

**Status of Child Protection at Juvenile Justice Homes  
in West Bengal**

A Study

By

**Pratichi Institute**

Pratichi (India) Trust

IB 14, Ground Floor, Sector III, Salt Lake, Kolkata 700106

**January 2014**

In Association with

**Railway Children**

Flat 801/802, Valmik CHS Ltd, Sane Guruji Nagar, 90 Feet Road, Mulund (East),

Mumbai 400 081

With the support of

**State Level Inspection & Monitoring Committee, Department of Social Welfare  
Govt. of West Bengal**

Jal Sampad Bhawan, Sector II, Salt Lake

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### **Logistical Support**

SAUMIK MUKHERJEE, SUMANTA PAUL, PIULI CHAKRABARTY AND  
SUJIT ADHIKARI

## **Acknowledgement**

- Amartya Sen, Chair, Pratichi (India) Trust
- Antara Dev Sen, Managing Trustee, Pratichi (India) Trust
- Dinesh K. Bhat, Pratichi (India) Trust
- K. Gopalan Kutty, Pratichi (India) Trust
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- CINI Urban Unit
- Don Bosco Ashalayam
- Prajaak
- CONC’RN
- All the concerned home authorities, personnel and especially the children
- Entire Pratichi team and Field Surveyors

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## **List of Abbreviations**

BMI	: Body Mass Index
CNCP	: Children in Need of Care & Protection
CWC	: Child Welfare Committee
CWSN	: Children with Special Needs
DCPS	: District Child Protection Society
ICPS	: Integrated Child Protection Scheme
JCL	: Juvenile in Conflict with Law
JJ Act	: The Juvenile Justice Care & Protection of Children Act, 2000 with Subsequent amendments in 2006 and 2010
JJ Home	: Juvenile Justice Home
JJB	: Juvenile Justice Board
NGO	: Non Government Organization
RtE	: Right to Education Act
SCPS	: State Child Protection Society
SJPU	: Special Juvenile Police Unit
SPSS	: Statistical Package for Social Sciences

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## 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 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 follow-up 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 reproved 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.

## Chapter 1

### Background Information

The concept of Juvenile Justice System connotes a major departure from the traditional criminal justice system. In India Juvenile justice system began and developed as an off shoot of criminal justice system, but the scheme of the J.J. Act clearly shows that it has completely severed its ties with the criminal justice system. The Juvenile Justice Act for Care & Protection of Children (JJ) passed in the year 2000 in the country took a broader view and came out with protection measures for juvenile in conflict with law and “child in need of care and protection”. This Act was further amended in 2006 to make it more responsive to the needs of the rights of the children at large. It is underpinned by the legal philosophy that juveniles lack the physical and mental maturity to take responsibility for their crimes, and because their characters were not fully developed, they still have the possibility of being reintegrated back into the society. The Act further puts forward clear guidelines for the care, protection and treatment of the neglected child by catering to their development needs, adopting a child-friendly approach in their matters and for their ultimate rehabilitation back into the society. The Act clearly states that every action taken should be in the best interest of the children. These basic principles underlie the juvenile justice systems in many countries, particularly in the west.

Under this Act, children are categorized into two:

- Juvenile In Conflict with Law (JCL)
- Children in Need of Care & Protection (CNCP)

Children held in custody for some offence or violations of law are categorized as JCL. Street and working children, orphaned, abandoned, destitute, missing, run-away or trafficked, abused, tortured and victims of sexual exploitation, children indulged in substance abuse, affected and infected by HIV/AIDS, caught in conflict and disaster situations, differently-abled and those suffering from terminal/incurable diseases are all considered under the category of CNCP.

In this context, it needs to be recognized that categorizing children under varied nomenclatures does not abort their fundamental emotional requirements of care and affection. A child who is termed “JCL” is also as much in need of care and protection as the child categorized as a “CNCP”. However, under the burden of hefty “nomenclatures”, this basic fact often remains neglected and results in severely negative impact over children.

The child offenders or JCLs are first sent to an **Observation Home** for their temporary reception during the course of inquiry. Once the child comes in conflict with the legal

process, he/she is sent to a **Special Home** for the restoration & rehabilitation of the child. Matters of JCL are heard by Juvenile Justice Board (JJB) which has a Principal Magistrate as the head.

In case of CNCP, **Shelter Homes** function as drop-in centres for the emergency reception of such children. Thereafter they are sent to a **Children's Home** for their care, protection, treatment, education & rehabilitation. Matters of CNCP are heard by CWC or Child Welfare Committee. Together with these a Special Juvenile Police Unit is supposed to operate in every police station. The second officer of every police station is to function as a Special Child Welfare Officer.

Thus, the Juvenile Justice (Care and Protection of Children) Act, 2000 [JJ Act] is the primary legislation for children in difficult circumstances which provides for care and rehabilitation of children in conflict with law and children in need of care and protection (including orphans) by providing for proper care, protection and treatment by catering to their developmental needs. The Ministry of Women and Child Development is implementing a Centrally Sponsored Scheme, the Integrated Child Protection Scheme (ICPS) to support the services envisaged under the Act for these children. Under ICPS, financial assistance is provided to State Governments/UT Administrations.

Integrated Child Protection Scheme is a comprehensive programme introduced in 2009-10 by the Government of India to bring several existing child protection programmes under one umbrella with improved norms. The Scheme incorporates other essential interventions, which aim to address issues which were, so far, not covered by earlier schemes such as highlighting community's role for ensuring a child's development through civil-society partnerships, recognizing the role of voluntary organizations and local authorities etc. It is based on the cardinal principles of "protection of child rights" and the "best interest of the child".

The Government Of West Bengal in pursuance of Rule 63 of the West Bengal Juvenile Justice (Care & Protection of Children) Rules, 2009, constituted a State Level Inspection and Monitoring Committee of Homes, for a period of three years to visit the Homes and oversee their day to day functioning and to give suitable instructions for implementing the provisions of the said Act and Rule.<sup>1</sup> The committee welcomed the initiative of Pratchi Institute and Railway Children to conduct a sample-based study of the overall functioning and status of child protection mechanism in these shelter homes.

The broad aims of the study were:

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<sup>1</sup> Vide GO No 464/SW/O/JJA-33/12 dated 01 January, 2013 of the Department of Women and Child Development, Govt. of West Bengal



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 infrastructural 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.

## Chapter 2

### Study Methodology

The study, dealing with an assessment of the child protection status and child handling mechanism, followed stratified random sampling method for selection of the Juvenile Justice (JJ) Homes. The criteria of stratification were decided such that the homes should be spread across the districts of the state and not one of the districts should be repeated. However, the state did not have JJ Homes in all districts (such as Birbhum, Bardhaman, Malda and Bankura)<sup>2</sup>. Hence more than one Home was selected for two districts, namely Kolkata and Hooghly. The study has covered 15 homes (both Government & NGO) under its purview (See the list in Annexure 4). Since our society has a tendency to show a discriminatory approach to its girl child, a conscious effort was made to select more girls' homes during the sampling process so as to develop our understanding regarding any possible biasness portrayed by the society at large.

Table 2.1: Number of Sampled JJ Homes

Govt. homes			NGO Homes			All		
Boys	Girls	All	Boys	Girls	All	Boys	Girls	Total
4	5	9	2	4	6	6	9	15

Interview method was followed for data collection and the interview schedules were prepared through long in-house discussions and a workshop involving the different partners working for child protection and some government officials.

In every home, the superintendent was interviewed with a questionnaire; also the research team interacted with him/her informally to gather their views concerning this issue. Ten children of various ages, belonging to both category (JCL and CNCP) were selected randomly and interviewed. Thus, a total of **150 children** (90 children from Govt. Homes and 60 children from NGO Homes) were interviewed from all the sampled homes. Following these, the heights and weights of all the children were noted down in order to assess their nutrition levels. Information about every child staying in these homes was recorded for the purpose of creating a child profile based on an aggregation of the required information about the children.

<sup>2</sup> Malda, Nadia & Bardhaman has Shelter Homes but no Observation, Special or Children's Home.

Data entry was done in MS Excel format. SPSS and Excel software were used for analyzing the data.

The specific objectives of the study were as follows:

- a) To study the profile of the children.
- b) To understand existing policies and guidelines for managing homes under JJ Act.
- c) To understand budgetary allocation and its utilization in the last five years.
- d) To understand the infrastructure facilities available to ensure child protection in Homes.
- e) To understand the implementation of RTE act in Homes.
- f) To understand the process of reunification, follow up and aftercare facilities.
- g) To offer recommendations for Government and non-Government organization to strengthen Child protection mechanism at Homes.

In the following chapters, a detailed description of the findings and analyses with regard to the objectives described above is provided.

## Chapter 3

### Profile of the Children in JJ Homes

Before we start probing into the lives of the children who live in these homes, it is important that we draw a clear idea about their identities and the causes that lay behind their separation from their families and community at large. The Juvenile Justice Act of 2000 generally categorizes these children into - **Juvenile in conflict with Law (JCL)** and **Children in need of care & protection (CNCP)**. The children who are believed to have committed some offence are categorized as JCL. Street children and child labourers, orphaned, abandoned and destitute children, missing, run-away or trafficked children, children who are abused, tortured and victims of sexual exploitation, children indulging in substance abuse, children affected and infected by HIV/AIDS, children in conflict and caught in disaster situations, differently-abled children and children suffering from terminal/incurable diseases are all considered in the category of Children in Need of Care and Protection or CNCP.

Following this broad categorization, our attempt was to find out more about these children's background, probable reasons for staying at these homes and other possible factors that forced them in staying in the homes

*Identity:* The children's identity could begin with their genders. About 60 percent of the total children sampled were girls while the rest were boys.

Table 3.1: Gender Break-up of the Children – (%)

(1) Gender	(2) Govt. Home	(3) NGO Home	Sample Size (N)
Boys	44	33	50
Girls	56	67	100
Total	100	100	150

Enquiry revealed that almost 50 percent of the children had a family with parents and siblings. Five percent of the children informed that they had no family or adult kin to provide them shelter.

Table 3.2: Family Details of the Children – (%)

(1) Family Members	(2) Govt. Home	(3) NGO Home
Parents & Siblings	41	63
Only Mother	13	13
Only Siblings	12	2
Joint Family/Other Relatives	21	3
No One	2	8
Others	10	10
Sample Size (N)	90	60

As regards the nationality of the children almost 67 percent of them were found to be Indians, primarily from the state of West Bengal and about 15 percent of Bangladeshi origin. The table below provides information regarding the nationality of the children interviewed.

Table 3.3: Nationality of the Children – (%)

(1) Home	(2) Nationality of Children					Sample Size (N)
	Indian	Bangladeshi	Others	Don't Know	Total	
Govt.	66	24	2	8	100	90
NGO	90	2	0	8	100	60

Interestingly, 24 percent of the children in the Government homes were Bangladeshi nationals. In the following section, an attempt has been made to connect the reasons behind children from structured families as well as from a foreign country staying at these homes.

*Probable Reasons for staying in “homes”*: Findings obtained through extensive and in-depth interviews of both children and authorities reveal three major reasons behind these children’s staying in the homes:

- Poverty
- Education
- Parental Absence/isolation or negligence

Chart 3.1: Reason for staying at J.J Homes – Children’s Perspective (%) (Responses not mutually exclusive)

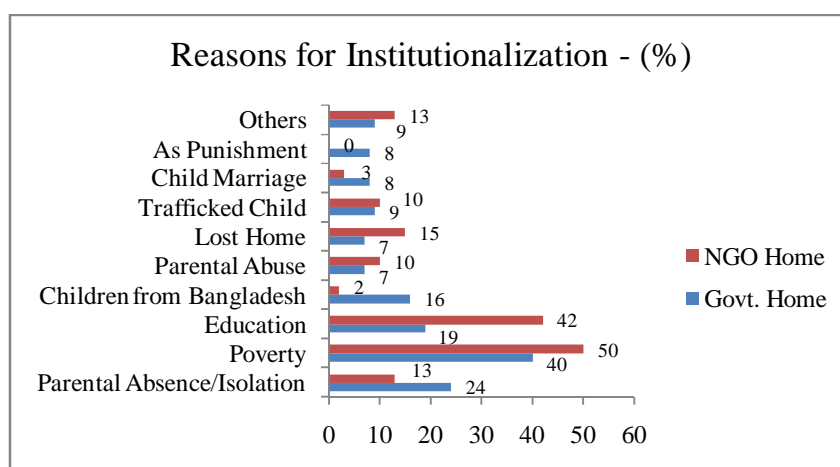


Table3.4: Reasons for staying in homes - Authority's Perspective (%) (Responses not mutually exclusive)

(1) Sl. No.	(2) Reasons	(3) Govt. Homes	(4) NGO Homes
1	Separation of Parents	11	33
2	<b>Poverty</b>	<b>78</b>	<b>83</b>
3	<b>No one ready to take care of child in parent's absence</b>	<b>56</b>	<b>50</b>
4	Criminal behaviour of Parents	0	0
5	Death of Parents	22	17
6	Abuse by Parents/Guardians	11	33
7	Peer Group Influence	0	0
8	Lost Home	44	17
9	Homeless	11	50
10	<b>Trafficked Child</b>	0	<b>67</b>
11	Serious ailment/health concerns	0	0
12	<b>Education</b>	<b>78</b>	33
<b>Sample Size (N)</b>		90	60

Poverty (78% in Government and 83% in NGO run Homes) and education (78% in Government and 33% in NGO run Homes) seemed to be the predominant reasons behind the children's staying in homes. While absence of any family attachment figure or isolation from parents also contributed much towards children's confinement in these homes, 16 percent (Chart 3.1) of the children staying in the government homes had illegally emigrated from Bangladesh.

Unfortunately the child trafficking racket continued to exert its impact in the form of luring young children with false promises of employment and then subjecting them to severe torture and exploitation. A significant section of the children had been associated with some kind of employment before coming to these homes (Table 3.5). According to the authorities and the children, this was a major reason behind keeping the trafficked children in the homes who were not accepted by their families on many occasions.

Table 3.5: Associated with Child Labour Previously – Children's Perspective (%)

(1) Home	(2) Child Labour		Sample Size (N)
	Involved	Not Involved	
Govt.	34	66	90
NGO	23	77	60

Careful observation of the chart given above showed that along with child trafficking, underage marriages also emerged as a possible reason behind staying in the homes as pointed out by children. Eight percent of the girls in government homes and three percent in NGO homes were forced to stay at homes because they got married against their family's wishes.

### Box 1

#### Difficulties of under-age married adolescent

Mala (name changed – a CNCP girl in an NGO Home) was adamant---she was just not ready to talk about her family. She did not even want to attend school. It required quite a great deal of effort by the interviewer to gain her trust and out came her words mingled with all possible kinds of human emotions. She was studying in Standard IX in her village school where she had met a boy and fallen in love. For a 15 year old girl, it was just another feeling that comes at such a sensitive juncture of life. However, once her father got to know about it, all hell broke loose. The boy belonged to a lower caste and having any sort of relationship with them was blasphemy. Her family immediately decided to marry her off to a suitable groom of their choice. Mala revolted. A bright student, she left school and eloped with her lover and got married. Her family reported to the police and both of them got arrested – the boy, since he had crossed 18 years, was jailed and she was brought here. Mala was fuming – *“If we do it, its child marriage and when my father asks me do the same, there is nothing wrong with it? I will never go back to them again”*

The underage married girls were considered high-risk by the authorities, hence kept locked almost round the clock. Since these girls were not allowed to contact anybody other than their parents, they were found waiting to turn 18 when they could reunite with their husbands. These adolescent girls were found wearing all possible signs of marriage and keeping themselves busy with the various rituals that come along with their marital status.

Another significant percentage of children living in these homes were accidentally separated from their families and seemed hopeful about returning to them. Separation from their families and other reasons constituted some of their primary concerns which will be analyzed in the next section.

*Major Concerns or Anxieties of the Children:* A good proportion of the children staying in these homes were found worried about their future. When inquired whether they would be able to earn a living once they were out, with the education they were receiving at these homes, about 56 percent residing in government homes replied with a clear “I don't know”, 12 percent with a confident “No” and only 32 percent with “Yes”. The picture reverses itself in case of the NGO run homes, where a majority – 70 percent of children reported with a confident “Yes” regarding their prospect of getting established in later in life.



Table 3.6: Children's Major Concerns - (%) (Responses not mutually exclusive)

(1) Concerns	(2) Responses	(3) Govt. Home	(4) NGO Home
Able to Get Established	Yes	32	70
	No	12	2
	Don't Know	56	28
Major Anxieties	<b>Separation from Family</b>	<b>52</b>	<b>47</b>
	<b>Quality of Education</b>	<b>33</b>	<b>30</b>
	Vocational Training	8	2
	<b>Future</b>	<b>53</b>	<b>57</b>
	Separation from Husband	7	3
	Others	6	12
<b>Sample Size (N)</b>		90	60

Children from the NGO homes replied affirmatively when asked about their getting established in life, yet, like the children in government homes they were also found to be apprehensive about their future. The children were also found worried about being kept separated from their families. They were found anxious about the quality of education imparted to them at these homes as well. Perhaps it was the quality of education imparted which failed to provide the children with the much needed self confidence required to establish themselves in life once they were out of the homes after attaining adulthood. Concern was also expressed over the quality of vocational training as these training sessions also went a long way in helping them find employment thereby accelerating their rehabilitation process.

With reference to the discussion in the previous section on underage marriage, seven percent of the children in the government homes expressed severe anxiety with regards to separation from their husbands.

*Probable Reasons for Coming In Conflict with Law:* Detailed conversation with the authorities and home personnel revealed that poverty and lack of education had been the causes behind anti social behavior of the children. Moreover lure for a perceived better lifestyle—led by the affluent sections of the society-- contributed to it. However rather than coming in contact with law due to behavioral problems that demanded reformation, some of the sampled children appeared to be victims of crime committed to them (as can be observed from Table 3.8). Victims of sexual offence, trafficked children, and children of criminal offenders were being made to stay at the JJ homes.

Table 3.7: Reasons for Coming in Conflict with Law – Authority’s Perspective (%)  
(Responses not mutually exclusive)

(1) Homes	(2) Reason for Coming in Conflict with Law						Sample Size (N)
	Poverty	Lack of Education	Peer Group Influence	Lure of Perceived Better Life	Political Unrest	Lack of Family Attachment	
Govt.	78	56	11	22	0	11	34
NGO	11	11	11	0	11	0	3

Table 3.8: Common Offenses of JCL - Authority’s Perspective (%)

(1) Home	(2) Common Offenses of JCL							Sample Size (N)
	Victim of Sexual Abuse	Children from Bangladesh	Underage marriage	Trafficked Child	Rape Accused	Criminal Behaviour of Parents	Stealing	
Govt.	12.5	37.5	25	0	12.5	12.5	0	34
NGO	0	0	0	0	0	0	100	3

The obtained data clearly indicated that a good proportion of the children staying in these homes were from the neighbouring country who had immigrated without any official document. Majority among the JCL (Juvenile in Conflict with Law) category comprised these illegal immigrants. When inquired further on this issue, it was observed that the young children of Bangladesh were particularly bent upon visiting India which to them was somewhat like a land of promises – a place for fulfilling all their dreams. One staff member of a government home said, “*Bangladesher chelera onek beshi shahoshi amader ekhaner cheleder tulonga!*” (*Bangladeshi children are much more daring and adventurous in comparison to the Indian children!*)

## Box 2

### Unauthorised immigration from Bangladesh

One staff personnel of a Government Home shared a story about a boy from Bangladesh who had been sent to this particular home for the third or fourth time. This boy – about 15 or 16 years of age just likes to roam about and visit places in India. He had confided in a particular staff that no one can stop him from touring the whole of India! He has already visited Delhi, Agra, Mumbai, Punjab and now he plans to visit the South of India. Every time he gets caught he is sent to some shelter home, from where he escapes and resumes his journey.

After having developed a brief idea regarding the identities of these children, we shall focus on the basic rights concerning the proper development and functioning of any individual--- education and basic health care---- in the following chapter.

## Chapter 4

### Entitlement to Education & Health of the Children of JJ Homes

*Education:* Since quite a number of children spent a greater portion of their journey towards adulthood in these homes and thus the crucial nature of the implementation of RtE Act (Right to Free and Compulsory Education Act 2009) was expected to be recognized.

However, discussion with the authorities and close study of the home environment made it absolutely clear that educational facilities in the proper sense existed only for the CNCP. The JCLs did not receive the benefit of education during their stay at the homes. The CNCP were sent to schools outside the home premises while the JCL were kept back since it was believed they might escape if sent outside. Forty five percent of the respondents reported that the JCL and CWSN (Children with Special Needs) did not attend school.

Table 4.1: Education - Authority's Perspective (%) (For Col. 3: Govt. Home: N=3, NGO=1)

(1) Homes	(2) About children's attending schools				(3) Reason for stress on Informal Education at Premise		(4) Whether vocational Training Sessions carried out		
	Yes	Informal Education within premise	JCL & CWSN not allowed	Not Interested	Attempted Escape	Don't Like Formal Education	Yes	No	Irregular
Govt.	22	33	45	0	67	33	67	11	22
NGO	67	16	0	17	100	0	83	17	0

Table 4.2: Schooling and Education – Children's Perspective (%)

(1) Schooling	(2) Responses	(3) Govt. Home	(4) NGO Home
Attend School Daily	Yes	54	80
	No	32	18
	Informal Education within premises	14	2
Reason for not attending School	Authorities do not allow	76	82
	Don't like attending school	17	18
	Don't like informal education	7	0
	Sample Size (N)	29	11

About 76 percent of both categories of children in the government homes had responded that they were not allowed to attend school. It was found that informal education imparted at the home premises did not interest the children much yet it provided them with an opportunity to

come out of the rooms or dormitories. Many children who were imparted education through informal means expressed a certain lack of interest. Many of the children had studied in higher classes while they were staying with their families hence found it difficult adjusting in lower classes.

This study did not extend its scope to examine homes for Children with Special Needs (CWSN) however such children with special needs were found staying in most of them. CWSN were found in 78 percent of the government homes while in case of the NGO homes it was 50 percent.

Table 4.3: Children with Disability & Associated Therapy (For Govt. Homes, N=7 & for NGO Homes, N=3)

(1) Type of Home	(2) CWSN (Psychological) (%)	(3) CWSN (Physical) (%)	(4) Presence of Special Educator (in No.)		(5) Routine Psychometric Tests (in No.)	
			Yes	No	Yes	No
Govt. Home	13	8	0	7	2	5
NGO Home	47	2	2	1	2	1

Staff shortage at homes and inability of the existing staff to associate with the residents in a child friendly way seemed to have aggravated the situation. It was found that not one of the government homes had a special educator – a primary necessity for training these children; therefore the children’s education lacked suitable timely interventions, routine therapy and counseling sessions.

*Vocational Training Sessions* have an extremely important role in the lives of the children staying in these homes since it provides them with an opportunity to develop their potential and paves the way for future employment and social rehabilitation. However, vocational training sessions conducted at the homes lacked suitable structured planning. The interest and aptitude of the child and the needs of the market were seldom taken into account before designing the vocational trainings. In most of the government homes, these sessions were irregular and conducted with the support of some non-government organizations.

Table 4.4: Vocational Training – Children’s Perspective (%)

(1) Vocational Training	(2) Responses	(3) Govt. Home	(4) NGO Home
Like the Training	Yes	56	88
	No	39	7
	Sometimes	1	3
	Others	4	2
Desire to Learn Something Else	Yes	39	33
	No	31	42
	Don’t Know	29	22
Interested in Learning	Tailoring	17	10
	Computer Course	26	45
	Singing, Dancing & Painting	29	40
	Others	29	5
	Sample Size (N)	35	20

The fact that children took these vocational training sessions quite seriously could be understood from the fact that approximately 40 percent of the children in government homes and about 33 percent in the NGO homes had expressed their desire to learn some skill other than the ones (if any at all) being taught at their respective shelter homes. Tailoring, computer classes, music, dancing and painting appeared to have attracted the children most.

The children attending schools needed some academic support with their lessons at home which were met inadequately with only one or two teacher having to guide children of various ages and level of education. Text books were not in adequate numbers and almost everywhere availability of free textbooks for the children depended on some kind of rapport with the government machinery and the home authorities. In other words, rather than being systematically automatic arrangement it seemed to depend on individual’s capacities. Thus, the rights of these children to free and compulsory education along with free textbooks and several other benefits kept getting violated on a regular basis.

### Box 3

#### Positive vocational guidance

In one of the Government Homes, it was observed that the Superintendent had involved the children in gardening and had been successful in producing a huge lot of vegetables. The garden had previously remained underutilized and the superintendent’s initiative had resulted in generating enthusiasm among the children. The superintendent had also helped some of the ex-inmates to get job as a gardener in some farm-houses round the city.

*Health:* Responses and observation on health care---a centrally important child right issue--- did not give any positive impression. Although, majority of the children answered

affirmatively when inquired about the quality of food served to them at the homes, nearly one third clearly stated their dislike of the food served. The responses however were grossly subjective as it was heavily influenced by the socio-economic background of the children, vulnerability to hunger, subsequent helplessness and restricted choice which had influenced their feeding habit in such a manner that the quantity of food was taken to be synonym of quality. In other words, absence of a comparative choice made them accept the food uncomplainingly.

In one particular government home, a child involved in cooking reported that the taste of the food was either very salty or completely tasteless: apart from salt, no other spice was provided to them for cooking the food. Repeated complaints resulted in an increase in the amount of salt put in the food. The children had to eat this food on a daily basis. Their opinions just did not matter. Complaints were filed on the grounds of low fund allotment for food. A child asked *“If the government wants us to stay happy and healthy, then why is the fund allotted for our food less? Don’t we feel hungry or can’t we expect to have tasty food?”*

Table 4.5: Quality of Food – Children’s Perspective (%)

(1) Food Quality	(2) Responses	(3) Govt. Home	(4) NGO Home
Like the food	Yes	48	88
	No	29	0
	Sometimes when chicken/egg/fish is served	18	10
	Average	5	2
Opinion taken over daily menu	Yes	30	30
	No	70	68
	Do not Know	0	2
Like to participate in deciding menu plans	Yes	57	40
	No	24	35
	Do not Know	19	25
<b>Sample Size (N)</b>		90	60

As shown in table 4.5, it becomes clear that almost 57 percent of the children in government homes and about 40 percent in NGO homes were inclined to participate in planning the menu. Almost 70 percent of the children from either category had reported that their opinions were never asked while deciding the daily menu. This indicated that despite a greater share of children reported to have liked the food, possibilities of certain discontent could not be rejected.

*Nutritional Assessment of the Children:* Since quality of food has a direct impact over the nutritional levels of the children, the Body Mass Index (hereafter BMI) of the children were calculated to develop an idea with regard to the overall health condition of the children living at these JJ homes.

BMI provides a good indicator for levels of body fat: a BMI that is either too low or high is associated with an increased risk of ill health during childhood as well as later life. It is relatively quick and easy to calculate and as a result, is used for population surveys and by health professionals when assessing individual's health irrespective of adults or children are obese, overweight, underweight, or a healthy weight.

However, BMI classification of children is different from that of the adults. The BMI of adults remains relatively constant unless they gain or lose a lot of weight. When classifying the BMI of adults it is therefore possible to use the same categories (also called thresholds, or cut-offs) for defining underweight, overweight or obesity, regardless of the age and sex of the adult. Assessing the BMI of children is more complicated than that of the adults because a child's BMI changes as she matures. Also, these patterns of growth differ in boys and girls. Therefore, to work out whether a child's BMI is too high or low, both her needs to be taken into account. Age and gender specific BMI levels of the children residing in both government and NGO homes vis-à-vis the standard range has been provided in table 4.6.

Table 4.6: Age and Gender Specific BMI levels of the Children

Sl. No.	Age (in years)	WHO Standard Range for Girls (Normal)*	Average BMI of Girls under the survey		WHO Standard Range for Boys (Normal)*	Average BMI of Boys under the survey	
			Govt. Home	NGO Home		Govt. Home	NGO Home
1	6	15.3-16.9	15.43	14.50	15.3-16.7	18.72	13.35
2	7	15.4-17.2	15.48	15.09	15.5-16.9	15.27	15.43
3	8	15.7-17.6	16.68	15.19	15.7-17.3	19.75	14.99
4	9	16.1-18.2	16.73	14.68	16.0-17.8	16.20	15
5	10	16.6-18.9	17.05	15.53	16.4-18.4	16.86	14.31
6	11	17.2-19.8	17.76	16.86	16.9-19.1	16.17	18
7	12	18.0-20.7	16.66	16.81	17.5-19.8	18.88	14.37
8	13	18.8-21.7	17.61	18.46	18.2-20.7	17.14	16.15
9	14	19.6-22.6	18	17.66	19.0-21.7	18.16	15.38
10	15	20.2-23.4	19.09	18.65	19.8-22.6	18.41	17.33
11	16	20.7-24.0	19.16	19.17	20.5-23.4	19.19	17.91
12	17	21.0-24.4	18.34	18.45	21.1-24.2	19.20	16.16
13	18	21.3-24.7	19.65	17.84	21.7-24.8	19.25	17.27

\*Source: World Health Organization Growth Standards for 5-19 years, 2007 Reference, World Health Organization. Link: [http://www.who.int/growthref/who2007\\_bmi\\_for\\_age/en/index.html](http://www.who.int/growthref/who2007_bmi_for_age/en/index.html)



A quick glance at table 4.6 reveals that irrespective of gender, age or type of home, the BMI levels of the children fell below or nearer to the lower end of the standard age and gender specific normal range. While in case of government homes, the BMI levels of the girls for ages 6-11 years fell within the normal range, it was below normal for all the subsequent ages till eighteen. In case of NGO homes, the situation was worse, with the BMI levels of the girls below the normal levels for all the age brackets.

For the boys residing in the government homes, the BMI level met the standard for only three ages (9, 10 and 12 years). It was slightly above the normal tilted towards obesity for two ages (6 and 8 years), while for the rest, they were much below the normal range. The situation was nearly similar for the NGO homes too, where in 85 percent (11 out of the 13 age groups) of the cases indicated lower numbers compared to the set standard for normal or desirable BMI levels.

Further comparison, taking into account the type of the homes, showed that while 54 percent of the children (both girls and boys) fell below the normal range in government homes, the figure was 92 percent for the NGO homes (See chart 4.1).

Chart 4.1: Distribution of girls according to BMI level

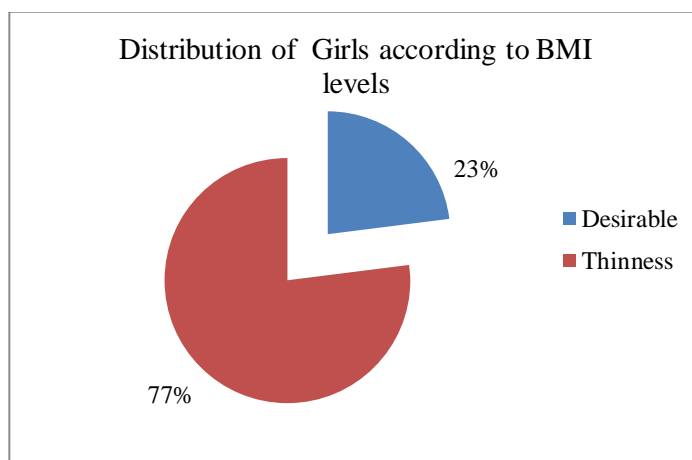
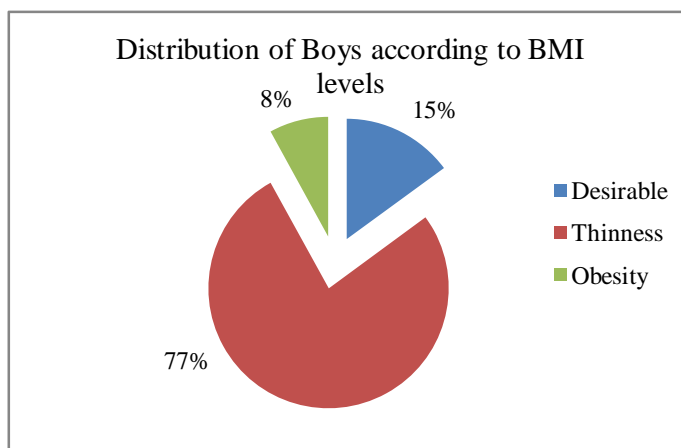


Chart 4.2: Distribution of boys according to BMI level



Gender-wise analyses revealed that merely 23 percent of the girls and 15 percent of boys reached the desirable BMI level. 77 percent of the children fell below the normal range (See chart 4.2).

Thus what emerged from this analysis was that the nutritional levels of the children were far below the desired level in either kind of home. Nowhere were the children provided with the essential nutrition required for their healthy development.

*Medical Check-up:* A monthly health check-up was essential for children who stayed away from their families, in a psychologically disturbed state. However, 67 percent of the government homes reported that there were no medical check-ups for children despite it being mandatory under Rule 45 of Chapter VI of the *West Bengal Juvenile Justice (Care and Protection) Rules 2009*. Exactly 50 percent of the NGO run homes reported that check-ups were conducted twice a month.

Table 4.7: Health Check-up and Availability of First-Aid Kit (%)

(1) Homes	(2) Frequency of Medical Check-up								(3) First Aid Kit Availability	
	Once a year	Once in 6 months	Every 2-3 months	1 <sup>st</sup> time when child comes	Never	Recently begun	Twice Monthly	When child fall sick	Yes	No
Govt.	0	0	22	0	67	11	0	0	89	11
NGO	0	0	0	33	0	0	50	17	100	0

Most of the homes reported having a first-aid kit at their disposal and using it in times of emergency and need.<sup>3</sup>

It was observed in almost all the homes that the children continued to suffer from some or other ailments that remained uncared for in absence of a routine medical check-up system. Skin infection was the most frequently encountered health problem among the children, although it remained unrecorded or poorly recorded in most of these homes. Since all these children stayed together and were mostly made to share their basic toiletries (discussed in detail in the Chapter on Resource Allocation) infection readily afflicted them and untimely or no treatment aggravated the situation.

*Drinking Water and Sanitation:* Source of drinking water plays a key role in individual's health. It was found that most of the children drank water from water purifiers or tube-wells.

Table 4.8: Drinking Water & Sanitation  
(For sanitation, N=5 for Govt. Homes and N=4 for NGO homes)

(1) Homes	(2) Source of Drinking Water				(3) Sanitary Napkin Availability			(4) Sample Size (N)
	Tap Water	Tube-well	Well	Filter	Yes	No	Yes but with shortfalls	
Govt.	33	33	0	34	20	60	20	9
NGO	17	50	0	33	100	0	0	6

Sanitary facilities was another essential health determinant and especially when it came to girls attaining puberty, usage of healthy sanitary products becomes an absolutely necessity. Sixty percent of the government homes reported not to have provided adolescent girls with required sanitary products while 20 percent reported to be providing it infrequently.

Table 4.9: Availability of Sanitary Napkins – Children's Perspective (%)  
(Only for Girls' Homes)

(1) Regular Availability	(2) Govt. Home	(3) NGO Home
Yes	22	53
No	78	45
Insufficient Quantity	0	2
Sample Size (N)	50	40

<sup>3</sup> Vide Section 40 (5d) of Chapter VI of the West Bengal Juvenile Justice (Care and Protection) Rules 2009.

On the other hand, 78 percent of the girls in government Homes and 45 percent in NGO run homes reported in the negative when inquired about regular availability of the sanitary napkins. This indifference on the part of the authorities forced the girls to develop unhealthy sanitary habits which had a direct impact on their health and on the overall health of the community as well.

*Addiction:* Since most of the children belonged to vulnerable age brackets and backgrounds, addiction was not something uncommon. The survey inquired about the children's addictions and their source of supply within the home premises. It was a positive sign that majority of the children reported not have had any sort of addiction. However, a smaller percentage reported affirmatively about continuing of the habit.

When inquired about the source of supply, it came to light that the supply of addictive materials reached them once they stepped outside the home premise – either for attending school or for going to court.

Table 4.10: Habit of Smoking & Source of Supply – Children's Perspective (%)

(1) Smoking	(2) Responses	(3) Govt. Home	(4) NGO Home
Habit of Smoking/Drinking	Yes	17	5
	No	83	95
Source of Supply	While going to Court	53	0
	While going to School	27	67
	Through home staff, relatives, others	20	33
	Sample Size (N)	15	3

More than 50 percent of the children admitting to be addicted reported that they got their supply on the way to court, while a good 20 percent reported to have obtained it with the help of the home staff, their own relatives and other people associated with the home. This indicated that a network that supplied the children with these materials operated within homes, affecting other children as well. These illegal dealing have manifold effects which has been strictly prohibited under the JJ Act.<sup>4</sup> In the following chapters, an attempt will be made to throw light on the living conditions of children in these homes together with the manner in which they come to terms with the situation.

<sup>4</sup> Vide Section 52 of Chapter VI of the West Bengal Juvenile Justice (Care and Protection) Rules 2009.

## Chapter 5

### Life & Experiences of the Children in JJ Homes

In this chapter the discussion will focus on the everyday life of the children in these shelter homes--- their living conditions and experiences. It will further attempt to throw light on their lifestyle patterns and delve deeper into the probable reasons behind their attempts to escape from these homes.

*Life at the homes:* Every home had a pre set daily routine that was more or less similar in nature irrespective of whether it was run by government or an NGO. Each day began around 6 am with early morning prayers, followed by several activities. The day ended with dinner around 8 pm. When enquired whether they liked their stay over there, around 6 percent of the children replied in the affirmative. Around 80 percent of the children reported that they missed going out.

Table 5.1: Miss the outer world – Children’s Perspective (%)

(1) Home	(2) Miss Going Outside			(3) Sample Size (N)
	Yes	No	Sometimes	
Govt.	81	16	3	90
NGO	62	30	8	60

This seems pretty obvious that as nobody – be it a child or an adult – would prefer to remain confined within four walls sacrificing freedom of movement. Perhaps this confinement initiated the beginning of negativity which incited innocent minds towards anti-social activities. These damaging emotions paved the way for plans of their escape which landed them into a whole lot of difficulties. Added to this, presence of illegal networks set up by older adolescents involved in anti-social activities often influenced a child to plan escape from the shelter homes.

Table 5.2: Reasons for Children’s Running away - Authority’s Perspective (%)  
(Responses not mutually exclusive)

(1) Reasons	(2) Govt. Homes	(3) NGO Homes
Freedom	<b>78</b>	<b>67</b>
Employment	44	17
Dissatisfied with home atmosphere	33	0
Lure of a better social life	<b>67</b>	17
Dissatisfied with jail/prison like life	<b>56</b>	0
Unavailability of drugs within home premise	0	17
Child Marriage	0	17
Adventure	0	17

Table 5.3: Runaway Attempts and its Possible Reasons – Children’s Perspective (%)  
(Responses not mutually exclusive)

(1) Runaway Attempt	(2) Responses	(3) Govt. Home	(4) NGO Home
Attempted Escape	Yes	19	17
	No	81	83
Reason for Escape Attempt	Freedom	82	80
	Employment	0	10
	Poor Quality of life & torture at home	6	10
	Lure of a better life	35	0
	Repatriation Process Too Long	6	0
	Reunite with Husband	6	0
	Sample Size (N)	17	10

Careful observation of the tables above indicated that it was primarily the wish to be free – a relief from regimented life --- that motivated the children to run way. Both the children and the authorities felt that desire for freedom and lure of the outside world simultaneously forced the children to attempt escape. Unaccustomed to the regimented lifestyle followed at the homes the children reacted negatively to it. Lack of child friendly environment further added to their misery.

*Condition of the JCL:* In most of the homes, JCL and CNCP were kept together which went against the basic tenets of the Juvenile Justice Act. Though both categories of children stayed together, the JCL were kept locked in one or two separate rooms. These rooms were secluded further by collapsible gates which remained locked throughout the day. Confined to one or two rooms, with nothing much to do often tend to create an environment of loneliness and depression an atmosphere strictly prohibited under JJ Act.<sup>5</sup> Moreover the children and the other home personnel had been heard referring to these rooms as “jail” which made it more depressing for the JCLs.

It was seen that JCLs were neither segregated on the basis of their offence nor on the basis of age of the children. Hence a boy who had mistakenly trespassed from Bangladesh got to stay with children found guilty of certain acts considered by the law to be offensive. Moreover they were not provided with opportunity of education as they were prohibited from attending school on the pretext that they might escape. Unsuitable company often pushed these children

<sup>5</sup> Vide Section 40 (6) of Chapter VI of the West Bengal Juvenile Justice (Care and Protection) Rules 2009.

into anti-social activities. Added to confinement the treatment meted out to them was devoid of any special care. Put inside the four walls where no outsider was allowed to tread, they were left unattended and let out once they complete the sentence period - completely ill-equipped to deal with the outer world - thereby returning to the same state from which they had once been sent to these shelter homes for rehabilitation and social reintegration.

*Child Abuse:* Child abuse has serious physical and psycho-social consequences which adversely affect the health and overall well-being of a child. According to WHO: Child abuse or maltreatment, “constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.”

Keeping with World Health Organization’s (WHO) definition, we tried to inquire about the possible presence of child abuse within the home premise and tried to obtain the authority’s point of view in this context. In-depth interview sessions revealed that abuse – especially sexual abuse was not uncommon in these homes.

Since many of the children belonged to an extremely vulnerable physical and emotional age bracket, they often got involved in misguided relationship bordering on sexual coercion and aggression from the older partner and his followers.

Table 5.4: Child Abuse - Authority’s Perspective (%) (Responses not mutually exclusive)

(1) Child Abuse	(2) Responses	(3) Govt. Home	(4) NGO Home
Cases of Abuse	Yes	67	33
	No	33	67
Kind of Abuse (Sample Size = 6 for Govt. Homes, 2 for NGO Homes)	Physical	67	50
	<b>Sexual</b>	<b>83</b>	<b>100</b>
Mode of Abuse	Raped by other children	17	0
	<b>Misguided deviant behaviour</b>	<b>67</b>	<b>100</b>
	Home-staff takes to quarter	17	0
	Beatings by other children	17	0
Culprits	Other Children	100	100
	Home-staff	17	0
Action by Authorities	Hand-over to police	33	0
	Strict Monitoring & Supervision	83	100

The coercion exercised by the older children can only be dealt with by strict monitoring and supervision which seemed missing. Not that the authorities were unaware of such troubles,

since on occasions, when matter went out of control children either got transferred or handed over to police.

#### **Box 4 Violence Inside**

Anirban (name changed) is a 10 year old who stays in a government home. Police had caught him wandering in the station alone and sent him here over a year back. When asked about what he wants, his simple wish was getting transferred from the second to the first floor. Timid and shaky, after quite a lot of persuasion, he confided that he is subjected to extreme hostility every day. Once the lights are switched off, the senior boys come over, roll him in his blanket and beat him. He has been threatened to silence. Being subjected to extreme violence on a daily basis has reduced him to a stage of total indifference to the entire situation, making him comment “It’s almost nightfall now; have to go upstairs for the session of beatings.”

*Punishment & Torture:* Hand in hand with child abuse, comes physical torture. Physical torture in the form of corporeal punishment was not uncommon at the homes. Since these children were voiceless and the civil society donned a mask of indifference towards them, they remained at the sympathy of the home personnel.

As one child reported, “even when I do nothing, the matrons scold me mercilessly. Sometimes they even slap me hard for no fault of mine. I do not like staying here”. Twenty-one percent (table 5.5) of the children staying in government homes had reported to have experienced punishment. However, there remained an element of doubt regarding the other 66 percent who had reported against any such experience of punishment, especially since in almost all cases, functionaries kept moved in and out at the time of interview, not allowing the children be interviewed in complete privacy. Punishments ranged from keeping the child confined in rooms, to extreme beatings.

Table 5.5: Punishment Encountered – Children’s Perspective (%)

(1) Punishment	(2) Responses	(3) Govt. Home	(4) NGO Home
Punished Ever	Yes	21	8
	No	66	67
Kind of Punishment	Simple scolding	13	25
	Locked in rooms	5	20
	Excessive Beatings	37	20
	Slaps	21	40
	Sent to own residence for 3 months	11	0
	Others	26	20
	Sample Size (N)	19	5
Reason for receiving punishment	Nothing Serious	42	80
	Fought with other children	32	0
	Others	26	20



Most of the children reported that the kind of punishment came in the form of beatings which was more prevalent in the boys' homes. Corporal punishment has been prohibited by the law and is illegal. However, these children were subjected to violence and abuse without any outsider knowing it.

Table 5.6: Experience of Torture – Children's Perspective (%)

(1) Torture Experience	(2) Responses	(3) Govt. Home	(4) NGO Home
Experienced Torture	Yes	27	7
	No	73	93
Culprits	Other/Senior Children	71	100
	Home personnel	29	0
	Sample Size (N)	24	4
Informed Authorities	Yes	46	50
	No	54	50
Steps taken by Authorities	Scolded culprits	46	50
	Nothing as such	45	50
	Transferred culprits elsewhere	9	0
	Sample Size (N)	11	2
Reason for not informing Authorities	Will Experience more torture	100	0
	Others	0	0

As explained above, the same story gets repeated for experience of other kind of aggressions in different labels and nomenclature. Finally it's the child whose basic right was violated and who lived a life marked with scars and bruises.

*Child Deaths & Suicides:* Absence of basic awareness regarding child rights approach was observed in all these homes. In none of the homes visited, any document that highlighted the rights granted by our constitution or the Convention of Rights of Children, to the children was displayed. It is a general pattern of our society not to pay attention to the children's opinion. On the other hand neither are the children equipped or confident enough to report the abuse and express their requirements freely.

In this study, we tried to obtain both the authority and the child's perspective on the possible reasons for child deaths. The findings are tabulated here (table 5.7 and 5.8).

Table 5.7: Children Deaths & Possible Reasons – Authority's Perspective (%)  
(Four Govt. Homes and 3 NGO homes have reported deaths.)

(1) Home	(2) Child Deaths		(3) Reasons for Deaths		
	Yes	No	Poor Health Condition	Killed by Other Children	Sample Size (N)
Govt.	44	56	75	25	4
NGO	50	50	100	0	3

Table 5.8: Children Deaths &amp; Their Probable Reasons – Children’s Perspective (%)

(1) Children Deaths	(2) Responses	(3) Govt. Home	(4) NGO Home
Heard of any child suicide or deaths	Yes	16	18
	No	81	82
	Attempted but did not succeed	3	0
Reasons for death	Torture & Abuse	35	0
	Poor health	53	55
	Frustration & Neglect	12	0
	Don’t Know	0	45
	Sample Size (N)	17	11

Despite a low sample size, torture, abuse and poor health had been attributed both by the authorities and the children as possible reasons for suicides and child deaths. In addition, there was little doubt about the fact that these children in the absence of a proper sympathetic, warm and loving environment were often in despair. Frustration and neglect turned them suicidal as a mean of escape: escape from intolerable anxiety, pain, suffering and the problems of life. We need to understand that we are dealing with the lives of children here – in vulnerable states of mind and with almost all odds against them.

### Box 5

#### Corporal punishment and will power

Pooja had been staying in the home as far as her memory went back. Packed with will-power and determination, she promises to become a police officer once she grew up. Reason: Simply to stop all sorts of torture prevalent here at the homes and help return all the children back to their real homes with real families and societal support. We wish her hopes come true.

## Chapter 6

### Social Reintegration and Possible Backlogs

The Juvenile Justice Act has made restoration to family and home the prime objective for any child staying in a shelter home. It accepts the importance of living in a family environment surrounded by a community for a child's complete development of personality. The Act does not merely limit itself to restoration but takes a further leap and emphasizes upon social reintegration and rehabilitation of these children. In an effort to ensure the safety and security of the child it has also made post-restoration follow-up mandatory. In this chapter we will deal with the issues of restoration and rehabilitation measures taken by the authorities and the possible challenges they face. An attempt will also be made to identify the various problem areas experienced by the authorities and the children along with the role of the various coordinating agencies in this matter.

*Restoration & Rehabilitation:* Extensive and in-depth interviews with the authorities of the various sampled homes revealed that restoration procedure as directed by JJ Act and the Integrated Child Protection Scheme (ICPS) needed further attention to overcome the nagging difficulties that harassed children staying at the homes. ICPS guidelines have specific prescriptions for providing aftercare to children brought up in different Homes even after they reach the age of eighteen.<sup>6</sup>

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<sup>6</sup> "The Juvenile Justice (Care and Protection of Children) Act 2000 provides for institutional care for juveniles in conflict with law and children in need of care and protection up to the age of 18 years. However, most of the children in care have nowhere to go once they reach the age of 18 and are discharged from their institutions. In addition, as empirically observed, institutional life does not prepare children well for life outside an institution. They are unable to sustain themselves and are easily affected by negative influences. There is a need to prepare these children to sustain them during the transition from institutional to independent life. The District Child Protection Society shall be responsible for developing an After-care programme. Based on the case to case basis, a JJB/CWC can order placement of a juvenile/child in the after-care programme. The JJB/CWC shall mark a copy of the order to the DCPS for arranging after-care for the juvenile/child as per the guidelines laid down"

Annexure III of the Guidelines states that "DCPS shall identify suitable voluntary organizations that will run such After Care Programmes. These organisations shall formulate an after-care programme for these children for a period of 3 years in accordance with the provision laid down under the Juvenile Justice (Care and Protection of Children) Act 2000 and its rules developed by central and state governments. Some of the key components may include:

- i. Community group housing on a temporary basis for groups of 6-8 young persons.
- ii. Encouragement to learn a vocation or gain employment and contribute towards the rent as well as the running of the home.
- iii. Encouragement to gradually sustain themselves without state support and move out of the group home to stay in a place of their own after saving sufficient amount through their earnings.
- iv. Provision for a peer counsellor to stay in regular contact with these groups to discuss their rehabilitation plans and provide creative outlets for channelizing their energy and to tide over the crisis periods in their lives.
- v. Providing stipend during the course of vocational training until the youth gets employment.

Table 6.1: Restoration Process - Authority's Perspective (%) (Responses not mutually exclusive)

(1) Restoration	(2) Responses	(3) Govt. Home	(4) NGO Home
Restoration in Operation		78	67
Restoration Process (Sample Size (N) = 7 for Govt. Homes, 4 for NGO Homes)	Back to own residence	100	100
	Marriage	11	11
	Sample Size (N)	7	4
Schemes In Operation (Sample Size (N) = 8 for Govt. Homes, 5 for NGO Homes)	Sponsorship	11	0
	Foster-care	11	1
	Adoption	11	0
	Scholarship	0	0
	Others	0	11
	Sample Size (N)	8	5

It can be seen from table 6.1 that 78 percent of the government homes reported having restoration practices in operation: corresponding figures for the NGO was 67 percent. Enquiry on restoration process showed that in either category of shelter homes, the primary mode of restoration was to send the children back to their own homes. Though this action on the part of the authorities seemed commendable, the figures made the issue more complex than it appeared.

In Government homes, the children were sent back to their own residences or family once they attained 18 year of age. As discussed in the previous chapters, poverty and education had been attributed by the authorities as the primary reasons for children staying in these homes of these children. It had also been mentioned that a majority of the children had their own families – with parents and siblings. Hence in most of the cases, the authorities did not need to arrange for any restoration for the child and she returned to her place once she turned adult.

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vi. Arranging loans for youths aspiring to set up entrepreneurial activities.”  
(Ministry of Women and Child Development, Government of India; *The Integrated Child Protection Scheme (ICPS); A centrally Sponsored Scheme of Government – Civil Society Partnership*)

Table 6.2: Desire to Re-unite with their own Families – Children’s perspective (%)

(1) Family Reunification	(2) Responses	(3) Govt. Home	(4) NGO Home
Want to go back own home	Yes	52	37
	No	7	15
	Don't Know	6	2
	No Family	9	10
	For Education here, in contact with family	21	35
	Want to go back to husband	6	2
Information about Restoration steps for those willing to go back own home	Informed address to authorities	36	55
	Family Unwilling	11	9
	Court case In Process	23	0
	Nothing as such	6	5
	Parents too poor to take care	13	14
	Children of Sex-workers	0	9
	Don't Know	6	5
	Others	4	5
Sample Size (N)	47	22	
Reason for not wanting to go back own home	Parents don't want to take back	17	22
	Unsure whether parents will accept	17	0
	Faced torture by parents/guardians	67	22
	Better life provided here	0	56
	Sample Size (N)	6	9

Yet majority of the children from government and NGO homes expressed their desire to go back home. Mere six percent of children in government homes and two percent in NGO homes voted against going back. On being questioned further, a whopping 67 percent of the children in government homes reported that they had been mistreated by their parents/guardians hence did not wish to return. Another 17 percent seemed uncertain whether their parents would accept them – primarily girls, who had been trafficked or had been victims of abuse voiced such doubts. These reactions demonstrate a cruel picture of the society where the victim is victimized further.

Approximately 11 percent of the children, who expressed their desire to return to their families, felt that their family was completely unwilling to accept them; that left them with no option but to remain at these shelter homes. Some (approximately nine percent) of the children also confessed their inability to return to their mothers since their mothers were associated with sex work. However nearly 36 percent of the children in government homes and nearly 55 percent in NGO homes said that they had informed the authorities about their addresses and an attempt had been made to locate their families.

It was further noticed that about 13 percent of the children said that their parents were too poor to take care of them and hence had put them at these homes. Despite being provided with a comparatively better and secured life, the children eagerly desired to reunite with their families. However, in contrast, another 21 percent of the children in government homes and about 35 percent in NGO homes replied that they were staying here for schooling and were in regular contact with their families. Thus, rather than a stop-gap or short-term shelters, the homes were actually serving the purpose of residential schools for the underprivileged sections of the society. These children could visit their families just like boarders in residential schools during festivals and other vacations. Despite experiencing major anxieties about being separated from their families, these children had somewhat surrendered themselves to the situation and accepted the reality. It is for these children the ICPS have come forward with schemes like scholarship, etc. However, in none of the sampled homes the researchers could trace the existence of these components of the programme. Lapses in record-keeping rendered it difficult to assess the status of the children living at these homes. The system of file maintenance and record keeping needed considerable improvement in order to ease up the restoration process in favour of the children.

Table 6.3: Post-Restoration Follow-Up – Authority's Perspective (%)

(1) Post-Restoration	(2) Responses	(3) Govt. Home	(4) NGO Home
Post-Restoration Follow-up for all children	Yes	0	50
	No	87.5	17
	Kept in touch over phone	12.5	17
	Sample Size (N)	9	6
Reason for No Post- Restoration Follow-up	Lack of Workforce	100	0
	Untrained Workforce	37.5	0
	All here for Education	37.5	100
	Sample Size (N)	9	1

Greater attention to the post-restoration procedure held essential under the act was found to be lacking.<sup>7</sup> Not many of the government homes reported a thorough follow-up system and only 50 percent of the NGO homes reported this to be working. Some (12.5 percent of govt. homes and 17 percent of NGO homes) authorities did maintain contact with the children over phone, especially with the girls whose marriages had been organized from the homes itself.

<sup>7</sup> Vide Section 65 (8), (9) and (10) of Chapter VI of the West Bengal Juvenile Justice (Care and Protection) Rules 2009.

Unavailability of enough skilled workforces made it difficult to run an effective post-restoration follow-up system in operation. Moreover, it was further emphasized that since majority of the children were staying in the homes for schooling – they simply did not need any such post-restoration follow up.

Table 6.4: Reasons behind children not being restored - Authority's Perspective (%)  
(Responses not mutually exclusive)

(1) Reasons	(2) Govt. Home	(3) NGO Home
Poverty & Staying for education	78	50
Could Not track address	44	50
Orphan	44	0
Trafficked child, family not ready to accept	22	0
Punishment Period required to be completed for JCL	56	17
Long govt. procedure & unnecessary delays	22	17
Abandoned by family	0	67
Children of Sex-workers	0	17
Sample Size (N)	9	6

Similar responses were echoed when inquired about the reasons that kept the authorities from restoring the children staying at the JJ homes. While poverty and education did receive a hands-up in majority of the cases, certain other issues also came into the forefront.

Lengthy bureaucratic procedures and uncalled for delays were highlighted by about 22 percent of the authorities. This was especially a problem in case of the Bangladeshi children for whom the process of repatriation often took up years. While surveying these homes, the study team had come across numerous children who were eagerly anticipating their release and return to their own families in Bangladesh. With the parents also equally willing to take back their own children in most of the cases, what simply kept them in waiting were the inflexible and complicated government procedures and methods.

### Box 6

#### Plight of the misguided immigrants

In one particular government home for boys, we had the opportunity to interact with two Burmese kids who were cousins. They were arrested for illegally trespassing from Bangladesh with their families. While their families – parents and others – were sentenced to imprisonment, these kids have been provided shelter in this home. These kids and their families had fled from Myanmar where Muslims were being subjected to inhuman torture and violence. They were denied of all their basic rights and murdered openly and many families had also been pushed out into the sea on the pretext of being illegal immigrants. Now these families have neither land nor country of their own. Bangladesh too has turned its back to them. Now their destination is Kashmir. These kids were in a state of complete despair – separated from family and overshadowed with a violent past, they simply seemed to be at a loss and unsure about their very existence.

Next to lengthy government procedures, the other challenge in child restoration was the inability to track the child's address. Often the child was unable to provide any details of the residence or names of family members or of important people in the locality. ChildLine had been appointed as the nodal agency by central government in this matter and ChildLine coordinators with the co-operation of the home personnel conduct the child restoration and child tracking system in alliance.

*Co-ordination Issues:* Ensuring the basic rights and protection to any child require co-ordination among various agencies and a harmony among them for the ultimate benefit of the child. This necessitated the development of a positive and child-friendly approach from the home authorities, the police, child welfare committee (CWC), ChildLine and police. Lack of proper understanding among these agencies has a direct bearing on the future of the child and on the society in general.

Table 6.5: Coordination Problems & SJPU Formation - Authority's Perspective (%)  
(Responses not mutually exclusive)

(1) Home	(2) Coordination Problems with ChildLine		(3) SJPU Formation			(4) Sample Size (N)
	Yes	No	Yes	No	Yes but not functional	
Govt.	67	33	22	56	22	9
NGO	33	67	17	83	0	6

Table 6.6: CWC – Functioning & Involvement in Home's Functioning - Authority's Perspective (%) (Responses not mutually exclusive)

(1) Home	(2) CWC Functioning		(3) CWC Involvement				(4) Sample Size (N)
	Regular	Irregular	Yes	No	Sometimes	Only Chairperson involved	
Govt.	89	11	11	44	22	11	9
NGO	100	0	100	0	0	0	6

From the tables 6.5 and 6.6 it can be seen that about 70 percent of the government authorities reported having co-ordination issues with ChildLine. In most of these homes, the authorities did not connect well with ChildLine stating their interest in achieving set targets only. One of the officials went on to say that ChildLine did not take full responsibility to help these children connect back with their families. They were merely worried about achieving the targets set with regard to child tracking each month. However, the study could not expand its scope to incorporate this particular issue in detail under its domain.

Special Juvenile Police Unit or SJPU formation has been made compulsory by ICPS in every police station wherein the second officer must serve as a Special Child Welfare Officer.



However, nearly 60 percent of the government homes and 80 percent of the NGO homes reported that this had not been formed. Only in the few cases, in which it had been formed, it was reported to be of non functional. Moreover, it was further observed that in certain cases, the police officers were not aware of their duty as child officers and seemed surprised.

The role of Child Welfare Committee has been given utmost importance by the JJ Act and ICPS. The CWC has an extremely determining responsibility in the child's life. However, difficulties with regard to their irregular functioning, problem with involvement with the children and improper cooperation with the home authorities were observed in a number of occasions.

### Box 7

#### Restoration challenges

On entering the home premises, some confusion and disorder was witnessed in the office premises. A woman was screaming and just beside her a young girl of about 12 to 13 years of age stood crying. Later we came to know that this girl had lost her way while going over to her aunt's place. The police had found her alone and sent her to this home. Her mother has been traced and now the CWC has rejected to release the girl on the point that the girl's safety is under threat at her own place with her mother. She has to be kept in the home till she attains the age of 18 and then released. The Home Superintendent seemed at a loss of words. "There are many cases like this where the children are not sent back to their own families even when their parents want them back. It gets really difficult to handle the children after their plea gets rejected by the CWC and we have nothing to do". She could not hide her frustrations.

*Problems & Possible Challenges:* There appeared many challenges and barriers faced by the authorities for effective and smooth functioning of these homes. Out of the numerous responses received, an attempt was made to assimilate them together under certain codes.

Table 6.7: Problems Highlighted by Home Authorities - (%)  
(Responses not mutually exclusive)

(1) Problem Areas	(2) Govt. Homes	(3) NGO Homes
Financial Allotment & Irregular Fund Flow	56	83
Staff Shortage & Training	100	17
Children's Needs not Prioritized	89	50
Complete absence of opportunities for JCL	67	NA
Lack of Coordination between different bodies	56	50
Infrastructural Issues	67	67
Others	0	50
Sample Size (N)	9	6

Table 6.8: Problems Faced by Children - (%) (Responses not mutually exclusive)

(1) Problem Areas	(2) Govt. Homes	(3) NGO Homes
Low Quality of Education	13	15
Low Quality of Food	18	7
Torture	7	12
Bored of Prisoner's Life/Jail Like Environment	34	18
Lack of Attachment Figure	61	35
Language Barrier	2	2
Getting established in Life	31	23
Misguided Deviant Behaviours	10	18
Deprivation of Basic Utilities	29	22
Absence of Basic Health, Hygiene & Sanitation needs	52	33
Infrastructural problems	7	12
Nothing	37	58
Sample Size (N)	90	60

Tables 6.7 and 6.8 brought into light the fact both children and authorities perceived that there existed a complete absence of prioritizing the children's interests. Approximately 90 percent of the authorities perceived that child rights were not prioritized in the manner they should be and pointed out towards the plight of the JCL for whom there was a complete absence of all possible kinds of opportunities. Lack of co-ordination in combination with the problems discussed above seemed to have added more to the already existing problem. Staff shortage created extreme difficulty in the overall functioning of these homes. In some homes the next line following the Superintendent was a peon; no Assistant Superintendent or Child Welfare Officer was in position.

There existed an absence of transparency within the authorities regarding financial allotment for the children. Each home authority put forward a different allotment figure which seemed extremely confusing. Untimely and irregular fund disbursement made the functioning of these homes more difficult (details provided in the chapter on Resource Allocation). Certain NGOs even complained that Government exhibited biased attitude towards them by not extending enough cooperation and support.

Concern over absence of infrastructural facilities had also been raised both by the children as well as the authorities. Both the government and NGOs had reported severe problems with regard to infrastructural issues and almost every home visited required repairs. In the next chapter, we will be discussing the issues of resource allocation together with shortages in workforce distribution and various other infrastructural concerns.

## Chapter 7

### Resource Allocation

In this chapter, we shall attempt to discuss the infrastructural concerns and the degree of workforce distribution at the homes that stand in the way of the home authorities which in turn affects the children staying here at large.

*Location & Condition:* The JJ Act makes it mandatory for JJ homes to be set up in residential areas so that the children staying here enjoy a social life and garner community support. In accordance with the law, most of these homes were located in residential areas.<sup>8</sup>

Table 7.1: Location of the Home (%)

(1) Location	(2) Govt. Homes	(3) NGO Homes
Residential Area	67	100
Non-Residential Area	33	0
Sample Size (N)	9	6

But, while taking into consideration the condition of the buildings, it was noticed that the majority of the government run homes required major repairs and about 22 percent of the buildings were in working condition.

Table 7.2: Condition of the Building (%)

(1) Condition	(2) Govt. Homes	(3) NGO Homes
Good	33	33
Repairs required	44	17
Average	22	17
Bad	0	17
Under Construction	0	17
Sample Size (N)	9	6

From table 7.2 it can be seen, that only 33 percent of both government and NGO homes had suitable infrastructure and the rest of them either needed some major repairs or were in average situation. One NGO home was found to be under construction.

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<sup>8</sup> The norms for building and standard of accommodation for institutional care have been specified in Chapter VI of the West Bengal Juvenile Justice (Care and Protection) Rules 2009.

*Variation in Occupancy:* Every particular home had a fixed sanctioned capacity of children. Depending on this sanctioned capacity, funds were disbursed and facilities allotted. Thus, an assessment of the sanctioned versus actual capacity was felt to be essential for the study.

Table 7.3: Sanctioned vs. Actual Occupancy (% of Children)

(1) Capacity	(2) Govt. Homes			(3) NGO Homes		
	Boys	Girls	Total	Boys	Girls	Total
Sanctioned	100	100	100	100	100	100
Actual	69.55	45.09	52	101.14	81.56	90

Table 7.3 showed that in almost all the homes, there were lesser number of children than that of the sanctioned capacity making it beneficial for the authorities as well as the children in terms of distribution of facilities and effective care. However, the story took a different turn when the calculation was made on the basis of the number of homes visited.

Table 7.4: Variation of Occupancy (% of Homes)

(1) Capacity	(2) Govt. Homes		(3) NGO Homes	
	Boys	Girls	Boys	Girls
Less than Sanctioned Capacity	50	100	50	50
More than Sanctioned Capacity	50	0	50	50
Total	100	100	100	100

Fifty percent of the government homes meant for boys had more children than their sanctioned capacity. The same held true for the NGO homes, where both boys and girls outnumbered the sanctioned capacities of their respective homes. Having more children than permitted by the sanctioned capacity had an adverse effect on the quality of the life of the children staying here. This state of affair was observed in almost all the surveyed homes.

*Category & Segregation of Children:* We begin our description by categorizing the homes according to their functions.

According to the JJ Act, once a child is categorized as JCL s/he is sent to an **Observation Home** for temporary reception during the course of the inquiry. Now once the child comes in contact with law for some alleged action for which punishment can be of a maximum of 3 years imprisonment irrespective of the seriousness of the crime, he/she is sent to a **Special Home** for the restoration & rehabilitation of the child. Matters of JCL are heard by JJB or Juvenile Justice Board which has a Principal Magistrate as the head.

In case of CNCP, **Shelter Homes** have been designed to function as drop-in centres for the emergency reception of such children, to be finally sent to a **Children's Home** for care, protection, treatment, education and rehabilitation. Matters of CNCP are supposed to be heard by CWC or Child Welfare Committee.

Table 7.5: Type of Home (%)

(1) Sl. No.	(2) Type of Home	(3) Govt. Homes	(4) NGO Homes
1	Observation	0	0
2	Shelter	0	0
3	Special	0	0
4	Children	0	67
5	Observation & Special	11	0
6	Shelter & Children	0	16
7	Shelter, Children & After-care	0	17
8	Children & Aftercare	11	0
9	Observation, Special, Shelter & Children	56	0
10	Observation, Special, Shelter, Children & Aftercare	22	0
	Sample Size (N)	9	6

From table 7.5, it was clear that a majority of government homes functioned as an all inclusive institution, serving the purpose of observation home, special home, shelter home and children's home. This resulted in forcing the children with different backgrounds to stay together, going completely against the provision made in the law.<sup>9</sup> However, the anomaly becomes discretely visible in table 7.6 where it was found that in 89 percent of the government homes, both JCL and CNCP stayed together.

Table 7.6: Category of Children (%)

(1) Category	(2) Govt. Homes	(3) NGO Homes
Juvenile In Conflict With Law (JCL)	11	0
Children in Need of Care & Protection (CNCP)	0	83
Both JCL & CNCP	89	17
Sample Size (N)	90	60

None of the government home visited functioned only as a home meant for the CNCP which implied that though officially it was a children's home, it sheltered all categories of children provided under the JJ Act.

<sup>9</sup> Vide under Section 40 (1) of Chapter VI of the West Bengal Juvenile Justice (Care and Protection) Rules 2009, the homes for juveniles in conflict with law and children in need of care and protection shall function from separate premises.

The JJ Act makes it imperative that no child be kept in the home once s/he turns 18. Also children need to be segregated on the basis of Gender, Age (7-12 years, then 12-16 years and finally, 16-18 years), Category and Nature of Offense under Section 40 of Chapter VI of the West Bengal Juvenile Justice (Care and Protection) Rules 2009. While the classification of gender was maintained in all the homes, all the homes being gender-specific, segregation in terms of age and offence was observed as seldom being maintained. However, in most of the homes this classification based on age was maintained.

Table 7.7: Segregation of Children by category & offense (%) (N=8 for category as Dhruvashram is a JCL home & N=9 for offense as all)

(1) Segregation by	(2) Govt. Homes	
	Segregated	Not Segregated
Category	12	88
Offense	0	100

Table 7.7 reflected the same finding about absence of segregation of children – either by offense or by category. When enquired further regarding the reason for the same, space constraint was mentioned as one of the primary causes behind this. However certain other aspects were also brought into the discussion which ushered a new line of thought to this entire concept of segregation.

Table 7.8: Reasons for Not Segregation by category & offense (%) (N=7 for category as one is a JCL home completely & in another children are kept in separate buildings)

(1) Reasons	(2) Govt. Homes	
	Category	Offense
Same Building but locked in one floor due to space constraint	29	0
Lack of Knowledge	0	0
Stay separately but come together during meals & playtime	0	0
Not much variety of offense so not required to segregate	71	100

Table 7.9: Reasons for Not Segregation by Age (%) (N= 3 for both Govt. & NGO)

(1) Reasons	(2) Govt. Homes	(3) NGO Homes
Space Constraint	33	0
Lack of Knowledge	0	0
Stay separately but come together during meals & playtime	0	0
Not required to segregate	33	67
Elder children given charge of younger ones	34	33

Some authorities held a view that there was no requirement to segregate the children on the basis of age, because in each room the older children looked after the younger ones. It provided them with a family feeling. About 71 percent home authorities were of the opinion that since the JCL staying at their homes were charged under the same offence (we have discussed in the previous section about the most common offences of the children) they did not require segregation. They seemed to believe that staying together would help in developing friendship and keep them occupied. Twenty-nine percent of the authorities reported that both JCL and CNCP stayed together but the JCLs were locked up in one floor due to space constraint.

*Financial Disbursement:* Majority of the respondents reported irregular fund disbursement and accepted that there existed gross fund shortage. Untimely, disbursement procedure created difficulty in implementation of the programme, which adversely impacted and made the functions of the homes poor.

Table 7.10: Fund Disbursement (%)

(1) Home	(2) Fund Disbursement		(3) Interval of Fund Disbursement			(4) Fund Shortage Problem		(5) Sample Size (N)
	Regular	Irregular	More than 1 year	No Fixed Interval	Sample Size (N)	Yes	No	
Govt.	33	67	50	50	6	78	22	9
NGO	17	83	60	40	5	83	17	6

Table 7.11: Fund Increment Requirements (%)  
(N=7 for Govt. Homes & N=5 for NGO Homes)

(1) Home	(2) Heads For Which Fund Increment Required			
	Sanitary	Food	Personal & Community Hygiene	For All Heads
Govt.	29	43	14	14
NGO	40	0	20	40

The interval of irregularity could be more than a year as reported by most of the homes. ICPS being a Centrally Sponsored Scheme, financial assistance was given to the States/UTs, in two installments. The concerned State/UT administration transferred the State and Central Shares to the bank account of the SCPS. The State Child Protection Society in turn provided grant-in-aid to the District Child Protection Societies and voluntary organizations under the

different components of the Scheme. While providing the financial assistance to the voluntary organizations, the State Governments/UT Administrations ensured that the voluntary organizations met with the eligibility criteria laid down for providing grant-in-aid by the scheme. This lengthy and cumbersome process of fund flow very often led to irregularities in fund disbursement. In several instances, it was observed that the DCPS had not been able to release the share even after a year of its receiving the central funds. The delay seemed to have severely impacted the efficient functioning of the homes with the children bearing the brunt. In certain instances, few activities had to be stopped due to unavailability and irregular flow of fund.

Despite ICPS provision for the same, in most of the homes, provision of hygienic sanitary measures for the girls was missing (details provided later in the chapter). Similarly, enhancements had also been requested under food, health and hygiene heads. Certain authorities also said that budget shortfall sometimes constricted them from providing children with early treatments for various infections. Moreover, the authorities also seemed visibly disappointed over the fact that under ICPS, the fund allotted for food per child has decreased from Rs. 850 to Rs. 750. Quite a significant percentage of the authorities were also of the opinion that an increment was required under all the heads.

Under ICPS norms budget allotment per child per month was Rs. 1162/-. Out of this Rs. 750 was allotted for providing a balanced diet to a child, which implied – two proper meals, breakfast and some snacks in the afternoon. An attempt has been made to make a cost analysis for a child's basic food requirements based on present market rates.

Table 7.12: Break-up of the Food Allocation: Per Child per day

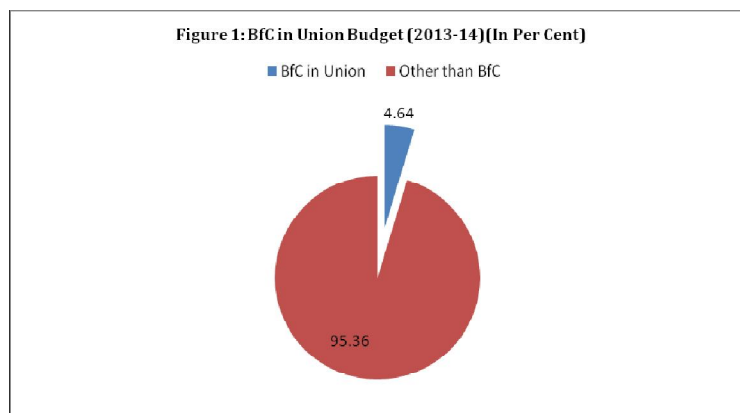
Sl. No.	Components	Approximate Quantity	Estimated Price (In Rs.) at present market rates
1	Rice	400g @ Rs. 36/kg	14.40
2	Egg	1	5.00
3	Pulses	50g	4.00
4	Vegetables	30g	5.00
5	Oil	2ml	2.50
6	Spices	2g	2.50
7	Fuel	Wood/LPG	2.00
8	Milk & Fruits	1 glass & 1 fruit	5.00
9	Snacks & Tiffin	-	8.00
10	Cook, Miscellaneous	-	2.00
11	<b>Total Cost for Providing a basic diet to a child per day</b>		<b>50.00</b>
12	<b>ICPS Food Budget per child per day</b>		<b>25.00</b>



On the basis of the calculation presented in table 7.12, it is clear that cost to be incurred for providing basic nutritious food to the child was approximately twice that of fund currently being provided in the programme. In other words, the minimal expense required for providing a child with a balanced diet based on present day market values was twice the food budget allotted for each child per a day according to ICPS norms. This actually echoed the concerns voiced by the home authorities regarding shortages in allotment and immediate enhancement required in the food budget. It was the children who bear the direct impact of shortfall in budget and would have to compromise with the essential nutrition required for their healthy growth and development. It made the children an easy prey to various diseases as the absence of essential vitamins and nutrients that resulted in lower immunity levels and increased physical vulnerability. In the chapter on Education & Health, we have discussed the possible effects of nutritional deficiencies; it had been found that almost all the children staying in these homes were either at the lower end of the normal range or was below the desirable range of standard BMI levels.

In this context, is crucially important to note that children's issues had largely remained unaddressed in the union budgets. While in 2012-13, the percentage share of budget for children in the Union Budget was 4.76 percent, only 4.64 percent of the total Union Budget goes to children in the year 2013-14. Thus, there had been a reduction of 0.12 percentage points. While the total Union Budget had gone up by 11.7 percent, the increase in allocations for children was 8.7 percent with the Budget for Children (BfC) allocations rising from Rs. 71028.11 Crore in 2012-13 to Rs. 77236 Crore in 2013-14. The rate of increase was therefore not proportionate.

Chart 7.1: Budget for Children (BfC) in Budget 2013-14

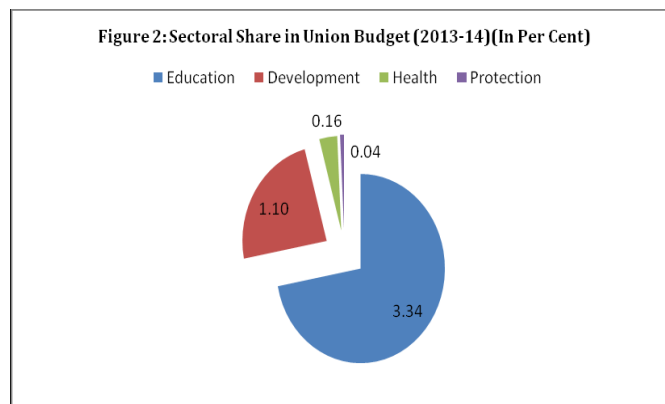


Source: BUDGET 2013-14 AND CHILDREN A FIRST GLANCE; HAQ Centre for Child Rights.

Sectoral share of this budget showed that only 0.76 percent of the total BfC had been allotted for child protection while as percentage of the total Union budget, child protection's share

was a meager 0.04 percent. Further there had been no increment in allotment for this sector since the budget for 2012-13.

Chart 7.2: Sectoral Share in Union Budget 2013-14



Source: BUDGET 2013-14 AND CHILDREN A FIRST GLANCE; HAQ Centre for Child Rights.

Child protection issues therefore are likely to remain largely un-addressed which is unfortunate considering that the number of children in need of care and protection, in conservative estimate is well above 100 million. The meager financial resources allocated to child protection translate into serious gaps in child protection measures and programmes.

*Workforce Distribution:* Human resource is one of the most essential components for the smooth and effective implementation of any programme. In all the government homes visited an acute shortage of staff was noticed by the study team. This had its direct bearing on the child engagement status of the homes thus hampering the overall status of child protection at these homes.

Table 7.13: Staff Shortage in Govt. Homes

Total Sanctioned Posts	254
Total Staff	179
Total Deputed Staff	32
% of Staff Shortage	30

Table 7.14: Training of Personnel (%)

(1) Homes	(2) Training	
	Yes	No
Govt.	0	100
NGO	33	67

Tables 7.13 and 7.14 showed that there existed a staff shortage of approximately 30 percent in these homes. Moreover about 32 percent of the staff appointed in these homes was on deputation.

The ICPS and JJ Act {*Section 90 of Chapter VI of the West Bengal Juvenile Justice (Care and Protection) Rules 2009*} clearly mentions about the importance of orientation programme for newly recruited staff and in-service training for existing personnel. The ICPS also emphasized on refresher trainings to be conducted for each personnel every two years. Despite this, most of the staff at these homes was found to be untrained, which rendered it difficult to implement suitable care giving and management of resident children. Moreover, the trainings were not context specific, and did not add much to their child management skills. Associated with this, was the lack of motivation of the part of certain employees which made the situation worse. This issue had been pointed out by several superintendents.

Table 7.15: Break-up of Staff Shortage Pattern in Govt. Homes

(1) Posts	(2) Total Posts	(3) Total Staff	(4) % Shortage	(5) Reasons for Vacancy (%)			
				In Deputation	No Recruitment	No Position	Not Provided
Super	9	7	22	0	100	0	0
Asst. Super	5	3	40	12.5	0	75	25
CWO	0	0	0	0	0	100	0
Social Worker	1	1	0	0	0	100	0
Jr. Social Worker	8	7	12.5	0	0	80	20
Doctor	5	2	60	0	25	44	25
Pharmacist	5	5	0	0	0	100	0
Nurse	1	1	0	0	0	100	0
Teacher	19	9	53	11	22	22	56
Voc Training Teacher	28	15	46	40	0	20	40
Counselor	0	0	0	0	0	100	0
Accountant	5	3	40	0	0	80	20
Cashier	6	6	0	0	0	100	0
Typist	3	2	50	0	0	86	14
Storekeeper	5	5	0	0	0	100	0
Matron	11	4	64	11	0	33	56
Helper	44	31	30	0	0	33	67
Cook	17	9	48	0	0	33	67
Sweeper	12	9	25	0	0	50	50
Darwan	24	21	12.5	0	0	17	83
Night guard	14	12	14	0	0	60	40
Driver	2	1	50	0	0	87.5	12.5
Mali	6	4	33	0	0	83	17
Vari	1	1	0	0	0	100	0
Peon	10	8	20	0	0	60	40
Washer man	1	1	0	0	0	100	0
Total	254	179	30				

A detailed exploration of the staff shortage pattern in the government homes revealed that for most of the important posts (such as: Child Welfare Officer, Asst Super, Social Worker etc), there existed a status of “no position” in the various homes concerned. Absolute absence of any position increased the difficulties further. In none of the homes, was there a position for either a Child Welfare Officer or a Psychologist. Most of the homes did not even have an Assistant Superintendent; this made the security issues of the home vulnerable. None of the homes had a permanent medical officer and the pharmacist played the role in odd hours; despite the fact that the ICPS has set guidelines for staff pattern for such institutions.

Table 7.16: Staff Pattern as per ICPS Norms for an Institution with 50 Children

Sl. No.	Personal	No. of Posts
1	Superintendent or Institution Director	1
2	Counsellor	1
3	Probation Officer/Child Welfare Officer	1
4	House Mother or House Father	2
5	Primary Teacher	1 (voluntary/part time)
6	Doctor	1 (part time)
7	Paramedical staff	1
8	Store-keeper cum Accountant	1
9	Art & Craft cum Music Teacher	1 (part time)
10	PT Instructor cum Yoga Trainer	1 (part time)
11	Driver	1
12	Cook	1
13	Helper	1
14	Sweeper	1
15	Gardener	1 (part time)
	<b>Total</b>	<b>16</b>

Source: Annexure XIII; The Integrated Child Protection Scheme (ICPS); A Centrally Sponsored Scheme of Government – Civil Society Partnership; Ministry of Women & Child Development; 2009-10.

Additionally, the ICPS further mentions that the number of posts in the category of counselor, child welfare officer, probation officer, house father or house mother and primary teacher would proportionally increase with the capacity of the homes. However, as mentioned earlier, in many of the homes, there was complete absence of Grade B employee with the position of Superintendent followed by the position of a peon. This marked an increase in the workload. Most of the homes did not even have required number of cooks or sweepers, due to which in almost all the homes, the children were made to do daily cooking and cleaning. While this does led to development of social skills and a community-feeling, regular workload could have a negative impact on the health of the children.

Furthermore, from table 7.16 it could also be seen that safety and security of the children in these homes were also in a critical state as in 60 per cent of the cases there were a status of “no position” for a night-guard. Thus the children remained unprotected without any possible means of defense. In many homes, the authorities had employed private security guards but there still existed quite of number them that remain prone to unwanted risk.

### Box 8

#### Vulnerable security measures

In a particular government home for girls, it was observed that their main entrance was completely unguarded. The Superintendent expressed her concern over the lack of security and the constant fear she had to endure for in ensuring the safety of the girls. This home is located just adjacent to a bus depot which further increases the associated risk factors for the girls. The bus drivers, conductors and helpers often pass obscene comments; peep in from outside and sometimes even try to trespass the home premises to initiate contact with the girls. Under such threats to the security of the girls, the Superintendent has been forced to withhold the girls from playing in the playground resulting in the girls remaining locked up inside the building the entire day.

*Availability of basic Utilities:* Once the child comes to a home, she/he should be issued with certain basic utilities like: clothes, footwear, towels, blankets, pillows, mosquito nets etc. The table below provides a list of the utilities to be issued to each child following the scale laid down by the State Governments.

Table 7.17: Government Norms for Providing Children with Clothing & Bedding

i. Four sets of clothing (at one point of time, the child should have a minimum of three sets of clothing)	i. One cotton mattress/dari/mat	i. Tooth powder/paste
ii. Five sets of customary undergarments	ii. Two cotton bed sheets	ii. Tooth brush
iii. Two towels	iii. One blanket	iii. Soap
iv. One jersey and one pullover for winter	iv. One pillow	iv. Oil
v. Three sets of school uniform for children attending outside schools		v. Comb
vi. One pair of shoes		vi Sanitary pads for girls
vii. Four pairs of socks		vii Serving dishes as required
viii. One pair of chappals		

Source: Annexure XIII; The Integrated Child Protection Scheme (ICPS); A Centrally Sponsored Scheme of Government – Civil Society Partnership; Ministry of Women & Child Development; 2009-10.

An enquiry on some of the basic provisions revealed that in most of the cases either these components were provided by the child’s family else they had to be shared with others.

Table 7.18: Availability of Basic Provisions – Children’s Perspective (%)

(1) Availability	(2) Govt. Home				(3) NGO Home			
	Yes	No	Given by own family	Shared with others	Yes	No	Given by own family	Shared with others
Towels	49	38	0	13	57	15	7	21
Blankets	76	11	0	13	80	2	3	15
Pillows	74	23	0	3	73	7	3	17
Mosquito Nets	86	12	0	2	70	20	3	7
Shelve/Wardrobe	58	39	2	1	57	28	15	0
Soap	53	2	1	44	47	2	6	45
Oil	12	88	0	0	42	52	6	0
Shampoo	11	89	0	0	42	52	6	0

Table 7.19: Availability of Sanitary Napkins – Children’s Perspective (%) (Only for Girl’s Homes)

(1) Regular Availability	(2) Govt. Home	(3) NGO Home
Yes	22	53
No	78	45
Insufficient Quantity	0	2
Sample Size (N)	50	40

From tables 7.18 and 7.19, it is clear that the children did not have adequate access to the basic components necessary for healthy living and even when provided, they had to be shared with others. Sharing of the basic necessities definitely increased the chances of infection. In many of the homes visited, a persistent problem of skin infection was found among almost all the children. Inadequate access might have led the children into adopting unfair means to get hold of important necessities. Forty-four percent of the children reported that they shared their soaps with other children. In other homes too, soap was cut into several pieces and distributed among the children. A small piece of soap was exhausted in a couple of days and then for the rest of the month they were left without any. A majority of the homes did not provide the children with any oil or shampoo and distribution of mosquito nets was limited.

There also existed a problem of shortage of storage spaces. The children dumped their belongings in open spaces within their rooms which created a constant feeling of suffocation.

As regards availability of hygienic sanitary products in government homes, 78 percent of the adolescent girls reported in the negative, while only 22 percent confirmed its availability. NGO home performed little better with 53 percent of the girls reported to have received regular

supplies of sanitary napkins. This problem of unhygienic sanitary practice had impacts on the health of young girls.

Table 7.20: Infrastructural Facilities – (%)

(1) Home	(2) Fans & Lights in Working Condition		
	Yes	No	Present but not working
Govt.	78	12	9
NGO	83	7	10

Coming back to our discussion on infrastructural facilities, a majority of the children reported that functional fans and lights were present within their rooms or dormitories. However during survey, many a time it was observed the ceiling fans and the beds of the children were positioned in such a way that the circulated air barely reached the children in bed. In many homes it was even observed that the children had elevated their beds with bricks to catch the outer breeze and to collect some comfort.

The condition of the rooms and dormitories were generally poor. In some instances it was observed that children were made to stay inside one room. Some children also complained about the absence of proper lighting in the bathrooms. Absence of adequate number of bathrooms/toilet facilities were also observed in certain homes. The JJ Act has laid down clear norms (See Box 9) in relation to the accommodating facilities of the children in these homes. Despite this infrastructural constraints continued to persist.

### Box 9

#### Provisions for Children's Accommodation in JJ Homes

The norms for an institution with 50 children under Section 40 (3) of Chapter VI of the West Bengal Juvenile Justice (Care and Protection) Rules 2009 are:

- i) 2 Dormitories – Each 1000 sq.ft for 25 children
- ii) 2 Classroom – 300 sq.ft for 25 children
- iii) Sickroom/first aid room – 75 sq.ft per child
- iv) Kitchen – 250 sq.ft
- v) Dining Hall – 800 sq.ft
- vi) Store – 250 sq.ft
- vii) Recreation Room – 300 sq.ft
- viii) Library – 500 sq.ft
- ix) 5 bathrooms – 25 sq.ft each
- x) 8 toilets – 25 sq.ft each
- xi) Counselling room – 120 sq.ft
- xii) Workshop – 1125 sq.ft for 15 children
- xiii) Playground – Sufficient area according to total number of children
- xiv) Office Rooms – a) 300 sq.ft, b) Superintendent's Room – 120 sq.ft
- xv) 2 Rooms for JJB – CWC 300 sq.ft each

For the first time in West Bengal, an effort has been made to understand the extent and magnitude of the different dimensions of the problems faced by the various Juvenile Justice Homes with the hope that the findings will pave way towards a better understanding of the condition of children living in these homes, and measures to improve them, thereby facilitating the creation of a caring and nurturing environment for the children. The primary responsibility of protecting children from abuse and neglect lies with the families or the primary care givers. However, the civil society is also equally responsible for care and protection of children. The overarching responsibility is that of the state and it is its responsibility to create a protective environment and provide a safety net for its children who fall into such vulnerable and exploitative situations, thus losing their 'childhood'.

With this we come to the end of the analyses sections of this report. Based on the findings of this study, in the next chapter we would conclude the report with an attempt to put forward a course of possible actions.



## Chapter 8

### 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.
7. Cases that deal with underage marriage require empathy. Proper counseling sessions needs to be arranged for these minor girls. Rather adequately designed psychological interventions based on the mental status of all the children needs 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.

## Annexure - 1

### Status of Child Protection at Juvenile Justice Homes in West Bengal

Study in association with  
Pratichi Institute, State Level Inspection Committee and Monitoring of “Homes”,  
Government of West Bengal and Railway Children

#### Questionnaire for Home Authorities

#### I. Identification Details:

1. Name of the Home: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Name of the Respondent: \_\_\_\_\_
4. Designation of Respondent: \_\_\_\_\_
5. Year from which she/he is associated with this institution: \_\_\_\_\_
6. Year of establishment of this home: \_\_\_\_\_
7. Is the home located in a residential area? (Observe) Yes - 1, No - 2. \_\_\_\_\_
8. Status of ownership of the building? Own - 1, Rented - 2, Others - 99 (specify). \_\_\_\_\_
9. a. Condition of building (as per respondent): Good - 1, Good, but some repair required - 2, Average - 3, Bad - 4. \_\_\_\_\_  
 b. In case of “2 or 3 or 4”, what are the requirements (as per respondent)? Doors & Windows- 1, Bathroom, dorms etc need repairs – 2, Ceiling Repair – 3, Plumbing – 4, Grill Works – 5, Under Construction – 6, New Building – 7. \_\_\_\_\_  
 c. Condition of the building (as per surveyor): Good - 1, Good, but some repair required - 2, Average - 3, Bad - 4. \_\_\_\_\_
10. Is the home registered under JJ Act? Yes/No\_\_\_\_\_, If yes, since which year? \_\_\_\_\_ . If no, why? \_\_\_\_\_
11. Type of home: Observation: 1, Shelter: 2, Special: 3, Children: 4, Observation & Special: 5, Shelter & Children: 6, Shelter, Children & After-care: 7, Children & Aftercare: 8, Observation, Special, Shelter & Children: 9, Observation, Special, Shelter, Children & Aftercare: 10. \_\_\_\_\_

II. Children:

12. Capacity of Children

Sanctioned		Actual	
Boys	Girls	Boys	Girls

13. Age range of Children staying in the home: 6-18: 1, 18 & Above: 2, No Age limit: 3.  
\_\_\_\_\_

14. Category of children residing in the home: JCL  CNCP  Both

15. If answer is "JCL", then are the children segregated as per their nature of offense?  
Yes - 1, No - 2 \_\_\_\_\_.

16. If "No", then reason for the same? Space Constraint - 1, Lack of Knowledge of norm - 2, Stay separately but come together during meal & play times - 3, Not required to segregate - 4, Not much variety of offense - 5, Child Marriage Cases - 6, Trafficked Child - 7, Sexually Abused - 8, Others - 99 (please specify). \_\_\_\_\_

17. If answer to Q. No. 14 is "both", then are the children kept together? Yes - 1, No - 2 \_\_\_\_\_.

18. If "Yes", then reason for the same? Space Constraint - 1, Lack of Knowledge of norm - 2, Stay separately but come together during meal & play times - 3, Not much variety of offense, so not segregated - 4, Others - 99 (please specify)  
\_\_\_\_\_

19. Gender of children residing in the home: Boys - 1, Girls - 2, Both - 3

20. If "both", then are the children kept together? Yes - 1, No - 2 \_\_\_\_\_.

21. If "Yes", then reason for the same? Space Constraint - 1, Lack of Knowledge of norm - 2, Stay separately but come together during meal & play times - 3, Others - 99 (please specify) \_\_\_\_\_

22. Are the children segregated according to age? Yes - 1, No - 2 \_\_\_\_\_.

23. If "No", then reason for the same? Space Constraint - 1, Lack of Knowledge of norm - 2, Stay separately but come together during meal & play times - 3, Not required to segregate - 4, Elder children given charge of younger ones - 5, Others - 99 (please specify) \_\_\_\_\_

24. Is there any child with special needs in the home? Yes - 1, No - 2 \_\_\_\_\_.  
(please mention the child's special needs)

25. If "Yes", then has the child gone through routine & regular psychometric tests? Yes - 1, No - 2 \_\_\_\_\_ (see report)

26. If answer to Q. No. 24 is "Yes", then is there any special educator for the child? Yes - 1, No - 2 \_\_\_\_\_

### III. Fund Disbursement:

27. Is fund disbursement by both central and state governments regular? Yes - 1, No - 2, State government fund release is regular but centre's irregular - 3, Central government's fund release is regular but state's irregular - 4, Others - 99 (please specify) \_\_\_\_\_
28. If there "2 or 3 or 4", then what is the approximate interval of fund release? 2-3 months - 1, 4-6 months - 2, More than a year - 3, No fixed interval - 4, Others - 99 (please specify). \_\_\_\_\_
29. Is there shortage of fund allotment as per government rules? Yes - 1, No - 2 \_\_\_\_\_
30. If '1', how much should be the amount allotted for each child and under which head? Sanitary - 1, Food - 2, For all heads - 3, Personal & Community hygiene - 4 \_\_\_\_\_
31. Do you procure funds from other sources? Yes - 1, No - 2. \_\_\_\_\_
32. If '1', for what purpose are the funds used? Children's food - 1, Children's education - 2, Recreational activities of children (outing, picnics, sports or other activities) - 3, Children's clothing, bedding & other requirements - 4, Vocational training - 5, Maintenance of the home (repairing, colouring etc) - 6, Generator - 7, Computer - 8, Utensils - 9, Others - 99 (please specify). \_\_\_\_\_
33. Please mention the sources: Corporate - 1, Individual Donations - 2, Various NGOs - 3, Others - 99 (please specify). \_\_\_\_\_

### IV. Workforce Distribution:

#### 34. i) Staff Profile

Personnel	Sanctioned	In Position	Vacant	Vacancy duration	Fulltime/Part-time	Gender
Superintendent						
Psychologist						
Probation Officer or Child Welfare Officer or Case Worker						
House Mother or House Father						
Educator						
Doctor						
Paramedical Staff						
Store-keeper/Accountant						
Art/Music Teacher						
Yoga/P.T trainer						
Cook						
Helper						
House-keeping						
Gardener						
Sweeper						

34. ii) Reason for vacancy: Deputation in other home – 1, No recruitment – 2, No position – 3, Not provided – 4. \_\_\_\_\_
35. i) Any in-service training programmes conducted for the home personnel in the last six months? Yes - 1, No - 2. \_\_\_\_\_.
- ii) When was the last training session conducted? \_\_\_\_\_
36. Has everyone received training after joining service at the home? Yes - 1, No - 2, Some have received while some have not (please specify number) - 3, Others - 99 (please give reasons).
- 

#### V. Health & Sanitation:

37. Regularity & frequency of medical check-up of children: Once in a year - 1, Once in every six months - 2, Every 2-3 months - 3, Only when the child comes to the home for the first time - 4, Never - 5, Recently begun – 6, Twice monthly – 7, Only when children fall sick – 8, Others - 99 (please specify). \_\_\_\_\_
38. Is there an ambulance in the home: Yes - 1, No - 2, Yes but not in working condition (specify duration for the same) - 3, Unable to use because of lack of driver - 4, Others - 99. \_\_\_\_\_
39. i) Is any first-aid kit available? Yes - 1, No - 2. \_\_\_\_\_
- ii) If '1', check for the components.
40. What utilities are issued to the children once they come to the home? Clothes - 1, Undergarments - 2, Footwear (slippers & shoes) - 3, Towels - 4, Soaps - 5, Blankets, pillows, mosquito nets – 6, All of these – 7, Shampoo – 8, Hair Oil – 9, Toothbrush – 10, Others – 99 (please specify). \_\_\_\_\_
41. What is the source of drinking water? Tap water - 1, Tube-well - 2, Well - 3, Filter- 4, Others - 99 (specify please). \_\_\_\_\_
42. Is any fire-extinguisher within the home premises available? Yes - 1, No – 2, Present but not functioning - 3, Others – 99 (please specify). \_\_\_\_\_
43. Any arrangement of sanitary pads for adolescent girls? Yes - 1, No - 2, Yes but with shortfalls - 3. \_\_\_\_\_
44. How the girls who experience menstruation for the first time are informed about the cycles? Through counselling - 1, From other children - 2, From their care-givers here - 3, Through programme & workshops - 4, Nothing – 5, Know earlier – 6, Others – 99 (please specify)
- 

#### VI. Education:

45. Do all the children go to school? Yes - 1, No - 2, Some go while some others are taught through informal means at home premises itself – 3, All go except for JCL & CWSN – 4, Some are not interested – 5, Others – 99 (please specify).
46. If 'no', why? No school nearby - 1, Children might runaway - 2, Schools have refused to admit them - 3, Others – 99 (please specify).
-



47. If answer to Q. No. 45 is “3”, then why are those children not sent to school? Aged but do not know to read & write - 1, Of other origin, do not know Bengali - 2, Have attempted to runaway beforehand - 3, JCL not allowed to go - 4, Studied in higher classes, so do not like informal education - 5, Others - 99 (please specify).

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48. Are vocational training sessions conducted: Yes - 1, No - 2, Irregular - 3.

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49. Variety of vocational training sessions (mention the courses): Tailoring - 1, Singing & Dancing - 2, Dance Therapy - 3, Recitation - 4, Beautician training - 5, Gardening - 6, Cooking - 7, Electrical works, motor vehicle repairing - 8, Jewellery designing - 9, Drawing & Painting - 10, Wooden craft - 11, Zari Craft - 12, Paper Bag making - 13, Candle making - 14, Handicrafts - 15, Papad - 16, Computer Training - 17, Chowmin making - 18.

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**VII. Institutionalization: Reasons & Impact:**

50. In case of JCL children: reasons for their coming into conflict with law: Poverty - 1, Lack of education - 2, Peer group influence - 3, Desire of having a better life - 4, Political Interest - 5, Lack of attachment figure/family - 6, Others - 99 (please specify) \_\_\_\_\_

51. Most common offenses in case of JCL children in this home: Victim of sexual abuse - 1, Runaway from Bangladesh - 2, Child Marriage - 3, Trafficked child - 4, Rape - 5, Parents in jail - 6, Stealing - 7. \_\_\_\_\_

52. (Only in case of CNCP) What are the reasons for institutionalization: Separation of Parents - 1, Poverty - 2, No one (ready) to take care of the child in absence of parents - 3, Criminal behaviour of parents - 4, Death of parents - 5, Abuse by parents/guardian etc - 6, Peer group influence - 7, Lost home - 8, Homeless - 9, Trafficked child - 10, Serious ailment/health concerns - 11, Education - 12, Others - 99 (please specify)

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53. Any past record of children running away from here? Yes - 1, No - 2, (mention number of children & year for cases of runaway)

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54. If 'Yes', what are the reasons? Freedom - 1, Employment - 2, Dissatisfied with home atmosphere - 3, Lure of a better social life - 4, Dissatisfied with jail/prison like life - 5, Unavailability of drug within home premises - 6, Child Marriage - 7, Adventure - 8, Others - 99 (please specify).

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55. Any notification published to obtain their whereabouts? (give detail)

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56. Any cases of suicide or death of children here? Yes - 1, No - 2. (mention suicide or death along with number of children & year)

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57. If 'Yes', reason for the same: Poor health condition - 1, Bullying & abuse - 2, Drug addiction - 3, Non-treatment - 4, Others - 99 (please specify).

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58. Presence of any addiction problems among children? Yes - 1, No - 2.

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59. If 'Yes', any measures taken for de-addiction? Rehabilitation Counselling - 1, Preventing entry of tobacco or narcotics inside home premises - 2, Awareness campaigns & training workshops - 3, Nothing as such - 4, Others - 99 (please specify).

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#### VIII. Child Abuse:

60. Any reported cases of child abuse? Yes - 1, No - 2. (if yes, please specify year)

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61. If 'Yes', what kind of abuse? Physical - 1, Sexual - 2, Psychological - 3, Verbal - 4, All of them - 5. \_\_\_\_\_

62. i) If 'Yes' to Q. No. 60, please describe the incident(s) in detail: Raped by another child - 1, Homosexuality by force - 2, Home staff used to take to their quarters - 3, Beatings by other children - 4.

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ii) Who were the culprits? Other fellow children - 1, Home authorities - 2, Home staff - 3, Security personnel - 4, Outsiders - 5, Others - 99. (Please specify for all).

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- iii) What actions were taken by home authorities? Hand over to police – 1, Strict monitoring & supervision – 2, Guardian call & sent back to own home – 3.
- 
- 
- 

IX. Restoration, Rehabilitation & Social Reintegration:

63. What measures are taken for promoting and developing dignity, self-esteem and basic life & social skills among the children? Vocational Training - 1, Informal Education - 2, Interactive training sessions with psychologists - 3, Day-to-day conversation with care-givers present at home - 4, Involving them in daily & regular activities of the home - 5, Formation of Children's Committees - 6, Giving due importance to their opinions & decisions in various matters - 7, Organising competitions, sports, festivals, fests & other activities - 8, Nothing as such - 9, Others – 99 (please specify).
- 

64. i) How many children have been restored & socially reintegrated in the last 1 year? (please mention number) \_\_\_\_\_

- ii) Process of restoration: Back to own home – 1, Marriage - 2

65. How many children have been benefitted by the various processes given below?

Schemes	Boys	Girls
Sponsorship		
Foster-care		
Adoption		
Scholarship		
Others (please specify)		

66. Have post-restoration follow-up being done for these children? Yes - 1, No – 2, Kept in touch over phone - 3 \_\_\_\_\_

67. If 'Yes', at what intervals? Every six months - 1, Every year - 2, Every two-three months – 3, No fixed intervals – 4, Others – 99 (please specify).
- 

68. If 'No' to Q. No. 66, then why? Lack of workforce - 1, Untrained workforce - 2, Careless attitude - 3, Some NGOs have taken this responsibility (for govt. Homes only) – 4, All staying for education, so no restoration done & sent back to own residence after 18 years – 5, Others - 99 (please specify).
- 
- 

69. Occurrence of instances of violent outbursts (such as fights, quarrels etc) among the children? Yes at high frequency - 1, Nothing as such - 2, Present but nothing serious - 3, Others - 99 (please specify)
-

70. If 'Yes', has there been cases of hospitalization due to such fights? Yes - 1, No - 2.  
(Please mention number of hospitalizations).

\_\_\_\_\_

71. Please mention number of children who have not been restored or brought under sponsorship or scholarship programme:

Duration of Stay (In years)	Boys	Girls
1-5		
5-8		
8-10		
More than 10		

72. Please mention causes for these children who have not been restored? Poverty/Staying for education – 1, Could not find address - 2, Orphan - 3, Trafficked child, family not ready to accept – 4, Court case going on, so can't restore now – 5, Long government procedure & unnecessary delay - 6, Abandoned by family - 7, Children of sex-workers, rescued & kept at homes – 8.

\_\_\_\_\_

\_\_\_\_\_

73. Possible challenges faced by the authorities for child restoration. Tracking address – 1, Getting them back into mainstream -2, Nothing as such - 3, Parents not ready to accept children – 4.

\_\_\_\_\_

\_\_\_\_\_

X. Inspections & Social Audit:

74. Any problems of coordination among ChildLine coordinators, police officers, CWC or JJ Board for bringing the child to the homes or for their restoration? Yes -1, No - 2, Others - 99 (please specify).

\_\_\_\_\_

\_\_\_\_\_

75. Has a Special Juvenile Police Unit (SJPU) formed at the nearest police station? Yes - 1, No – 2, Yes but not functional – 3, Others - 99 (please specify).

\_\_\_\_\_

76. Number of Inspections/Social Audit conducted in the last 1 year:

\_\_\_\_\_

77. Check for Management Committee Meeting Minutes Register, Inspection Committee Report & Recommendations and Minutes Register of Children's Suggestion Box. Has their recommendations followed & implemented? If not why? If yes, how?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

78. Regularity of functioning of CWC & JJ Boards: Regular - 1, Irregular - 2.

\_\_\_\_\_

79. Are all the members of CWC involved with home's problems? Yes - 1, No - 2, Sometimes - 3, Mostly Chairperson is involved - 4. Others - 99 (please specify).

80. Are their orders paid heed by the police officers? Yes - 1, No - 2, Sometimes 3.

81. Perception of home superintendent with regard to home's problems, general ambience, CWC & JJB functioning, demands & concerns of the children etc.  
Financial allotment & irregular fund flow -1, Staff shortage & training -2, Children's needs not prioritized - 3, Complete absence of opportunities for JCL - 4, Lack of co-ordination between different bodies - 5, Infrastructural issues - 6, Others -7.

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82. Surveyor's perception (with date & signature)

**Annexure - 2**

Status of Child Protection at Juvenile Justice Homes in West Bengal

Study in association with

Pratichi Institute, State Level Inspection Committee and Monitoring of “Homes”,  
Government of West Bengal and Railway Children

Questionnaire for Children at the JJ Homes.

Name of Home: \_\_\_\_\_, Category of Child: JCL/CNCP \_\_\_\_\_

1. Name of the child: \_\_\_\_\_
2. a. Age: \_\_\_\_\_, b. Social Group: \_\_\_\_\_
3. Gender: Female  Male
4. For how long are you staying at this home: \_\_\_\_\_
5. Where have you been before coming to this home? \_\_\_\_\_
6. Who are there in your family? Parents-siblings-1, Only mother - 2, Siblings - 3, Other relatives - 4, No one - 5, Single parent & siblings - 6, Others - 99 (please specify). \_\_\_\_\_
7. Why have you been brought here? Lack of attachment figure - 1, Poverty - 2, For education - 3, Illegal trespassing from Bangladesh - 4, Abuse - 5, Lost Home - 6, Trafficked - 7, Child marriage - 8, As punishment - 9, Others - 10 (please specify).  
\_\_\_\_\_
8. Do you like being here? Yes- 1, No - 2, Sometimes yes, sometimes no - 3.  
\_\_\_\_\_
9. Do you feel safe and secured here? Yes - 1, No - 2, Sometimes yes, sometimes no - 3.  
\_\_\_\_\_
10. Do you miss going out? Yes - 1, No - 2, Sometimes yes, sometimes no - 3.  
\_\_\_\_\_
11. When is your birthday? Has your or others birthday ever been celebrated here? Yes - 1, No - 2, Do not know - 3, Sometimes - 4, Others - 99 (please specify).  
\_\_\_\_\_
12. Do you all go out for picnics or outings? Yes - 1, No - 2, Once a year - 3, Others - 99 (please mention).  
\_\_\_\_\_
13. Are there enough fans & lights in your dormitories & bathrooms? Yes - 1, No - 2, Present but not working - 3, Others - 99 (please specify).  
\_\_\_\_\_
14. Were you any involved in any sort of employment before coming to the home? Please specify if any. Yes - 1, No - 2.  
\_\_\_\_\_
15. Did you go to any school before coming to this home? Yes - 1, No - 2, Sometimes - 3, Others - 99 (please specify).  
\_\_\_\_\_

16. If 'No', reason for the same. Poverty - 1, No school nearby - 2, No one to admit in school - 3, Employed - 4, Did not like going schools - 5, Parents/guardians did not allow to attend school - 6, Too young at that time - 7, Others - 99 (please specify).
- 
17. Do you go to school daily here at home? Yes - 1, No - 2, Study at home premises itself - 3.
- 
18. If 'Yes' to previous question, then in which class do you study?
- 
19. If 'No' to Q. No.17, then why don't you go to schools? Home authorities do not allow - 1, Do not like to go to school - 2, No one goes, so i also don't go - 3, Do not know - 4, Do not like informal education, was in higher class at own home - 5, Others - 99 (please specify).
- 
20. Do you or your friends have textbooks, copies for reading & writing? Yes - 1, No - 2, C. Sometimes - 3, Others - 99 (please specify). \_\_\_\_\_
21. What is all of yours daily routine here?
- 
- 
22. What do you do in your free time? Play with other children in the playground - 1, Watch Television - 2, Read Books - 3, Play & chat with others inside the dormitories - 4, Sleep - 5, Gardening/sewing/other vocational activities - 6, Help home personnel in various daily works - 7, Nothing as such - 8, Others - 99 (please specify).
- 
- 
23. Is there a library here? Yes - 1, No - 2, Some books are kept with the home personnel - 3, Do not Know - 4, Others - 99 (please specify). \_\_\_\_\_
24. If 'Yes' to previous question then, are all of you allowed to read books from there? Yes - 1, No - 2, Only during inspections - 3, Don't feel like reading books - 4, Don't know how to read - 5, Others - 99 (please specify).
- 
25. If 'Yes' to Q. No. 24, then, do you like the quality of books at the library? Yes - 1, No - 2, Do not know - 3, Cannot read properly - 4, Others - 99 (please specify).
- 
26. How many sets of clothes & footwear do you all have? Two sets of clothes with shoes & slippers - 1, One set of cloth with one slipper/shoe - 2, Two sets of cloth with no footwear - 3, Others - 99 (please specify).
- 
27. Do you have your own towels, blankets, pillows and mosquito nets? Yes - 1, No - 2, Given by own family - 3, Shared with others - 4 (Individual answers for each item mentioned)
- 
28. Do you all have designated shelves/wardrobe for storing all your personal belongings? Yes - 1, No - 2, Yes but we are not allowed to use - 3, Given by own family - 4, Shared with others - 5, Others - 99 (please specify).
- 
29. Do you regularly get soap for bathing? Yes - 1, No - 2, Sometimes - 3, Share with another friend - 4, Given by own family - 5, Others - 99.

30. **For adolescent girls:** do you get sanitary pads every month in sufficient quantity? Yes - 1, No - 2, Yes but not in sufficient quantity - 3, Others - 99 (please specify).
31. **For adolescent girls:** how did you get to know about menstrual cycles? From other senior children - 1, From family members - 2, Knew from beforehand - 3, Through counselling - 4, From the care-givers at home - 5, From workshop or training session - 6, No one - 7, Others - 99 (please mention).
32. Do you all have a committee of your own here? Yes - 1, No - 2, Do not know - 3, Others - 99 (please specify).
33. If 'Yes' to previous question then, what is the role & functions of the committee? Preparing daily routine - 1, Preparing menu plans - 2, Reporting Abuse - 3, Taking care of each other's needs & problems - 4, Developing educational, vocational & recreational plans - 5, Developing Magazines or Wallpapers or Paintings or Music/Dance etc - 6, Reviewing standards of care of the institution & suggesting improvements - 7, Divide responsibility among themselves regarding cleaning of dorms/rooms/toilets - 8, Others - 99 (please specify).
34. Do you like the food served here? Yes - 1, No - 2, Sometimes when chicken/egg/fish is cooked - 3, Average - 4, Others - 99 (please specify).
35. Any say you have over the daily menu chart or the food to be provided? Yes - 1, No - 2, Do not Know - 3, Others - 99 (please specify).
36. Would you like to participate in deciding menus? Yes - 1, No - 2, Do not Know - 3, Authorities do not listen - 4, Others - 99 (please specify).
37. How many times are you served food a day? Four - 1, Three - 2, Two - 3, One - 4.
38. In a week, how many times are you served fish, egg or chicken? Twice - 1, Thrice - 2, Only on Sundays & holidays - 3, Once in two or three months - 4, Never - 5, Others - 99 (please specify).

Last week data

Days	7 <sup>th</sup> day	6 <sup>th</sup> day	5 <sup>th</sup> day	4 <sup>th</sup> day	3 <sup>rd</sup> day	2 <sup>nd</sup> day	1 <sup>st</sup> day
Menu							

39. Have you ever being punished here? Yes - 1, No - 2, Simple scolding/punishments - 3, Others - 99 (please specify).
40. If 'Yes' to previous question then, what kind of punishment? Locking up in rooms - 1, Excessive Beatings - 2, Slaps - 3, Sent to own residence - 4, Others - 5 (please specify).



- 
- 
41. If 'Yes' to Q. No. 39 then, what have you done to receive such punishment? Smoking -1, Nothing serious -2, Fought with other children -3, Attempted escape - 4, Tried to contact husband - 5, Absent from school - 6, Others - 7
- 
- 
42. Have you ever experienced any sort of torture (verbal or physical) from anyone over here? Yes - 1, No - 2, Others - 99 (please specify).
- 
- 
43. If 'Yes' to previous question then, who have tortured you? Senior children - 1, Home authorities - 2, Home personnel - 3, Visitors - 4, Security personnel - 5, Police - 6, Other children - 7, Others - 99 (please specify).
- 
- 
44. If 'Yes' to Q. No. 42, did you bring the matter in front of the authorities? Yes - 1, No - 2, Did not allow - 3, Others - 99 (please specify).
- 
- 
45. If 'Yes' to previous question, then what steps were taken towards it? Scolded the culprits - 1, Nothing as such - 2, Transferred culprits to another JJ home -3
- 
- 
46. Do you still suffer from any such torture? Yes - 1, No - 2, Sometimes - 3, Others - 99 (please specify).
- 
- 
47. Have you come across any cases of suicides or deaths by other fellow children during your stay here at the home? Yes - 1, No - 2, Not here but in some previous home - 3, Attempted but did not succeed - 4, Others - 99 (please specify). (Mention number of deaths & year).
- 
- 
48. If 'Yes', what were the causes for such deaths? Torture & abuse - 1, Poor health - 2, Frustration & Neglect - 3, Drug addiction - 4, Poor or non-treatment - 5, Don't know - 6, Others - 99 (please specify).
- 
- 
49. Have you ever tried to escape from here? Yes - 1, No - 2, Attempted but did not succeed - 3, I did not but others have done so - 4, Others - 99 (please specify).
- 
- 
50. If 'Yes', why have you/they tried to do so? Freedom - 1, Employment - 2, Poor quality of life & torture at home - 3, Lure of a better life - 4, Repatriation process too long for Bangladeshi nationals - 5, Reunite with husband - 6, Others - 99 (please specify).
- 
- 
51. Do you all smoke cigarettes, bidis, gutkha or drink alcohol? Yes - 1, No - 2, Sometimes - 3, I don't but others do - 4. (Please mention what they consume).
-

52. How do you get the supply of these within the home premises? While going to court – 1, While going to school – 2, Through the home staff or relatives/others – 3, Others – 4. \_\_\_\_\_
53. Do you like the vocational trainings conducted here? Yes - 1, No - 2, Sometimes - 3. \_\_\_\_\_
54. Do you want something else to be taught here for vocational training? Yes - 1, No - 2, Do not know - 3, Others - 99 (please specify). \_\_\_\_\_
55. If 'yes' to previous question, please mention, what training? Tailoring – 1, Computer training – 2, Singing, dancing & painting – 3, Others - 4. \_\_\_\_\_
56. Do you think you will be able to get yourself established with whatever you are taught over here, once you are out of this home? Yes - 1, No - 2, Do not know - 3, Others - 99 (please specify). \_\_\_\_\_
57. What are your major worries/anxieties? Separation from family - 1, Quality of education - 2, Vocational Training - 3, Future – 4, Separation from husband & in-laws – 5, Don't know – 6, Others - 99 (please specify). \_\_\_\_\_
58. Do you have a psychologist (or some didi /dada who comes regularly to talk with you) here? Yes - 1, No - 2. \_\_\_\_\_
59. If 'Yes' to previous question, then do you like these counselling sessions? Yes - 1, No - 2, Sometimes - 3, Never went – 4, Others - 99 (please specify). \_\_\_\_\_
60. Does the home-staff (care-givers/house mother/house father etc) listen to your problems and care for you? Yes - 1, No - 2, Sometimes - 3, Others - 99 (please specify). \_\_\_\_\_
61. **(Only for those whose heads are shaved):** Were your head or your friends head been shaved against your will? Yes - 1, No - 2, Do not know - 3. \_\_\_\_\_
62. If 'Yes', then why? That is the rule - 1, To keep us clean - 2, To avoid attack of lice etc - 3, To avoid use of hair oils & shampoo - 4, Do not know - 5, Others - 99 (please specify). \_\_\_\_\_
63. Have you ever presented yourself before a CWC or JJB with some request? Yes - 1, No - 2. \_\_\_\_\_
64. If 'Yes', then has it been paid heed to? Yes - 1, No - 2. \_\_\_\_\_
65. Do you know if there is a suggestion/complain box for all of you? Yes there is a suggestion box - 1, No there is no suggestion box - 2, Never heard of any - 3, Others - 99 (please specify). \_\_\_\_\_
66. If 'Yes', is it within your reach? Yes - 1, No - 2. \_\_\_\_\_
67. If 'Yes' to Q. No. 65, then have you or your friends ever used it for any complaints or suggestions? Yes - 1, No - 2, Do not know - 3, Others - 99 (please specify). \_\_\_\_\_
68. If 'Yes' to previous question, then what steps have been taken on that basis? Nothing as such – 1, Problem was solved – 2 \_\_\_\_\_

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69. Do you want to go back home? Yes - 1, No - 2, Do not know - 3, I don't have a family - 4, Staying for education, in contact with family - 5, Want to go back to husband - 6, Others - 99 (please specify).

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70. If 'No', why? Parents do not want to take - 1, Unsure whether parents/family will accept - 2, Parents used to torture - 3, Better life here - 4

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71. If 'yes', has the home authorities arranged for your restoration? Authorities have taken address - 1, Family unwilling - 2, Court case in process - 3, Nothing as such - 4, Parents too poor to take care - 5, Children of sex-workers - 6, Don't know - 7, Others - 8

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72. Child's perception about the problems & challenges faced at the homes, general ambience at the home, his/her major concerns & worries, experiences etc. Low quality of education - 1, Low quality of food, Torture - 3, Bored of prisoner's life/jail like environment - 4, Lack of attachment figure - 5, Language barrier - 6, Getting established in life - 7, Homosexuality - 8, Deprivation of basic utilities - 9, Absence of basic health, hygiene & sanitation needs - 10, Infrastructural problems - 11, Nothing as such - 12

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73. What are your plans about your future?

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74. Surveyor's Perception (with date & signature)

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### Annexure – 3

#### Observation Checklist for JJ Homes

1. Condition of building
2. Premises of the building
3. Security of the area
4. Sanitation & hygiene facilities, cleanliness of home, rooms, toilets, bathrooms, kitchen etc
5. Number of toilets, bathrooms and rooms (dormitories) in accordance to the rules – their sizes. Are the children crowded together?
6. Drainage system – type, garbage disposal methods
7. First-aid kit.
8. Electricity connection in the children’s dormitories, bathrooms, toilets, passage etc, number of fans and lights in accordance to the requirement – in working condition.
9. Are the children kept locked?
10. Educational System at the home premise.
11. Relationship of children with home personnel, staff, and among themselves.
12. General ambience of the home environment.

Rooms	Number	Condition
Dormitory		
Classroom		
Sickroom		
Kitchen		
Dining Hall		
Recreation Room		
Library		
Bathroom		
Toilet		
Office Rooms		
Counselling Room		
Workshop Room		
Juvenile Justice Board Room		
Playground		
Super’s Residence		
Others		

## Annexure – 4

## List of Sampled Juvenile Justice Homes

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

## Annexure – 5

### List of Respondents

#### **A. Authorities**

- Aditi Chowdhury, Superintendent, Shahid Bandana Smriti Mahila Abas, Coochbehar
- Bharati Ghosh, Superintendent, Vidyasagar Balika Bhawan, Paschim Midnapore
- Dalia Acharya, Superintendent, Anandamath Juvenile Home for Girls, Purulia
- Tapas kr. Das, Superintendent, Korok Observation & Juvenile Home for Boys, Jalpaiguri
- Subham Das, Superintendent, Juvenile Home for Boys at Ananda Ashram, Murshidabad
- Kumar Lepeha, Superintendent, Suvayan Observation Home, Dakshin Dinajpur
- Atanu Sil, Superintendent, Dhrubashram Observation & Special Home, North 24 Parganas
- Shiuli Bala, Superintendent, Sukanya Home, Kolkata
- Jayasree Mitra, Superintendent, Destitute Home for Girls, Hooghly
- Ujjal Nandi, Superintendent, Malipukur Samaj Unnayan Samity, Howrah
- Dipasree Roy, Superintendent, Anubhab Juvenile Home, Jalpaiguri
- Annapurna Ghosh, Superintendent, Alo Home for Girls, South 24 Parganas
- Arun Kr. Sarkar, Superintendent, Asha Sishu Ashram, Nadia
- Asim Mukherjee, Secretary, Janasiksha Prochar Kendra, Hooghly
- Basanti Banerjee, Superintendent, All Bengal Women's Union, Kolkata
- Various other home personnel

**B. Children**

Sl.No.	Name of Children	Sl.No.	Name of Children	Sl.No.	Name of Children
1	Bijoy Biswas	31	Manju Sarkar	61	Mohd. Maum Ali
2	Md. Mostafa Khandakar	32	Jyoti Bansriar	62	Tapasi Roy
3	Syed Hussain	33	Tanuja Khatun	63	Anirudha Das
4	Sabir Alam	34	Soma Das	64	Kishor Rai
5	Ravi Sheikh	35	Payel Khatun	65	Mohd Islam
6	Bablu Mondol	36	Bhagyasri Mahato	66	Liton Rai
7	Sumon Munshi	37	Padyabati Mahato	67	Tenzing Sherpa
8	Amitosh Basu	38	Lali Sardar	68	Mohd. Habibullah
9	Sabuj Sujan	39	Pooja Bauri	69	Paritosh Bhattacharya
10	Sumanta Debnath	40	Rekha Kumari	70	Rakesh Das
11	Sharmin	41	Kanshabati Mahato	71	Gopi Rai
12	Sonia Akhtar	42	Pinki Mondol	72	Dipu Nag
13	Sharmin Akhtar	43	Jharna Majhi	73	Rabindranath Pahan
14	Dashama	44	Nupur Majhi	74	Rajesh Hembrom
15	Kajuli Akhtar	45	Moumita Joardar	75	Shahjahan Mondol
16	Noor Jahan	46	Menoka Soren	76	Rajkumar Kachua
17	Tajmira Akhtar Mina	47	Itika Nahar	77	Surojit Barman
18	Taslina Akhtar	48	Tanjina Khatun	78	Mohd. Yusuf
19	Monti Khatun	49	Tamanna Khatun	79	Debashish Ray
20	Shahana Ajkar Kumkum	50	Puja Kundu	80	Pawan Chandra Burman
21	Falguni Bairagi	51	Nitu Kumari	81	Surya Murmu
22	Usha Kashyap	52	Ankita Churyakar	82	Suvo Rai
23	Aparna Gayen	53	Sharmistha Mondol	83	Ibrahim Sheikh
24	Jaya Saha	54	Sonia Khatun	84	Nimai Soren
25	Khushboo Munda	55	Puja Biswas	85	Bijjar Mandi
26	Dipika Choudhury	56	Rubi Adhikari	86	Priyoranjan Ghosh
27	Konkona Bhattacharya	57	Priyanka Sarkar	87	Markush hasda
28	Anumita Mondol	58	Payel Tirki	88	Tinku Mondol
29	Jayanti Debnath	59	Tina Das	89	Rahaman Hussain
30	Sundari Hembram	60	Mousumi Das	90	Saima Khatoon

Sl.No.	Name of Children	Sl.No.	Name of Children
91	Sankari halder	121	Sumita Munda
92	Mohd. Juyel	122	Rakhi Sardar
93	Mithun Hembrom	123	Karan Kumar
94	Sourav Sarkar	124	Mohd. Rakhibul Hasan
95	Suman Sardar	125	Bikash Kumar
96	Samrat Sarkar	126	Akshay Kumar
97	Sanjay Mondol	127	Sunny das
98	Mohon Sarkar	128	Ram Maiti
99	Jeet Sardar	129	Wasim Akram
100	Ujjal sarkar	130	Bishal Kumar
101	Utpal Biswas	131	Jumain Nahari
102	Sanju Sarkar	132	Mangal Mukherjee
103	Manab Biswas	133	Koyel Debnath
104	Pinky Hansda	134	Aruna Thapa
105	Pushpa Mondol	135	Farida Khatun
106	Rinky Singh	136	Nini Sau
107	Priya Dutta	137	Rupabanti Ekka
108	Soma Chakraborty	138	Sreyashi Das
109	Neha Dari	139	Puja Dey
110	Piya Naskar	140	Rina Bani
111	Soma Garai	141	Santana Sarkar
112	Priyanka Mondol	142	Padma Saha
113	Rajani Yadav	143	Ritu Halder
114	Supriya Halder	144	Manjuri Nayek
115	Hasina Khatun	145	Dipa Ghosh
116	Aparajita Mondol	146	Pramila Das
117	Barnali Hawladar	147	Sapna Das
118	Moumita Sarkar	148	Mithu Halder
119	Swati Hawladar	149	Shilpi Talukdar
120	Sukhrana Khatun	150	Sabana Khatoon



**Annexure – 6**

Timeline of the Study

<b>Sl. No.</b>	<b>Time</b>	<b>Activity</b>
1.	June	Preparation of Study, review of available literature, organizing Learning & Sharing Workshop, meeting legal personnel for their take on JJ Act.
2.	July	Preparation of Survey Tools – Questionnaires for interviewing home authorities & children, observation tools etc.
3.	August	Survey of Govt. Homes (9 homes – 5 Girls’ home & 4 Boys’ home).
4.	September-October	Survey of NGO-run Homes (6 homes).
5.	November	Data-entry.
6.	December-January	Analysis of data & generation of full report.