44) and Sponsorship (Section 45). This too needs some serious thought, as submitted by the learned *Amicus*.

50. The learned Additional Solicitor General brought to our notice that the Union Government has since framed the Adoption Regulations, 2017 as well as the Model Guidelines for Foster Care, 2016. These need to be implemented by all concerned including the Courts, particularly those dealing with issues of adoption. However, as mentioned above, training in the understanding and appreciation of the JJ Act, the Model Rules, Regulations and Guidelines is imperative and merely handing over copies of these documents to the concerned personnel even if they are judicial officers or police officers or government functionaries is not enough. Some sort of training is absolutely necessary so that the aims and objects of the various statutory provisions enacted for the benefit of children and to foster their rights are implemented in letter and spirit.

51. We must emphasize, at this stage that it is absolutely necessary for all stakeholders having interest in the welfare of children to work together towards a common goal. This teamwork would include not only the government machinery but also the police, civil society and the judiciary.

Juvenile Justice Committee

52. That the judiciary is not far behind in fulfilling its constitutional responsibilities is obvious from the fact that the rather slack implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 even after four years of its enactment, compelled the Chief Justice of India to request all the High Courts to set up a Juvenile Justice Committee to ensure effective implementation of the said Act and monitor the activities under the said Act. The High Courts have a constitutional obligation to ensure that the rights of all citizens, including children, as guaranteed under the

Constitution are preserved, protected and respected. With this in mind, all the High Courts have since set up a Juvenile Justice Committee consisting of Judges of the High Court and these Committees ensure that the provisions of the Act are implemented in letter and spirit. For better co-ordination on issues relating to children, some High Courts have also provided a Secretariat for the Juvenile Justice Committee.

53. With the passage of time, it has been realized that the importance of the Juvenile Justice Committee in the High Court cannot be overemphasized. It is time for all of us to now realize that judges are no longer required to remain in an ivory tower. Judges of all the Courts including the Constitutional Courts have non-judicial duties and obligations to perform so that the fundamental rights of the people are respected. It is this realization that led the Constitutional Courts to exercise jurisdiction in social justice issues through Public Interest Litigation and it is this that requires judges of the Courts to ensure access to justice under the Legal Services Authorities Act, 1986 to indigent people and those who cannot afford legal services due to financial or other constraints. It is very much in keeping with this constitutional obligation and goals that the concern and involvement of each Juvenile Justice Committee in the effective implementation of the Act is an absolute necessity. It is equally the obligation of the concerned officials of the State, including the police, to render all assistance to each Juvenile Justice Committee to ensure that the goals envisaged by the JJ Act and the constitutional vision are successfully achieved in the shortest possible time.

Social audit

54. For the purposes of ensuring that the implementation of the JJ Act is proceeding in the right direction, it is necessary that a social audit be conducted every year. Social audits give reasons for introspection as well as for improvement in the services.

55. Social audit has gained relevance as a tool of public accountability. It has been defined as “an assessment of a department’s non financial objectives through systematic and regular monitoring on the basis of the views of its stakeholders.”⁹ A social audit is considered novel as it is supposed to serve as a supplement to a conventional Government Audit, often done in 12 month cycles generating

⁹Social Audit: A Toolkit, A Guide for Performance Improvement and Outcome Measurement available at <https://cgg.gov.in/publicationdownloads2a/Social%20Audit%20Toolkit%20Final.pdf>.

an audit report every time.¹⁰ In fact, in the Report of the Task Group on Social Audit by the Office of the Comptroller and Auditor General, it was opined that social audit be brought into the mainstream of auditing by the Indian Audit and Accounts Department as an essential process and tool in all the performance audits of social sector programmes as they afford an opportunity to strengthen the micro level scrutiny of the programme planning, implementation and monitoring.¹¹

56. The requirement of a social audit is necessary not only for purposes of introspection but also transparency and accountability in the effective implementation of the JJ Act. There cannot be any reason to avoid conducting social audits, more particularly since they have been encouraged by the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 as well as by the Integrated Child Protection Scheme, by the Comptroller and Auditor General of India and the National Food Security Act, 2013. The impression given to us is that for some inexplicable reason the Union Government is shying away from social audits.

57. In the hearing on 17th April, 2015, the learned Additional Solicitor General informed us that no social audit was carried out despite the rule being notified in 2007. The Union of India was then directed to finalize a policy for conducting social audits. In the hearing on 30th October, 2015 we were informed that the formats for social audit have been more or less finalized. In its affidavit filed sometime in November 2015, the Union of India has annexed copies of Model Social Audit Formats for Child Welfare Committees, Juvenile Justice Boards, Special Juvenile Police Units, Children Homes, Specialized Adoption Agencies, Open Shelter/Shelter Homes, Observation Homes and Special Homes. It is stated in the affidavit that these formats will be circulated for pilot testing by selected States as mentioned in an earlier affidavit dated 29th October, 2015.

58. We have not been informed whether any steps have been taken to conduct social audits in terms of the Model Formats prepared by the Union of India or the result of the pilot testing, if any. It is therefore necessary to ensure that these formats are tested out with urgency so that the implementation of the JJ Act is made more meaningful.

¹⁰Ibid

¹¹Report of the Task Group on Social Audit, Office of the Comptroller and Auditor General of India, (2010) at pg 5

Technology and computers

59. We have been given to understand that there is no data base of all the child care institutions in the country. State Governments have not even validated the available data or undertaken the mapping of child care institutions in collaboration with the Union Government. This is an essential first step since it is difficult to imagine how children in child care institutions can be cared for if there is no record of the number of institutions, number of children in such institutions, relevant information regarding the children etc. Therefore technology can be put to good use for collection, revision and access of records of children in need of care and protection and the child care institutions.

60. It is imperative for the Union Government as well as the State Governments to make out a complete list of all child care institutions along with their addresses and the person in charge or the principal officer as well as full details of the children residing in these child care institutions. Learned *Amicus* submitted that all these details, though necessary, are not available with the Union Government or the NCPDR. Availability of all this information is possible only with the use of technology and a massive computerization program.

61. Similarly, for the effective functioning of the Juvenile Justice Boards as well as the Child Welfare Committees, it is necessary that they should be equipped with computers and printers along with uninterrupted power supply units so that their day to day functioning can be taken care of. Learned *Amicus* pointed out that perhaps this may be asking for too much since she has received complaints to the effect that very often stationery is not available with the Child Welfare Committees or the Juvenile Justice Boards and an appropriate requisition has to be made to the State Government or the local authority, which is leisurely processed. In our opinion if this submission were to be accepted it would indicate a very sorry state of affairs in which the Juvenile Justice Boards and the Child Welfare Committees are made to function. This step-child attitude cannot be permitted to continue since these statutory bodies are vital for having necessary supervision over child care institutions within their jurisdiction.

Directions

62. In view of the above discussion, the following directions are issued:
1. The definition of the expression “child in need of care and protection” under Section 2(14) of the JJ Act should not be interpreted as an exhaustive definition. The definition is illustrative and the benefits envisaged for children in need of care and protection should be extended to all such children in fact requiring State care and protection.
 2. The Union Government and the governments of the States and Union Territories must ensure that the process of registration of all child care institutions is completed positively by 31st December, 2017 with the entire data being confirmed and validated. The information should be available with all the concerned officials. The registration process should also include a data base of all children in need of care and protection which should be updated every month. While maintaining the database, issues of confidentiality and privacy must be kept in mind by the concerned authorities.
 3. The Union Government and the governments of the States and Union Territories are directed to enforce the minimum standards of care as required by and in terms of the JJ Act and the Model Rules positively on or before 31st December, 2017.
 4. The governments of the States and Union Territories should draw up plans for full and proper utilization of grants (along with expenditure statements) given by the Union Government under the Integrated Child Protection Scheme. Returning the grants as unspent or casual utilization of the grants will not ensure anybody’s benefit and is effectively wasteful expenditure.
 5. It is imperative that the Union Government and the governments of the States and Union Territories must concentrate on rehabilitation and social re-integration of children in need of care and protection. There are several schemes of the Government of India including skill development, vocational training etc which must be taken advantage of keeping in mind the need to rehabilitate such children.

6. The governments of the States and Union Territories are directed to set up Inspection Committees as required by the JJ Act and the Model Rules to conduct regular inspections of child care institutions and to prepare reports of such inspections so that the living conditions of children in these institutions undergo positive changes. These Inspection Committees should be constituted on or before 31st July, 2017 and they should conduct the first inspection of the child care institutions in their jurisdiction and submit a report to the concerned government of the States and Union Territories on or before 31st December, 2017.
7. The preparation of individual child care plans is extremely important and all governments of the States and Union Territories must ensure that there is a child care plan in place for every child in each child care institution. While this process may appear to be long drawn and cumbersome, its necessity cannot be underestimated in any circumstances. The process of preparing individual child care plans is a continuing process and must be initiated immediately and an individual child care plan must be prepared for each child in each child care institutions on or before 31st December, 2017.
8. Wherever the State Commission for Protection of Child Rights has not been established or though established is not fully functional in the absence of a Chairperson or any one or more Members, the governments of the States and Union Territories must ensure that all vacancies are filled up with dedicated persons on or before 31st December, 2017. The SCPCRs so constituted must publish an Annual Report so that everyone is aware of their activities and can contribute individually or collectively for the benefit of children in need of care and protection.
9. The training of personnel as required by the JJ Act and the Model Rules is essential. There are an adequate number of academies that can take up this task including police academies and judicial academies in the States. There are also national level bodies that can assist in this process of training including bodies like the Bureau of Police Research and Training, the National Judicial Academy and others including established NGOs. Wherever possible training modules should be prepared at the earliest.

10. It is time that the governments of the States and Union Territories consider de-institutionalization as a viable alternative. It is not necessary that every child in need of care and protection must be placed in a child care institutions. Alternatives such as adoption and foster care need to be seriously considered by the concerned authorities.
11. The importance of social audits cannot be over-emphasized. The necessity of having a social audit has been felt in some statutes which have been mentioned above and also by the Comptroller and Auditor General of India. That being the position, it is imperative that the process of conducting a social audit must be taken up in right earnestness by the National Commission for the Protection of Child Rights as well as by each State Commission for the Protection of Child Rights. This is perhaps the best possible method by which transparency and accountability in the management and functioning of child care institutions and other bodies under the JJ Act and Model Rules can be monitored and supervised.
12. While the Juvenile Justice Committee in each High Court is performing its role in ensuring the implementation of the JJ Act and Model Rules, there is no doubt that each Committee will require a small Secretariat by way of assistance. We request each Juvenile Justice Committee to seriously consider establishing a Secretariat for its assistance and we direct each State Government and Union Territory to render assistance to the Juvenile Justice Committee of each High Court and to cooperate and collaborate with the Juvenile Justice Committee in this regard.
13. We acknowledge the contribution made by Ms. AparnaBhat in taking keen interest in the issues raised in this PIL and for rendering effective assistance to this Court at all times. The Supreme Court Legal Services Committee will give an honorarium of Rs. 2 lakhs to Ms. Aparna Bhat out of the funds available for juvenile justice issues.
14. While there may be some other issues specifically concerning children in need of care and protection we leave these issues open for consideration and grant liberty to the learned *Amicus* to move an appropriate application in this regard including any application for modification or clarification of the directions given above.

15. The Union of India is directed to communicate our directions to the concerned Ministry or Department of each State and Union Territory for implementation and to collate necessary information regarding the implementation of these directions with the assistance of the National Commission for the Protection of Child Rights and the State Commission for the Protection of Child Rights. A status report in this regard should be filed in this Court on or before 15th January, 2018. The Registry will list this case immediately thereafter.

.....J

(Madan B. Lokur)

.....J

(Deepak Gupta)

May 5 , 2017

New Delhi;



सत्यमेव जयते

