



Annexure 1

Status of Child Protection at Juvenile Justice Homes in West Bengal

**A Study
By**

Pratichi Institute

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In Association with

Railway Children

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Department of Social Welfare**

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- ❖ Entire Pratichi team and Field Surveyors



PREFACE

Neglect draws from several sources. Factors of class division, social hierarchy, and identity relations continue to supply, either independently or in combination, the very element of injustice, called neglect. However, while these contributory streams of neglect have found some recognition at social, political and other public platforms, little importance has been attached to the role of negligence as an interminable source of neglect. The negligence of cerebral exercise, however, appears to be intertwined with the other sources of neglect – various ways of isolation and concentration of power, and becomes at once a cause as well as a consequence. The attitude towards and treatment of the children in our – and also in many other – societies does illustrate this in a better way. Children's well-being is one of the most blissfully forgotten issues. The lot of voiceless and powerless "creatures" called children not

only fails to draw adequate attention of public policy but also frequently disappears from the intellectual radar. While this being a general case applicable to all children, society seldom tries to imagine the trauma of children, the struggle to survive without any support, either from their parents or from others. Negligence in understanding does play a crucial role in allowing such a terribly indifferent and insensitive world to emerge.

Not that the children carrying on their little shoulders such misfortunes are not visible; they are seen all around – on the city pavements, railway stations, market places, bus terminuses. And, some – only a fraction, perhaps – are provided shelters in state supported Juvenile Justice Homes, in pitiable condition, as the present report uncovers. While the power-based social balance – and imbalance – makes the society blind towards these children, an obscure veil of ignorance, born out of selective abhorrence of analytical churning, leads to atrocious social insensitivity. Indeed, sympathy does not drop down to us – there is certainly, of course not exclusively, an intellectual linkage. A case, once understood with a fair degree of comprehension, draws on its own merit a certain degree of attention.

It is this realization that inspired the Pratichi Institute, which has been engaged in the issues related to children's right to education, health and capacious development, to make some meaningful and analytical contribution to the field through a systematic inquiry with an attempt to connect the various correlates underlying the issue and to bring to light not just the problems but also the possibilities of making the world of these unfortunate children better than its present existence.

We are grateful to the Railway Children, committed to the cause of the most helpless children; State Level Inspection Team and the State Level Inspection & Monitoring Committee, Government of West Bengal, headed by Ashokendu Sengupta who came forward to advance this inquiry in a collaborative manner. Sabir Ahamed of Railway Children deserves special mention for his consistent support in various forms. The study would not have been possible without the cooperation extended by the Department of Social Welfare – its officials at various levels. We owe a lot to the homes selected and visited during the exercise of developing a clearer understanding of the subject. Finally, words are inadequate to recognize fully the role the researchers and other members of the team involved in the study have played. We have reason to believe, based on our past experiences, that the inquiry, driven by and relevant for a socio-responsive epistemological engagement, committed to objectively draw a picture of the conditions of the children staying in the JJ Homes by setting it on the diverse but real contexts, would add to generate debates and discussions on the subject and supply some catalyzing energy for policy modification and implementation.

Pratichi Institute

Status of Child Protection at Juvenile Justice Homes in West Bengal

Highlights

- ◆ Nearly 50 percent of the children staying in Juvenile Justice (JJ) homes had their families with parents and siblings.
- ◆ Poverty and lack of educational facilities at home were the two most important factors behind children's staying in JJ homes, away from their families. The home authorities confirmed that the backward economic status and lack of education had forced the children to come in conflict with the law.
- ◆ Children categorized as Juvenile in Conflict with the Law (JCL) were found to be kept confined to their rooms round the clock with no provisions for schooling, vocational training or contact with the outer world.
- ◆ Separation from family, quality of education provided to them at these homes and anxiety about future were the primary concerns expressed by the children.
- ◆ Vocational Training sessions were irregular in most of the Government homes and were conducted in infrequent intervals only with the support of NGOs.
- ◆ Almost 40 percent of the children staying in Government homes and about 33 percent in those run by NGOs had expressed desires to learn new skills which would help them to earn a living in addition to what (if any at all) was already being taught to them at their respective shelter homes. Tailoring, computer classes, music, dance and painting had topped the list of what the children wished to learn while at the shelter homes.
- ◆ Regarding quality of food being served at JJ homes, reactions were mixed, though a substantial proportion reported it to be of poor quality.
- ◆ Cost estimate analysis revealed that based on present market rates, fund required for providing a child with two meals, breakfast and snacks a day was around twice the amount allotted as per present food budget prescribed by the Integrated Child Protection Scheme (ICPS).
- ◆ Irrespective of gender, age or type of home, the Body Mass Index (BMI) levels of almost all the children was below or close to the lower end of the standard normal range.
- ◆ As a matter of concern, 67 percent of the Government homes reported that no medical check-ups were conducted for the resident children whereas 50 percent of their NGO run counterparts reported twice-a-month check-up for the children.
- ◆ That 60 percent of the government homes reported that they did not provide the girls with required sanitary products, and only 20 percent reported to be providing the same at irregular intervals, indicated poor attention being paid towards the adolescent girls.
- ◆ More than 50 percent of the children reported that they got their supply of cigarettes, alcohol and products for substance abuse on their way to the court, while a good 20 percent reported obtaining it with the help of their own relatives, the staff working at homes and others associated with the home.
- ◆ The home authorities as well as children confirmed that lure of a better life together with desire for freedom from prison-like atmosphere of homes had actually forced some of the children to escape.

- ◆ Absence of sex education or lifestyle counseling support often led these children into misguided relationships which in many cases took the form of abuse when older children forcibly imposed themselves on the young ones.
- ◆ Most of the children reported some kind of corporal punishment. Severe beatings were more prevalent in the boys' homes.
- ◆ Majority of the children belonging to both government and NGO homes expressed their desire to return to their families.
- ◆ None of the Government homes reported a well-functioning post-restoration followup system and only 50 percent of the NGO homes reported this to be functional.
- ◆ Lengthy departmental procedures and unnecessary delays were highlighted by about 22 percent of the authorities as the possible reasons behind the children's not being able to be restored.
- ◆ Coordination problems – especially non-cooperation from CWC— were pointed out by many Government home authorities. This led to unnecessary delays in child restoration and numerous other problems.
- ◆ Moreover, an absolute absence of child-centric approach – that of prioritizing their needs and interests— were perceived as one of the major faults of the system.
- ◆ Severe staff shortage created extreme difficulty in the overall functioning of these homes.
- ◆ The children expressed their dislike towards inadequate educational facilities, and absence of health and hygiene needs and deprivation of basic utilities like clothing, bedding, and storage facilities at these homes.
- ◆ Concern about absence of infrastructural facilities had also been highlighted by children and the authorities. Both Government and NGO run homes reported severe problems with regard to infrastructural issues. Almost every home reported requirement for some or other kind of repairing.





Executive Summary

1. Condition of the children living in Juvenile Justice (JJ) Homes in West Bengal has seldom surfaced through media coverage. There remains a paucity of reliable information on the status of these children staying in shelter homes in relation to their identities, health condition, access to education under RtE, protection, participation, and system of reunification with respective families, follow up after reunification with families and aftercare facilities. Recurring escapes of children from those Homes indicates some sort of malfunctioning of the care giving procedures within the Government and Non-Government Homes. The response of civil society groups regarding these critical issues has rarely been demonstrative. This context added urgency to develop a deeper and clearer understanding on the much neglected issue and thus the concern led to carry out a systematic study on the child protection status of the children staying in JJ homes in the state of West Bengal.
2. The study was conducted over a period of about six months, covering 15 homes (9 government and 6 NGO homes) across the districts of West Bengal. In order to select the homes for this purpose stratified random sampling method was followed. Collection of data was done through designed questionnaires which were developed through brainstorming sessions in an in-house workshop.
3. The study brings to light numerous interesting and, at times, somewhat disturbing findings. It was found that in all government homes the children categorized as JCL and CNCP were kept together. Further, the JCLs were kept confined to their rooms which provoke latent anti-social tendencies. Also, the JCLs were not allowed to avail basic opportunities of schooling or vocational training, thus leaving them ill-equipped to cope with the world at large. The plight of the girls, who had been detained at homes for under-age marriages, was difficult as well as unbearable. These girls were also confined to their rooms the whole day since there was a high possibility of their making attempts to escape. These girls exhibited every sign of Hindu marriage whiling away their time hoping to reunite with their husbands after they come of age.
4. Around 24 percent of the JCLs in these homes were from Bangladesh. Many of them were ignorant about crossing the India-Bangladesh border. Some had been lured by touts promising them work. These children involved in the lengthy Government procedures for repatriation were being forced to stay away from their homes and families.
5. Another fact that emerged from this study was that absence of lifestyle management training often led these children into misguided relationships which frequently took the form of sexual abuse of the younger by the older children. The home personnel were found to be unequipped to handle this uncalled for situations. The forcible imposition of the seniors created an atmosphere of aggression and fear. Besides, the children reported being reprovved for petty complaints which often scaled up to harsh corporeal punishments.
6. Although restoration and social rehabilitation were the prime objectives of every home, in most of the cases, the efforts directed were just not enough. For many a child the homes served the purpose of residential schools since the parents preferred to keep them here for proper schooling. Thus, it seemed that the homes no longer served as temporary shelter for such children. Though these children had proper families, they did not have any steady communication with them.

Concerned authorities reported that the children were primarily enrolled in these homes owing to their family's low economic status and not having enough money to educate them. The children agreed to this. Similarly common reasons for coming in conflict with the law included emigrating from Bangladesh without official documents, having been victims of underage marriage and sexual abuse.



7. An evaluation of the educational and healthcare facilities showed that while the CNCP regularly attended school and pursued education, the JCLs were either given informal education or left without their educational needs attended for. Despite being irregular, vocational training sessions were quite popular among the children. However most of the children had expressed their needs of being trained in some other skills which might help them find an occupation.
8. Health check-ups for the children were conducted at irregular and infrequent intervals. Not having a permanent medical officer aggravated this problem. Unavailability of basic sanitary products made maintenance of menstrual hygiene of girls extremely difficult. The authorities blamed the irregularity of fund disbursement and shortages of financial allotment for these shortfalls which bear their effect on the resident children.
9. Finally, an absence of well trained and child friendly workers was a common feature in most of the homes. Many homes suffered from staff shortage. Personnel posted in the Homes were not trained adequately for shouldering responsibilities related to children. This disrupted the routine functioning of the homes creating hostility among the children.

The broad aims of the study were:

1. To form an understanding with regards to the overall status of child protection and child engagement in these homes – and identify the factors that affect their functioning. An effort would also be made to evaluate the picture of resource allocation in these homes ranging from essential infra structural requirements to workforce distribution.
2. To develop an understanding about the children – their age, family background and history. Further, what did these children do once they turn 18? Were they provided with any employment or rehabilitation opportunities and was any monitoring done for the same? Also, an enquiry would also be made to find out the most common offense in case of the children in conflict with law.
3. To assess the general well being of the children in these homes and understands the dynamics of the relationship of the inmates and its subsequent impact on their mental health. How were these children adjusting themselves in this environment? Was the home environment benefitting them in any respect? And, what was their perception about their entire condition?
4. To ascertain whether the children were being kept separately on the basis of nature of offences and age, in conformity with the provisions with the JJ Amendment Act 2010.
5. To assess the provision and quality of health and medical care in the homes.
6. To assess the availability and quality of educational provisions and understand the degree of learning achievements of these children. And whether such education adequately prepared them to lead a useful life after they left the Home. What was the status of compliance with the Children's Right to Free and Compulsory Education Act 2009 in the Homes?
7. What were the teaching-learning methods (if any) being followed there and what were the specific problems related to these methods of teaching and learning? Was the degree of variation in problems being faced by different children addressed by the teachers?
8. Nutrition being an imperative requirement for development, the study made an attempt to evaluate the children's nutritional levels on the basis of their height and weight.
9. To evaluate the role and functional mechanism of the administrative system towards the care and protection of the children and thereby contributing to the smooth functioning of these homes. Also, an attempt would also be made to assess the current status of the capacity building programme for the care-givers and identify any further areas of need.



10. Rehabilitation and social reintegration of children being the prime objective of any children's home, this study also aimed to assess the current status of these child restoration processes - the weaknesses experienced and the challenges faced together with taking into account the role of the Child Welfare Committee and the Inspection Committee in this regard.

The study was conducted covering thirteen districts of West Bengal. The children living in these homes largely belonged to the underprivileged sections of the society, who had a rural upbringing and were staying at these homes either because of absence of any family or because of household poverty. In many other instances, cases of child marriages and trafficking of children were also recorded, and this gave an idea regarding the diverse nature of children staying together at these homes. Keeping with these objectives, the study was conducted in government and NGO homes and a detailed description of the child protection status has been put forward and recorded in the following chapters.

The study has broadly been divided into the following themes:

1. Profile of the Children in JJ Homes
2. Entitlement to Education and Healthcare of the Children in JJ Homes
3. Life & Experiences of the Children in JJ Homes
4. Social Reintegration and Possible Backlogs
5. Resource Allocation

Discussion covering each particular theme has been done under each chapter putting forward a distinct picture of the status of overall child protection and the condition of the children in these homes.

Conclusions and Recommendations

Conclusion

The survey and post-survey analysis of child protection status of the fifteen Juvenile Justice homes spread across the state of West Bengal suggests in so many ways, how rights of the child residents staying at these homes are under trial. Be it nitty-gritty of everyday life or specialized education and healthcare, there lies a gap between what the Juvenile Justice Act states and the implementation of the same at the homes. The authorities and care givers should primarily aim at bridging this cleavage to ensure quality life for the children.

But mechanical implementation of the Act would not solve the problem alone; the homes require to be staffed with sensitive and capable personnel who can turn these homes into a caring child friendly institution from indifferent shelters. A social welfare officer and counselor must be in position in every home in order to understand and deal with every child and her problem in isolation.

Since every child comes from different background with some kind of anomaly associated with her past, individual child planning should never remain limited to paper but require urgent implementation. Mere categorization of children as JCL and CNCP and treating them likewise lead to mechanization of the process which adds apathy to an already distressed child. Special care should be taken to make the child comfortable in the alien home environment. RtE and right to health care facilities have not been found to be taken with seriousness; this lack of attachment must be addressed urgently.

The children who stay at homes often have scarred pasts. Callous and cruel parenting, poverty, lack of education, absence of family bonding has already shown them the bitter side of the life. Proper counseling facilities can remedy many of these difficulties and help the children discover the sunnier,

positive side of the life and grow up as responsible sensitive human beings. The children charged with under-age marriage and caught in conflict with the law require proper counseling and vocational training which would prepare them for an affirmative adulthood. Moreover during the teenage quite a number of young adults suffer from confused sexual identity which might accelerate due to constant exposure to same sex relationships. Sensitive adults and counselors can solve the adolescent crisis, help them discover their true selves and form healthy relationships. Hence when it comes to these children education, healthcare and counseling should operate hand in hand to ease their way to adulthood.

Finally, restoration and post restoration facilities need regularization. Since the family is the best place for a child to grow up, the higher authorities should make it a point to take each child's problem individually and cut short the meticulous official procedure which puts the child into deeper distress.

In a word, since the entire system works in order to ensure child welfare. It should be mandatory that the system be made child centric as well as child friendly. Every child has a right to basic care and protection which needs to be guaranteed at any cost. Proper implementation of the JJ act coupled with sensitivity on the side of care giving adults should not find this too difficult.

Recommendations

Infrastructural Reforms

1. Suitable child-friendly atmosphere and opportunities for all children. There should be special initiative to develop child-friendly accommodation for the JCL. Basic environmental sanitation and cleanliness needs to be ensured along with complete eradication of the jail/prison like environment in these homes.
2. Separate buildings for the JCLs and CNCP in accordance to the ICPS norms need to be ensured with absolute urgency and immediate effect.
3. Majority of the homes have been found to be unguarded, without any measures for security, leaving the children completely unprotected. A proper security system of the homes requires to be ensured, round the clock for total security of the children.

Functional Improvements

4. Significant emphasis on education for JCLs required. The issue needs to be discussed with the School education Department to ensure these children's right to education.
5. Formation of a functional Home Management Committee seems essential to ensure the participation of the children and CWC. This could be one platform for the coordination among CWC, home authorities and DCPS and home Management committee. A standard operating procedure to supervise family identification and reunification and rehabilitation could be developed.
6. Regarding children from Bangladesh, the Deputy High Commission, Bangladesh and Ministry of External Affairs can be involved to ease and expedite the process of children's repatriation where reunion with the family is possible.

আনন্দ আশ্রমের আবাসিকদের দৈনন্দিন খাদ্য তালিকা				
	প্রাতরাশ	দুপুরের আহাৰ	বিকালের টিফিন	রাতের আহাৰ
সোমবার	মুড়ি, ভেজানো ছোলা, বাদাম	ভাত, ডাল, সবজি	পাউরুটি, কলা	ভাত, ডাল, সবজি
মঙ্গলবার	মুড়ি, গুড়	ভাত, ডাল, সবজি ও মাছ	পাউরুটি, কলা	ভাত, ডাল, সবজি
বুধবার	মুড়ি, ভেজানো ছোলা, বাদাম	ভাত, ডাল, সবজি	পাউরুটি, কলা	ভাত, ডাল, সবজি ও ডিম
বৃহস্পতিবার	মুড়ি, গুড়	ভাত, ডাল, সবজি ও মাছ	পাউরুটি, কলা	ভাত, ডাল, সবজি
শুক্রবার	মুড়ি, ভেজানো ছোলা, বাদাম	ভাত, ডাল, সবজি	পাউরুটি, কলা	ভাত, ডাল, সবজি ও ডিম
শনিবার	মুড়ি, গুড়	ভাত, ডাল, সবজি ও মাছ	পাউরুটি, কলা	ভাত, ডাল, সবজি
রবিবার	মুড়ি, ভেজানো ছোলা, বাদাম	ভাত, ডাল, সবজি ও মাংস	পাউরুটি, কলা	ভাত, ডাল, সবজি



7. Cases that deal with underage marriage require empathy. Proper counseling sessions need to be arranged for these minor girls. Rather adequately designed psychological interventions based on the mental status of all the children need to be initiated in all Homes. In this respect, a possibility of an association with the department of psychology of the various universities can be initiated.
8. The SJPU's need to be activated and made functional through orientation and training. Supportive hand holding may also be organized during the initial period.
9. Financial constraints have been cited as one of the reasons for not ensuring timely treatment of the children. It should be ensured that public health facilities be made available for catering the medical needs of the children as and when required. Furthermore, regular medical check-ups of the children also need to be initiated following ICPS norms.

Training and Orientation

10. Recruitment of staff and training of existing personnel need to be taken up with extreme urgency. Possibilities of giving preference to the ex-inmates of the homes during recruitment might be explored. There should be proper training for the caregivers on child rights, psychosocial support to children and on sex and sexuality.
11. Vocational training based on present market needs and child's interest requires to be designed which can play a role in mainstreaming of the children. The design of the training schedule should be home-specific, if possible, catering to the needs of each individual home and its children.
12. Sanitary needs of the adolescent girls should be catered to. Vocational training can enable preparation of sanitary products for usage of the girls.

Planning Priorities

13. As 50 percent of the children staying in JJ homes has families with parents and siblings, the Superintendent of the Government homes could undertake family investigation report to understand the feasibility of reunification. The state level Inspection and Monitoring Committee of the Homes can recommend family strengthening of the reunified children linking them up with the social security and livelihood programmes.
14. The study reveals that the amount being allotted for food as per the prescribed norms do not match the prevailing market price. The amount needs to be enhanced or supplemented from other sources such as donations from philanthropic institutions or corporate sector.
15. After-care homes exist in very limited numbers in the state which requires to be increased with immediate effect. Further on, the duration of stay at these after-care homes (which is 3 years – from 18 years to 21 years) also needs to be reexamined considering the vulnerability of their age. Moreover, this issue calls for an absolute rethinking with respect to exit policy of the children.
16. Civil society support in Government homes could be channelized through a centralized system at State Level: committee could allow permission to work in Govt. homes with regard to sharing of their objectives, resources and interventional model to avoid duplication of work.
17. Since each child has her own individuality and uniqueness, emphasis needs to be put on developing specific child-centric plans rather than collective methods.

List of Sampled Juvenile Justice Homes

Sl. No.	Category of JJ Home	Name of Home	District
1.	Government	Ananda Ashram (M)	Murshidabad
2.	Government	Sukanya (F)	Kolkata
3.	Government	Destitute Home Uttarpara (F)	Hooghly
4.	Government	Vidyasagar Balika Bhavan (F)	Paschim Midnapore
5.	Government	Anandamath (F)	Purulia
6.	Government	Sahid Bandana Smriti Mahila Abas (F)	Coochbehar
7.	Government	Korak, Observation and Juvenile Home for Boys (M)	Jalpaiguri
8.	Government	Suvayan (M)	Dakshin Dinajpore
9.	Government	Dhrubashram (M)	North 24 Parganas
10.	NGO	ANUBHAB – Jalpaiguri Mahila Kalyan Sangha (F)	Jalpaiguri
11.	NGO	Karimpur Social Welfare Society – Asha (M)	Nadia
12.	NGO	Janasiksha Prochar Kendra – (F)	Hooghly
13.	NGO	Malipukur Samaj Unnayan Samity (B)	Howrah
14.	NGO	All Bengal Women’s Union (F)	Kolkata
15.	NGO	HASUS - Alo Home for Girls	South 24 Parganas

