

**Status of Child Care Institutions in North Eastern Region**

By:

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### COMPOSITION OF THE STUDY TEAM

The composition of the Study Team for the Research Study entitled "Status of Child Care Institutions in N.E Region" as under:

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# Executive Summary

In an era of child rights, the country enacted a pioneering legislation called the Juvenile Justice (Care & Protection of Children) Act, 2000 and its Amendment Act, 2006, wherein the nation made a legal commitment to give its children protection of their basic rights. India, in principle has one of the most advanced juvenile justice system in the world today with a strong child-centric focus and a clear distinction between adult and child jurisdictions. Juvenile Justice System in India is a non-penal protective legislation for the Juvenile in Conflict with law. This includes treating juveniles in conflict with the law with respect, and focusing on their rehabilitation rather than on punitive actions. It also includes the development of 'family restoration based care plan' in a non-legalistic setting for children in need of care and protection. However, despite having an adequate system in place, there are lacunas in the implementation and realization of the system. It seemed that in many places, the system is also unable to protect the children because of hurdles at the levels of administration, police and judiciary. Procedural institutions that have been mandated by the Juvenile Justice Act such as the Juvenile Justice Board, the Special Juvenile Police Units and the Child Welfare Committees were in many instances fell short of performing in manner that reflected the spirit behind the juvenile Justice Act to uphold their dignity and

rights. The children who are in the Institutions do not have even minimal care in terms of absolute basic needs such as food, shelter and clothing. Indeed, in several instances, the custodial and procedural institutions that have been established to protect children have become violators of children's rights. Even, when education is guaranteed under Indian Constitution as a fundamental right for 6-14 year olds, for those held in institutions, this right stands violated.

In view of above, the need for a comprehensive study to assess child care institutions at the regional level has been felt. Such an exercise, undoubtedly, has been considered essential in order to improve delivery system, ensure its optimal outreach and take decision on matters concerning its future thrust in the policy making exercise. Accordingly, this study has been planned and was carried out in the North Eastern Region especially in the states of Arunachal Pradesh, Meghalaya, Manipur, Mizoram, Nagaland, Tripura, Orissa, West Bengal and Sikkim. The state of Assam was excluded as similar study was being carried out in the state by NIPCCD, Regional Centre, Guwahati.

## **Objectives of the Study**

The main objectives of the Study were to:

- assess the existing status of Child Care Institutions in the context of JJ System & ICPS;
- assess adequacy of infrastructure prescribed in the Act and Rules framed under the Act by the respective States;
- assess the appropriateness and quality of different services rendered to children;
- identify gaps and problems in the implementation of JJ Act ; and
- offer suggestions to the State Government for improving the conditions of the child care institutions.

## **Universe, Sample & Methodology:**

The study mainly covered nine States of N.E Region and focused on Child Care Institutions prescribed under JJ System and ICPS. Out of ten States of eastern region, data was collected from nine States such as Arunachal Pradesh, Meghalaya, Manipur, Mizoram, Nagaland, Orissa, Tripura, West Bengal and Sikkim. However, in the states where number of child care institutions was not many (equal or less than 10) like Arunachal Pradesh and Sikkim (there were only one and five institutions respectively); all child care institutions were selected for in-depth study. Similarly, more than 30 per cent of the institutions under each category were covered from the states where the existing child care institutions were more than ten, viz; Meghalaya (13 out of 16) Manipur (09 out of 12), Mizoram (17 out of 30), Orissa (17 out of 53), Tripura (09 out of 11) and West Bengal (25 out of 54). Thus, a total of 104 Child Care Institutions were selected from nine states.

The present study intended to understand the condition of Children in Conflict with Law and Children in Need of Care and Protection accommodated in different Homes and also to explore intervention strategy to address their immediate and long term needs in a more whole some manner. The study covered 17 Observation Homes, 07 Special Homes, 64 Children Homes, 13 Shelter Homes and 03 After Care Organizations. Focused Group Discussions (FGD) were also held with Functionaries of Homes and children. The Nodal Departments implementing the JJ Act were contacted for their views on various issues related to the study.

## **Major Findings:**

Institution-wise major findings drawn out on the basis of field study, interviews with a wide range of respondents and observations are summarized as follows:

### **Observation Home:**

- An attempt has been made to collect information from 17 Homes, out of which, 16 (94%) are run by State Governments and one is run by a NGO. There is no physical

separation between Children in Conflict with the Law and Children in Need of Care and Protection in some of the homes i.e. a home run by Chak Kumar Association for Social Service of Debra Bazar, West Bengal and Anand Math Home, Purulia, West Bengal.

- The Juvenile Justice Board, which is a Competent Authority to handle the juvenile cases was found not in all districts of Meghalaya and Tripura.
- The physical infrastructure was found not up to the mark. In some of the homes there was no lighting, ventilation, kitchen etc. and found in dilapidated condition i.e., observation home, Tura, Agartala, Anand Math, West Bengal, Pherima of Kohima etc. In some homes, physical infrastructure in term of toilets and dining halls were found to be inadequate to the number of children housed. However, a substantial number of homes were having classrooms, dormitories, kitchens, recreation rooms etc. as per the norms laid down in the Rules of JJ Act. Similarly, no boundary wall was found in Churachandpur, Manipur.
- It was observed that majority of homes were not child friendly. Children were kept behind locked doors inside the rooms in some of the homes especially in Sikkim (Gangtok), Tripura (Agartala) and Meghalaya (Tura). The rooms were dark and found without proper ventilation.
- Children were not segregated age-wise. But degree/nature of offence wise segregation was done in three (17.64%) homes. However, sex wise segregation was found in majority of the homes. In few homes like; observation home, Churachandpur, Manipur, it was found that boys and girls were in the same home.
- Out of 246 children housed on the day of visit in observation homes, 122 (49.5%) children stayed for 0 - 3 months, 58 (23.5%) stayed for 3-6 months, 36 children (14.6%) stayed for 6-12 months and 30 (12.19%) stayed for more than twelve months. It seemed that CCL cases were not handled as per the provision of JJ Act.
- ✓ Low staff-child interaction is a key area of concern which was noticed by the team during field visits. Some of the children reported that functionaries of homes

rarely interact with them. Because of the untrained status of staff, quality care and protection services did not reach to the children. Most of the children were in a mood to go back to their home.

- There was no vehicle in majority of homes to take the children outside to attend the proceedings and to meet other requirements.
- Probation officers were not visiting the homes, hence, parents and guardians of inmates were not contacted. Parents of the inmates were also not visiting the homes. As per the mandate of JJ Act & ICPS, a Probation Officer, right from the apprehension of a child by police and continues to supervise the juvenile till his rehabilitation and social re-integration, he/she has to act as the friend, philosopher and guide of the juvenile.
- Out of 17 homes visited, only three homes had sanctioned post of Counsellors, of which one has been appointed.
- Escape rate of observation homes, was very high. Security measures at the observation home premises were found to be inadequate.
- In some of the homes, incidences of overcrowding had emerged. There were more children housed in the buildings than the sanctioned capacity. It was observed that Observation home for boys, Berhampur, Odisha was overcrowded with 75 in lieu of 50 intake capacity. One bed was shared by two/three children.
- Hygiene and sanitation in terms of filtered drinking water, toilets, bathrooms, maintenance of cleanliness, supply of sanitary pads and mosquito net were found inadequate.
- Staff was found to be inadequate in some of the homes like observation home, Rourkela & Khandagiri, Odisha, observation home, Imphal etc. Staffs were not well versed in dealing with the children in conflict with law.
- Services provided to children at home namely; educational, recreational, vocational, counseling, health check up varied amongst different observation homes. It was

observed that observation homes run by various states viz, Nagaland, Tripura, Sikkim and Manipur did not have educational facility or teaching and learning materials for children at home. Similarly, recreational facilities such as indoor and outdoor games were not found in all the homes. However, in some of the homes, music and yoga were also provided. Vocational education was not given emphasis in majority of homes. Out of 17 homes visited, only eight homes were imparting vocational training in the trades like; computer, carpentry, tailoring (girl's home) and motor bike repairing etc.

- The home functionaries were not conceptually very clear about the kinds of treatment the children of different categories would require.
- Participation level of children in day to day activities was found to be low.
- Some of the children had emotional and behavioral problems like lying, stealing, aggressiveness, depression etc.
- The observation homes did not make any concerted effort to take their children out of the Home for exposure visit.
- The food served to the children was found not in good quality and had no nutritional value. In some of the Homes menu was not being prepared, and in case of prepared menu it was not followed properly. When asked, most of the children mentioned that they did not like the food provided to them. It was reported that the allocation of fund for maintenance and all other expenses (Rs.750) per child was grossly inadequate to maintain minimum standards of care.
- It was also noticed that few Superintendents were not residing within the premises of homes/campus.
- Facilities for sick rooms were not there in any homes.

#### **Children Home**

- A total of 64 children homes were visited for the study. Out of which, 17 were run by Government Departments, 43 run by NGOs in collaboration with Nodal

Department and 04 run by NGOs without support from Government but recognized under Social Welfare /W&CD Department.

- The children rehabilitated in the homes mostly belong to economically and socially disadvantaged families. Children those who were orphans, abandoned, street children, HIV/AIDS, trafficked, working children, mentally and physically challenged were mainly accommodated at home. Altogether, 5096 children were present on the day of visit at homes.
- The living condition of children varies in different homes. There was very little opportunity for play and fun activities. There was monotonous daily routine and strict discipline among the staff and children. The outlook of the children was quite untidy and rough.
- ✓ ▪ Most of the functionaries of homes were found to be untrained and they do not have clarity about their roles and responsibilities.
- There was inadequate physical infrastructure in some of the institutions visited in N.E region especially in NGO run Homes. In few places like children home, Churachandpur & Senapati districts of Manipur, Gana Sarba Home, Aizawl etc., the building was quite old and found in dilapidated condition. Similarly, inadequate cuts, mattresses especially in children homes run by Utkal Balashram, Odisha, Kohima orphanages and destitute home were found. Besides, poor lighting and ventilation was found in children home for girls, Thoubal, Manipur and few other homes. In some places, it was seen that children sleep on the floor as the beds were in a bad state of repair. Though rooms were found to be cleaned by children, in some places, the verandahs were too dirty and it seemed that as if the same was not mopped for a long time.
- ✓ ▪ Staff position was not satisfactory in some of the homes. The Counsellors and cooks were also not in all places.
- Services such as educational, recreational, vocational and medical checkup were found unsatisfactory and need improvement. Educational services especially primary

education was being provided almost in all the homes, secondary and private coaching was imparted in some of the homes. Higher education was provided in the homes only in the state of West Bengal and Meghalaya. Recreational facilities like indoor and outdoor games were found in all the homes and music and yoga were provided in some of the states. Vocational education was not given due emphasis in children homes. It was found that out of 64 homes visited, only in 22 homes, vocational education was provided in the trades like, computer, carpentry, textile printing, tailoring is provided. It was also observed that in Doctors were visiting in 50 per cent of homes and rest of the homes children were taken when he/she was found to be sick to the nearby hospitals, sub centres, primary health centres etc.

- The Children Committees were not formed in majority of homes.
- In some places, the rooms were found dingy and walls dirty. The homes run in rented premises and because of lack of budgetary provision maintenance was poor.
- There was lack of specific services for children with special needs.
  - The sanitary condition of homes was quite distressing. The toilets were quite unusable and dysfunctional. Out of 64 homes visited, in 48 (75%) homes there was no sweeper wherein the minor boys and girls were asked to clean the areas. It was found that sunning of bedding and clothing, cleanliness in the medical centres, kitchen and toilets were done once in a month and more than a month in different Homes.
  - The food served to the children was found not in good quality and had no nutritional value. In some of the Homes menu was not prepared, and if prepared also, not followed properly.

#### **After Care Home:**

A total of three After Care Homes were visited, out of which two were located in West Bengal and one in Tripura. A total of 49 inmates were present on the day of visit to the homes. However, it was observed that few children in the age of 15-16 were found in after care home of Agartala. These children were imparted vocational education on various trades like candle making, toy making, fisheries, nursery,

horticulture, grill making etc. The homes had established networking with the Agencies/Institutions/Deptts. like ITI, Horticulture and Agriculture Departments. Instructors were visiting the homes and imparting training to the inmates. No stipend under ICPS and loan facilities were provided to them. However, educational facilities were found to be given less emphasis. The physical infrastructure was found to be satisfactory. It was also observed that children were preparing various items and selling in the market.

#### **Special Homes:**

Altogether, seven Special Homes in the states of Manipur, Mizoram, Nagaland, Odisha and Tripura were visited by the research team in connection with the study. A total of 45 inmates were found in seven homes. Out of whom, 40 boys and five girls were there. Children were found not to be segregated age wise. It was reported that the number of inmates was very less; hence, they were kept together. It was observed that (90%) Homes were combined with observation homes run by Government Departments and (10%) have separate buildings run by a NGO in the state of Manipur. Physical infrastructure was found not to be satisfactory and not as per the rules of JJ Act, especially in terms of number of dining halls, sick room, toilets and bathrooms. Staffing pattern was not separate in most of homes which are combined with observation homes and, the staffs of observation homes were managing the Special homes. No counsellor was appointed to special home. As per the provision of JJ Act, counselors should be provided to the homes for re-socializing the juveniles by modifying their behaviour. However, majority of Homes were having recreational facilities like indoor (T.V, carom Board etc) and outdoor games (Badminton, balls etc).

The hygiene and sanitation component was not being given due importance in special homes. It was noticed that filtered drinking water and water for bathing and washing, space for washing, maintenance of cleanliness, and disposal of garbage were found in 40% of homes visited. Out of seven homes visited, five homes were providing vocational education like computer, carpentry, textile printing and Motor Bike

repairing etc. Similarly, bridge education was imparted in two homes (28.5%) only run by Government of West Bengal and Odisha. No secondary education, higher education or private coaching was arranged for them. No expose visit to outside was arranged for them and no attempt was taken to arrange yoga for the inmates which would have been useful to bring them back to the normal mainstream.

#### Shelter Home:

Altogether 13 shelter homes of eastern region were visited by the team in connection with data collection work of the present study. Out of which, 3 (23%) homes were found run by Government Departments and 10 (77%) of homes run by voluntary organizations. A total of 407 inmates were putting up in shelter homes, out of whom, there were 182 boys and 225 girls. An attempt was also made by the research team to visit shelter homes recognized by Odisha Government. Accordingly, the team visited few shelter homes and senior functionaries of homes reported that their homes were the children homes and not the shelter homes. It can be stated here that functionaries of shelter homes had no conceptual clarity and found to be confused. This issue was also discussed with the officers of Women and Child Development Department, Govt. of Odisha dealing with JJ System. It was also observed that a lot of confusion, many officers of different states were having confusion about shelter homes and open shelters. It was really disheartening that some of the officers could not even differentiate these two concepts. Hence, there is an urgent need to look into the matter.

It was learnt that staff strength of the homes were inadequate. Out of 194 sanctioned staffs to shelter homes, only 108 (55.6%) were in position. There was no Superintendent in two homes and Sweepers were found only in three homes. The physical infrastructure found to be inadequate. The primary education facilities found in 4 (30.8%) homes, private coaching in 5 (38.46%), secondary 1 (7.69%) and higher education in 1 (7.69%) home only. Similarly, Children were given recreational facilities in the shelter homes functioning in the states of Manipur, Meghalaya and West Bengal

only. Other states do not provide these types of facilities. Vocational education was provided to the children. Accordingly vocational instructors (7) appointed to the homes. During the visit it was found that some of the homes were more crowded in terms of lack of space in dormitories, classrooms, recreation rooms were overcrowded like *Punya shelter home, Manipur, Shelter home, Malda district of West Bengal.*

The findings of the study revealed that children were abused physically and psychologically in some of the shelter homes visited in West Bengal like *Shelter home of Nadia District and Snehneer of East Medinapur district etc.* It was found that sunning of bedding and clothing, cleanliness in the medical centres, kitchen and toilets were done once in three/six month in different Homes. Most of the Homes engaged medical doctors on part time/contract basis. The toilets of some of the homes were quite unusable and dysfunctional. The food served to the children was found not in good quality and had no nutritional value. In some of the Homes menu was not prepared, and if prepared also, not followed properly. Most of the functionaries of homes were found to be untrained and no knowledge on JJ Act and Child Rights. It was also noticed that some of the children were staying in shelter home which was the drop-in-centre for children in urgent need for more than 1 year.

## **Recommendations**

On the basis of the findings of the study the following recommendations are made.

- As per Section- 4 of JJ Amendment Act, 2006, there should be one JJB in each district but the ground reality is that in Tripura and Meghalaya JJBs and CWCs are not constituted in all districts. The State Government should constitute immediately the statutory bodies in all districts to ensure justice for the children.
- As per the mandate of the JJ Act, the child care institutions like Observation homes, special homes, children homes, after care organizations should be

established in every district or group of districts. It was found that these homes are not established in all places. State should establish more number of child care institutions.

- The infrastructure of the homes needs up- gradation in terms of providing sick rooms, adequate toilets, bathrooms etc. it needs to be ensured that minimum standards of care in terms of clothing, bedding, diet of Rule 41 & 44 should strictly be adhered to by each home.
- Adequate steps need to be taken to physically separate the CCL and CNCP and segregate the children age, sex, and nature of offence or mental status wise in child care institutions.
- In majority of the homes vocational training is the weakest component. So for more than 10 years old children, vocational training should be imparted.
- Educational programme like quality bridge course for the school dropout children, secondary and higher education for other children who have completed primary education, should be provided inside the homes. Adequate teaching and learning materials need to be provided to the children of all the homes.
- Staffs in almost all the visited child care Institutions were found to be inadequate. Therefore, an effort should be made by the state nodal department dealing with the subject to appoint full fledged staff and additional charge should not be given to the functionaries.
- Capacity building programme need to be organized on child rights and JJ Act for functionaries of child care institutions.
- Committees especially Children's Committee may be formed comprising the children from all age groups to be involved in the decision making process like selection of menu, identifying abuse cases and minor issues concerning management of the homes.
- First Aid kit should be kept in all the homes for treatment of common ailments.

- Counselling Services should be provided to the children to modify the behavior of Inmates having emotional, behavioural and learning problems.
- Life skill education should be imparted to children in homes.
- Social auditing or monitoring or any evaluation need to be carried out annually with support and involvement of organizations working in the field of mental health, child care and protection and autonomous bodies like the National Institute of Public Cooperation and Child Development, Indian Council for Child Welfare, Childline India Foundation, Central and State level Social Welfare Boards, School of Social Work and School of Law.
- Exposure visit to outside, should be organized for children.
- Parents and guardians of inmates should be contacted to restore the child on stipulated time.
- A child friendly environment needs to be created in each home, so that child will feel homely there.
- Recreational facilities particularly yoga and physical exercise should be organized in each home.
- Special arrangement should be made and more attention should be given to the children with special needs.
- Involvement of Civil Societies in gathering information and data base, resource mapping, orientation training and sensitization through advocacy campaign etc. is the need of the hour.
- In identification of children's need and sensitizing them, Civil Societies can play a positive role and hence, they should be involved.
- Any Civil Society/NGO can work for systematic growth of the Institutions provided they are given opportunities.
- NGOs can play an important role in linking-up community services to be given by children in conflict with law.
- NGOs can also play important role in the following areas:

- In counseling services
  - Trauma management
  - Orientation of parents
  - Family conferencing
- 
- Effort should be made by the Government and voluntary organizations running homes to provide good qualities of food to the children and special food need to arrange for children of 0-3 yrs. Menu should be prepared and followed properly.
  - Toiletry and sanitary items should be provided to the children of homes as per the minimum standard of care prescribed in the central model rules-2007.
  - Odisha was one among three such states who first of all signed memorandum of understanding with Govt. of India to implement ICPS scheme. But the state needs some basic spade work like; district need study, baseline survey etc. and on the basis of this state can prepare its action plan. During the course of actual data collection it was observed that officials were not aware of/conceptually clear about open shelter, shelter home and drop-in shelter. The officials should be imparted training in this field.
  - Probation officer should visit the child care institutions regularly to address the children's needs.
  - Complaint Mechanism System and suggestion Box should be kept in institutions.
  - Individual Care Plan should be maintained by the Institutions.

- Child participation needs to be ensured in institutions. Cultural programmes should be organized frequently in the homes.
  
- Vehicle should be provided to each home for producing the children before JJBs/CWCs for proceedings and visit to hospitals and outside when there is a need.
  
- Superintendents of institutions should be instructed to stay inside the premises of child care institutions.

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## Chapter-1

### *Background*

#### 1.1 Introduction:

Children are an end and means of progress. It is high time to attend to the needs and rights of children not as "a mere byproduct of progress but as an end and means of progress itself". Children are the supreme asset of the nation being the greatest gift to humanity. Depriving children a good foundation of life is a crime against humanity. It has been found that millions of children, the world over are growing up in circumstances under which they will never be fulfill the mental and physical potential with which they are born. This is a human tragedy which contains within itself the seeds of its own renewal. It is imperative to break the self-perpetuating cycle which is central to development process. Without this all other investment in food production, community services and human resources development will be less effective because a significance proportion of people will neither be able to contribute fully to them nor benefit fully from them. In fact, the two tests of civilization is how well, it protects its vulnerable and how well it safeguards its future; Children are both vulnerable and its future. Millions of children in India are subjected to violence, abuse and exploitation. It happens at homes, schools, institutions or detention facilities, within the community, at work and during armed conflicts etc. Certain children are particularly vulnerable to abuse and exploitation and their rights to protection are more likely to be violated. These include children with disabilities, children who live or work on the street, and

those in residential care and detention. It is estimated that around 170 million or 40 per cent of India's children are vulnerable to or experiencing difficult circumstances. The Millennium Declaration of 2000 explicitly addresses the need to protect children from conflict, violence, abuse and exploitation. Child Protection intersects with every one of the MDGs - from poverty reduction to getting children into school, from eliminating gender inequality to reducing child mortality. There are many children under the age of criminal responsibility, or those who have committed petty offences, are placed in Observation Homes for a longer time under Juvenile Justice System. Very little is done till date to prevent children from getting into conflict with the law or to reintegrate those who do into their communities.

Children are the most precious human resource for the future development of the nation. They deserve the best of attention during their childhood. Though precious, a major chunk of child population spends their lives without shelter, love and care. The children are trapped in a variety of circumstances in which they require, but do not necessarily receive special attention and care. These children do not have even minimal care in terms of absolute basic needs such as food, shelter and clothing. In fact, rapid urbanization and industrialization contribute increasingly to the problem of destitution. Due to continuous migration of families from rural to urban areas in search of employment and work, the problem is increase, especially among children. The roots of the problems that children and juveniles are surrounded with, could be traced to their family and hence the better part of the solution of these problems lies in the family itself because family has a

vital role in molding the personality of children. Family is a crucial guiding influence in development of children. Family is considered to be the best place for growth and development of children. It is the family wherein a child learns good and bad behaviour. In other words, it is a place where societal values are taught and learnt. In family, children are provided with not only basic necessities but also the requirements necessary for healthy and positive development of children. The mother is the central figure in the child's home environment. *A majority of Psychologist believes that the best place for learning is the home, the best teachers in the world are parents and the best method of teaching is the parenting (Bowlby, 1951).* But unfortunately, most of the children in our country are deprived of this primary facility of living in a family set up and in the most vulnerable situations.

The destitute and juveniles drifting into delinquency basically stem from economic deprivation and unhealthy environment in the family and neighborhood. Many children become orphan, destitute due to death of parents and in many situations nobody will be there to take care of them. Studies conducted in these areas have shown that these children have a greater risk of getting exposed to anti-social influences. In order to deal with such a situation as also to provide an effective alternative system, Government has introduced many schemes and programmes to take care of children who are deprived of family support. The Juvenile Justice Act, 2000 and its Amendment Act, 2006 provides ample support for establishing mechanisms to attend to the needs of these children. Child care institutions have been established under JJ System by Government and voluntary

organizations for the care and development of Children in Conflict with Law and also for Children who are in Need of Care and Protection. The objectives of child care institutions are to provide care, protection, treatment and rehabilitation to these children. A child in an Institution is any child below the age of 18 years who is living in a residential organisation that is entrusted with the care and protection of the child. Therefore, Institutions for children need to function as substitute families, and must provide for the child's physical well-being as well as the child's emotional and developmental needs. Superintendents of Child Care Institutions play a key role in maintaining the Institution effectively and have the responsibility of being readily available as when required by the children.

In an era of child rights, the country enacted a pioneering legislation called the Juvenile Justice (Care & Protection of Children) Act, 2000 and its Amendment Act, 2006, wherein the nation made a legal commitment to give its children protection of their basic rights. India, in principle has one of the most advanced juvenile justice system in the world today with a strong child-centric focus and a clear distinction between adult and child jurisdictions. Juvenile Justice System in India is a non-penal protective legislation for the Juvenile in Conflict with law. This includes treating juveniles in conflict with the law with respect, and focusing on their rehabilitation rather than on punitive actions. It also includes the development of 'family restoration based care plan' in a non-legalistic setting for children in need of care and protection.

**The Juvenile Justice Act, 2000 and its Amendment Act, 2006 defines a child as a person who has not completed eighteenth year of age.**

The juvenile justice system in India is designed for helping two categories of children, those in conflict with law who are alleged to have committed the offences, and those in need of care and protection, which includes children who are begging, in prostitution, neglected, abandoned, abused, trafficked, disabled, working and street children and children affected by insurgency, arm conflict and natural calamity etc.

The J.J Act, 2006 has widened the scope of the Act in terms of establishment of Statutory Bodies and delivery of services also. The new Amendment obligates the State to establish Child Welfare Committee and Juvenile Justice Board in every district within a period of one year from the date of commencement of the Act. In the Amendment Act, few categories of children i.e. who is found begging, who is either a street or working child has been included in the definition of Child in Need of Care and Protection category. Another important change that has been made in the Amendment Act is that claim of juvenility shall be determined from the date of commission of an offence by the juvenile. A provision has been also made in the Amended Act that Chief Judicial Magistrate will review the pendency of cases in every six months. The attainment of goals set in UNCRC assumes significance as the Amendment Act has set time frame for its implementation by States.

The Institutions under the Juvenile Justice (Care & Protection of Children) Act, 2000 and its Amendment Act, 2006 means an observation home, or a special home, or a children's home or a shelter home set-up, certified or recognized and registered under the Act.

## 1.2 Rationale:

Despite having an adequate system in place, there are lacunas in the implementation and realization of the system. It seemed that in many places, the system is also unable to protect the children because of hurdles at the levels of administration, police and judiciary. Procedural institutions that have been mandated by the juvenile justice Act such as the Juvenile Justice Board, the Special Juvenile Police Units and the Child Welfare Committees were in many instances fell short of performing in manner that reflected the spirit behind the juvenile Justice Act to uphold their dignity and rights. The children who are in the Institutions do not have even minimal care in terms of absolute basic needs such as food, shelter and clothing. Indeed, in several instances, the custodial and procedural institutions that have been established to protect children have become violators of children's rights. Even, when education is guaranteed under Indian Constitution as a fundamental right for 6-14 year olds, for those held in institutions, this right stands violated.

In view of above, the need for a comprehensive study to assess child care institutions at the regional level has been felt. Such an exercise, undoubtedly, has been considered essential in order to improve delivery system, ensure its optimal outreach and take decision on matters concerning its future thrust in the policy making exercise. Accordingly, this study has been planned and was carried out in the North Eastern Region especially in the states of Arunachal Pradesh, Meghalaya, Manipur, Mizoram, Nagaland, Tripura, Orissa, West Bengal and Sikkim. The state of Assam was excluded as similar study was being carried out in the state by NIPCCD, Regional Centre Guwahati.

### 1.3 Policy Commitment:

#### Juvenile Justice

administration is the subject of detailed international standards.

These standards cover a vast and complex range of issues from prevention through early intervention, judicial process, conditions of detention and social reintegration.

The primary instrument guiding the development of juvenile justice is the United Nations Convention on the Rights

| Summary of International Instruments Relevant to Juvenile Justice Administration                 |  |
|--|--|
| Child-specific instruments   | Non-Child specific instruments   |
| UN Convention on the Rights of the Child   | UN International Covenant on Civil and Political Rights (ICCPR)  |
| UN Guidelines for the Prevention of Juvenile Delinquency (the 'Riyadh Guidelines')               | UN International Covenant on Economic, Social and Cultural Rights  |
| UN Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules')        | UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| UN Rules for the Protection of Juveniles Deprived of their Liberty (JDL),                        | UN Convention on the Elimination of Racial Discrimination  |
|  | UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)                            |
|  | UN Minimum Rules for Non-Custodial Measures: 'the Tokyo Rules' (11990)*  |
|  | UN Standard Minimum Rules for the Treatment of Prisoners   |
| African Charter on the Rights and Welfare of the Child   | African Charter on Human and People's Rights   |
| European Convention on the Exercise of Children's Rights   | European Convention for the Protection of Human Rights and Fundamental Freedoms (and Protocols)                  |
|  | American Convention on Human Rights and additional Protocol in the Area of Economic, Social and Cultural Rights. |
| SAARC Convention on Regional Arrangements for the promotion of Child Welfare in South Asia(2002) | SAARC Decade of the Rights of the Child (2001-2010)  |

of the Child (1989). This instrument is seen as the overarching framework for a child rights approach. It contains an elaborate set of guidelines for maintaining human rights standards in juvenile justice systems and for the administration of juvenile justice itself.

The table shows some of the principles and rights which need to underpin the intervention relating to children.

Table showing Relevant Articles from the Convention on the Rights of the Child

| Principal                            | Explanation Supported by CRC article:  |
|--------------------------------------|--|
| Best interests of the child          | (3) In all matters concerning child, the child's best interest should be a primary concern.  |
| Non-discrimination                   | (2) All children should have equal access to services regardless of race, sex language or other status.  |
| Cultural Appropriateness             | (8) Consideration should be given to dealing with children in a manner consistent with their culture.  |
| Deprivation of Liberty a Last Resort | (37) Alternative solutions should be sought before arresting or detaining a child.   |
| Diversion                            | (40) efforts should be made to avoid children going through the formal justice system where possible   |
| Empowerment                          | (40) The resource/fullness of each child and their family should be promoted.  |
| Child's Participation                | (12) Children should have a say in all matters that affect them.   |
| Family Participation                 | (5) A child's family should be involved in the making of decisions affecting a child and wherever possible regard should be given for the views of the family. |
| Restorative justice                  | (40) Efforts should be made to restore the damage caused to all parties affected by the offence.   |
| System Accountability                | (All) Everyone intervening with children and their families should be held accountable to/for them.  |
| Re-integration                       | (40) Efforts should be made to re-integrate children child into their communities and to assist them to play a positive role in the community.                 |

The legal safeguard for children is also backed by a number of policy initiatives, plans and programmatic interventions. Some of the major policies in areas affecting children are:

- National Policy for Children, 1974
- National Policy on Education, 1986
- National Policy on Child Labour, 1987
- National Nutrition Policy, 1993

- National Health Policy, 2001
- National Children's Charter, 2003

The policy considers children as the supreme asset and acts as the guiding principles for the state to devise plans and programmes for care and protection of children. The National Policy for

#### Charter for children

- Children have a right to be protected against neglect, maltreatment, injury, trafficking, sexual neglect, physical abuse of all kinds, corporal punishment, torture, exploitation, violence and degrading treatment.
- The state shall take legal action against those committing such violations against children even if they be legal guardians of children.

Children 1974 stresses upon facilities for education, training and rehabilitation of social disadvantaged and differently abled children. It emphasizes on provision for free and compulsory education, comprehensive health programme, adequate nutritional services, arrangement for recreational and cultural activities etc for all children. The National Policy on Education 1986 was translated into action through the programme of "Education for All" in 1993 and the District Primary Education Programme (DPEP) in 1994. Currently the emphasis is on Universalisation of Elementary Education through Sarva Siksha Abhijan (SSA) programme. The National Policy on Child Labour 1987 stresses on rehabilitation of children withdrawn from employment and reducing the incidence of child labour. The Nutrition Policy 1993 lay stress on inadequate feeding of the child, poor health, unhygienic condition and lack of attention to child care. A National Plans of Action on Nutrition was formulated in 1995. The National Population Policy 2000 addresses the issues of child survival, maternal health, and contraception. The National Health Policy 2001 stresses on achieving an acceptable standard of good health amongst the general population of the country.

#### 1.4 1. Juvenile Justice System in India: Retrospect and Prospect

In India, in ancient days child offenders were treated separately from adult offenders. Different treatment given to children is maintained also in the Dharma Shastras. However, Apprentices Act, XIX of 1950, marks the beginning of the Juvenile Justice Machinery. This Act, empowered Magistrates to commit children between 10 years to 18 years as apprentices to employers and the apprentices. These were the children who had been convicted of vagrancy or the commission of any petty offence.

Indian penal code (1860) has recognized separate status of children. It seems to presume that children below 7 years cannot have criminal intent and hence cannot be held responsible or accountable for their actions.

In 1897, the Reformatory schools Act was passed which provided for the establishment of Reformatory schools where youthful offenders up to the age of 18 years could be detained. Boys over 14 years could be released on license if suitable employment was found for them.

The code of criminal procedure enacted in 1898 provides for specialized treatment of juvenile offenders (Sec.298). Section 399 provides for commitment of juvenile offenders up to 15 years to reformatory schools. Section 562 provides for probation of good conduct to offenders up to 21 years of age.

The Indian Jail committee (1919-1920) appointed by the Government of India under British Rule brought out a detailed report of its observations and recommendations. It emphasized that the child offenders should be given different treatment from that of the adult. It held that imprisonment of child offenders should be prohibited. It recommended the provisions of Remand Homes, Children Courts and certified schools which approximate to ordinary schools. It stressed the importance of pre-sentence enquiry in to the child's social background as well as his physical and mental health.

The problem of juvenile justice is, no doubt, one of tragic human interest so much so in fact that it is not only confined to this country alone but cuts across national boundaries.

Juvenile Justice System in India can be briefly traced to initial Children's Act of some states in pre-independence era. The Central Legislation on Children- The Children Act was enacted in 1960 which governed the administration of care and protection of children till 1986, when the ambit and nomenclature was changed to include juveniles as well. But the need of a uniform legislation regarding juvenile justice for the whole country had been expressed in various forum, including Parliament but it could not be enacted on the ground that the subject matter of such a legislation fell in the State List of the Constitution. To bring the operations of the juvenile justice system in the country in conformity with the UN Standard Minimum Rules for the Administration of Juvenile Justice, Parliament seems to have exercised its power under Article 253 of the Constitution read with Entry 14 of the Union List to make law for the whole of India to fulfill international obligations. On 22nd August, 1986, the Juvenile Justice Bill, 1986 was introduced in the Lok Sabha. The Juvenile Justice Act 1986 addressed the need for a mechanism of handling children and juveniles in institutional care. India's original Juvenile Justice Act (1986) written before many of these international instruments were promulgated, did not align with their requirements. In response to the UN Committee on the Rights of Child's recommendation that India incorporate the aims of the Convention on the Rights of the Child into domestic legislation, a new law was passed. The Juvenile Justice (Care and Protection of Children) Act 2000, amended in 2002 and 2006, covers all the aspects of interaction between children and the legal system. From the adoption to abuse and neglect to children in conflict with law, the Act is far-reaching in its scope and intent. The provisions within the JJ Act, like its international predecessors, are intended to preserve the dignity and best interests of the child.

## Statement of Objects and reasons

A review of the working of the existing Children Acts would indicate that much greater attention is required to be given to children who may be found in situations of social maladjustment, delinquency or neglect. The justice system as available for adults is not considered suitable for being applied to juvenile. It is also necessary that a uniform juvenile justice system should be available throughout the country which should make adequate provision for dealing with all aspects in the changing social, cultural and economic situation in the country. There is also need for larger involvement of informal systems and community based welfare agencies in the care, protection, treatment, development and rehabilitation of such juveniles. In this context, the proposed legislation aims at achieving the following objectives:-

(i) To lay down a uniform frame work for juvenile justice in the country so as to ensure that no child under any circumstances is lodged in jail or police lock-up. This is being ensured by establishing Juvenile Welfare Boards and Juvenile Courts;

(ii) To provide for a specialized approach towards the prevention and treatment of juvenile delinquency in its full range in keeping with the development needs of the child found in any situation of social maladjustment;

(iii) To spell out the machinery and infrastructure required for the care, protection, treatment, development and rehabilitation of various categories of children coming within the purview of the juvenile justice system. This is proposed to be achieved by establishing observation homes, juvenile homes for neglected juveniles and special homes for delinquent juveniles;

(iv) To establish norms and standards for the administration of juvenile justice in terms of investigation and prosecution, adjudication and disposition and care, treatment and rehabilitation;

(v) To develop appropriate linkages and coordination between the formal system of juvenile justice and voluntary agencies engaged in the welfare of neglected or society maladjusted children and to specifically define the areas of their responsibilities and roles;

(vi) To constitute special offences in relation to juveniles and provide for punishments therefore;

(vii) To bring the operation of the juvenile justice system in the country in conformity with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

#### **Purpose of juvenile Justice Enactment:**

The children Acts are the backbone of the Juvenile Justice System. The philosophy behind this seems to be that criminality is mainly the product of unfavorable environment and that the child is entitled to a fresh chance under better surroundings. Childhood and youth are the stages when habits have not become fixed and prospects of reformation are most hopeful. Many of children who are charged as criminals are themselves victims of the circumstances prevailing in the society.

Juvenile Justice is more concerned with the rehabilitation and re-integration of its charges (reformatory) than is adult criminal justice (retributive). When discussing juveniles in conflict with law, international agreements generally emphasize the importance of preventing juveniles from coming into conflict with the law in the first place, as well as an expectation of complete rehabilitation by the time they leave the Juvenile Justice System. Throughout the proceedings within the system, "State parties recognize the right of every child alleged as, accused of, or recognized as having infringed the panel Law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth. Juvenile Justice Proceedings shall be conducted "in an informal and Child Friendly manner". To address the particular needs of children, the Govt. of India has devised entities separate from the traditional Justice System:

### **United Nation Standard Minimum Rules for Administration of Juveniles:**

The United Nation Standard Minimum Rules for Administration of Juvenile Justice enabled the parliament exercising its powers under Article 253 of the constitution read with Entry 14 of the Union List to make any Law for the whole India to fulfill international obligations. The said United Nation Standard Minimum Rules called Beijing Rules, adopted by the General Assembly in 1985 *vide* Chapter 285 of Part-I provided as under:

#### **Scope of the Rules and definitions used:**

The following Standard Minimum Rules shall be applied to Juvenile offenders impartially, without distinction of any kind for example as to race, colour, sex, religion, political or other opinions.

For purposes of these Rules the following definitions shall be applied by Member States in a manner which is compatible with their respective legal systems and concepts:

- (A) A juvenile is a child or young person who under the respective legal system, may be dealt with for an offence in a manner which is different from an adult;
- (B) An offence is any behavior Act or omission that is punishable by Law under the respective legal system; and
- (C) A juvenile offender is a child or young person who is alleged to have committed or who has been found to have committed an offence.

Efforts shall be made to establish in each national jurisdiction a set of laws, rules and provisions specifically applicable to juvenile to juvenile offenders and institutions and bodies entrusted with the functions of the administration of Juvenile Justice and designed:

- (a) To meet the varying needs of juvenile offenders, while protecting their basic rights,
- (b) To meet the need of society, and
- (c) To implement the following rules thoroughly and fairly.

## Juvenile Crimes:

The Juvenile Justice System assumes that child offender is a product of unfavorable environment and is entitled to a fresh chance. The offences may be committed without any criminal intent. The child probably lacks insight in to the repercussions/consequences of his actions. It is accepted that juvenile offender should not be given punishment based on the kind of offence he has committed but should given individual treatment which is reformatory in nature and which is based on study of his need and psychological and social background.

There has been recent spurt in the crimes by juveniles in India. While on one hand the widening rich-poor divide in urban areas and loss of innocence have been pushing minors from poor sections of society into the world of crime, the children from well-do -families are also increasingly stepping in the world of crime. The main factors are peer pressure, lavish lifestyles, too much freedom from the parents and even simple curiosity are leading to these dangerous trends among the youngsters in India. Poverty, broken homes, family tensions, emotional abuse, rural-urban migration, break-down of social values and joint family system, atrocities and abuses by parents or guardians, faulty educational system, the influence of media besides the unhealthy living conditions of slums and such other conditions explain the phenomena of juvenile delinquency. The neglect of children by their parents, family, society and the nation create detrimental effect on their physical, mental growth and over all development.

There are increasing cases of juveniles involved in conflict with the law. They are found largely involved in thefts; pick pocketing and burglaries. They are now forming even their own gangs. According to NCRB figures for 2009 the largest number of cases involving juveniles were thefts followed by causing hurt and burglaries besides rioting. The primary reasons are attributed to inadequacy in juvenile care and protection schemes of government. The government homes are in bad shape where reforming of children takes a backseat and stigma stays with

them. Sometimes the very fact of being a juvenile ensures that they get only mild punishment. This is the reason why organized criminal gangs are increasingly employing juveniles. Most of the schools are also witnessing an increase in youngsters indulging in unruly and unacceptable behavior.

Juvenile crimes are steadily rising in India. According to the latest National Crime Records Bureau (NCRB) Report 2012, crimes involving children have increased from 0.8 per cent in 2001 to 11.8 per cent in 2011. NCRB data on juvenile delinquency shows that children apprehended under both Indian Penal Code (IPC) and Special & Local Laws (SLL) has increased from 30,303 in 2010 to 33,887 in 2011. While the number of children in the apprehended category is rising, their overall involvement in juvenile crimes has also increased by 10.5 per cent under IPC and 10.9 per cent under SLL in 2011. NCRB data also points that a majority of juveniles are mostly involved in theft, hurting, burglary and riots. Surprisingly, in addition to other crime heads, kidnapping and abduction (Section 363-369, 371-373 IPC) committed by juveniles have also registered a noticeable increase from 2008 to 2011. While kidnapping and abduction (Section 363-369, 371-373 IPC) committed by juvenile was recorded at 354 in 2008, it inflated to 823 during 2011. Peer pressure, lavish lifestyles, too much freedom from the parents are the major factors which have adverse effect on children. Besides this, social mal-adjustment and family disintegration is on the rise which brings children into a state of abandonment and disorientation and they make their way out by indulging into criminal activities." Another worrying trend that the NCRB data reflects is the growing numbers of girl child in crimes. From 5.1 per cent in 2010, it has climbed to 5.8 per cent in 2011. Some of the dreaded criminals started as pickpockets in their teen age and went on to become robbers and murderers."

Every man is a product of his environment, and the increasing temptation in the society put children with their highly impressionable minds in an extremely vulnerable position. Incidents of crime and violence involving children and teenagers have been hitting the headlines with alarming regularity. An overdose of crime,

violence and sex is now a routine in not just the entertainment industry but the media itself. It is hardly surprising that our children- with their young minds constantly fed on the lure of the lucre, violence and sex - should be trying to emulate those criminal and unethical acts.

Unfortunately, proper guidance and discipline at home which could have had a negating impact on undisciplined behaviour and criminal tendencies among children is fast diminishing. Home is the first and most important school for every child and its influence stays with it for its entire life. Given children's easy accessibility to all sorts of undesirable things in today's society, parental guidance shaping the character and personality of the child. Regrettably, modern day parents find little time inclination to be with their children and often turns a blind eye to the first signs of the negative traits in their children. Similarly, schools have an abiding responsibility in inculcating humane qualities and discipline in students but that is not happening even as we have witnessed a mushrooming growth of educational institutions.

#### **Institution, Institutionalization and Its Characteristics:**

Institution is a place where a number of dependent children are cared for. Institution is also understood as a physical structure with its inner and surrounding material and non- material environment (Khandekar, 1979). It can have two or more programmes (education and recreation) and can offer two or more services (care, education and rehabilitation). It may have just one building or two or more. An Institution has to be differentiated from an agency in the sense that an agency is more of an organizational concept implying an association of person who come together to conduct programmes to fulfill the objectives of the agency.

The above description explains the structure and functional aspects of an institution. Kadushin (1967: 516) has portrayed the institution in terms of the beneficiaries and service characteristics. He defines a children's institution as 'a group of unrelated children living together in the care of a group of unrelated

adults. It is a 24 hours group care facility'. This definition also conveys the impersonal atmosphere that is likely to prevail in an ordinary institution. Kadushin has further classified the various institutions meant for children into five. They are institution for, (1) normal children, (2) Physically handicapped children, (3) mentally retarded children, (4) juvenile delinquents, and (5) emotionally disturbed children.

#### **Institutional Care:**

In broad terms, the care provided by an institution is known as Institutional care. This term acquired many overtones because of historical reasons-for what institutional care stands for. Depending on the type of caring pattern these institutions are divided into following ways: "Congregate system" of care, "Cottage system" of care and "Group system" of care, by Cooper(1931) and "Institutional care" and "Non Institutional care" by Khandekar (1979).

#### **Children Abused in Institutions**

There has been a significant increase in the number of cases of abuse-physical and sexual in institutions. In many cases, it is the Caregivers, i.e. those who are entrusted with the care of children in the institution, who are the abusers. There are several cases, which go unreported, or no punitive action is taken against the perpetrators of the crime and this is an area of serious concern. The abuse can range from corporal punishment like beating, caning and physical assaults to deprivation of food, using abusive language, passing sexually abusive remarks, physical touching, and molestation to rape. Improving the quality of child care in residential institutions and shelters is a major challenge that needs to be addressed.

Abuse of children occurs most of the child care institutions and lack of supervision and limited staff, combined with a lacks of training, poor relations between Home staff and children are quit common. Boys of Observation Homes also in some places are verbally and physically abused by the guards. Inmates and staff

are mutually distrustful of one another. Human Rights Watch documented some of these abuses in a 1966 report.

### **Institutional services**

In India, the traditional approach towards care of children in difficult circumstances has been institutionalization. This practice was initiated with the realization of the fact that there were a large number of children without parental care, vulnerable and in need of care and protection. State interventions resulted in setting up of state run institutions to provide food, shelter, clothing and education to children who were not living in the family environment. These institutions were visualized as comprehensive child care units to cater to the needs of children in difficult circumstances. However, the standard of care in these institutions has always been a cause of concern. There is enough evidence to establish that institutionalization is not in the best interest of children and incidences of child abuse and neglect within these institutions are common.

The Ministry of Women & Child Development, Govt. of India has successfully evolved policies, plans of action, legislations, programmes and schemes for advancement of children and has been implementing them with the support of State Governments/ UTs, Government and Non-Government Organisations for achieving its mandate. In order to address the issues relating to child protection and to create a protective environment for the children who are in difficult circumstances, the Ministry of Women & Child Development, Govt. of India has launched the Integrated Child Protection Scheme (ICPS) in the year 2009-10. It is a Centrally Sponsored Scheme that aims at creating a safe and secure environment for children in need of care and protection, children in conflict with law and other vulnerable children. The Scheme provides assistance to the State/UTs in an integrated manner by bringing in several existing schemes of the Ministry under one umbrella.

The Integrated Child Protection Scheme (ICPS) provides support for the creation of new institutional facilities and maintenance of existing institutional facilities for both children in conflict with law and children in need of care and protection. While setting up the institutions, prescribed standards of care for children in institutions shall be adhered to. For each child in institutional care, an individual care plan shall be developed by the concerned agency in consultation with the DCPS within a month. Once agreed upon by the DCPS, the individual care plan shall be forwarded within a fortnight for approval to the CWC/JJB. The concerned agency shall report to the DCPS on the execution of the individual child care plan within six months of the care plan being approved by the CWC/JJB. The individual care plan shall be reviewed every six months.

### **Shelter Homes**

While a large number of urban marginalized children are in need of day care services, there are many others who require residential care for a temporary period for one or more reasons. These include children without parental care, run away children, migrant children, etc. The Juvenile Justice (Care and Protection of Children) Act 2000 empowers State Governments to recognize reputed and competent voluntary organizations, which cater to the needs of such children. The State Government shall provide financial assistance to set up and administer Shelter Homes for such children. The accommodation in each institution shall be as per the following criteria:

- (a) Separate shelter homes for girls and boys;
- (b) Separate shelter homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years;

### **Children's Homes**

A large number of children in need of care and protection who enter the juvenile justice system through the Child Welfare Committees (CWCs) are in need

of residential care and protection during the pendency of any inquiry and subsequently for their long-term care, treatment, education, training, development and rehabilitation. The Juvenile Justice (Care and Protection of Children) Act 2000 empowers the State Government either by itself or in collaboration with voluntary organizations to set up Children's Homes in every district or group of districts for the reception and residential care of such children. These homes shall serve as a home away from home and provide comprehensive childcare facilities to children for ensuring their all-round development. They shall work towards enhancing the capabilities and skills of children and work with their families with the view of facilitating their reintegration and rehabilitation into mainstream society. The accommodation in each institution shall be as per the following criteria:

- (a) While children of both sexes below 10 years can be kept in the same home, separate bathing and sleeping facilities should be maintained for boys and girls in the age group of 5-10 years
- (b) Separate children's homes for boys and girls in the age group of 7-11 and 12-18 years
- (c) Separate facilities for children in the age group of 0-5 years with appropriate facilities for infants

#### **Observation Homes**

Children in conflict with law who enter the juvenile justice system through the Juvenile Justice Boards (JJBs) are in need of adequate residential care and protection during the pendency of any inquiry regarding them under the Juvenile Justice (Care and Protection of Children) Act 2000. The Act empowers the State Governments to establish and maintain either by itself or under an agreement with voluntary organizations, observation homes in every district or group of districts for their temporary reception. In order to facilitate and expedite setting up of Observation Homes in every district or group of districts, the scheme shall provide

financial support to the State Governments and Union Territory Administrations. The accommodation in each institution shall be as per the following criteria:

- (a) Separate observation homes for girls and boys
- (b) Classification and segregation of juveniles according to their age group preferably 7-11 years, 12-16 years and 16-18 years, giving due consideration to physical and mental status and degree of the offence committed

### **Special Homes**

Children in conflict with the law committed by the Juvenile Justice Boards (JJBs) for long term rehabilitation and protection require institutional services. The State Governments are empowered to establish and maintain either by itself or under an agreement with voluntary organisations, special homes in every district or group of districts for the reception and rehabilitation of juveniles in conflict with law. In order to facilitate and expedite setting up of Special Homes in every district or group of districts, the scheme shall provide financial support to the State Governments and Union Territory Administrations. The accommodation in each institution shall be as per the following criteria:

- (a) 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
- (b) Classification and segregation of juveniles on the basis of age and nature of offences and their m
- (c) The goal of this body is to have a legally recognized body that is also sensitive to the needs of the children.

### **After Care Organisation:**

As per the provision of the JJ Act, State Government shall establish and maintain separate After Care Organisation for rehabilitation and social reintegration of juveniles after they leave special home to enable them to lead an honest, industrious and useful life with the objective to facilitate their transition

from an institution-based life to mainstream society for social reintegration. After Care Organisation may be set-up by the State Government either itself or under an agreement with voluntary organizations.

The JJ Act classifies all children who interact with the legal system together, which alleviates some of the stigma attached to those in conflict with law. Furthermore, although the age of criminal responsibility is approximately seven years old, because juveniles are not considered capable of the requisite *mens rea* according to ordinary criminal procedure, they are not considered capable of guilt. Juvenile Justice Board inquiries therefore merely endeavor to create a record of offence and offender.

The orders that JJBs may issue with respect to children include detention in a Special Home, probation and community service, but these are rarely utilized. In the criminal justice context, children cannot hold the system accountable because they have no voice or representation of their own. The system as devised under the JJ Act does not adequately address this issues, as few mechanisms exist to ensure accountability.

However, rather than avoiding harm, police interactions with juveniles tend to involve abusive interrogation techniques, sometimes bordering on torture them to confess to other crimes. Police discretion under the JJ Act is intended to reduce the number of children that are brought into the system, but that is not how it is being utilized. According to the Model Rule, which were established by the GOI to direct implementation of the JJ Act at the state level, police should only apprehend children in case of serious crimes. However, the demographics of the children in the Observation Homes throughout the country clearly demonstrate that the vast majority of the Juveniles have been arrested for petty theft and police arrest many of those on far less than a reasonable suspicion.

### 1.5 Implementation of JJ Act: An Overview

From early 19<sup>th</sup> century, worldwide it was practiced to judge juveniles on equal terms with adults. However, even as the law exists, implementation remains weak and invisible, which is reflected in the situation of the children. Children who are in Need of Care and Protection continue to languish in inadequately run institutions, while children who come in Conflict with Law continue to be treated as convicts and get further criminalized. The law remains inadequate in its implementation. Alternatives to sentencing and restorative justice are still far from the forefront of India's legal system.

The conditions of these State run Homes are quite often overcrowded and far less facilitative in building a child friendly atmosphere. The administrative machinery and implementation of the Act has not taken off despite twelve years of enforcement.

It does not clearly lay down protocols or procedures for dealing with children who are victims of criminal acts such as rape, abduction, violence or trafficking. The absence of a clear cut care jurisdiction and system of providing community based rehabilitation to children under the Act, thus becomes a major flaw. The State Rules fail to have interstate and intra state uniformity on these crucial parameters.

### 1.6 Review of Literature:

There are very few studies so far has been conducted on status of child care institutions in India. Most of them are general in nature and conducted by specialist and health personnel/practioners. However, an overview of some of the important studies pertaining to the objectives of the study is presented category-wise in this section.

### 1.6. 1 Institutional Care

A Study on Child Care Institutions in Karnataka, Bangalore : NIPCCD, Regional Centre Bangalore by Chandra Shekara, T. S., Poornima, B. K. and Manjunatha, P. S. (2001) found that child care institutions run by the Government or private bodies have been playing an important role in providing services to children who are deprived of a natural family. The objectives were to study the functioning of child care institutions with reference to infrastructure, their procedures, rules and regulations concerning admission and discharge of children; understand the views and experiences of child inmates; and offer suggestions for enhancing the quality of functioning of child care institutions. 44 institutions run by the Department of Women and Child Development, 99 under Backward Classes and Minorities Department, and 18 private institutions were included, covering 21 districts. A total of 160 inmates (children) were selected for the study, 32 inmates from government institutions, 93 from grant-in-aid (GIA) and private institutions. 75 staff members, 13 from Government, 44 from GIA and 18 from private institutions were interviewed, in addition to 6 members representing the management. Findings revealed that infrastructure facilities available in child care institutions differed significantly from institution to institution. Private institutions had relatively better infrastructure facilities. Variations were observed in the delivery of services like education, vocational training, recreation and rehabilitation. GIA institutions were slightly better in providing these facilities. Facilities for sports were available in majority of the institutions. Counselling and therapeutic services were lacking in Government institutions. Television was found to be the major source of recreation for children. Government institutions followed the prescribed rules. Some private institutions run child care centres independently and had their own bye-laws. Child care institutions in the Government, grant-in-aid and private sector did not have up to date information on numbers and addresses. It was found that the training of staff on issues concerned with administration of child care institutions was not a priority. Inmates stayed in the institutions for more than 5 years. A majority of inmates (56%) had relatives/ parents either living separately

or divorced, and in any case were not taking care of the child. 29% of them had a single parent only. Only 15% had both parents deceased. All the 75 institutions studied had board and lodging facilities. Out of 160 children, a majority 110 (69%) were accommodated in dormitories and the remaining were provided rooms. Government run institutions had better hostel facilities and kitchens. Kitchen was very important in view of its role in preparing and serving good food cooked in hygienic conditions. Breakfast, lunch, dinner and special diet was offered to all the children during festival days and on Sundays. They were also provided bed tea/ coffee (56%) and evening coffee/ tea (53%), especially in Government institutions. The satisfaction rate was relatively higher for lunch and special diet, compared to breakfast and dinner. The food provided in private institutions was better compared to GIA and Government institutions. It was recommended that child care institutions should develop good liaison with social service organizations, philanthropists, religious institutions and other clubs/ associations. Schools may be motivated to provide concessions to children coming from child care institutions. Running institutions solely on Government grants may be discouraged. The quality of food in Government run institutions should be improved.

A study conducted by UNICEF, Assam in the year 2007 on Assessment of implementation of J.J system, revealed that there is no physical separation between Children in Conflict with Law and Children in Need of Care and Protection in the institutions and in-house treatment, nursing and recreational facilities are inadequate.

A study conducted by Kumar A. at NIPCCD, New Delhi with Ministry of Women and Child, Govt. of India during the year 2007-08 revealed that children in institutions are held in overcrowded and unsafe conditions, denied basic sanitary facilities and sometimes commingled with adults.

### 1.6.2 Profile of institutionalized children

A Study conducted by Indian Council for Child Welfare Tamil Nadu, Chennai. (1996) assessed the factors leading to institutionalization of children, services rendered to children, and relationships of the children with their guardians. Information was gathered from 81 institutions (nearly 50% of the institutions providing cottage type services), 400 children (219 girls and 181 boys) and 275 family members. About 95% of the children belonged to very poor economic status families. About 33% organizations provided only vegetarian food to the children, only 9 had rooms for the children, only 3 provided cots, but more than 50% had separate facilities for prayer, dining, reading and sleeping. Nearly, 95% NGO made arrangements for medical officer's services for children. Institutions were concerned with the educational progress of the children, and most chief administrators had degrees in education. About 33% respondents mentioned that children had no behaviour problems, but others mentioned quarreling and bed wetting. Agencies were not very sensitive to the emotional and behaviour problems of children. A large majority of NGOs had their own schools attached to the agency, and agencies offered facilities for extra coaching, counseling and supervised study. All agencies, except one, had a policy of assisting the child back in the family. Except in 36 cases, where both parents were alive, children of the remaining 239 guardians were from broken homes - broken due to death or desertion. Poverty was the main reason for institutionalization of children. In more than 95% cases, contact was maintained between the child and his/her family, but monetary and family problems were mentioned as the reasons for infrequent visits. About 46.18% guardians said that it would not be possible for them to take the children back. Only 17% children were less than 5 years at the time of admission to the institution. About 1% of the children were abandoned children, 19.75% were total orphans, and 60.25% of the children were from single parent families. 84% of the children did not want to join the family, and the reasons could be poverty and insecurity at home. It was recommended that NGOs should stick to the cottage pattern as envisaged under the scheme. More vocational training

programmes should be introduced that have relevance to modern society, so that children could become financially independent. Some counseling skills should be imparted to staff in these organizations. NGOs should also help families to overcome some of their constraints, so that they may be in a position to take the child back home as early as possible.

Kavitha, T. (1998) has conducted a study wherein prepared profile of institutionalized children of Coimbatore and emphasized that childhood is an important period in the life of an individual. The study was conducted on "profile of institutionalized children" to assess their status, causes of institutionalization and their aspirations for future life. 100 institutionalized children (50 males and 50 females), aged 10 to 14 years were selected randomly from the selected institutions. Interview schedule was used to collect data on family background, health status, present occupation, social and psychological aspects and future plans of the institutionalized children. It was revealed that 66% males and 52% females had contact with their parents. 78% male children and 46% female children had knowledge about their parents. About 68% of the male children and 14% of the female children had been staying in institutions for less than five years. All the selected subjects were able to speak Tamil. Only about 17% of the male children and 23% of the female children suffered from illnesses. It was observed that 94% male and female children had attended schools. 15% male children and 10% female children were working. 64% male children and 58% female children came to the institutions due to poverty, and the rest due to death of parents, large family size, parental rejection, child abuse and alcoholism. Institutionalized children wanted to stay back in the institutions due to various reasons, 64% male children and 58% female children wanted to stay in institutions due to poverty at home and the rest due to security and parentlessness. Similarly, 60% male and 40% female children wanted to continue their education to get a good job. It was recommended that at least one such institution should be started in each district headquarters to cater to the increasing need of these destitute and vulnerable children and the

authorities of institutions should provide nutrition and education facilities for the child's development.

Children in correctional institutions: a study of their educational and vocational background (Mysore) was conducted by Ashoka (2009). The study indicates that 662 inmates were pursuing education in different standards and courses outside the institutions; 75 inmates were kept in reception unit for observation and 41 inmates were not studying because they were on long leave; 11 inmates of IPC cases were kept in the institutions for their safe custody since the special homes are not established; all inmates were studying in different classes except two; all the childrens homes offered education to all the inmates; children attending school outside the institution had a class strength of 60 - 110 ; 98 out of 158 inmates of childrens homes faced difficulties in the learning of different subjects; majority of the children had no strong foundation in the initial years of education; majority of the inmates were from rural, slum and poverty - stricken families; eight childrens homes offering different vocational training did not have the needed infrastructure or basic tools; 141 inmates were undergoing training in different areas; some of them were undergoing in more than one vocational training; inmates were not showing keen interest in the vocational training mainly because of the lack of facilities required for effective vocational training. Further, the study recommends that children must be provided with the necessary books well in advance so as to enable the children to cope up with the academic pressure; all institutions should have a well equipped library of its own so that the juveniles can utilise their leisure time in constructive manner; institutions should subscribe to daily newspapers and magazines to enable the juveniles develop the habit of reading; special coaching classes should be conducted for inmates facing learning difficulties; vocational training should be designed in such a way that it is of interest to juvenile and equally useful in their life to make a decent living of their own after the discharge from the institution.

A Study on adjustment of institutionalized children conducted by Hunshal, Saraswati C. and Gaonkar, V. (2008) highlighted that majority of the institutional children had unsatisfactory social, emotional and educational adjustment and very few of them had good adjustment; younger children of age 10-12 years and older children of age 13-15 years differed significantly in the level of social, emotional and educational adjustments; boys had average level of adjustments as compared to the girls; it was seen clearly that boys as compared to girls were socially more friendly with their classmates and with others; findings also revealed that duration of stay in the institution had no association with social, emotional educational adjustment of children the level was same irrespective of their duration of stay in the institutions; the children who were fair in academic performance were average in social, emotional and educational adjustment; the results revealed that majority of institutional children had unsatisfactory adjustment indicating more problems in social, emotional and educational areas; because of behaviour problems and lack of adjustment it was likely to drag them towards anti-social behaviour. It was recommended that the Department of Social Welfare should pay attention to social, emotional, educational problems of children either by providing special training to in service teachers or through guidance and counseling services in the institution by the counsellor.

Macwan, Ankit et al. (2006) in his study titled 'Changing spaces : understanding the effectiveness of children's institutions - the child's perspective' concluded that majority of CIIL (93.3%) were brought into the institutions by the police and 6.7 percent were referred from other institutions; 55.5 percent were brought to institutions by their parents, relatives or guardians; the institutional staff were not aware of and were not even sensitive about the mental state in which the child came; 41 percent of the staff did not appear overly concerned about this issue, assuming that police abide with the above laws, 34 percent of the staff members accepted that police abuse did happen, 65 percent were kept in the lock-up ranging for a time span of 2-13 days; children interviewed stated that they had been treated with care by the police; 67 percent of the CIIL reported that

they were physically abused; 66.7 percent children were slapped; 30 percent children were tied and beaten severely; 15 percent were hung from ceiling and beaten; 58 percent of children felt lost and alone at the time of admission; 42 percent were angry and aggressive; 63 percent of the staff claimed to have spent a minimum of 30 minutes with new admissions while 60 percent CNCP children said it was less than 30 minutes; 66 percent of the CICL and 95 percent of the CNCP were the main issue of the meeting between Suptd./PO and child; 62 percent of the staff said that orientation about the institution did happen; 32 percent of the CNCP and 26 percent of CICL said that they had been oriented about some rules; 81.7 percent of CNCP were sent to the living space as soon as they were brought and met the Superintendent the next day; ten percent of the CNCP mentioned that they had met the caretakers when they first entered the institution; 75.3 percent of the CNCP perceived the institution as a hostel, whereas only 8.3 percent of the CICL agreed to this view; 68.3 percent of the CICL felt that the institution was like a jail as did 16.1 percent of the CNCP; 18.3 percent of the CNCP assumed that the institution was a temporary shelter as did 25 percent of the CICL; 75.3 percent of staff perceives the institution as a hostel; 18.3 percent as a temporary shelter and 16.1percent as a jail; 48 percent CICL and 31 CNCP percent have conflict with authorities; 22 percent of the CICL and 22 percent of the CNCP concur that in case of conflict with authorities; the problems are discussed among the children themselves leading to more fights and higher incidences of running away; 75 percent children are unaware of the next step to be taken in case of such conflict; CNCP (78%), CICL (44%) and staff (52%) agreed that conflicts between children are constant in every institution; according to 47 percent of the CICL, the Superintendent and Probation Officers take decisions regarding conflict resolution; 77 percent of the CNCP commented on the lack of staff intervention; 48 percent of the staff claims that they counsel children in case of conflict; 52 percent of the staff mentioned individual and group meetings with the children that aimed at identifying and dealing with emotional/behavioural problems; 22.6 percent said that staff intervenes only when problems get violent; 83 percent of the CICL and 48 percent of the CNCP voiced that they would like to share their feelings and

problems with an adult; 70 percent of staff also say that they would prefer to leave this job to professional counsellor; 50 percent of the staff denied that children run away or even attempt it; 80 percent of the CICL and 65 percent of the CNCP mentioned that children do run away; CHCD (65%), CICL (69%) and staff (55%) confirmed that action is taken in case of children attempting to run away; 65 percent of the staff said that the immediate intervention in case of a child who had attempted to run away was to counsel and orient him about the hazards of running away; 10 percent of the CICL and 38 percent of the CNCP stated that usually the staff would beat them up while a small proportion of them stating that sometimes this would be severely; 80.5 percent of the staff children are always allowed to make phone calls; 77.4 percent of the CNCP and 96.7 percent of the CICL said that they were not told about anything related to their legal rights; 71 percent of the CNCP, 55 percent of the CICL and 75 percent of the staff mentioned that they had adequate access to health care services in their institution; vocational training was not available in 75-80 percent of the homes; 84 percent of the staff said that they inform the children about their exit while 60 percent of the CICL and 54 percent of the CNCP said that they were not informed anything at all related to their exit from the institution. It was recommended that capacity building programmes should be conducted with the staff in order to provide role clarity with special emphasis on exit level intervention; each home must identify a vocational partner within the area; separate schools for CICL which would be run on a short term basis; structured schedule for teachers and training that will help them in improving their academic performance; local NGOs can be partnered with to provide free legal aid; monthly meetings must be held with the parents which can also act as a grievance redressal forum for them; child friendly material should be created along with capacity building workshops for staff on how to use this material at the time of the child's entry; police personnel should be sensitized to the rights of minors.

### **1.6.3 Health status of Juvenile's/Children's in CCI's**

A study conducted by Joglekar and Patel (1997) on Usefulness of Vulnerable code diagnosis: neglected child and juvenile delinquents, Mumbai revealed that more number of respondents in the delinquent group fall in the categories of mild mental retardation and border line intellectual functioning compared to neglected group.

A similar study conducted by Azeez (1998) on Psychosocial and health aspects of inmates in Juvenile Homes, Mysore, revealed that most of the juveniles were from large nuclear families and from low socio economic class and communicable diseases, nutritional deficiencies, diseases of eyes, ears and dental were the common conditions of children living in overcrowded institutions.

Another study conducted by Chandra Shekara, Poornima and Manjunatha (2001) on Child Care Institutions in Karnataka, revealed that infrastructural facilities and delivery of services in child care institutions run by the private bodies are relatively better than Govt. run institutions.

Wankhede (2003) conducted a study of medico social problems of inmates of Government Observation Homes for Boys at Nagpur revealed that stealing was the commonest reason for apprehension of juveniles in all ages followed by vagrancy, begging, fighting and quarrelling, murder etc. Besides this, overcrowding was observed in institutions and cleanliness was not maintained.

### **1.6.4 Abuse of children in Institutions**

The findings of National study on Child Abuse conducted by Ministry of Women and Child Development, 2007 revealed that 56.37% children in institutions across the country were subjected to physical abuse by staff members of the institutions. This study attempted to assess the situation of physical abuse of children living in institutions including shelter homes, children homes, observation homes, special homes and other type of institutions, viz., orphanages and

institutions being run by charitable bodies. The study sample comprised 2245 children in different institutions across thirteen states of the country such as Andhra Pradesh, Assam, Bihar, Delhi, Goa, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Mizoram, Rajasthan, Uttar Pradesh and West Bengal. The data showed that these children were often subjected to physical abuse within and outside the institutions by caregivers, peers, police etc.

A study by Pagare, Deepti et al. (2004) depicts that Sexual abuse of children in India occurs across all socio-economic classes and is widespread among boys and girls, both in rural and urban areas. Perpetrators of sexual abuse find their victims in wide ranging situations, and homeless boys, living in an unprotected environment on streets, make easy prey for sexual abuse. The study was conducted at an Observation Home for Boys in Delhi where non-delinquent male juveniles aged 6-18 years are temporarily detained. All the boys admitted for the first time to the Observation Home between May to October 2002 were included. The boys were requested to undergo examination in a separate room by the Medical Officer, based on the Guidelines of American Medical Association (AMA, 1985) for Primary Care Physicians for diagnosis of suspected sexual abuse. All the boys were assured confidentiality and none was forced to undergo physical examination against his will. A total of 202 boys were willing for clinical examination, but the final sample consisted of 189 boys. Among the 178 subjects living away from families, 62.9% had left home between 6 to 10 years of age. Overall, 38.1% boys reported sexual abuse, with use of force ranging from 4.8% to 23.8%. Over 15% boys reported penetrative sexual abuse. The maximum proportion of abuse was reported in the age group of 8-10 years (42.9%). The mean age at abuse was reported as  $9.13 \pm 2.4$  years. Most children (93.2%) reported the incident to be within 2-3 weeks of leaving home. All boys reported single episode of sexual abuse except four. The maximum proportion of incidents occurred during late evening or at night (59.2%). 22.2% cases occurred during the day. Most children (76.2%) were abused at railway stations, about 4% were abused at the work place, and 1.4% at some other Observation Home. Among the 72 abused children, 44 (61.1%) had some physical sign of abuse while 29

(40.2%) showed behavioural signs of sexual abuse. 18 boys had signs suggestive of sexually transmitted diseases, and this also increased their vulnerability to HIV infection. The problem of sexual abuse among inmates of Observation Homes is grave and requires urgent remedial action. The period of detention at Observation Homes may be utilized for identification of the victims and their proper medical, social and psychological rehabilitation to prevent further abuse. Concerned authorities should take appropriate action and make efforts to create safe living conditions for all children, including street children.

It is evident from the above literature review that no study on Status of Child Care Institutions in the North Eastern Region has been conducted so far. In order to assess the status of CCI's in N.E. Region was inevitable. The present study was undertaken with this end in view. The approach and methodology of the researchers listed above were utilised to some extent with suitable modification in the present study.

#### **1.7 Format of the Study:**

The present study consists of a detailed analysis of primary as well as secondary data. The entire study is divided into five chapters for the sake of convenience. Chapter one introduces the subject, rationale/need of the study, policy commitment, implementation of JJ Act and review of related literature. Chapter second deals with objectives, methods and procedures, tools for data collection, operation details and limitations of the study etc. Chapter third gives a detailed description of infrastructure, manpower and profile of children/inmates of housed in child care institutions. Chapter four presents the actual assessment of child care institutions located in N.E. Region. A vivid account of the child care institutions including minimum standards of care are given in this chapter.

Chapter fifth concludes the study by pointing out some major findings and forwarding suggestions for further improvement in the child care institutions of N.E. Region.

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*Design of the Study***2.1 Objectives of the Study**

The main objectives of the Study were to:

- assess the existing status of Child Care Institutions in the context of JJ System & ICPS;
- assess adequacy of infrastructure prescribed in the Act and Rules framed under the Act by the respective States;
- assess the appropriateness and quality of different services rendered to children;
- identify gaps and problems in the implementation of JJ Act ; and
- offer suggestions to the State Government for improving the conditions of the child care institutions.

**2.2 Universe and Sample:**

The Study mainly covered nine States of N.E Region and focused on Child Care Institutions prescribed under JJ System and ICPS. Out of ten States of eastern region, data was collected from nine States such as Arunachal Pradesh, Meghalaya, Manipur, Mizoram, Nagaland, Orissa, Tripura, West Bengal and Sikkim. However, in the states where number of child care institutions was not many (equal or less than 10) like Arunachal Pradesh and Sikkim (there were only one and five institutions respectively); all child care institutions were selected for in-depth study. Similarly, more than 30 per cent of the institutions under each category were covered from the states where the existing child care institutions were more than ten, viz: Meghalaya (13 out of 16) Manipur (09 out of 12), Mizoram (17 out of 30), Orissa (17 out of 53), Tripura (09 out of 11) and West Bengal (25 out of 54). Thus, a total of 104 Child Care Institutions were selected from nine states. State-

wise & home-wise break-up of these homes are presented in table 2.1(Fig. 1) and also at Annexure-I.

| STATE             | Observat<br>ion Home | Special<br>Home | Children<br>Home | Shelter<br>Home | Aftercare<br>Home |
|-------------------|----------------------|-----------------|------------------|-----------------|-------------------|
| Arunachal Pradesh | 01<br>(No inmates)   | Nil             | 01               | Nil             | Nil               |
| Manipur           | 03                   | Nil             | 07               | 02              | Nil               |
| Meghalaya         | 03                   | Nil             | 13               | 02              | Nil               |
| Mizoram           | 02                   | 01              | 27               | Nil             | Nil               |
| Nagaland          | 01                   | 01              | 18               | Nil             | Nil               |
| Odisha            | 04                   | 03              | 46               |                 | Nil               |
| Sikkim            | 01                   | Nil             | 05               | Nil             | Nil               |
| Tripura           | 01                   | 01              | 08               | Nil             | 01                |
| West Bengal       | 05                   | Nil             | 30               | 05              | 03                |
| <b>TOTAL =</b>    | <b>20</b>            | <b>06</b>       | <b>109</b>       | <b>09</b>       | <b>04</b>         |

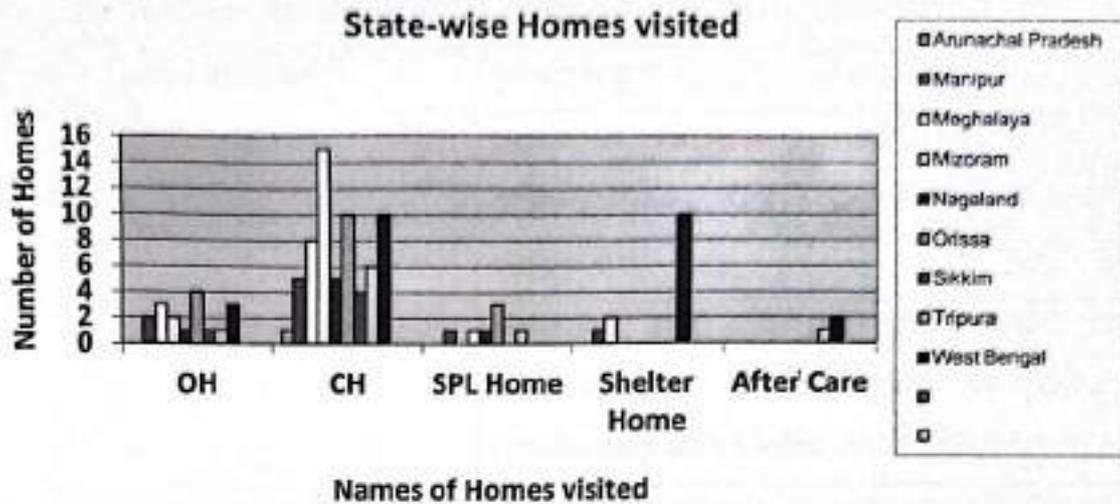
Grand total: 148

The state-wise number homes visited are given in Table-2.2

| STATE             | Observat<br>ion Home | Special<br>Home | Children<br>Home | Shelter<br>Home | Aftercare<br>Home |
|-------------------|----------------------|-----------------|------------------|-----------------|-------------------|
| Arunachal Pradesh | 0                    | 0               | 1                | 0               | 0                 |
| Manipur           | 2                    | 1               | 5                | 1               | 0                 |
| Meghalaya         | 3                    | 0               | 8                | 2               | 0                 |
| Mizoram           | 2                    | 1               | 15               | 0               | 0                 |
| Nagaland          | 1                    | 1               | 5                | 0               | 0                 |
| Odisha            | 4                    | 3               | 10               | 0               | 0                 |
| Sikkim            | 1                    | 0               | 4                | 0               | 0                 |
| Tripura           | 1                    | 1               | 6                | 0               | 1                 |
| West Bengal       | 3                    | 0               | 10               | 10              | 2                 |
| <b>TOTAL =</b>    | <b>17</b>            | <b>7</b>        | <b>64</b>        | <b>13</b>       | <b>3</b>          |

104  
Ch. 63

Figure-I



### 2.3 Methodology:

A questionnaire was developed to deal with details of information related to different types of Homes created under JJ Act, administration, staff recruitment & training, budget etc. Information on various aspects of child care including minimum standards of care, health facilities, education & recreation and rehabilitation efforts of the institutions (Children's Home, Observation Home, Special Home, Shelter Homes and after care Homes etc.) was collected through in-depth case study. Data from Social Investigation Reports (SIRs) prepared by the Social Worker/Probation Officer of each child placed in the homes was also utilized. This includes: profile of children, their socio-economic background, circumstances under which they were being put to the institution, duration of stay, types of offences committed by children etc. Views of the children, physical and mental state of children, relationship with staffs, their satisfaction etc. were primarily obtained through Focused Group Discussion (FGD) method with the older children of the age group of 10 -18 placed in the Homes. Lead questions developed for FGD are annexed at Annexure-II. Information was also collected with the help of interview schedule from the functionaries of the Homes responsible for taking care of the children i.e. Superintendent, Warden, Caretaker/Metron etc. Information on various aspects i.e. physical and psychological environment, inter personal relationship etc. was collected with the help of a checklist. Besides this,

observation of NIPCCD faculty and field investigators, who were associated with data collection process, was used in supplementing primary data.

| Sl.No | Methods/Tools            | Parameters   |
|-------|--------------------------|--|
| 1     | Questionnaires           | types of Homes created under JJ Act, administration, staff recruitment & training, budget etc.   |
| 2     | Focused Group Discussion | views of the children, psycho-social care, physical and mental state of children, relationship with staffs, their satisfaction etc.                                    |
| 3     | Case Study               | minimum standards of care, health facilities, education & recreation and rehabilitation efforts of the institutions (restoration, repatriation and reintegration etc.) |
| 4     | Interview                | from functionaries of Homes on working hours, qualifications, care plan, protection & safeguarding   |
| 5     | Observation              | Physical and psychological environment, interpersonal relationship etc.  |

#### 2.4 Operational Details

Needless to say, implementation of JJ Act requires careful planning of logistics and other operational details. It warranted cooperation from various departments, associated with juvenile justice to facilitate data collection by the different research team. The research team consists of faculty member of NIPCCD and project staff recruited for the purpose. The cooperation extended and help not only in identifying of suitable individuals but also in holding interviews with State officials and officials of different Homes.

## 2.5 Ensuring data quality

Several measures were taken to collect reliable and good quality data. Project in charge monitored and coordinated the data collection work. The Design, scope of the study and tools were planned, pre-tested and developed by the Project in charge of NIPCCD Regional Centre, Guwahati. In addition, discussions were held with Officials of State Governments.

Regular editing was carried out to detect errors and omissions in entries of the Questionnaires and interview schedules. Data collection exercise was done by the project staff. Data collection is aimed at ensuring accuracy, reliability, internal and external consistency and uniformity in data. Further, it improved the thickness of data for entry and tabulation. The data was further revalidated at the time of data analysis. Besides this, manual checking of all questionnaires and entries therein was carried out in database tables to eliminate errors arising during data tabulation.

## 2.6 Data Analysis/Processing

Initially, two project staff members (one Project Assistant & one Data Entry Operator) recruited for the purpose was assigned the task and later, one more Project Assistant was appointed. They became integral members of the research team and worked in close liaison with concerned faculty of NIPCCD Regional Centre, Guwahati from initial stages of planning to data analysis. Their technical input was proved useful in identifying data analysis and in generating tables, graphs etc.

The formats of data files were prepared in such a way that the data could be used in variety of ways for subsequent analysis. The database has been created State-wise with an intention to optimally utilize the valuable empirical information for other purposes, besides the Assessment.

## 2.7 Limitations

The data collection team faced certain constraints which sometimes affected smooth data collection. The major obstacle in data collection was location of different Homes created under Juvenile Justice Act.

Since project investigators were involved in data collection, some human errors were noticed which were rectified during data collection. Secondly, data collection team had to travel considerable distances at times.

## 2.8 Presentation of the Report

In accordance with the objectives of the study, the data, in implementation of the JJ Act in different States were ascertained. The findings with respect to various aspects are presented in the subsequent sections of the Report under following heads:

- Infrastructure, manpower and profile of children;
- Assessment of standard of care and protection of children;
- Conclusions and Recommendations
- Looking Ahead/Post Script

This Report has been prepared after analyzing the data, considered crucial for assessment of Child Care Institutions in N.E. Region

## Infrastructure, Manpower & Profile of Children

The vision behind all of the UN human rights treaties is promoting respect for the dignity of each person, for instance, the right to life, freedom of expression, freedom from torture, the right to education, and the right to an adequate standard of living. In view of this principle, a child centred system recognizes the child as subject to fundamental rights and freedoms and ensures that all actions concerning the child are to be guided by his/her best interests.

To provide for the care, protection, treatment, development and rehabilitation of children in conflict with law and for children in need of care & protection by adopting a child friendly approach in the adjudication and disposition of certain matters, the JJ Act, 2000 was enacted by Parliament. Several provisions of the Constitution including clause (3) of article 15, clauses (e) and (f) of article 39, articles 45 and 47 also impose on the State a primary responsibility on ensuring that all the needs of children are met and that their basic human rights are fully protected.

### The Juvenile Justice (Care & Protection of Children) Amendment Act, 2006

*An Act to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation[and for matters connected therewith or incidental thereto]*

*Source: Subs. By Act 33 of 2006, sec. 2, for "through various institutions established under this enactment" (w.e.f. 22.8.2006)*

### 3.1 Status of the Implementation of the JJ Act, 2006 - A Situational Analysis

It was felt that there is an urgent need for creating adequate infrastructure necessary for the implementation of the JJ Act with a larger involvement of informal systems specially the family, the voluntary organization and

the community. However, for the present study an attempt has been made to cover most of the homes of North Eastern States and 30% of Homes from Odisha and West Bengal. A substantial number of different types of homes were visited and detail information was obtained by the enumerators. Out of 148 Child Care Institutions, 104 homes were visited /covered. Although Special and After Care Homes were less in number, 100 per cent and 75 per cent respectively were covered for the present study.

The setting up of the juvenile justice is in recognition of the vulnerabilities of children, and the responsibility on the state for setting up systems for the welfare and development of children. Keeping this in view, an attempt has been made to find out the latest status of the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2006 in the N.E. Region (except Assam) and the information in this regard is given in Table 3.2.

Table 3.1 Status of the JJB/CWCs in the N.E. Region

| Sl. No. | Name of the State/Union Territory | No. of Districts | Number of Child Welfare Committees (CWCs) | Number of Juvenile Justice Boards |
|---------|-----------------------------------|------------------|---|-----------------------------------|
| 1.      | Arunachal Pradesh                 | 16               | 16  | 16                                |
| 2.      | Manipur                           | 9                | 9   | 9                                 |
| 3.      | Meghalaya                         | 11               | 7   | 7                                 |
| 4.      | Mizoram                           | 8                | 8   | 8                                 |
| 5.      | Nagaland                          | 11               | 11  | 11                                |
| 6.      | Orissa                            | 30               | 30  | 30                                |
| 7.      | Tripura                           | 8                | 4   | 4                                 |
| 8.      | West Bengal                       | 19               | 19  | 19                                |
| 9.      | Sikkim                            | 4                | 4   | 4                                 |

## Current Status of Juvenile Justice System in Eastern Region

### Arunachal Pradesh

1. JJB & CWC Members in seven Districts are newly appointed in the month of August, 2012.
2. Statutory Bodies like JJB, CWC & SJPU are constituted in all (16 districts) and two more will be constituted in Itanagar.
3. Selection of JJB Members is not done properly. Some of Members are matriculates and one member attended the workshop is qualified with Standard VI. The Deputy Commissioners are entrusted the responsibility of to send a list of candidates for selection the JJB Members. Accordingly, Selection Committee is selecting them.
4. No physical infrastructure in JJBs
5. One observation home is there in the state which is located in Pasighat and at present, no inmate is there. It was reported that this year proposal has been sent for constitution of three more juvenile homes in the state.
6. Children are not segregated and minimum standard of care as per JJ Act is not maintained in the Children Home run by Oju Welfare Organisation at Naharlagun
7. Sittings are not held at all in their districts. Hence, no allowances are paid to them.
8. There are three Child Care Institutions recognized by the Deptt. of W&CD, Govt. of A.P recently in the state.
9. There are two Specialized Adoption Agencies functioning in the state.
10. There is no Shelter Home, Special Home and After Care Home in the State.
11. There is no SARA and SCPCR in the state.
12. State Child Protection Society is not yet registered.

## MANIPUR

### **Punya Shelter Home for Girls:**

1. At the time of visit to the Home only 36 children were found, however, the home can keep maximum 25 children comfortably. The Home was over crowded.
2. No vocational training provided to the children.

### **Observation Home, Churachandpur**

1. Proper boundary wall was not there.
2. At the time of visit there was no child in the Home. However, as per the record, 3-4 children are usually placed in the O.H. in a month.
3. Both boys and girls are kept in the same Home.
4. Clothing is not provided from the Home.
5. No facility for vocational training.
6. Infrastructure facilities are grossly inadequate.

### **Observation Home, Imphal**

1. Inadequate staffing at the home.
2. The post of Counselor, house mother/father was not filled up.
3. At the time of visit there were only 10 children.
4. Educational and vocational training facilities are not provided.
5. Inadequate bedding and clothing provided.

### **Children Home, Churachandpur**

1. At the time of visit there were 50 children at home.
2. Though space/accommodation was sufficient, however, there was lack of hygiene and sanitation. The kitchen and dining hall were dirty.
3. The building is quite old, therefore, needs renovation.
4. No vocational training provided to the inmates.
5. Children attend school outside the campus.

### **Children Home for Girls, Thoubal**

1. The Home has capacity to accommodate 75 children at a time, however, inadequate indoor space was noticed to accommodate 75.
2. At the time of visit there were only 6 children present at the home.
3. Ventilation and light in the room was poor.
4. Toilet is located in a distance place.

### **Children Home, Senapati District**

1. At the time of visit there were 60 children present in the home.
2. There was no boundary wall in the Home.
3. Building is very old and needs renovation.
4. Vocational training is not being provided.

### **Destitute Children Home, Imphal**

1. The Home was well maintained.
2. At the time of visit there were 56 boys in the Home against the capacity of 50.
3. No playground for outdoor activities.

### **Meghalaya**

- No. of District- 11 including 04 newly constituted
- No. of JJB- 07
- No. of CWC- 07
- No. of SJPU- 07
  
- There are 13 numbers of Children Home functioning in the state and all the Homes are run by NGOs. Most of the Homes are run by Christian Missionaries and Charitable Trust. State Govt.'s support to the Homes is minimum. In most of the Homes, infrastructure is good but inadequate staff found.
  
- Observation Home: There are three Observation Homes in the State run by State Govt. The location of the Observation Home Tura is not proper. Infrastructure of the Home which is on rent is not adequate and therefore needs to be shifted to a suitable place.
  
- No Special Home
  
- Shelter Home: 02, one run by Govt. and other run by NGO
  
- No. After Care Home

- There is no Specialized Adoption Agency in the State. SARA has been established in the State. Non-Institutional services are not provided properly in the state. *More Adoption takes place through Customary Laws.*

#### **William Lewis Boys Children Home, Mawphlang, East Khasi Hills:**

During the visit, it was observed that a total of 51 inmates were there, they were mostly the orphans. They are attending the school. Physical infrastructure was found to be satisfactory. But staff position is inadequate, only one cook and helper (part time) and one Project Officer (full time) appointed to the home. This Project Officer was not trained.

#### **Observation Home for Boys, Shillong**

This Home is run by the Department of Social Welfare, Government of Meghalaya. A total of 23 inmates were there, out of which, 17 had committed petty offence and 04 had committed non-serious and serious offence cases, 02 cases were already disposed of, still children were in Observation home for last four years. Besides this, One Open Shelter is functioning in the State.

**Observation:** The Principal Magistrates of JJBs are frequently transferred which results in delay in disposal of cases and Members of Special Juvenile Police Unit are not trained.

#### **Mizoram**

1. The CWCs in all districts of the state have been formed. The CWCs have been provided with a setup for office with new furniture, computers etc. However, there is no supporting staff.

2. Out of total eight JJBs, there are two JJBs functioning inside the premises of Observation Homes and the rest of the JJBs were earlier functioning in Principal Magistrates' Chamber which have been recently shifted to DCPOs Offices.

3. Physical Infrastructure of JJBs including the supporting staff are found to be satisfactory.

4. Sittings of JJBs are held only twice in month. Most surprisingly, in Champai district the JJB is sitting once in a month.

## 1. Functioning of Child Care Institutions:

### Observation Home, Aizawl:

- A. Physical infrastructure of the Observation Home of Aizawl was found to be satisfactory.
- B. Nature/Degree of offence wise segregation was not done. All petty offence and serious offence cases are kept together.
- C. Educational facility is provided to the inmates by SSA.

### Gana Sarba Children Home, Aizawl:

- A. Most of the children were found HIV/AIDS infected.
- B. Poor infrastructure in terms of building and equipments found in the home.

ICPS: ICPS staff are already recruited and an Orientation training has been conducted for them by NIPCCD in collaboration with state Govt.

### West Bengal

The CWCs in the state were constituted in the year 2007-08 in all the 19 districts of the state. There is no fixed office for the CWC members to sit. They sit in the DSWO's office or in Children Homes, wherever feasible. Infrastructure and facilities available are not very good. Official procedure is under process to provide support staff to the CWCs. All the members of CWCs have received training. On an average five to six cases are dealt with by the CWCs per sitting. Up to the month of June 2010, the members have received Rs. 500/- per head per month. The members sit three days in a week. The system of identifying fit institution is not yet been introduced in the state.

2. The JJB sits five to six days in a week and handled an average of seven to eight cases per day.

3. There is lack of involvement of Members in final disposal of cases and in most of the districts only Principal Magistrates are taking the decision even when bail is taken.

4. Police Personnel are not trained on provisions of the JJ Act.

5. The allowances are not paid regularly and only Rs 300/ per sitting is paid.

6. The co-accused cases first goes to the Adult Court and pending in Adult courts for a long time then it comes to JJB, hence few juvenile cases take a long time to be handled. Sometimes it takes more than 2 years.

7. The individual care plan is not prepared.

8. Data Entry Operator, stenographer and Peon are not yet appointed to JJB.

9. The Management Committee is not in place.

10. A computer is installed in each JJB but there is no Computer Operator.

11. There is joint account of DSWO and Principal Magistrates. Hence, there is delay in releasing of funds to JJBs.

12. Observational and After Care Home, Liluah, Howrah is running in a dilapidated building, needs immediate renovation.

13. Nijaloy Home for Children, Jalpaiguri, District and Shelter Home, Burdwan, Bodhipeet Home, Kolkata, run in rented building and are very congested. The Homes should be shifted to spacious building with open space to be used as play ground.

14. The District Shelter Home, Malda is running in a third floor of a rented building. This causes difficulty for the small children to climb up and down to the third floor. Hence, immediately needs to be shifted to a suitable place.

15. Ananda Niketan, Burdwan is a Home for mentally retarded children. At the time of visit there were 109 children. Though the Home is running well, however, because of insufficient fund it faces problem with large number of children to give the optimum facilities and services.

16. Ananda Math Observation Home for Girls, Purulia is running in a building which is very old and in dilapidated condition. Many of the inmates in this Home are with Maoists linkage. There was no female police in the campus. In the same campus there is also a Children's Home for Girls. So, the girls from the Observation Home and the Children Home share the same dormitories and other facilities. They are not kept separately as per the provision under JJ Act.

17. In the children's Home at Debra Bazar, Kharagpur there is a capacity to keep up to 70 children. Though the Home is meant for children in need of care and protection, however, there were few who were in conflict with law. It was learnt that for non availability of Boys' Observation Home in the district, the children are kept along with the other children at Children Home. There is a need to open an Observation home for boys in West Midnapore district

18. District Shelter Home, Nadia is running in its own building. At the time of visit there were 46 girls. There was no facility for vocational training. The food was found to be very inferior quality. The environment was very tense, oppressive and unfavorable for children's growth and development. There was stated to be cases of abuse.

ICPS: ICPS staff is not yet appointed in the state. However, viva has been conducted and the result is not yet declared.

## TRIPURA

### **Observation Home for Boys, Agartala**

1. During visit (June 9, 2012), only 5 children were found there. An average 5/6 children stay in the Home. Most of the children are sent on Bail.
2. Though the Home is made to accommodate 25 children, the physical infrastructure can only accommodate 10-12 children at a time. At present, the Home is functioning in a dark room. No ventilation found in the room. Children were kept in lock up. They were looking pale. Most of children from Bangladesh are coming to Agartala for committing crimes. Recently, few children from Bangladesh were kept in the same Observation Home.
3. There is no facility for vocational training and education.
4. Now, the state Govt. is planning to renovate this Home.

### **Special Home, Agartala**

1. The Home is functioning inside the premises of Observation Home.
2. No children were found during the visit.

### Juvenile Justice Board:

1. The Principal Magistrates are not trained yet on JJ System.

### Khilpara Boys Home, Udaipur, South Tripura

1. At the time of visit there were 35 children present.
2. The condition of the building is poor. It needs to be renovated.
3. Staff position is not adequate.
4. There is no night Chowkidar in the Home.
5. The children are left alone at night.
6. It was learnt that outside children also come and stay with the inmates in the hostel.

### After Care Home for Girls, Abhoynagar

1. At the time of visit there were 34 girls present at the home.
2. Though the Home is meant only for girls above 18 years, however, there are inmates who are in the age group of 15-16 also. The girls below 18 from the adjacent Children's Home are also brought to this Home, when there is excess number in the former.

### State Children's Homes for Girls, Agartala

1. At the time of visit there were 45 girls
2. The condition of the building is not good. It needs immediate maintenance.
3. Vocational training is satisfactory

### State Foundling Home, Narsingarh, Tripura

It was one of the best Homes of North Eastern Region. Child friendly environment was found. Children were looking healthy. Superintendent is like their own mother. She loves all children. All the children are participating in cultural activities. They are very good in dance, songs and other activities. Well decorated home. Physical infrastructure was found to be satisfactory.

### Sikkim

1. **Juvenile Justice Board (JJB):** There are four Juvenile Justice Boards notified in the State and two Principal Magistrates looking after four districts. The sittings of the JJB are held in the Court premises.
2. **Child Welfare Committee:** There are 4 CWCs notified in the State.

## **Institutional Care: Children's Home, Observation Home and Others:**

### **Observation Home, Gangtok**

During the visit, it was observed that juveniles who are convicted are staying in the observation home along with other juveniles for whom trial is going on. There are few children who have been escaped from the home because of no boundary. It was informed by the JJB Member that there is no Special Home in the State due to which the Children are kept in the Observation Home or most of the convicted children are released on probation. PAB has already approved Grant-in Aid for one Govt. run Observation Home and up-gradation Grant. The State has informed that they want to build a Govt Observation Home as at present the OB is running in a rented place which is not sufficient when the number of Juveniles are more, it becomes difficult to manage and secondly both Girls and Boys are housed in the same building. It was observed also that there is a need to construct Govt Observation Home, which is more spacious and where separate facilities could be created for Girls and Boys.

### **Children Homes**

There were children in all the Homes except for the Home for the Mentally Challenged. The Homes were neat and clean and well maintained. All the children were in the age group of 5 to 18, except for few children who were above 18. Children are enrolled in regular local Govt. schools. The children are taken out for picnics and outings and National Festivals are celebrated in the Home. It was informed that monthly health checkup of the children is done in the nearby Hospital. Inadequate staff was found everywhere. The staff is not aware about the ICPS Scheme and JJ Act. Due to Non-availability of funds the Homes were in debt. and they could not pay staff salaries.

All the Homes are registered under the Local State Law and the Societies Registration Act of 1860, but the Homes are not registered under the Juvenile Justice (Care and protection of Children) Act 2001.

**Profile of the Children in the Homes:** The children come from a poor socio economic background and they are orphans. The tribal children from Bhutia, Nepdia, Tawang, Suga and Serpa tribes were in the Home. All the children are enrolled in the regular Govt. schools. No formal vocational training is given to the children. Vocations such as Sticking, Knitting, Computer typing and pickle making is taught to the children.

## Odisha

1. The Observation Home for boys at Barhampur, Ganjam which was visited by one of the project staff of Regional Centre, Guwahati found that there were 70 inmates against a capacity of 40. The Home was over crowded. One bed was shared by 2/3 boys. This indicates about increasing the capacity of the home or establishing one more OH at any of the nearby districts like Gajapati, Rayagada, Nayagarh, Phulbani.
2. The OH at Rourkella in Sundargarh district had inadequate staff.
3. Observation Home at Khandagiri, Khorda being run by Satya Sai Seva Sangh, a NGO was visited by one Project Assistant of RCG in July, 2011 in connection with a Research Study on Child Care Institutions. At the time of visit neither any inmate nor any staff was available. It was learnt that the Home is not functioning.
4. At present, there is no Shelter Home in the state.
5. The state needs to establish one After Care Home.
6. JJBs are not functioning properly. Sittings are not held regularly and allowances are not paid regularly. No proper infrastructure.
7. Except Rayagada , all the JJBs are functioning in Court premises (CJM Chamber).
8. There are few Probation Officers in the state who are deputed from Deptt. of Home to W&CD for dealing with Juvenile cases.
9. In two JJBs (Phulbani and Boudh), it was observed that the JJB members are from places which are 90 kms (approx) away from dist HQs. It was learnt that these members are not attending any sittings.
10. The CWCs do not have a proper place to sit.
11. There are very less number of children produced to CWCs
12. Though funds have been released for payment of honorarium it was reported that the CWC members have not received any honorarium till date.

13. So far no institution has been recommended as fit institution by the committees.

### NAGALAND

1. At present, there is one Observation Home in Pherima, Dimapur. This Home is located at an interior place of Pherima of Dimapur district. It is mentionable that the building of the present OH at Pherima is in a dilapidated condition and needs extensive renovations. There is no boundary wall in the Home. As a result, escape rate is very high. Further, the road communication to the Observation Home is very very poor. During rainy season it is very difficult to reach the Home. In emergency, admitting children in the hospital or bringing them to Dimapur for consultation becomes a challenge. Thus, it becomes necessary to consider shifting the Observation Home from this place to another suitable place.

2. Eden Garden Children Home at Khuzama, being run by Nagaland Jesui Educational and Charitable Society is overcrowded. Though this Home was registered under JJ Act in 2009. However, the Home has received the funds of Rs. 55,000/- from the Deptt. of Social Welfare, Govt. of Nagaland in June 2011 for maintenance of the children which was not sufficient. The Home has a capacity to keep 150 children. But in a recent visit to the Home by NIPCCD, Guwahati, it was found to have 214 children. It is noteworthy that many of the children are actually neither orphan nor destitute. Parents because of their poor economic condition prefer to keep the children in the Home for free shelter, education, etc. Since this is run by Christian Missionaries and provide quality education including best recreational facilities and also provide safe and secure environment, parents like to send their children here.

In view of the fact that the Home is providing commendable services, Government may help by providing financial assistance particularly for construction of an additional building to accommodate the children and additional staff to run the Home smoothly.

3. The physical infrastructure of Kohima Orphanage and Destitute Home (Registered under JJ Act) are also not in good condition. The Homes need immediate repairment.

4. Nagaland has high incidence of Drug addiction and alcoholism in children particularly boys. At the time of visit to different Homes by members of NIPCCD it was learnt that many homes are not in favour of keeping drug addict & alcoholic children in their homes for the fear of inflicting the habit to other children. It is, therefore, suggested that a separate Home with drug de-addiction intervention programme may be tried out in Dimapur which is the hub of drug trafficking and marketing.

5. At the time visit to the JJBs by NIPCCD member in the month of May, 2011 it was learnt that none of the JJBs was provided with infrastructures to sit and to conduct the meeting.

It was learnt that, the implementation of the Juvenile Justice Act requires the setting of the juvenile justice system machinery, mainly the Child Welfare Committees (CWCs) and the Juvenile Justice Boards (JJBs) and the Child Care Institutions. It is to note that majority of the N.E. States have created Special Juvenile Police Unit (SJPU) which are not functioning properly.

### 3.2 Type of Institutions

The amended JJ Act extends to the whole of India except the state of Jammu and Kashmir. The Act seeks to consolidate and modify the law relating to juveniles in conflict with the law and children in need of care and protection, by providing for proper care, protection and treatment by catering to their developmental needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation. This could be through various institutions (Government or NGO) established/recognized

There is a classification and separation of Children in Conflict with Law on the basis of their age and the nature of offences committed by them. The four types of institutions provided under the Act are as follows:

- Observation homes
- Special homes
- After-care homes

under this enactment or through non - institutional services such as adoption, foster care, and sponsorship. An attempt has been made through this enactment to make up for the lacunae in the existing adoption laws by permitting persons belonging to all religions to adopt.

The State Government may establish and maintain as many juvenile homes as may be necessary under this Act. The State Government may, by rules made under this Act, provide for the management of juvenile homes, including the standards and the nature of services to be maintained by them and the circumstances under which, and the manner in which, the certification of a juvenile home may be granted or withdrawn. However, some of these institutions were private institutions also run by voluntary organizations.

It is evident that a substantial number of Child Care Institutions of N.E. States which are mostly run by voluntary organisations.

Table- 3.2

| States            | Homes run by Govt./Deptt./NGOs |             |                   |                   |             |                   |              |             |                   |              |             |                   |                |             |                   |
|-------------------|--------------------------------|-------------|-------------------|-------------------|-------------|-------------------|--------------|-------------|-------------------|--------------|-------------|-------------------|----------------|-------------|-------------------|
|                   | Children Home                  |             |                   | Observation Home) |             |                   | Shelter Home |             |                   | Special Home |             |                   | Aftercare Home |             |                   |
|                   | State Govt.                    | NGO & Govt. | NGO without Govt. | State Govt.       | NGO & Govt. | NGO without Govt. | State Govt.  | NGO & Govt. | NGO without Govt. | State Govt.  | NGO & Govt. | NGO without Govt. | State Govt.    | NGO & Govt. | NGO without Govt. |
| Arunachal Pradesh | 0                              | 1           | 0                 | 0                 | 0           | 0                 | 0            | 0           | 0                 | 0            | 0           | 0                 | 0              | 0           | 0                 |
| Manipur           | 0                              | 5           | 0                 | 2                 | 0           | 0                 | 0            | 1           | 0                 | 0            | 1           | 0                 | 0              | 0           | 0                 |
| Meghalaya         | 3                              | 4           | 1                 | 3                 | 0           | 0                 | 0            | 2           | 0                 | 0            | 0           | 0                 | 0              | 0           | 0                 |
| Mizoram           | 3                              | 11          | 1                 | 2                 | 0           | 0                 | 0            | 0           | 0                 | 1            | 0           | 0                 | 0              | 0           | 0                 |
| Nagaland          | 0                              | 3           | 2                 | 1                 | 0           | 0                 | 0            | 0           | 0                 | 1            | 0           | 0                 | 0              | 0           | 0                 |
| Odisha            | 3                              | 7           | 0                 | 3                 | 1           | 0                 | 0            | 0           | 0                 | 3            | 0           | 0                 | 0              | 0           | 0                 |
| Sikkim            | 0                              | 4           | 0                 | 1                 | 0           | 0                 | 0            | 0           | 0                 | 0            | 0           | 0                 | 0              | 0           | 0                 |
| Tripura           | 0                              | 6           | 0                 | 1                 | 0           | 0                 | 0            | 0           | 0                 | 1            | 0           | 0                 | 1              | 0           | 0                 |
| West Bengal       | 8                              | 2           | 0                 | 3                 | 0           | 0                 | 3            | 7           | 0                 | 0            | 0           | 0                 | 1              | 1           | 0                 |
| Total             | 17                             | 43          | 4                 | 16                | 1           | 0                 | 3            | 10          | 0                 | 6            | 1           | 0                 | 2              | 1           | 0                 |

Out of 104 Child Care Institutions visited for the study, it was found that a total of 44 (42.37%) Homes are run by the State Government of various states and a total of 60 (58%) institutions were also run by the voluntary organizations.

However, it was found that maximum number of Children Homes 47 (73%) was run by the voluntary organizations.

### 3.3 Physical Set Up of Institutions

Physical set up of different child care institutions such as accommodation, other infrastructural facilities, sports facilities etc. were assessed by the research team who visited different Homes. Data regarding availability of accommodation at different Homes is presented in Table 3.3

Table 3.3 Infrastructural Facilities in CCIs

| States            | Nagaland  |    |             |          | Tripura   |    |             |          | Arunachal Pradesh |    |             |          | Sikkim    |    |             |          | Odisha    |    |             |          | Manipur   |    |             |          | Meghalaya |    |             |          | Mizoram   |    |             |          | West Bengal |    |    |   |    |   |   |    |   |   |   |
|-------------------|-----------|----|-------------|----------|-----------|----|-------------|----------|-------------------|----|-------------|----------|-----------|----|-------------|----------|-----------|----|-------------|----------|-----------|----|-------------|----------|-----------|----|-------------|----------|-----------|----|-------------|----------|-------------|----|----|---|----|---|---|----|---|---|---|
|                   | Available |    | Available   |          | Available |    | Available   |          | Available         |    | Available   |          | Available |    | Available   |          | Available |    | Available   |          | Available |    | Available   |          | Available |    | Available   |          | Available |    | Available   |          |             |    |    |   |    |   |   |    |   |   |   |
|                   | yes       | no | No. of Room | Adequate | yes       | No | No. of Room | Adequate | yes               | No | No. of Room | Adequate | yes       | No | No. of Room | Adequate | yes       | No | No. of Room | Adequate | yes       | No | No. of Room | Adequate | yes       | No | No. of Room | Adequate | yes       | No | No. of Room | Adequate |             |    |    |   |    |   |   |    |   |   |   |
| Dormitory/rooms   | 7         | 0  | 27          | 7        | 6         | 0  | 26          | 6        | 1                 | 0  | 1           | 1        | 6         | 0  | 22          | 6        | 10        | 0  | 1           | 1        | 7         | 1  | 0           | 5        | 0         | 3  | 3           | 7        | 0         | 1  | 4           | 7        | 1           | 5  | 0  | 1 | 5  | 3 | 1 | 0  | 5 | 7 | 9 |
| Class room        | 5         | 2  | 26          | 5        | 5         | 1  | 14          | 5        | 1                 | 0  | 2           | 1        | 2         | 4  | 2           | 2        | 3         | 7  | 1           | 2        | 5         | 0  | 6           | 3        | 5         | 2  | 7           | 5        | 5         | 10 | 2           | 1        | 5           | 1  | 0  | 1 | 2  | 4 | 5 |    |   |   |   |
| Sick room         | 6         | 1  | 6           | 6        | 1         | 5  | 1           | 1        | 1                 | 0  | 1           | 1        | 1         | 5  | 1           | 1        | 6         | 4  | 6           | 5        | 3         | 2  | 3           | 3        | 3         | 4  | 4           | 3        | 5         | 10 | 6           | 5        | 7           | 3  | 1  | 0 | 7  |   |   |    |   |   |   |
| Kitchen           | 7         | 0  | 7           | 7        | 6         | 0  | 6           | 5        | 1                 | 0  | 1           | 1        | 5         | 1  | 6           | 5        | 9         | 1  | 8           | 9        | 5         | 0  | 5           | 5        | 7         | 0  | 7           | 7        | 1         | 5  | 0           | 1        | 6           | 5  | 1  | 0 | 1  | 3 | 9 |    |   |   |   |
| Dinning Hall      | 5         | 2  | 5           | 5        | 6         | 0  | 6           | 5        | 1                 | 0  | 1           | 1        | 5         | 1  | 5           | 5        | 9         | 1  | 1           | 9        | 5         | 0  | 5           | 5        | 7         | 0  | 7           | 7        | 1         | 4  | 1           | 1        | 4           | 3  | 8  | 1 | 9  | 7 |   |    |   |   |   |
| Recreation room   | 7         | 0  | 7           | 7        | 2         | 4  | 2           | 2        | 1                 | 0  | 1           | 0        | 3         | 3  | 3           | 3        | 2         | 8  | 2           | 2        | 4         | 1  | 5           | 4        | 5         | 2  | 5           | 5        | 1         | 0  | 5           | 1        | 3           | 1  | 1  | 8 | 2  | 9 | 8 |    |   |   |   |
| Library           | 4         | 3  | 4           | 4        | 4         | 2  | 4           | 4        | 0                 | 1  | 0           | 0        | 2         | 4  | 2           | 2        | 7         | 3  | 7           | 7        | 1         | 4  | 1           | 1        | 2         | 4  | 2           | 2        | 3         | 11 | 3           | 3        | 4           | 6  | 4  | 4 |    |   |   |    |   |   |   |
| Reception         | 2         | 4  | 2           | 2        | 0         | 6  | 0           | 0        | 1                 | 0  | 1           | 1        | 0         | 6  | 0           | 0        | 3         | 7  | 3           | 3        | 2         | 3  | 2           | 2        | 4         | 3  | 4           | 4        | 9         | 6  | 1           | 0        | 1           | 0  | 3  | 7 | 4  | 3 |   |    |   |   |   |
| Counseling Office | 2         | 5  | 2           | 2        | 0         | 6  | 0           | 0        | 0                 | 1  | 0           | 0        | 0         | 6  | 0           | 0        | 0         | 1  | 0           | 1        | 3         | 2  | 3           | 3        | 3         | 4  | 3           | 3        | 2         | 13 | 2           | 3        | 7           | 4  | 8  | 7 |    |   |   |    |   |   |   |
| Workshop          | 6         | 1  | 6           | 6        | 6         | 0  | 1           | 6        | 1                 | 0  | 1           | 1        | 5         | 1  | 5           | 5        | 1         | 0  | 1           | 0        | 1         | 5  | 0           | 6        | 4         | 6  | 1           | 6        | 5         | 8  | 7           | 9        | 1           | 0  | 1  | 0 | 2  | 1 | 9 |    |   |   |   |
| Bathroom          | 0         | 7  | 0           | 0        | 1         | 5  | 2           | 1        | 0                 | 1  | 0           | 0        | 0         | 6  | 0           | 0        | 1         | 9  | 1           | 1        | 4         | 1  | 0           | 1        | 6         | 1  | 1           | 0        | 15        | 0  | 0           | 2        | 8           | 3  | 2  |   |    |   |   |    |   |   |   |
| Latries           | 7         | 0  | 7           | 3        | 6         | 0  | 2           | 4        | 1                 | 0  | 2           | 1        | 6         | 0  | 4           | 5        | 6         | 8  | 1           | 9        | 2         | 8  | 5           | 0        | 2         | 4  | 5           | 7        | 0         | 4  | 4           | 3        | 1           | 4  | 0  | 5 | 8  | 5 | 1 | 0  | 7 | 3 |   |
| Storage room      | 7         | 0  | 7           | 7        | 6         | 0  | 6           | 6        | 1                 | 0  | 1           | 1        | 6         | 0  | 6           | 6        | 7         | 2  | 1           | 3        | 8         | 5  | 0           | 8        | 5         | 6  | 1           | 7        | 6         | 1  | 2           | 3        | 1           | 4  | 1  | 2 | 0  | 1 | 3 | 10 |   |   |   |
| Play ground       | 5         | 2  | 7           | 4        | 1         | 5  | 0           | 1        | 1                 | 0  | 1           | 1        | 1         | 5  | 2           | 1        | 7         | 3  | 7           | 2        | 2         | 3  | 2           | 1        | 5         | 2  | 5           | 4        | 1         | 4  | 1           | 1        | 4           | 3  | 5  | 5 | 5  | 3 |   |    |   |   |   |
|                   | 77        | 27 | 288         | 88       | 58        | 34 | 117         | 51       | 12                | 3  | 16          | 14       | 44        | 29 | 48          | 92       | 14        | 29 | 68          | 89       | 12        | 28 | 47          | 25       | 9         | 16 | 65          | 14       | 82        | 24 | 17          | 11       | 36          | 37 | 32 | 1 | 87 |   |   |    |   |   |   |

It is evident from Table 3.4 that on an average in Arunachal Pradesh one Child Care Institution visited which is having dormitory (01), bathrooms (03), latrines (02) and store room (01), kitchen (01), dining hall (01), recreation room (one) were available. In Manipur, nine Child Care Institutions visited having dormitory (33), bathrooms (18), latrines (24) and store room (08), kitchen (05), dining hall (05), recreation room (five) were available. In the state of Meghalaya, 13 Child Care Institutions visited having dormitory/rooms (14), bathrooms (44), latrines (44) and store room (07), kitchen (07), dining hall (07), recreation room (five) were available. Similarly, in Mizoram 18 Homes visited having dormitory/rooms (15), bathrooms (15), latrines (14) and store room (12), kitchen (16), dining hall (14), recreation room (13) were available. In the state of Nagaland, 07 Child Care Institutions visited having dormitory (07), bathrooms (07), latrines (07) and store room (07), kitchen (07), dining hall (05), recreation room (07) were available. Similarly, in Odisha 17 Homes visited having dormitory/rooms (117), bathrooms (09), latrines (92) and store room (13), kitchen (08), dining hall (11), recreation room (02) were available. In the state of Sikkim, five Homes were visited which have dormitory/rooms (22), bathrooms (30), latrines (15) and store room (06), kitchen (06), dining hall (05) and recreation room (07). In the State of Tripura, nine homes were visited and found that these homes have dormitory/rooms (26), bathrooms (04), latrines (04) and store room (06), kitchen (05), dining hall (05) and recreation room (07). Similarly, in the State of West Bengal, 25 homes were visited which have dormitory/rooms (57), bathrooms (64), latrines (77) and store room (13), kitchen (13), dining hall (09) and recreation rooms (09). Library facility was found available in all states. However, Counselling rooms are made available in five states and found not available in the states of Arunachal Pradesh, Tripura, Sikkim and Odisha. The bathroom and latrines have been calculated based on the guidelines of one bathroom for 10 children and one latrine for 7 children. But most of Homes do not adhere to these guidelines.

It has also been observed that most of the Homes did not have the infrastructure to segregate children according to their age.

| Clothing for girls     |   |   |
|------------------------|---|---|
| S.No.                  | Article   | Quantity to be provided per child                                   |
| 1.                     | Skirts & Blouse or Salwar Kameez or Half Sari with blouses and petticoats | 5 sets per year for girls depending on age and regional preferences |
| 2.                     | Banyans (1 Metre each)  | 6 per year for younger girls  |
| 3.                     | Brassiers   | 6 per year for older girls  |
| 4.                     | Panties (1 Metre Cloth each)  | 6 per year  |
| 5.                     | Sanitary Towels   | 12 packs per year for older girls                                   |
| 6.                     | Woolen Sweaters   | 2 in 2 years (in cold regions)                                      |
| 7.                     | Woolen Shawls   | 1 in 2 years (in cold regions)                                      |
| Clothing for boys      |   |   |
| 1.                     | Shirts  | 5 sets per year   |
| 2.                     | Shorts  | 5 sets per year for younger boys                                    |
| 3.                     | Pants   | 5 sets per year for older boys                                      |
| 4.                     | Vest  | 4 sets per year   |
| 5.                     | Underwear   | 4 sets per year   |
| 6.                     | Woolen Jerseys  | 2 in 2 years (for cold regions)                                     |
| 7.                     | Scarfs  | 2 in 2 years (for cold regions)                                     |
| Bedding                |   |   |
| 1.                     | Towels  | 4 per Years   |
| 2.                     | Cotton Bed Sheets   | 2 per 2 Years   |
| 3.                     | Pillow (Cotton stuffed)   | 1 per 2 Years   |
| 4.                     | Pillow Covers   | 2 per 2 Years   |
| 5.                     | Woolen blankets   | 2 per 2 Years   |
| 6.                     | Cotton Durry  | 2 per 2 Years   |
| 7.                     | Cotton filled quilt   | 1 per 2 Years (in cold regions)                                     |
| 8.                     | Mattress  | 1 per 2 Years   |
| 9.                     | Mosquito Net  | 1 per 2 Years   |
| Miscellaneous Articles |   |   |
| 1.                     | Slippers  | 1 pair per year   |
| 2.                     | Shoes   | 1 pair per year   |
| 3.                     | School Uniform  | 2 sets per year for children attending outside schools              |
| 4.                     | School Shoes  | 1 pair per year for children attending outside schools              |
| 5.                     | School Bag and Stationery   | 1 set per year for children attending outside schools               |
| 6.                     | Handkerchiefs   | 6 per year  |

### 3.4 Hygiene and Sanitations

Hygiene and Sanitation are the most crucial aspect to maintain proper health condition of the children. Therefore, data related to hygiene and sanitation maintained at different Homes are obtained and given in

**Table 3.4 (Hygiene and Sanitation)**

| Homes     | Number | Sanitary Pad Provided to girls during monthly cycle For CCIs of Girls |    | Filtered Drinking Water | Water for bathing and washing | Maintenance of cleanliness | Disposal of garbage | Protection from mosquitoes | Sufficient toilets | Sufficient bathroom | Space for washing | Clean and fly proof kitchen |
|-----------|--------|---|----|-------------------------|-------------------------------|----------------------------|---------------------|----------------------------|--------------------|---------------------|-------------------|-----------------------------|
|           |        | yes   | no |                         |                               |                            |                     |                            |                    |                     |                   |                             |
| Obs. Home | 17     | 3   | 4  | 12                      | 14                            | 9                          | 13                  | 11                         | 9                  | 8                   | 7                 | 10                          |
| Spl. Home | 07     | 1   | 1  | 4                       | 3                             | 3                          | 4                   | 6                          | 6                  | 5                   | 3                 | 4                           |
| C. Home   | 64     | 22  | 24 | 42                      | 58                            | 51                         | 48                  | 53                         | 47                 | 51                  | 36                | 33                          |
| Sh. Home  | 13     | 4   | 1  | 10                      | 13                            | 9                          | 10                  | 12                         | 9                  | 11                  | 5                 | 7                           |

Table 3.4 shows that filtered drinking water, water for bathing and washing, proper drainage system, disposal of garbage were available in majority of the Homes. Whereas facilities related to toilets and space for bathing were found to be inadequate in most of the Homes. As per the guidelines laid down in the Juvenile Justice Amendment Act 2006 there is provision to provide sanitary pads, cloths etc. invariably to all girls. Data in this regard shows that it was inadequate and not provided in majority of Homes.

Sunning of bedding and clothing, cleanliness in kitchen and toilets were observed by the team members who visited different homes. It was found that these were done regularly in Homes. In majority of the Homes sunning of bedding and clothing were done on weekly basis.

### **3.5 Staff strength of Institutions**

To run the child care institutions smoothly adequate staff strength is required. Keeping this in view, data related to sanction and actual staff strength were obtained and the same is presented in the following Table-5.

Table 3.5

| Designation                  | Staff Strength |             |                  |             |              |             |                 |             |              |             |
|------------------------------|----------------|-------------|------------------|-------------|--------------|-------------|-----------------|-------------|--------------|-------------|
|                              | Children Home  |             | Observation Home |             | Special Home |             | After Care Home |             | Shelter Home |             |
|                              | Sanctioned     | In position | Sanctioned       | In position | Sanctioned   | In position | Sanctioned      | In position | Sanctioned   | In position |
| Superintendent               | 58             | 59          | 13               | 11          | 4            | 4           | 2               | 0           | 12           | 10          |
| Counsellor                   | 26             | 25          | 3                | 1           | 2            | 0           | 0               | 0           | 14           | 7           |
| Case Worker                  | 21             | 21          | 7                | 5           | 2            | 2           | 1               | 0           | 12           | 6           |
| House Mother/Father          | 145            | 127         | 12               | 10          | 11           | 10          | 3               | 2           | 23           | 14          |
| Educator                     | 55             | 52          | 12               | 11          | 4            | 3           | 0               | 0           | 13           | 10          |
| Vocational Instructor        | 29             | 22          | 9                | 8           | 6            | 5           | 2               | 1           | 13           | 7           |
| Doctor                       | 31             | 25          | 6                | 4           | 4            | 3           | 1               | 0           | 12           | 7           |
| Paramedical Staff            | 21             | 19          | 6                | 5           | 3            | 2           | 0               | 0           | 14           | 8           |
| Store Keeper cum- Accountant | 29             | 26          | 7                | 6           | 3            | 2           | 2               | 1           | 12           | 5           |
| Driver                       | 12             | 12          | 6                | 5           | 2            | 1           | 1               | 0           | 10           | 3           |
| Cook                         | 85             | 70          | 16               | 14          | 2            | 1           | 3               | 1           | 15           | 13          |
| Helper                       | 37             | 41          | 13               | 8           | 2            | 2           | 7               | 1           | 13           | 8           |
| Sweeper                      | 16             | 16          | 11               | 9           | 3            | 2           | 2               | 0           | 9            | 3           |
| Art/Craft/ Music Teacher     | 14             | 11          | 2                | 2           | 1            | 0           | 0               | 0           | 12           | 5           |
| Gardener                     | 10             | 7           | 2                | 2           | 1            | 0           | 1               | 0           | 10           | 2           |
| Total                        | 589            | 533         | 125              | 101         | 50           | 37          | 25              | 6           | 194          | 108         |

It is evident from Table 3.9 that in most of Homes staff are found inadequate and not appointed as per the sanctioned strength. Out of 104 Homes visited, doctors were in position on contract basis about 39 (38% Homes) and in 32 Homes (31%) Para-medical staff were also available. Similarly, cooks are appointed to 99 (95%) Homes and in remaining 5% of Homes, children are helping the staff in preparation of food for children. However, staff of some of the Observation cum Special Homes are same including cook. It was also observed that there is no counselor in Special Home and After Care Home.

### 3.6 Profile of Children

#### 3.6.1 Number of Children in the Homes

An Attempt has been made to take the stock of children in different Homes and also capacity of different homes. Data in this regard is presented in Table 3.6

| Table 3.6 State wise Present Strength of Children |                  |          |                  |           |      |            |      |             |      |     |      |
|---|------------------|----------|------------------|-----------|------|------------|------|-------------|------|-----|------|
| Homes   |                  | Capacity | Present Strength | 0 - 5 yrs |      | 5 - 10 yrs |      | 10 - 15 yrs |      | 15+ |      |
|   |                  |          |                  | Boy       | Girl | Boy        | Girl | Boy         | Girl | Boy | Girl |
| Nagaland  | Obs. Home        | 50       | 17               | 0         | 0    | 0          | 0    | 2           | 0    | 15  | 0    |
|   | Special Home     | 50       | 11               | 0         | 0    | 0          | 0    | 7           | 0    | 4   | 0    |
|   | Children Home    | 473      | 727              | 28        | 30   | 213        | 194  | 110         | 130  | 15  | 7    |
| West Bengal                                       | Children Home    | 1024     | 561              | 0         | 15   | 59         | 133  | 102         | 200  | 0   | 52   |
|   | Observation Home | 395      | 30               | 0         | 4    | 0          | 3    | 0           | 11   | 0   | 12   |
|   | Shelter Home     | 450      | 325              | 0         | 0    | 18         | 18   | 73          | 112  | 36  | 68   |
|   | After Care Home  | 100      | 15               | 0         | 0    | 0          | 0    | 0           | 0    | 0   | 15   |
| Meghalaya   | Observation Home | 76       | 80               | 0         | 0    | 12         | 2    | 17          | 3    | 46  | 0    |
|   | Children Home    | 586      | 439              | 9         | 7    | 58         | 57   | 99          | 182  | 4   | 23   |
|   | Shelter Home     | 70       | 32               | 0         | 0    | 0          | 0    | 23          | 4    | 5   | 0    |
| Sikkim  | Observation Home | 25       | 9                | 0         | 0    | 0          | 0    | 2           | 1    | 5   | 1    |
|   | Children Home    | 225      | 233              | 10        | 6    | 30         | 18   | 73          | 78   | 6   | 12   |
| Mizoram   | Observation Home | 85       | 42               | 0         | 0    | 0          | 0    | 15          | 0    | 23  | 4    |
|   | Special Home     | 75       | 16               | 0         | 0    | 0          | 0    | 0           | 0    | 16  | 0    |
|   | Children Home    | 366      | 669              | 161       | 106  | 120        | 88   | 82          | 71   | 21  | 20   |
| Manipur   | Observation Home | 75       | 5                | 0         | 0    | 0          | 0    | 0           | 0    | 5   | 0    |
|   | Children Home    | 275      | 222              | 10        | 7    | 63         | 26   | 64          | 19   | 33  | 0    |
|   | Shelter Home     | 25       | 36               | 0         | 0    | 0          | 0    | 0           | 23   | 0   | 13   |
| Odisha  | Special Home     | 100      | 16               | 0         | 0    | 0          | 0    | 3           | 0    | 8   | 5    |
|   | Children Home    | 1000     | 1265             | 9         | 29   | 286        | 148  | 397         | 192  | 154 | 15   |
|   | Observation Home | 225      | 95               | 0         | 0    | 0          | 0    | 34          | 0    | 57  | 4    |
| Tripura   | Observation Home | 25       | 8                | 0         | 0    | 0          | 0    | 0           | 0    | 8   | 0    |
|   | Children Home    | 240      | 227              | 0         | 8    | 31         | 13   | 44          | 112  | 10  | 9    |
|   | After Care Home  | 50       | 34               | 0         | 10   | 0          | 24   | 0           | 0    | 0   | 0    |
|   | Special Home     | 25       | 2                | 0         | 0    | 0          | 0    | 0           | 0    | 2   | 0    |

|                   |               |    |    |   |   |   |   |   |   |   |   |
|-------------------|---------------|----|----|---|---|---|---|---|---|---|---|
| Arunachal Pradesh | Children Home | 20 | 10 | 0 | 0 | 2 | 8 | 0 | 0 | 0 | 0 |
|                   |               |    |    |   |   |   |   |   |   |   |   |

Table 3.6 exhibits that on average 49% children were accommodated in different Homes. It was observed that some of the child care institutions like children home of Nagaland, Sikkim, Mizoram and Odisha and observation home of Meghalaya and Shelter home of Manipur are overcrowded where in, the present strength of the children is more than the intake capacity. Most surprisingly, the above Table shows that the cases relating juvenile in conflict with law in observation home of Meghalaya, are pending for a longer time and not disposed of as per the provision of JJ Act.

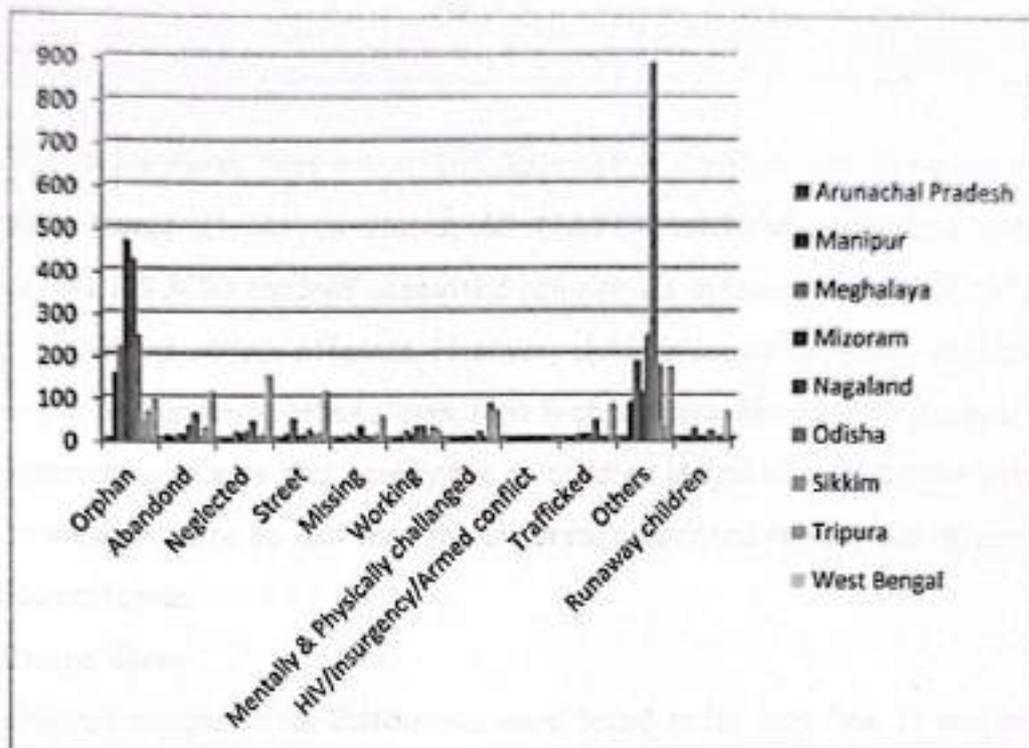
It is further to note that on an average only 17% children were staying in Observation Homes which was less than other Homes. However, maximum number of children was found to be in Children Homes.

### 3.6.2 Category of Children

Category-wise break up of Children is presented in Table 4.1 and figure 2.

| States            | Orphan | Abandoned | Neglected | Street | Missing | Working | Mentally & Physically challenged | HIV/ Insurgency/ Armed Conflict | Trafficked | Others | Runway Children |
|-------------------|--------|-----------|-----------|--------|---------|---------|----------------------------------|---------------------------------|------------|--------|-----------------|
| Arunachal Pradesh | 0      | 10        | 0         | 0      | 0       | 0       | 0                                | 0                               | 0          | 0      | 0               |
| Manipur           | 156    | 0         | 0         | 12     | 0       | 5       | 0                                | 3                               | 0          | 87     | 0               |
| Meghalaya         | 218    | 12        | 18        | 48     | 10      | 20      | 5                                | 0                               | 10         | 184    | 26              |
| Mizoram           | 470    | 11        | 12        | 8      | 0       | 10      | 5                                | 0                               | 11         | 110    | 4               |
| Nagaland          | 425    | 34        | 20        | 10     | 30      | 30      | 0                                | 6                               | 10         | 246    | 0               |
| Odisha            | 247    | 62        | 42        | 24     | 7       | 30      | 18                               | 0                               | 45         | 882    | 20              |
| Sikkim            | 41     | 5         | 4         | 10     | 0       | 4       | 0                                | 0                               | 0          | 173    | 5               |
| Tripura           | 64     | 29        | 10        | 16     | 10      | 29      | 84                               | 0                               | 0          | 27     | 0               |
| West Bengal       | 95     | 112       | 151       | 112    | 55      | 21      | 66                               | 4                               | 82         | 170    | 64              |
| Total             | 1716   | 275       | 257       | 240    | 112     | 149     | 178                              | 13                              | 158        | 1879   | 119             |

Figure:2



It is evident from the above table that maximum number of children were in other category (1879) followed by orphan (1716), abandoned (275), neglected (257) and Street children (240). It was disheartening to note that 178 children were from mentally and physically challenged category. Similarly, 158 trafficked children are accommodated in different homes of Eastern Region. Further, it was observed that maximum percentage of children was found to be placed in children home.

#### Juvenile in Conflict with Law:

##### 3.6.3 Nature of Offence

Data pertaining to nature of offence was also obtained and presented in table 3.8

| States      | No. of Children staying at Home | Petty Offence |        | Non-serious Offence |        | Serious Offence |        |
|-------------|---------------------------------|---------------|--------|---------------------|--------|-----------------|--------|
|             |                                 | No.           | %      | No.                 | %      | No.             | %      |
| West Bengal | 30                              | 7             | 23.33% | 18                  | 60.0%  | 5               | 16.67% |
| Tripura     | 8                               | 0             | 0%     | 5                   | 62.5%  | 3               | 37.5%  |
| Manipur     | 5                               | 0             | 0%     | 0                   | 0%     | 5               | 100%   |
| Mizoram     | 42                              | 4             | 9.53%  | 18                  | 42.85% | 20              | 47.62% |
| Meghalaya   | 80                              | 47            | 58.75% | 23                  | 28.75% | 10              | 12.5%  |
| Nagaland    | 17                              | 5             | 29.41% | 10                  | 58.82% | 2               | 11.67% |

|        |     |    |        |     |        |    |        |
|--------|-----|----|--------|-----|--------|----|--------|
| Odisha | 95  | 5  | 5.26%  | 65  | 68.42% | 25 | 26.31% |
| Sikkim | 9   | 0  | 0%     | 2   | 22.22% | 7  | 77.78% |
| Total  | 286 | 68 | 23.77% | 141 | 49.30% | 77 | 26.93% |

This Table shows that out of 286 Juveniles in Conflict with Law placed in observation homes of various states, 68 (23.77%) children committed petty offences, 141 (49.30%) children committed non-serious offences and 77 (26.93%) children committed serious offences. However, children committed petty offences were more in comparison to other states, kept in observation homes of Meghalaya. It was interesting to note that percentage of children lodged who committed petty offences were found to be less than the children, committed non-serious offences and serious offences.

#### 3.6.4 Escape Cases:

Children escaped from Institutions were found to be very few. It was also observed that more number of children from observation Homes was escaped than other homes. The State-wise number of children escaped from observation Homes is mentioned in Table: 3.9. However, the Table exhibits that the State of Sikkim has highest number of escaping cases. The reason behind this is that, the observation Home of Sikkim is functioning in a rented house in Gangtok which has no boundary wall and it also not safe for children. It was also observed that, some of the unruly children tried to escape from the Home and, therefore, Homes imposed punishment on them.

Table: 3.9

| Escaped Juveniles from Observation Homes |             |                            |
|--|-------------|----------------------------|
| Serial No.                               | States      | Number of Children escaped |
| 1.                                       | Meghalaya   | 01                         |
| 2.                                       | Manipur     | 01                         |
| 3.                                       | Mizoram     | 02                         |
| 4.                                       | Nagaland    | 01                         |
| 5.                                       | Tripura     | 01                         |
| 6.                                       | Sikkim      | 06                         |
| 7  | West Bengal | 02                         |
| 8  | Odisha      | 04                         |
| Total                                    |             | 18                         |

### 3.6.5 Segregation of Children:

An attempt has been made to find out the segregation of children as per the mandate of JJ Act. It was found that in most of the Homes segregation is not done age-wise and nature of offence wise etc. However, sex wise segregation was found to be there. It was also observed that in few observation Homes of Tripura, Sikkim and Odisha the juveniles in Conflict with Law for whom inquiry is going on and convicted juveniles were kept together. This may be happening either because of no Special Homes in place or inadequacy of rooms to accommodate excess number of children. It has been also noticed that in the states of West Bengal, Meghalaya and Odisha children in different homes were segregated by age.

### 3.6.6 Duration of stay of Children:

As per the mandate of JJ Act, children should not be in the Observation Home for more than 4 months. But it has been observed that there were few children who were staying for more than 12 months in the Observation Home. Details of data relating to duration of stay of children in Observation Homes is presented in Table 3.10

Table-10

| Table 3.10 Duration of Stay (Observation Home) |              |              |               |                     |       |
|--|--------------|--------------|---------------|---------------------|-------|
| Sl. No:  | 0 - 3 months | 3 - 6 months | 6 - 12 months | More than 12 months | Total |
| Total  | 122          | 63           | 66            | 35                  | 286   |

The Table shows that more number of children stayed for 0-3 months in observation Home and less number of children stayed for more than 12 months. It was enquired by the team and reported by the functionaries that petty offence cases without evidence are handled on stipulated time and only the serious offence cases whose parents and guardians were not traced and where the sittings of Juvenile Justice Boards are held once in a week for one or two hours only, cases take a longer period.

## Services at the Child Care Institutions

As per the mandate of JJ Act, 2000 & its Amendment Act, 2006, every institution shall provide education to all children inside the institution or outside, gainful vocational training and recreational facilities.

### 4.1 Recreational Facilities

A provision for guided recreation shall be made available to all children in the institutions including indoor and outdoor games, music, television, picnics, outings, cultural programmes and library. Accordingly, an attempt has been made to obtain information related to recreational facilities available for children in different Homes. Data in respect of recreational facilities of Observation Home and Children Home is given in Table: 3.5 and data in respect of recreational facilities of Shelter Home, Special Home and After Care Home is given in Table: 4.1.

**Table 4.1**

| States            | Recreational Facilities of Observation Home & Children Home |                                      |
|-------------------|---|--------------------------------------|
|                   | Observation Home  | Children Home                        |
|                   | Yes/No  | Yes/No                               |
| Odisha            | (Indoor, outdoor, yoga & in-house etc.)                     | (Indoor, outdoor, yoga & music etc.) |
| Meghalaya         | (Indoor, outdoor, music & in-house)                         | (Indoor, outdoor, yoga & music etc.) |
| Mizoram           | (Indoor, outdoor, music, in-house etc.)                     | (Indoor, outdoor & music etc.)       |
| Nagaland          | (Indoor, outdoor, yoga & music etc.)                        | (Indoor, outdoor & music etc.)       |
| Tripura           | Only Indoor   | Only Indoor                          |
| Arunachal Pradesh | No OBH  | Only Indoor                          |
| Sikkim            | Only Indoor   | (Indoor & outdoor)                   |
| Manipur           | (Indoor, outdoor & in-house)                                | (Indoor, outdoor, yoga & music etc.) |
| West Bengal       | (Indoor, outdoor, yoga & music etc.)                        | (Indoor, outdoor, yoga & music etc.) |

It is evident from Table: 4.1 that in Arunachal Pradesh there is no observation home (one observation home has been constituted by the state where there is no inmate and not started functioning in the state) and other eight states have observation home and children home. Most of these homes (70%) have recreational facilities available such as indoor, outdoor, yoga, music etc. The Inmates of the homes were hardly getting chances to play. It was reported by the staff that cultural programmes are being organized in outside and children are participating in the same. However, the children of observation homes are not allowed to participate in outside programmes. Many a times, in house cultural programmes are also organized for children at the home. The Home wise data is in Annexure-II

**Table: 4.2**

| States            | Recreational Facilities of Special Home, Shelter Home & After Care |                                      |                                      |
|-------------------|--|--------------------------------------|--------------------------------------|
|                   | Shelter Home<br>Yes/No   | Special Home<br>Yes/No               | After Care Home<br>Yes/No            |
| Odisha            | No SH  | (Indoor, outdoor, yoga & music etc.) | No AFC Home                          |
| Meghalaya         | Yes (Indoor & outdoor)   | No Spl. Home                         | No AFC Home                          |
| Mizoram           | No SH  | Only indoor                          | No AFC Home                          |
| Nagaland          | No SH  | Not available                        | No AFC Home                          |
| Tripura           | No SH  | Only indoor                          | Not available                        |
| Arunachal Pradesh | No SH  | No Spl. Home                         | No AFC Home                          |
| Sikkim            | No SH  | No Spl. Home                         | No AFC Home                          |
| Manipur           | (Indoor, outdoor, yoga & music etc.)                               | Both indoor & outdoor                | No AFC Home                          |
| West Bengal       | (Indoor, outdoor, yoga & music etc.)                               | No Spl. Home                         | (Indoor, outdoor, yoga & music etc.) |

It is evident from Table: 4.2 that out of nine states visited, Shelter Homes are available only in three States namely Manipur, Meghalaya and West Bengal, Special Homes are available in five states namely Odisha, Mizoram, Tripura, Nagaland and Manipur and After Care facility is available only in two states namely

Tripura and West Bengal. It was observed that recreational facilities are available almost in all the Homes of States except in Special Home of Nagaland and in the After Care Home of the State of Tripura. The Home wise data is in Annexure-III

#### 4.2 Educational Facilities

All the child care institutions functioning under JJ Act, 2000 shall make arrangement of educational opportunities with schools, non-formal education, institutions and from Special Educators. Extra coaching shall be made available to school going children in the institutions by encouraging volunteer services or trying up with coaching centres. Children of homes are permitted to go to attend schools and thereby continue their education. An attempt has been made to obtain information of such children which are presented in Table 4.3

Table: 4.3

| States      | Educational Facilities available in Children Home & Observation Home  |   |
|-------------|---|---|
|             | Children Home   | Observation Home  |
|             | Yes/No  | Yes/No  |
| West Bengal | Out of 10 Homes visited, only 5 have Primary & Private Coaching and 1 Home has Secondary & Higher education facility. | Out of 3 Homes visited, 2 have primary edu. facility, one has primary, secondary and higher edu. facility and one has pvt. Edu. facility. |
| Odisha      | Out of 10 Homes visited, primary edu. facility is provided in 4, Secondary edu. in 1 and private coaching in 2 Homes  | Out of 4 Homes visited, one Home has primary edu. facility.   |
| Meghalaya   | Out of 8 Homes visited, primary edu. Facility is provided in 7, secondary in 5 and private coaching in 3 Homes.       | Out of 3 Homes, one Home has primary edu. facility.   |
| Mizoram     | Out of 15 Homes visited one Home has primary, secondary and pvt. Coaching facility.                                   | Out of 2 Homes, one Home has primary edu. facility.   |
| Nagaland    | Out of 5 Homes visited, 3 have primary and secondary edu. Facility. One has higher                                    | No educational facility is provided.  |

|                   |   |                                      |
|-------------------|---|--------------------------------------|
|                   | edu. and 2 have private coaching facility.  |                                      |
| Tripura           | Out of 6 Homes visited, only 2 have primary & secondary edu. facility and 5 have pvt. Coaching. | No educational facility is provided. |
| Arunachal Pradesh | One is visited. Primary and secondary educational facility is provided.                         | No OBH                               |
| Sikkim            | Out of 4 Homes, one Home has primary & secondary edu. facility.                                 | No educational facility is provided. |
| Manipur           | Out of 5 Homes, one Home has primary edu. facility.   | No educational facility is provided. |

It is evident from Table: 4.3 that out of 64 Children Homes visited for the study, only 25 homes (39%) are providing primary educational facilities to the children, 12 homes (28%) are providing both primary and secondary educational facility, 2 homes (3%) are providing higher education and 16 homes (25%) are providing pvt. coaching to the inmates. However, out of 15 children homes visited in the state of Mizoram, it was found that one home has primary, secondary and private coaching facility for children.

Similarly, out of 17 Observation Homes visited, five homes (29%) have primary education facility for children in conflict with law, one home (06%) has secondary education facility, one has higher education facility (06%) and one (06%) has private coaching facility. Sarva Sikshya Abhijan Mission in few places have appointed two teachers to the home to impart primary education to the children. Though the children of 6-14 yrs have fundamental right to free and compulsory education, in four homes visited, have no educational facility for the inmates.

#### 4.3 Vocational Education:

All the Child Care Institutions as per the mandate of the JJ Act shall provide vocational training to the inmates and develop networking with Institute of Technical Instruction, Jan Shikshan Sansthan, Government and private organisatio

or enterprises, Agencies or non-governmental organizations with expertise or placement agencies.

**Table 4.4 (Vocational Education)**

| Homes      | Number | Vocational Education provided |         | Computer | Carpentry | Textile printing | Tailoring | Electrical Trade | Candle making | Others |
|------------|--------|-------------------------------|---------|----------|-----------|------------------|-----------|------------------|---------------|--------|
|            |        | yes                           | no      |          |           |                  |           |                  |               |        |
| Obs. Home  | 17     | 8                             | 9       | 3        | 2         | Nil              | 2         | Nil              | Nil           | 1      |
| Spl. Home  | 07     | 5 Homes                       | 2 Homes | 1        | 1         | 1                | Nil       | Nil              | Nil           | 2      |
| Ch. Home   | 64     | 22                            | 42      | 6        | 3         | 2                | 5         | 1                | 3             | 2      |
| Sh. Home   | 13     | 7                             | 6       | 2        | 2         | 1                | 1         | Nil              | Nil           | 1      |
| After Care | 03     | 1                             | 2       | Nil      | Nil       | Nil              | Nil       | Nil              | 1             | Nil    |

The Table shows that vocational education is provided in 47 per cent of Observation Homes, 34 per cent of Children Homes, 71.5 per cent of Special Homes, 53.9 per cent of Shelter Homes and 33 per cent of After Care Organizations. The main trade on which the vocational education is provided in Child Care Institutions were computer, carpentry, tailoring in Observation Homes for Girls, carpentry and making items with the help of plastic wares, Bamboo products and motor Bike repairing etc. However, out of 59 sanctioned strength of vocational Instructors in Child Care Institutions, only 43 (72.9%) are appointed mostly on part time basis. It was also observed that vocational education is not being given emphasis in children home, shelter home and after care homes. The Homes have no linkage with outside Agencies and Institutions for imparting vocational education to children. Children are also not sent to outside.

#### **4.5 Food Arrangement:**

During the visit to the Homes, it was observed by the Faculty and Project Investigators that the food arrangement was not done as per the mandate of JJ Act. It was noticed that a menu (Daily routine) has been prepared by 76 (73%) Child Care Institutions and found to be displayed in the wall of dining halls. In some of the Homes it was reported that menu has been prepared by the Management Committee and in 34 Homes (32.7%), Nutrition Experts were contacted in preparing the menu. Most surprisingly, it was observed that menu is not followed up and food is not served to the children as per the menu. It was reported by the functionaries of Homes that as because of high price rate of food items including fuel menu is not followed up properly. The quality of food was not good and quantity was also not sufficient. However, in most of the homes 95 (91%), special food is arranged during the holidays and festivals. However, in some of the homes no special food is arranged for children below 3 yrs and sick children. As per the mandate of JJ Act, 2000, Child Care Institutions shall provide four meals to the children ensuring balanced diet and variety in taste. It was found that food is served mostly thrice in a Day. During the day of visit, mainly rice, dal, vegetables (curry), egg, chow etc. were served. Mostly egg is served as non-veg item rather than fish and chicken. There was no variety in food. Children have no option and they are accepting the food. It was also noticed that in some of the homes children are helping the cooks in preparation and distribution of food due inadequate staff.

#### **4.6 Counselling Services:**

As per the mandate of JJ Act, 2000 and its' Amendment Act, 2006, Counselling service should be provided to children who have emotional and behavioral problems and to re-socialize the juveniles and accordingly, trained counselors should be appointed to Homes. During the visit to Homes, it was observed that Counselling service is not given much importance in child care institutions. Out of 104 Homes visited, Counsellors are appointed to 25 Children Home, one observation Home and 7

Shelter Homes only. Most surprisingly, it was observed that there is no Counsellor in Special Home and After Care organizations. It was also observed that most of the Counsellors (70%) are not trained and do not possess requisite qualifications. They do not know even how to conduct counseling sessions, its methods and techniques. Similarly, it was also noticed that case files are not maintained properly.

#### **4.7 Health Check-Up:**

There shall be monthly medical check-up of children and the institution shall provide necessary medical facilities including a Doctor, medical equipments for minor health problems, first aid kit, stock of emergency medicines, consumables and immunization coverage. It was observed that out of 104 homes visited, in 39 homes (37.5%), Doctors are appointed on part time basis to the homes. However, it was observed that most of the institutions are tie-up with local Primary Health Centre, Government Hospital, clinical Psychologists and Psychiatrists. First Aid Kit is available only 30 per cent of homes.

#### **4.8 Child Abuse:**

An attempt was made to find out child abuse cases in the institutions. It was found that children are abused physically and verbally more in institutions. During the visit, team interacted with the inmates and found that children have no independence and freedom of speech and often abused by the staffs of the institutions. There was few staff who reported that they face difficulties to control the unruly children, hence, they scold them to modify their behavior and teach them good lesson. Mostly, abuse cases go unreported. In some of the Homes, Children Committee is not formed and children do not know whom to speak out. Some of the children reported that if they complain, no action is taken by the Authority.

## *Major Findings & Recommendations*

The Study of Child Care Institutions in N.E Region was important to understand the functioning of Homes in the context of JJ System and Integrated Child Protection Scheme in terms of minimum standard of care, treatment and procedures for both Children in Conflict with Law and Children in Need of Care & Protection. The present study intended to understand the condition of Children in Conflict with Law and Children in Need of Care and Protection accommodated in different Homes and also to explore intervention strategy to address their immediate and long term needs in a more whole some manner. The study covered 17 Observation Homes, 07 Special Homes, 64 Children Homes, 13 Special Homes and 03 After Care Organizations. Focused Group Discussions (FGD) were also held with Functionaries of Homes and children. The Nodal Departments implementing the JJ Act were contacted for their views on various issues related to the study.

Institution-wise major findings drawn out on the basis of field study, interviews with a wide range of respondents and observations are summarized as follows:

### Part- A. Major Findings

#### **Observation Home:**

- An attempt has been made to collect information from 17 Homes, out of which, 16 (94%) are run by State Governments and one is run by a NGO. There is no physical separation between Children in Conflict with the Law and Children in Need of Care and Protection in some of the homes i.e. a home run

by Chak Kumar Association for Social Service of Debra Bazar, West Bengal and Anand Math Home, Purulia, West Bengal.

- The Juvenile Justice Board, which is a Competent Authority to handle the juvenile cases was found not in all districts of Meghalaya and Tripura.
- The physical infrastructure was found not up to the mark. In some of the homes there was no lighting, ventilation, kitchen etc. and found in dilapidated condition i.e., observation home, Tura, Agartala, Anand Math, West Bengal, Pherima of Kohima etc. In some homes, physical infrastructure in term of toilets and dining halls were found to be inadequate to the number of children housed. However, a substantial number of homes were having classrooms, dormitories, kitchens, recreation rooms etc. as per the norms laid down in the Rules of JJ Act. Similarly, no boundary wall was found in Churachandpur, Manipur.
- It was observed that majority of homes were not child friendly. Children were kept behind locked doors inside the rooms in some of the homes especially in Sikkim (Gangtok), Tripura (Agartala) and Meghalaya (Tura). The rooms were dark and found without proper ventilation.
- Children were not segregated age-wise. But degree/nature of offence wise segregation was done in three (17.64%) homes. However, sex wise segregation was found in majority of the homes. In few homes like; observation home, Churachandpur, Manipur, it was found that boys and girls were in the same home.
- Out of 246 children housed on the day of visit in observation homes, 122 (49.5%) children stayed for 0 - 3 months, 58 (23.5%) stayed for 3-6 months,

36 children (14.6%) stayed for 6-12 months and 30 (12.19%) stayed for more than twelve months. It seemed that CCL cases were not handled as per the provision of JJ Act.

- Low staff-child interaction is a key area of concern which was noticed by the team during field visits. Some of the children reported that functionaries of homes rarely interact with them. Because of the untrained status of staff, quality care and protection services did not reach to the children. Most of the children were in a mood to go back to their home.
- There was no vehicle in majority of homes to take the children outside to attend the proceedings and to meet other requirements.
- Probation officers were not visiting the homes, hence, parents and guardians of inmates were not contacted. Parents of the inmates were also not visiting the homes. As per the mandate of JJ Act & ICPS, a Probation Officer, right from the apprehension of a child by police and continues to supervise the juvenile till his rehabilitation and social re-integration, he/she has to act as the friend, philosopher and guide of the juvenile.
- Out of 17 homes visited, only three homes had sanctioned post of Counsellors, of which one has been appointed.
- Escape rate of observation homes, was very high. Security measures at the observation home premises were found to be inadequate.
- In some of the homes, incidences of overcrowding had emerged. There were more children housed in the buildings than the sanctioned capacity. It was observed that Observation home for boys, Berhampur, Odisha was

overcrowded with 75 in lieu of 50 intake capacity. One bed was shared by two/three children.

- Hygiene and sanitation in terms of filtered drinking water, toilets, bathrooms, maintenance of cleanliness, supply of sanitary pads and mosquito net were found inadequate.
- Staff was found to be inadequate in some of the homes like observation home, Rourkela & Khandagiri, Odisha, observation home, Imphal etc. Staffs were not well versed in dealing with the children in conflict with law.
- Services provided to children at home namely; educational, recreational, vocational, counseling, health check up varied amongst different observation homes. It was observed that observation homes run by various states viz, Nagaland, Tripura, Sikkim and Manipur did not have educational facility or teaching and learning materials for children at home. Similarly, recreational facilities such as indoor and outdoor games were not found in all the homes. However, in some of the homes, music and yoga were also provided. Vocational education was not given emphasis in majority of homes. Out of 17 homes visited, only eight homes were imparting vocational training in the trades like; computer, carpentry, tailoring (girl's home) and motor bike repairing etc.
- The home functionaries were not conceptually very clear about the kinds of treatment the children of different categories would require.
- Participation level of children in day to day activities was found to be low.
- Some of the children had emotional and behavioral problems like lying, stealing, aggressiveness, depression etc.

- The observation homes did not make any concerted effort to take their children out of the Home for exposure visit.
- The food served to the children was found not in good quality and had no nutritional value. In some of the Homes menu was not being prepared, and in case of prepared menu it was not followed properly. When asked, most of the children mentioned that they did not like the food provided to them. It was reported that the allocation of fund for maintenance and all other expenses (Rs.750) per child was grossly inadequate to maintain minimum standards of care.
- It was also noticed that few Superintendents were not residing within the premises of homes/campus.
- Facilities for sick rooms were not there in any homes.

#### Children Home

- A total of 64 children homes were visited for the study. Out of which, 17 were run by Government Departments, 43 run by NGOs in collaboration with Nodal Department and 04 run by NGOs without support from Government but recognized under Social Welfare /W&CD Department.
- The children rehabilitated in the homes mostly belong to economically and socially disadvantaged families. Children those who were orphans, abandoned, street children, HIV/AIDS, trafficked, working children, mentally and physically challenged were mainly accommodated at home. Altogether, 5096 children were present on the day of visit at homes.

- The living condition of children varies in different homes. There was very little opportunity for play and fun activities. There was monotonous daily routine and strict discipline among the staff and children. The outlook of the children was quite untidy and rough.
  
- Most of the functionaries of homes were found to be untrained and they do not have clarity about their roles and responsibilities.
  
- There was inadequate physical infrastructure in some of the institutions visited in N.E region especially in NGO run Homes. In few places like children home, Churachandpur & Senapati districts of Manipur, Gana Sarba Home, Aizawl etc., the building was quite old and found in dilapidated condition. Similarly, inadequate cuts, mattresses especially in children homes run by Utkal Balashram, Odisha, Kohima orphanages and destitute home were found. Besides, poor lighting and ventilation was found in children home for girls, Thoubal, Manipur and few other homes. In some places, it was seen that children sleep on the floor as the beds were in a bad state of repair. Though rooms were found to be cleaned by children, in some places, the verandahs were too dirty and it seemed that as if the same was not mopped for a long time.
  
- Staff position was not satisfactory in some of the homes. The Counsellors and cooks were also not in all places.
  
- Services such as educational, recreational, vocational and medical checkup were found unsatisfactory and need improvement. Educational services especially primary education was being provided almost in all the homes, secondary and private coaching was imparted in some of the homes. Higher education was provided in the homes only in the state of West Bengal and Meghalaya. Recreational facilities like indoor and outdoor games were found in all the homes and music and yoga were provided in some of the states.

Vocational education was not given due emphasis in children homes. It was found that out of 64 homes visited, only in 22 homes, vocational education was provided in the trades like, computer, carpentry, textile printing, tailoring is provided. It was also observed that in Doctors were visiting in 50 per cent of homes and rest of the homes children were taken when he/she was found to be sick to the nearby hospitals, sub centres, primary health centres etc.

- The Children Committees were not formed in majority of homes.
- In some places, the rooms were found dingy and walls dirty. The homes run in rented premises and because of lack of budgetary provision maintenance was poor.
- There was lack of specific services for children with special needs.
  - The sanitary condition of homes was quite distressing. The toilets were quite unusable and dysfunctional. Out of 64 homes visited, in 48 (75%) homes there was no sweeper wherein the minor boys and girls were asked to clean the areas. It was found that sunning of bedding and clothing, cleanliness in the medical centres, kitchen and toilets were done once in a month and more than a month in different Homes.
  - The food served to the children was found not in good quality and had no nutritional value. In some of the Homes menu was not prepared, and if prepared also, not followed properly.

### After Care Home:

A total of three After Care Homes were visited, out of which two were located in West Bengal and one in Tripura. A total of 49 inmates were present on the day of visit to the homes. However, it was observed that few children in the age of 15-16 were found in after care home of Agartala. These children were imparted vocational education on various trades like candle making, toy making, fisheries, nursery, horticulture, grill making etc. The homes had established networking with the Agencies/Institutions/Deptts. like ITI, Horticulture and Agriculture Departments. Instructors were visiting the homes and imparting training to the inmates. No stipend under ICPS and loan facilities were provided to them. However, educational facilities were found to be given less emphasis. The physical infrastructure was found to be satisfactory. It was also observed that children were preparing various items and selling in the market.

### Special Homes:

Altogether, seven Special Homes in the states of Manipur, Mizoram, Nagaland, Odisha and Tripura were visited by the research team in connection with the study. A total of 45 inmates were found in seven homes. Out of whom, 40 boys and five girls were there. Children were found not to be segregated age wise. It was reported that the number of inmates were very less; hence, they were kept together. It was observed that (90%) Homes were combined with observation homes run by Government Departments and (10%) have separate buildings run by a NGO in the state of Manipur. Physical infrastructure was found not to be satisfactory and not as per the rules of JJ Act, especially in terms of number of dining halls, sick room, toilets and bathrooms. Staffing pattern was not separate in most of homes which are combined with observation homes and, the staffs of observation homes were managing the Special homes.

Altogether 13 shelter homes of eastern region were visited by the team in connection with data collection work of the present study. Out of which, 3 (23%) homes were found run by Government Departments and 10 (77%) of homes run by voluntary organizations. A total of 407 inmates were putting up in shelter homes, out of whom, there were 182 boys and 225 girls. An attempt was also made by the research team to visit shelter homes recognized by Odisha Government. Accordingly, the team visited few shelter homes and senior functionaries of homes reported that their homes were the children homes and not the shelter homes. It can be stated here that functionaries of shelter homes had no conceptual clarity and found to be confused. This issue was also

#### Shelter Home:

The hygiene and sanitation component was not being given due importance in special homes. It was noticed that filtered drinking water and water for bathing and washing, space for washing, maintenance of cleanliness, and disposal of garbage were found in 40% of homes visited. Out of seven homes visited, five homes were providing vocational education like computer, carpentry, textile printing and Motor Bike repairing etc. Similarly, bridge education was imparted in two homes (28.5%) only run by Government of West Bengal and Odisha. No secondary education, higher education or private coaching was arranged for them. No expose visit to outside was arranged for them and no attempt was taken to arrange yoga for the inmates which would have been useful to bring them back to the normal mainstream.

No counselor was appointed to special home. As per the provision of JJ Act, counselors should be provided to the homes for re-socializing the juveniles by modifying their behaviour. However, majority of Homes were having recreational facilities like indoor (T.V, carom Board etc) and outdoor games (Badminton, balls etc).

The findings of the study revealed that children were abused physically and psychologically in some of the shelter homes visited in West Bengal like Shelter home of Nadia District and Snehneer of East Medinipur district etc. It was found that sunning of bedding and clothing, cleanliness in the medical centres, kitchen and toilets were done once in three/six month in different Homes. Most of the Homes engaged medical doctors on part time/contract basis. The toilets of some of the homes were quite unusable and dysfunctional. The food served to the children was found not in good quality and had no nutritional value. In some of the Homes menu was not prepared, and if prepared also, not followed properly. Most of the functionaries of homes were found to be

It was learnt that staff strength of the homes were inadequate. Out of 194 sanctioned staffs to shelter homes, only 108 (55.6%) were in position. There was no Superintendent in two homes and Sweepers were found only in three homes. The physical infrastructure found to be inadequate. The primary education facilities found in 4 (30.8%) homes, private coaching in 5 (38.46%), secondary 1 (7.69%) and higher education in 1 (7.69%) home only. Similarly, Children were given recreational facilities in the shelter homes functioning in the states of Manipur, Meghalaya and West Bengal only. Other states do not provide these types of facilities. Vocational education was provided to the children. Accordingly vocational instructors (7) appointed to the homes. During the visit it was found that some of the homes were more crowded in terms of lack of space in dormitories, classrooms, recreation rooms were overcrowded like Punya shelter home, Manipur, Shelter home, Malda district of West Bengal.

discussed with the officers of Women and Child Development Department, Govt. of Odisha dealing with JJ System. It was also observed that a lot of confusion, many officers of different states were having confusion about shelter homes and open shelters. It was really disheartening that some of the officers could not even differentiate these two concepts. Hence, there is an urgent need to look into the matter.

- Adequate steps need to be taken to physically separate the CCL and CNCP and segregate the children age, sex, and nature of offence or mental status wise in child care institutions.

- The infrastructure of the homes needs up-gradation in terms of providing sick rooms, adequate toilets, bathrooms etc. it needs to be ensured that minimum standards of care in terms of clothing, bedding, diet of Rule 41 & 44 should strictly be adhered to by each home.

- As per the mandate of the JJ Act, the child care institutions like Observation homes, special homes, children homes, after care organizations should be established in every district or group of districts. It was found that these homes are not established in all places. So they should establish more number of child care institutions.

- As per Section- 4 of JJ Amendment Act, 2006, there should be one JJB in each district but the ground reality is that in Tripura and Meghalaya JJBs and CWCs are not constituted in all districts. The State Government should constitute immediately the statutory bodies in all districts to ensure justice for the children.

On the basis of the findings of the study the following recommendations are made.

#### Part-B. Recommendations

untreated and no knowledge on JJ Act and Child Rights. It was also noticed that some of the children were staying in shelter home which was the drop-in-centre for children in urgent need for more than 1 year.

- In majority of the homes vocational training is the weakest component. So for more than 10 years old children, vocational training should be imparted.
- Educational programme like quality bridge course for the school dropout children, secondary and higher education for other children who have completed primary education, should be provided inside the homes. Adequate teaching and learning materials need to be provided to the children of all the homes.
- Adequate number of staff as per provision laid down in JJ Act should be appointed to child care institutions.
- Capacity building programme need to be organized on child rights and JJ Act for functionaries of child care institutions.
- Committees may be formed comprising the children from all age groups to be involved in the decision making process like selection of menu, identifying abuse cases and minor issues concerning management of the homes.
- First Aid kit should be kept in all the homes for treatment of common ailments.
- Counselling Services should be provided to the children to modify the behavior.
- Life skill education should be imparted to children in homes.
- Social auditing or monitoring or any evaluation need to be carried out annually with support and involvement of organizations working in the field of mental health, child care and protection and autonomous bodies like the National Institute of Public Cooperation and Child Development, Indian Council for

- In counseling services

- NGOs can also play important role in the following areas:
    - NGOs can play important role in linking-up community services to be given by children in conflict with law.
    - Any Civil Society/NGO can work for systematic growth of the Institutions provided they are given opportunities.
    - In identification of children's need and sensitizing them, Civil Societies can play a positive role and hence, they should be involved.
    - Involvement of Civil Societies in gathering information and data base, resource mapping, orientation training and sensitization through advocacy campaign etc. is the need of the hour.
    - Special arrangement should be made and more attention should be given to the children with special needs.
    - Recreational facilities particularly yoga and physical exercise should be organized in each home.
    - A child friendly environment needs to be created in each home, so that child will feel homely there.
    - Parents and guardians of inmates should be contacted to restore the child on stipulated time.
    - Exposure visit to outside should be organized for children.
- Child Welfare, Childline India Foundation, Central and State level Social Welfare Boards, School of Social Work and School of Law.

- Individual Care Plan should be maintained by the Institutions.
  - Complaint Mechanism System and suggestion Box should be kept in institutions.
  - Probation officer should visit the child care institutions regularly to address the children's needs.
  - The officials should be imparted training in this field.
  - Odisha was one among three such states who first of all signed memorandum of understanding with Govt. of India to implement ICPS scheme. But the state needs some basic spade work like; district need study, baseline survey etc. and on the basis of this state can prepare its action plan. During the course of actual data collection it was observed that officials were not aware of/conceptually clear about open shelter, shelter home and drop-in shelter.
  - Effort should be made by the Government and voluntary organizations running homes to provide good qualities of food to the children and special food need to arrange for children of 0-3 yrs. Menu should be prepared and followed properly.
  - As observed, some of the homes were overcrowded. Hence, there is a need to construct home with support from voluntary organizations.
  - Toiletry and sanitary items should be provided to the children of homes as per the minimum standard of care prescribed in the central model rules-2007.
  - Odisha was one among three such states who first of all signed memorandum of understanding with Govt. of India to implement ICPS scheme. But the state needs some basic spade work like; district need study, baseline survey etc. and on the basis of this state can prepare its action plan. During the course of actual data collection it was observed that officials were not aware of/conceptually clear about open shelter, shelter home and drop-in shelter.
  - Probation officer should visit the child care institutions regularly to address the children's needs.
  - Complaint Mechanism System and suggestion Box should be kept in institutions.
  - Individual Care Plan should be maintained by the Institutions.
- Trauma management
  - Orientation of parents
  - Family conferencing

- Child participation needs to be ensured in institutions. Cultural programmes should be organized frequently in the homes.
- Vehicle should be provided to each home for producing the children before JJBs/CWCs for proceedings and visit to hospitals and outside when there is a need.
- Superintendents of institutions should be instructed to stay inside the premises of child care institutions.

| List of Child Care Institutions visited in the state of West Bengal for the study to collect information |  |                 |
|--|--|-----------------|
| Sl. No.  | Name and Address of the Home   | Intake Capacity |
| <b>Observation Home</b>  |  |                 |
| 1  | Suraj Mol Mulchand Home (SMM)<br>8, Stark Road, Liluah,<br>Howrah 2655-8872/8776               | 430             |
| 2  | Ananda Math<br>P.O. Simulia, Purulia   | 195             |
| 3  | Sahid Bandana Smriti Mahila<br>Abas<br>P.O. & Dist. Cooch Behar<br>953582-222352               | 150             |
| <b>Children Home</b>   |  |                 |
| 1  | Destitute Home Uttarpara<br>7, Rajmohan Road, Uttarpara,<br>Hooghly 26636952                   | 150             |
| 2  | Ananda Math<br>P.O. Simulia, Purulia   |                 |
| 3  | Vidyasagar Balika Bhavan<br>P.O. Gope, District-<br>Midnapore<br>953222-(262239) (275239)      | 425             |
| 4  | Kishalaya<br>Barasat, Dist. North 24 Pgs.<br>25521353/ 25622678                                | 200             |
| 5  | Korak, Observation and<br>Juvenile Home for Boys (M)<br>Race Course, Jalpaiguri<br>03561-30923 | 50              |
| 6  | Bodhipreet<br>20, Harinath De Road,<br>Koi-9<br>094333-32778                                   | 30              |
| 7  | Nijaloya WIF<br>32/A/151, ward No-18,<br>Bugontori, P.O.- Jalpaiguri,<br>Dist- Jalpaiguri      | 25              |

|                     |  |  |  |  |  |  |  |  |    |
|---------------------|--|--|--|--|--|--|--|--|----|
|                     |  |  |  |  |  |  |  |  |    |
| 8                   | Suraj Mol Mulchand Home<br>(SMM)<br>8, Stark Road, Liliuh,<br>Howrah 2655-8872/8776                              |  |  |  |  |  |  |  |    |
| 9                   | Sahid Bandana Smriti Mahila<br>Abas<br>P.O. & Dist. Cooch Behar<br>953582-222352                                 |  |  |  |  |  |  |  |    |
| 10                  | Ananda Ashram<br>P.O. Baharampur, Dist.<br>Murshidabad<br>953482-222752  |  |  |  |  |  |  |  |    |
| <b>Shelter Home</b> |  |  |  |  |  |  |  |  |    |
| 1                   | Chak Kumar Association for<br>Social Services<br>Chak Kumar, Debra, Paschim<br>Medinipur                         |  |  |  |  |  |  |  | 70 |
| 2                   | RKV Mission SH<br>8, Riverside Road,<br>Barrackpore, 24-Pgs(N)   |  |  |  |  |  |  |  | 50 |
| 3                   | Ananda Niketan (M & F)<br>Vill. & P.O. Khajurdihi,<br>Via Katwa, Dist. Burdwan                                   |  |  |  |  |  |  |  | 75 |
| 4                   | Gandhi Ashram<br>Haldia Samaj Kalyan Parsad<br>Haldia, East Midnapore  |  |  |  |  |  |  |  | 50 |
| 5                   | District Shelter Home (F),<br>Malda<br>Sarbojangala Road, Malda  |  |  |  |  |  |  |  | 30 |
| 6                   | District Shelter Home (F),<br>Nadia<br>Nagendranagar Third Lane,<br>P.O. Krishnanagar, Dist:Nadia                |  |  |  |  |  |  |  | 50 |
| 7                   | District Shelter Home (F),<br>Burdwan<br>B.L.Hati Road, West of<br>Dhalighi, Radhanagar, P.O. &<br>Dist: Burdwan |  |  |  |  |  |  |  | 25 |
| 8                   | Sishu Niketan<br>Burdwan Zilla Samaj Kalyan<br>Samity<br>Pandamuri, Bardwan                                      |  |  |  |  |  |  |  |    |

|                        |  |     |
|------------------------|--|-----|
|                        |  |     |
| 9                      | Vivekananda Lokashiksha<br>Niketan<br>Contal, Purba Medinipur      | 50  |
| 10                     | Nimtouri Tamruk Unnayan<br>Samity (F)<br>Nimtouri, Purba Medinipur | 50  |
| <b>After Care Home</b> |  |     |
| 1                      | Sumangalam (After Care) (M)<br>Kharikasuli, P.O. Moran,<br>Bankura | 100 |
| 2                      | Vidyasagar Balika Bhavan<br>Midnapore                              | 210 |

| List of Child Care Institutions visited in the state of Tripura for the study to collect information |  |                 |
|--|--|-----------------|
| Sl. No.  | Name and Address of the Home   | Intake Capacity |
| <b>Children Home</b>   |  |                 |
| 1  | State Foundling Home<br>Narsingarh<br>West Tripura<br>0381-2342246                                 | 40              |
| 2  | State Children Home for Girls, Unit-I<br>Abhoyagar, Agartala<br>098625-21035                       | 50              |
| 3  | State Children Home for Girls, Unit-II<br>Abhoyagar, Agartala<br>094365-56990                      | 50              |
| 4  | State Children Home for Boys<br>Khilpara, Udairpur<br>South Tripura<br>094365-77732                | 50              |
| 5  | Institute of Visually Handicapped<br>Boys<br>Narsingarh<br>West Tripura<br>0381-2342257            | 50              |
| 6  | Institute of Visually Handicapped<br>Girls<br>Badharghat<br>Agartala, West Tripura<br>094364-76909 | 50              |
| <b>Observation Home</b>  |  |                 |
| 7  | Juvenile Home ( Observation cum Special)<br>Narsingarh, West Tripura                               | 25+25=50        |

|   |  |                 |  |
|---|--|-----------------|--|
| 097745-10186/097745-48913                       |  | After Care Home |  |
| Mahila Ashram<br>Aboynagar, Agartala<br>Tripura |  | 8               |  |
| 50  |  |                 |  |

| List of Child Care Institutions visited in the state of Sikkim for the study to collect information. |  |                 |
|--|--|-----------------|
| Sl. No   | Name and Address of the Institution  | Intake Capacity |
| Children Home  |  |                 |
| 1  | Balika Niketan<br>Tadong<br>East Sikkim<br>+91 98325-90551   | 55              |
| 2  | Kaluk<br>West Sikkim<br>+91 94344-4459   | 50              |
| 3  | Kingstone Destitute Home<br>Kingstone, Rhenock<br>East Sikkim<br>+91-97493-65121   | 60              |
| 4  | Wangdi Faith Mission<br>Mangan<br>North Sikkim<br>+91 94343-56461  | 60              |
| Observation Home   |  |                 |
| 1  | Juvenile Observation Home<br>Sichey Busti<br>Gangtok<br>East Sikkim<br>Mahesh Pradhan<br>+91 96098-63591<br>03592-284491 | 25              |

| List of Child Care Institutions visited in the state of Odisha for the study to collect information |   |                 |
|---|---|-----------------|
| Sl. No.   | Name & Address of the Home  | Intake Capacity |
| Children Home   |   |                 |
| 1.  | Servants of India Society<br>At/PO- Choudwar, Dist. Cuttack, Cuttack.<br>0671-2394399 | 100             |
| 2.  | Satyasai Seva Sangha<br>At/PO- Khandagiri, Khurda                                     | 100             |
| 3.  | Sishu Ashram<br>Jagatsinghpur   | 50              |
| 4.  | Utkal Balashram<br>Balasore Sakha, Balasore<br>06782-262706                           | 210             |
| 5.  | Utkal Balashram<br>Berhampore Sakha, Berhampur Sakha,<br>Ganjam<br>0680-2116812       | 125             |
| 6.  | Baji Rout Charabdas<br>Hakimpara, Angul   | 30              |
| 7.  | Kasturba Gandhi Matru Niketan<br>Stayabhampapur, Cuttack                              | 50              |
| 8.  | Maharsi Dayananda Balashram<br>Toranda, Dhenkanal<br>06762-243537                     | 25              |
| 9.  | Gandhi Orissa Balashram<br>Bhadrak<br>06784-250689                                    | 210             |

|    |  |  |     |
|----|--|--|-----|
| 10 | Utkal Balashram<br>Puri Sakha, At/Po - Puri<br>06752-232083          | Observation & Special Home   | 100 |
| 1  | Observation & Special<br>Home for Boys<br>Berhampur<br>0680-2290760  | Observation & Special<br>Home<br>Rourkela<br>0661-2402200            | 40  |
| 2  | Observation & Special<br>Home<br>Rourkela<br>0661-2402200            | Observation & Special<br>Home for Girls<br>Berhampur<br>0680-2290242 | 50  |
| 3  | Observation & Special<br>Home for Girls<br>Berhampur<br>0680-2290242 | Observation & Special<br>Home for Boys<br>Berhampur<br>0680-2290760  | 10  |
| 4  | Satyasai Seva Sangha<br>Bhubaneswar<br>09777254421                   | Observation & Special<br>Home for Boys<br>Berhampur<br>0680-2290760  | 125 |

| List of Child Care Institutions visited in the state of Mizoram for the study to collect information |  |                 |
|--|--|-----------------|
| Sl. No   | Name and Address of the Institution                              | Intake capacity |
| Children Home  |  |                 |
| 1  | Baptist Church Orphanage<br>Lunglei<br>Mizoram<br>0372-2342268   | 60              |
| 2  | Leiram Motherless Home<br>Lawngtlai, Mizoram                     | 10              |
| 3  | Friends of Children<br>Laiputiang, Aizawl                        | 10              |
| 4  | Transitional cum Children Home<br>Dawrpui-Vengthar<br>Aizawl     | 16              |
| 5  | Bethani Children Home<br>Society<br>Aizawl, Mizoram              | 30              |
| 6  | Gan Sabra<br>Zonuan<br>Aizawl<br>094361-78920                    | 30              |
| 7  | Hmangaithe Run<br>Zemabawk<br>94363-51424                        |                 |
| 8  | Kawakhuma (Boys CH)<br>Chamari, Lunglei<br>Mizoram<br>2324420    | 30              |
| 9  | Lawngtalai<br>Mizoram<br>03835-232982                            | 10              |
| 10   | Muanna In (Boys CH)<br>Muapui<br>Aizawl, Mizoram<br>0389-2320426 | 30              |

|                  |  |    |
|------------------|--|----|
|                  | Tukual<br>Mizoram<br>2329868   |    |
| 12               | Motherless Babies Home<br>Khatla, Aizawl<br>2323285                        | 20 |
| 13               | Orphanage ( Boys)<br>Saiha<br>Mizoram<br>03835-226140                      | 10 |
| 14               | Sunshine Society for<br>Children<br>Aizawl<br>0389-2340870<br>094361-54919 | 20 |
| 15               | Synod Hmangahna In<br>Durtlang Hospital Complex<br>Mizoram<br>0389-2362323 | 50 |
| Observation Home |  |    |
| 1                | Observation cum Special<br>Home<br>Aizawl                                  | 75 |
| 2                | Observation Home<br>Lunglei  | 10 |

| List of Child Care Institutions visited in the state of Meghalaya for the study to collect information |  |                 |
|--|--|-----------------|
| Sl. No   | Name and Address of the Institution  | Intake Capacity |
| Observation Home   |  |                 |
| 1  | Observation Home<br>(Boys)<br>Cleve Colony, Shillong,<br>East Khasi Hills<br>097740-65121                      | 40              |
| 2  | Observation Home<br>(Boys)<br>Matcholgre, Tura<br>West Garo Hills.<br>(Government)<br>098625-73526             | 26              |
| 3  | Observation Home<br>(Girls)<br>Lower New Colony,<br>Shillong, East Khasi<br>Hills.(Government)<br>094361-05666 | 10              |
| Children Home  |  |                 |
| 1  | William Lewis Boys<br>Home<br>Mawphiang, East Khasi<br>Hills. (NGO )<br>0364-2256767                           | 100             |
| 2  | St. Mary's Convent &<br>Orphanage (Girls)<br>Shillong<br>East Khasi Hills (NGO)                                | 105             |

|   |   |     |
|---|---|-----|
| 3 | St. Francis Orphanage<br>Social Welfare Centre<br>(Girls)<br>Mawkyndeng, Jaintia<br>Hills (NGO)<br>094363-00846         | 130 |
| 4 | St. Claret's Boys<br>Orphanage cum Hostel<br>Mookasiang Pasyih,<br>Jaintia Hills. (NGO)<br>094363-02911<br>098560-41070 | 16  |
| 5 | St. Xavier's Society of<br>Christ Jesus (Girls)<br>Tura, West Garo<br>Hills.(NGO)<br>03651-222407                       | 100 |
| 6 | St. Theresa Girls Home,<br>Williamnagar,<br>East Garo Hills (NGO)<br>094361-78791                                       | 50  |
| 7 | Sacred Heart Mission<br>Home (Boys)<br>Williamnagar<br>East Garo Hills. (NGO)<br>094361-78791                           | 70  |
| 8 | Lawei Baphyrnai Shelter<br>Home,<br>Shillong, East Khasi Hills<br>NGO<br>096121-68539                                   | 20  |

| List of Child Care Institutions visited in the state of Manipur for the study to collect information |  |                 |
|--|--|-----------------|
| Sl. No   | Name and Address of the Institution                                    | Intake Capacity |
| <b>Children Home</b>   |  |                 |
| 1  | Destitute Children Home<br>Tera-Kaithal, Imphal                        | 50              |
| 2  | Destitute Children Home<br>Churachandpur, Manipur<br>098628-82079      | 50              |
| 3  | Children Home for Girls<br>Thoubal<br>Manipur<br>094360-33733          | 75              |
| 4  | Manipur Mahila Kalyan<br>Samiti<br>Imphal                              | 50              |
| 5  | Konglatongbi Children<br>Home<br>Senapati, Manipur                     | 50              |
| <b>Observation Home</b>  |  |                 |
| 1  | Observation & Special<br>Home<br>Takyel<br>Imphal West<br>098632-83111 | 50              |
| 2  | Observation Home<br>Churachandpur<br>Manipur<br>098621-93602           | 25              |
| <b>Shelter Home</b>  |  |                 |
| 1  | Punyya Shelter Home<br>Imphal West<br>097740-41420                     | 25              |

List of Child Care Institutions visited in the state of Nagaland for the study to collect information.

| Sl. No.                 | Name and Address of the Home                                       | Intake Capacity |
|-------------------------|--|-----------------|
| <b>Children Home</b>    |  |                 |
| 1                       | Douglas Memorial Children's Home                                   | 53              |
| 2                       | Eden Garden<br>Khuzama<br>Kohima<br>094360-00586                   | 150             |
| 3                       | Kohima Orphanage & Destitute Home<br>Kohima<br>094360-00868        | 160             |
| 4                       | Nagaland Children Home<br>Diphupar<br>Dimapur<br>03862243213       | 100             |
| 5                       | Chawo Home<br>Naharbari, Dimapur                                   | 10              |
| <b>Observation Home</b> |  |                 |
| 6                       | Observation cum Special Home<br>Pherima<br>Dimapur<br>098560-39427 | 50+50=100       |

| Table -9<br>List of Child Care Institutions visited in the state of<br>Arunachal Pradesh for the study to collect information |  |                 |
|---|--|-----------------|
| Sl. No  | Name & Address of the<br>Institution   | Intake Capacity |
| 1   | Oju Welfare Association<br>Children Home & SAA(NGO<br>run)<br>Near Police station<br>Naharlagun Arunachal<br>Pradesh<br>098633-51562 | 20              |

Focused group discussion

|     |   |  |
|-----|---|--|
| 1.  | What do you like most in the institution and why?   |  |
| 2.  | What do you like least in the institution and why?  |  |
| 3.  | How many times in a day do you get food?  |  |
| 4.  | Do you like the food?   |  |
|     | What other additions should be?   |  |
|     | <b>Food, health &amp; hygiene and sanitation:<br/>(children can be asked to prepare a food chart that would give their weekly menu)</b> |  |
| 5.  | Are you given special food on any occasion?<br>(please name one or two such occasion)   |  |
| 6.  | What were the major illnesses you suffer from in the last one year?   |  |
| 7.  | Were you taken to the doctor?   |  |
| 8.  | Are your parents/guardians informed about your illness?   |  |
| 9.  | Does each of you have personal tooth brush, comb, towel, and toiletry?  |  |
| 10. | Do you have proper cot etc. to sleep on?  |  |
|     | Do you use mosquito net?  |  |
| 11. | Are the bedding dried in the sun? Who does that?  |  |
| 12. | Are the living rooms cleaned everyday? Do you participate in cleaning of rooms?   |  |
|     | <b>Cultural and Recreational Activities:</b>  |  |
| 13. | What are the recreational activities that you have in your institution? (list out all the activities)                                   |  |
|     | What you like most?   |  |
|     | What else you like to do?   |  |
| 14. | Do you have any physical exercise session everyday?   |  |

|   |  |  |
|---|--|--|
| 15.                                       | What are the facilities available for indoor and outdoor games?  |  |
|   | Do you love to play?   |  |
|   | What games you enjoy most?   |  |
| 16.                                       | Do you celebrate your birthday?  |  |
| <b>Education and Vocational Training:</b> |  |  |
| 17.                                       | What kind educational facilities do you get here?  |  |
|   | Do you go to school?   |  |
|   | Do you enjoy going to school?  |  |
| 18.                                       | What do you aspire to become in future?  |  |
| 19.                                       | Are you satisfied with the quantity of Teaching and learning materials in the Home?                                |  |
| 20.                                       | Are you receiving the teaching & learning materials? (Exercise books, pen pencils, scale, text books, eraser etc.) |  |
|   | If yes, are you satisfied with the quantity of materials?  |  |

**Focused group discussion**

|   |  |  |
|---|--|--|
| 1.  | What do you like most in the institution and why?                                  |  |
| 2.  | What do you like least in the institution and why?                                 |  |
| 3.  | How many times in a day do you get food?   |  |
| 4.  | Do you like the food?  |  |
|   | What other additions should be?  |  |
| <b>Food, health &amp; hygiene and sanitation:<br/>(children can be asked to prepare a food chart that would give their weekly menu)</b> |  |  |
| 5.  | Are you given special food on any occasion? (please name one or two such occasion) |  |
| 6.  | What were the major illnesses you suffer from in the last one year?                |  |
| 7.  | Were you taken to the doctor?  |  |
| 8.  | Are your parents/guardians informed about your illness?                            |  |

|     |  |  |
|-----|--|--|
|     |  |  |
| 9.  | Does each of you have personal tooth brush, comb, towel, and toiletry?   |  |
| 10. | Do you have proper cot etc. to sleep on?   |  |
|     | Do you use mosquito net?   |  |
| 11. | Are the bedding dried in the sun? Who does that?   |  |
| 12. | Are the living rooms cleaned everyday? Do you participate in cleaning of rooms?                                    |  |
|     | <b>Cultural and Recreational Activities:</b>   |  |
| 13. | What are the recreational activities that you have in your institution? (list out all the activities)              |  |
|     | What you like most?  |  |
|     | What else you like to do?  |  |
| 14. | Do you have any physical exercise session everyday?  |  |
| 15. | What are the facilities available for indoor and outdoor games?  |  |
|     | Do you love to play?   |  |
|     | What games you enjoy most?   |  |
| 16. | Do you celebrate your birthday?  |  |
|     | <b>Education and Vocational Training:</b>  |  |
| 17. | What kind educational facilities do you get here?  |  |
|     | Do you go to school?   |  |
|     | Do you enjoy going to school?  |  |
| 18. | What do you aspire to become in future?  |  |
| 19. | Are you satisfied with the quantity of Teaching and learning materials in the Home?                                |  |
| 20. | Are you receiving the teaching & learning materials? (Exercise books, pen pencils, scale, text books, eraser etc.) |  |
|     | If yes, are you satisfied with the quantity of materials?  |  |
| 21. | How do you find the importance of education?   |  |

|     |  |  |
|-----|--|--|
| 22. | How do you like the vocational training provided in the home?  |  |
|     | Is it accessible to all?   |  |
|     | <p><b>Child abuse: Substance abuse, Physical abuse, Emotional abuse</b><br/> (Investigators should avoid asking direct questions. They may use role-play method or may consult the Counsellors to collect information on these issues)</p> |  |
| 23. | Why do people take alcohol, ganja or other drugs?  |  |
| 24. | Can you recall any incident where you were beaten/ scolded by caregivers in the home?  |  |
|     | What was the reason?   |  |
| 25. | Can you recollect any one incident when you felt very upset and sad for any behavior of caregivers?  |  |
| 26. | How did you cope with such emotional trauma?   |  |
|     | Who helped you in this regard?   |  |
| 27. | Are you happy here?  |  |
|     | Of all the people (care givers) here, whom you like most and why are the people here are nice to you.  |  |
| 28. | Whom you dislike most?   |  |
|     | <b>Counselling Services</b>  |  |
| 29. | How do you like interacting with the Counsellor?   |  |
| 30. | Does she listen to you?  |  |
| 31. | Do you feel relieved whenever you talk to your counsellor?   |  |
| 32. | Do you freely share your problems, if any with her?  |  |
|     | <b>Relationship with the family</b>  |  |
| 33. | How do you maintain contact with your family?  |  |
| 34. | Do you have parents/ grandparents/ uncle aunts?  |  |
| 35. | Do you miss your family?   |  |

|                                |  |  |
|--------------------------------|--|--|
|                                | Do you have friends here?  |  |
| 36.                            | Do you visit your home?  |  |
|                                | How often do you visit?  |  |
| 37.                            | Who comes to see you in the home?  |  |
|                                | How often do they come?  |  |
| 38.                            | Do you make phone calls/ write letters to the members of your family?  |  |
| 39.                            | Do you like to go back to your family? (If the child does not want to go back home or wish to meet his/her parents, probe the underlying factors)          |  |
| 40.                            | Has anyone amongst you ever tried to escape/ managed to escape?  |  |
| 41.                            | What are the main reasons for trying to escape from the institution?   |  |
| <b>Child's Concept of Self</b> |  |  |
| 42.                            | Do you feel apprehensive/afraid of talking to people or strangers?   |  |
| 43.                            | When you are asked to do something, what are your experiences related to that work?  |  |
| 44.                            | Following the abusive experience, does it now cause you any kind of distress, like intruding thoughts, nightmares, difficulty in falling off to sleep etc? |  |
| 45.                            | Do you have quarrels/altercations with people/authorities and your peers?  |  |

|     |   |  |
|-----|---|--|
| 46. | What are the problems you face within the institution?        |  |
| 47. | What can be done to improve the living situation of the home? |  |

Table 3.5:

| Table 3.5 Recreational Facilities of Children Home |                    |                  |                    |                |                 |                    |          |
|--|--------------------|------------------|--------------------|----------------|-----------------|--------------------|----------|
| STATE  | Total No. of Homes | Indoor available | Out door Available | Yoga available | Music available | Cultural Programme |          |
|  |                    |                  |                    |                |                 | In house           | External |
| Arunachal Pradesh                                  | 1                  | 1                | Nil                | nil            | nil             | nil                | nil      |
| Manipur  | 5                  | 5                | 3                  | 3              | 3               | 4                  | 1        |
| Meghalaya  | 8                  | 8                | 8                  | 5              | 5               | 8                  | nil      |
| Mizoram  | 15                 | 14               | 13                 | nil            | 3               | 6                  | 4        |
| Nagaland   | 5                  | 5                | 5                  | nil            | 2               | 4                  | 2        |
| Odisha   | 10                 | 8                | 8                  | 6              | 6               | 8                  | 8        |
| Sikkim   | 4                  | 3                | 4                  | nil            | nil             | 2                  | 1        |
| Tripura  | 6                  | 5                | 2                  | 3              | 5               | 4                  | 4        |
| West Bengal  | 10                 | 9                | 5                  | 6              | 6               | 5                  | 2        |
| <b>TOTAL</b>                                       |                    | 58               | 48                 | 23             | 30              | 41                 | 22       |

| Recreational Facilities of Observation Home |        |          |      |       |          |                    |       |
|---|--------|----------|------|-------|----------|--------------------|-------|
| STATE                                       | Indoor | Out door | Yoga | Music | In house | Cultural Programme |       |
|   |        |          |      |       |          | External           | Total |
| Manipur                                     | 1      | 1        | Nil  | nil   | 1        | nil                | 3     |
| Meghalaya                                   | 3      | 3        | Nil  | 2     | 1        | nil                | 9     |
| Mizoram                                     | 2      | 2        | Nil  | 1     | 1        | nil                | 6     |
| Nagaland                                    | 2      | 1        | 2    | 1     | 2        | nil                | 8     |
| Odisha                                      | 3      | 3        | 2    | nil   | 2        | nil                | 10    |
| Sikkim                                      | 1      | nil      | Nil  | nil   | nil      | nil                | 1     |
| Tripura                                     | 1      | nil      | Nil  | nil   | nil      | nil                | 1     |
| West Bengal                                 | 2      | 1        | 1    | 1     | 1        | nil                | 6     |
| <b>TOTAL =</b>                              | 15     | 11       | 5    | 5     | 8        | nil                | 44    |

| Recreational Facilities of Shelter Home |           |          |          |          |          |                    |           |
|---|-----------|----------|----------|----------|----------|--------------------|-----------|
| STATE                                   | Indoor    | Out door | Yoga     | Music    | In house | Cultural Programme |           |
|   |           |          |          |          |          | External           | Total     |
| Manipur                                 | 1         | 1        | 1        | 1        | 1        | 1                  | 6         |
| Meghalaya                               | 2         | 2        | nil      | 1        | 2        | nil                | 7         |
| Mizoram                                 | nil       | nil      | nil      | Nil      | nil      | nil                | nil       |
| Nagaland                                | nil       | nil      | nil      | Nil      | nil      | nil                | nil       |
| Odisha                                  | nil       | nil      | nil      | Nil      | nil      | nil                | nil       |
| Sikkim                                  | nil       | nil      | nil      | Nil      | nil      | nil                | nil       |
| Tripura                                 | nil       | nil      | nil      | Nil      | nil      | nil                | nil       |
| West Bengal                             | 8         | 3        | 3        | 4        | 3        | nil                | 21        |
| <b>TOTAL =</b>                          | <b>11</b> | <b>6</b> | <b>4</b> | <b>6</b> | <b>6</b> | <b>1</b>           | <b>34</b> |

| Recreational Facilities of Special Home |          |          |          |          |          |                    |          |
|---|----------|----------|----------|----------|----------|--------------------|----------|
| STATE                                   | Indoor   | Out door | Yoga     | Music    | Inhouse  | Cultural Programme |          |
|   |          |          |          |          |          | External           | Total    |
| Mizoram                                 | 1        | 0        | 0        | 0        | 0        | 0                  | 0        |
| Nagaland                                | 0        | 0        | 0        | 0        | 0        | 0                  | 0        |
| Odisha                                  | 2        | 1        | 2        | 1        | 2        | 0                  | 8        |
| Sikkim                                  | 0        | 0        | 0        | 0        | 0        | 0                  | 0        |
| Tripura                                 | 1        | 0        | 0        | 0        | 0        | 0                  | 1        |
| West Bengal                             | 0        | 0        | 0        | 0        | 0        | 0                  | 0        |
| <b>TOTAL =</b>                          | <b>3</b> | <b>1</b> | <b>2</b> | <b>1</b> | <b>2</b> | <b>nil</b>         | <b>9</b> |

| Table 3.6 Educational Facility with Institutional (Children Home) |         |    |           |    |        |    |                   |    |
|---|---------|----|-----------|----|--------|----|-------------------|----|
| States  | Primary |    | Secondary |    | Higher |    | Private Coatching |    |
|   | Yes     | No | Yes       | No | Yes    | No | Yes               | No |
| West Bengal   | 5       | 5  | 1         | 9  | 1      | 9  | 5                 | 5  |
| Odisha  | 4       | 6  | 1         | 9  | 0      | 10 | 2                 | 8  |
| Meghalaya   | 7       | 1  | 5         | 3  | 0      | 8  | 3                 | 5  |
| Mizoram   | 1       | 14 | 1         | 14 | 0      | 15 | 1                 | 14 |
| Nagaland  | 3       | 2  | 3         | 2  | 1      | 4  | 2                 | 3  |
| Tripura   | 2       | 4  | 2         | 4  | 0      | 6  | 5                 | 1  |

|                   |           |           |           |           |          |          |           |           |
|-------------------|-----------|-----------|-----------|-----------|----------|----------|-----------|-----------|
| Arunachal Pradesh | 0         | 1         | 1         | 0         | 0        | 1        | 0         | 1         |
| Sikkim            | 1         | 3         | 1         | 3         | 0        | 4        | 0         | 4         |
| Manipur           | 1         | 4         | 0         | 5         | 0        | 5        | 0         | 5         |
| <b>Total=</b>     | <b>24</b> | <b>40</b> | <b>15</b> | <b>49</b> | <b>2</b> | <b>5</b> | <b>18</b> | <b>46</b> |

| Educational Facility in Special Home |                            |          |           |          |          |          |                  |          |
|--------------------------------------|----------------------------|----------|-----------|----------|----------|----------|------------------|----------|
| States                               | Primary (Bridge Education) |          | Secondary |          | Higher   |          | Private Coaching |          |
|                                      | Yes                        | No       | Yes       | No       | Yes      | No       | Yes              | No       |
| West Bengal                          | 1                          | 1        | 0         | 2        | 0        | 2        | 0                | 2        |
| Odisha                               | 1                          | 1        | 0         | 2        | 0        | 2        | 0                | 2        |
| Meghalaya                            | 0                          | 0        | 0         | 0        | 0        | 0        | 0                | 0        |
| Mizoram                              | 0                          | 1        | 0         | 1        | 0        | 1        | 0                | 1        |
| Nagaland                             | 0                          | 1        | 0         | 1        | 0        | 1        | 0                | 1        |
| Tripura                              | 0                          | 1        | 0         | 1        | 0        | 1        | 0                | 1        |
| Arunachal Pradesh                    | 0                          | 0        | 0         | 0        | 0        | 0        | 0                | 0        |
| Sikkim                               | 0                          | 0        | 0         | 0        | 0        | 0        | 0                | 0        |
| Manipur                              | 0                          | 0        | 0         | 0        | 0        | 0        | 0                | 0        |
| <b>Total=</b>                        | <b>2</b>                   | <b>4</b> | <b>0</b>  | <b>7</b> | <b>0</b> | <b>7</b> | <b>0</b>         | <b>7</b> |

| Educational Facility in Observation Home |          |           |           |           |          |           |                  |           |
|--|----------|-----------|-----------|-----------|----------|-----------|------------------|-----------|
| States                                   | Primary  |           | Secondary |           | Higher   |           | Private Coaching |           |
|  | Yes      | No        | Yes       | No        | Yes      | No        | Yes              | No        |
| West Bengal                              | 2        | 1         | 0         | 3         | 1        | 2         | 1                | 2         |
| Odisha                                   | 1        | 4         | 0         | 5         | 5        | 5         | 0                | 5         |
| Meghalaya                                | 1        | 3         | 0         | 4         | 0        | 4         | 0                | 4         |
| Mizoram                                  | 1        | 1         | 0         | 2         | 0        | 2         | 0                | 2         |
| Nagaland                                 | 0        | 1         | 0         | 1         | 0        | 1         | 0                | 1         |
| Tripura                                  | 0        | 1         | 0         | 1         | 0        | 1         | 0                | 1         |
| Arunachal Pradesh                        | 0        | 0         | 0         | 0         | 0        | 0         | 0                | 0         |
| Sikkim                                   | 0        | 1         | 0         | 1         | 0        | 1         | 0                | 1         |
| Manipur                                  | 0        | 2         | 0         | 2         | 0        | 2         | 0                | 2         |
| <b>Total=</b>                            | <b>5</b> | <b>14</b> | <b>0</b>  | <b>19</b> | <b>1</b> | <b>18</b> | <b>1</b>         | <b>18</b> |

| Educational Facility in Shelter Home |         |    |           |    |        |    |                  |    |
|--------------------------------------|---------|----|-----------|----|--------|----|------------------|----|
| States                               | Primary |    | Secondary |    | Higher |    | Private Coaching |    |
|                                      | Yes     | No | Yes       | No | Yes    | No | Yes              | No |
| West Bengal                          | 4       | 7  | 0         | 11 | 0      | 12 | 3                | 8  |
| Odisha                               | 0       | 0  | 0         | 0  | 0      | 0  | 0                | 0  |
| Meghalaya                            | 0       | 2  | 1         | 1  | 1      | 1  | 1                | 1  |
| Mizoram                              | 0       | 0  | 0         | 0  | 0      | 0  | 0                | 0  |
| Highland                             | 0       | 0  | 0         | 0  | 0      | 0  | 0                | 0  |
| Tripura                              | 0       | 0  | 0         | 0  | 0      | 0  | 0                | 0  |
| Arunachal Pradesh                    | 0       | 0  | 0         | 0  | 0      | 0  | 0                | 0  |
| Sikkim                               | 0       | 0  | 0         | 0  | 0      | 0  | 1                | 0  |
| Manipur                              | 0       | 0  | 0         | 0  | 0      | 0  | 0                | 0  |
| Total                                | 4       | 9  | 1         | 12 | 1      | 12 | 5                | 9  |

#### 4.8 Summing Up

Institutional care of children is often considered detrimental to their mental, behavioural, emotional and social development. Long periods in an institution make it harder for a child to assimilate back into a family and community, and deny them access to the lifelong attachments and community support systems that family relationships and community can provide. The children, who have a history of institutional care, are reported to be intellectually retarded with specific difficulties in language development. Common issues for children in institutional care are a significantly increased risk of sexual and physical abuse, a lack of stimulation and harsh discipline.