

India Country Report¹

Introduction

India is a country with multifaceted cultures and varied socio-economic and cultural backgrounds. Technological innovations and developments are rapidly taking place. Globalisation and liberalisation policies are benefiting those persons in society who are socio-economically better off. In the wake of the current hegemonic circumstances, it is generally acknowledged that social development needs to be directed at the marginalised segments of the population, especially children as a highly vulnerable category. Because of armed conflicts and natural and man-made disasters, it is appropriate that this country report be presented to make visible the magnitude of the problems of marginalised children facing enforced institutionalisation because of environmental circumstances beyond their control. This report attempts to give a brief overview of residential care for children and efforts made by the government and non-government organisations. It nowhere claims to be a comprehensive report on children; it merely gives glimpses of the Indian situation.

Present status

In the next few sections we analyse the situation of children in India in terms of demography, educational status, number of residential care institutions and other such features. Table 1 in the Appendix shows the situation of children in India today.

Education

According to the UNICEF report, 'The State of the World's Children 2003', the net primary school attendance in India during 1998 to 2001 was 79% for boys and 73% for girls.

Institutions for children

To provide shelter and residential care services for vulnerable children, various kinds of institutions have been set up under the Juvenile Justice Act for Children. Table 1 in the Appendix shows the institutions presently existing in the country (as per government data). There are many more NGO-run institutions that are not registered under the Juvenile Justice Act, but are under other acts relating to children's institutions. Hence it is difficult to obtain an accurate picture of the total number children's institutions in India. However, the data on children show that the need surpasses the supply. Table 2 in the Appendix shows the distribution of children in various forms of care outside the biological family.

Adoption

Recognising the child's right to a family, the government and the NGOs working in this field have been promoting adoption as the primary form of non-institutional care.

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National policies for children

The Constitution of India guarantees the special protection of children. India is also a signatory of the UN Convention on the Rights of the Child. Some of the Constitutional provisions are as follows:

- Article 24 of the Constitution states that no child under the age of 14 years shall be in employment;
- Article 45 grants free and compulsory education to all children under the age of 14 years.
- The 93rd amendment pertains to children's fundamental right to education;
- The National Plan of Action 1992 focuses on child welfare, protection and development.

Legal Interventions

Legislation for the protection of children

Juveniles Justice (Care & Protection) of Children Act, 2000

This act reaffirms the child's right to survival, protection, family development and participation. It also considers institutional and non-institutional services for children. It provides for the effective provision of a number of alternatives for rehabilitation and social reintegration, such as adoption, foster care, sponsorship and aftercare. The Act also envisages a system of partnerships with local communities and local governments to implement the legislation.

- The Guardian and Wards Act of 1890 and the Hindu Adoption and Maintenance Act of 1956: both concern the adoption of children;
- Provisions under the Indian Penal Code – IPC section 361, 362, 372, 373 and 375: for the protection of minor girls from abduction, kidnapping and rape which are punishable offences.
- Orphanages and other Charitable Institutions Licensing Act of 1960: concerns institutions that are not under the Juvenile Justice (Care and Protection) of Children Act;
- Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act of 1995: disabled people are entitled to comprehensive education. The Act provides for a continuity of services from early detection and intervention through schooling, vocational preparation, independent living in the community and lifelong education. The main focus is the integration of children into mainstream society.

Funding trends

The government provides financial support to residential institutions for children, foster care, sponsorship and adoption programmes. Organisations give donations in cash or in kind to a range of organisations. Volunteerism is also common in the field of residential care in India.

Institutional care

Government efforts

Below are a few examples of the government's initiatives in the area of child welfare:

- **Childline India Foundation (CIF)** is an umbrella organisation link between the government and the NGO National Initiative for Child Protection (NICP), the National Institute for Social Defence (NISD) and CIF India. Childline is a project of the Ministry of Social Justice and Empowerment and is a partnership of all government and NGOs working towards protecting the rights of children. It includes a 24-hour free phone call service for children in distress. The focus is on protection and referral services for children;
- **Street Children & Juvenile Justice Work Plan – 2000** is a joint effort by the Ministry and UNICEF;
- The **Central Adoption Resource Agency (CARA)** is an autonomous bureau that deals with matters relating to adoptions;
- Financial assistance to the that a new data collection strategy (VCA) working for inter-country adoptions;
- **Integrated Child Development Services (ICDS)** launched on 2nd October 1975. ICDS is a non-institutional service for children. The main target group of ICDS programmes are children in the age group 0-6 years, pregnant women and nursing mothers. The main focus is on children's pre-school education, health and nutrition.

Efforts of NGOs

Here are some examples of intervention models of residential care services provided by NGOs working in the areas of social advocacy and residential care.

- **Prayas – New Delhi:** Prayas is an example of governmental and NGO partnership in custodial care (it runs three homes in Delhi). It also provides competence-building training programmes for childcare functionaries. It undertakes social advocacy for influencing policy changes.
- **Balsakha – Patna, Bihar:** works with the government and society for the effective implementation of laws for children. Organises and conducts competence-building training programmes for functionaries.
- **St. Catherine's Home, Mumbai:** provides quality residential care services for orphaned girls, girls committed to care by the court, abused minors, unwed mothers and HIV+ children. St. Catherine also offers non-institutional services such as adoption and sponsorship.
- **Quality Institutional Care & Alternatives for Children (QIC & AC):** refers to a campaign started in 2002 initiated by CRY nationally and supported by Saathi, Mumbai at the Maharashtra state level. It is an initiative taken in collaboration with the State Department of Women and Child Development. It aims at ensuring quality care in residential institutions for children and in facilitating family-based and community-based alternatives for social reintegration and deinstitutionalisation.
- **SOS Children's Villages of India:** is a non-political welfare organisation. It is part of the worldwide SOS Children's Villages. Since its inception in 1964, SOS gives the children the next best thing to a natural family; here the children find a mother substitute and brothers and sisters to grow up with. There are 32 SOS children's villages in India and 122 allied projects. The organisation provides direct care to 15,000 children through the children's village programme and indirect care to nearly 2,00,000 children through its various community projects (kindergartens, school, social projects, medical assistance, vocational training centres and family helper programmes.) This programme has also begun to address the needs of children affected by disasters.
- **Vinimay Trust, Mumbai:** initiated by socially conscious people in 1982. In 1989 it was registered as a Public Charitable Trust. Vinimay means 'exchange' in Sanskrit.

For Vinimay social work is not performed out of charity but rather is social participation and social repayment. The Vinimay Trust is an organisation of voluntary social workers devoted to the welfare of underprivileged children and youth and to supplement the work done by existing institutions. For the last fifteen years Vinimay has been working to enhance the welfare and development of institutionalised children and also provides aftercare services. In 1989 it started a hostel in Nai Mumbai a transitional housing for boys who must leave the institution at the statutory age of 18 years. Vinimay began coaching classes for 500-600 children, has so far arranged job placements for 180 children, offers interest-free loans, etc.

- **Children's Aid Society (CAS) Mumbai:** The Central Development Committee of the Children's Aid Society, Mumbai is a government-supported NGO. Established in 1927, the Children's Aid Society has a long history of running the largest network of observation centres in Asia. At any one time there are some 500 children living in the observation centres. Some 2,000 children are housed in seven homes run by the CAS, neglected children, children who are in conflict with law and mentally challenged children. In March 2001 the then Chief Executive Officer appointed a Special Study Team to assess and propose measures for the qualitative upgrading of the CASs services. In accordance with the recommendations of the study team, the state government appointed a Central Development Committee to initiate this work.

Contribution of academic institutions

- **College of Social Work Nirmala Niketan, Mumbai:** Was established in 1955 and is affiliated with the University of Mumbai. The College's interventions concern children's institutions as a whole. Our philosophy has been to work directly with the problematic situation itself in the form conviction that overall development is best promoted by working to change the structure and content of services. A number of the faculty members sit on the boards of policy-making organisations. The College has been instrumental in performing need assessment studies, initiating the recruitment of trained staff to address the problems of childhood. The College has also been able to bring about infrastructural changes in, for example, some of the institutions in Mumbai. The College has also taken the initiative to monitor the activities of the institutions and has started outreach programmes in the community to prevent the institutionalisation of children. The College has done pioneering work in launching non-institutional services, e.g., foster care, adoption, fieldwork with street children and educational activities within the institutions. The College also does research for the purpose of recommending appropriate interventions.

Recently, the Government of Maharashtra asked the College and the Karve Institute of Social Sciences, Pune, to develop indicators for social justice and development. One of the areas of study concerns child development in institutions run by the Department of Social Justice.

During crisis situations such as earthquakes, cyclones and communal riots, women and children are the most vulnerable groups. The College has been able to advocate policies for children and their families that entailed working in close collaboration with government and international agencies.

- **'Nav-Chetna'** means 'new thinking'. The field action project was started in 1996 as a pilot project in four institutions for boys near Mumbai. Nav-Chetna also works with civil society organisations in the city to establish linkages between the children's institutions and the community so that rehabilitation plans can put into effect from the very first day of the boys' institutionalisation. Women's associations

were encouraged to function as Friend-of-the-Children's institutions. Sustaining this relationship has not been easy because it depends on the motivation of the leadership of the women's associations. With changing leadership, it has been a challenge to maintain this relationship.

As Nav-Chetna is a demonstration project, even though there were ups and downs during the first five years, it was decided to replicate Nav Chetna experience in other parts of the state. Several workshops were held to involve 54 schools of social work with more than 850 children's institutions in the state. The idea is to improve the quality of institutional care of the children and also to improve the quality of social work education/field instruction

- **Karve Institute of Social Sciences, Pune:** Conducts competence-building training programmers for the care workers in childcare institutions. Students are also placed for fieldwork in government and non-government institutions. In fact, most social work colleges place students for fieldwork in childcare institutions.

Way forward: issues and proposals

The Pre-Conference Meeting was organised in Mumbai on 9-10 December 2002. Panel discussions were held on residential care in India and possible alternative forms of care, theoretical aspects, policies and legislation, models of residential care services and advocacy efforts for empowerment. There were group discussions on what constitutes a child-friendly environment, on integration, mainstreaming and rehabilitation, the impact on children of armed conflicts and other disasters and the disempowerment of children. The following issues were raised in the discussions:

- There is need to compile a database of childcare institutions, conduct research and prepare documentation in areas of childcare institutions;
- The staff to children ratio for different categories of children needs to be examined;
- There is a need for transparency and greater accountability and flexibility in institutional functioning;
- Skills need to be upgraded through vocational training and competence-building measures.
- Childcare institutions should receive timely and adequate financial support.
- There is need to strengthen the aftercare programme for the children who are released from the institutions so as to facilitate their reintegration into society.

Outline of future goals

- A common minimum quality institutional care programme for children across all departments;
- Partnership of the state and civil society;
- Sensitisation of the donor community to the needs of children in residential care;
- Community-based rehabilitation programmes for non-institutional services.

Conclusion

We do not believe that the institutions can be substitute families for children, but at the same time there will always be some children who require institutional care. Therefore, good quality institutional care is the urgent need of the day. We reaffirm that the UNCRC should be implemented, in its true spirit and letter, by the government in collaboration with civil society.

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Appendix

Table 1. Situational Analysis of Children in India

Year	Population under 5 yrs in 1000s)	Population under 18 yrs (in 1000s)
1999	114,976	398,306
2001	116,316	402,043

Source: *The State of the World's Children, 2001*, P. 95. Official Summary, *The State of the World's Children 2003*, p. 31.

Table. 2. Distribution of children in care outside the biological family.

Year	Observation homes	Juvenile homes	Special homes	Aftercare homes	Total	Total capacity of institutions
1997-98	280	251	36	46	613	–
2000-01	294	2,566	45	45	640	43,195

Source: *Annual Report*, Ministry of Social Justice and Empowerment, 1997-98, p. 168. National Institute for Social Defence India.

Additional statistical information**Situational analysis of children in India.**

Year	Total Population	Under 5 yrs.	Under 18yrs.	0-4 yrs.	5-9 yrs.	10-4 yrs.	15-19 yrs.
1991	84,63,02,688						
1997		1,11,294 (in 1000s)	3,85,784 (Thousands)				
1998							
1999		1,14,976 (in 1000s)	3,98,306 (in 1000s)				
2001	1.027 billions	130 millions	400 millions approx. 40% of total pop.	117 millions	109 millions	110 millions	103 millions

Sources: Census of India 2001; NFHS – II (National Family Health Survey II); UNFPA, The State of World Population 1999: 6 Billion: A Time for Choices: New York 1999 PL.70 – 71. Cited from UNICEF, *The state of the world children 2001*, New York, P- 95

Children at risk: the following table shows the magnitude of the various categories of children at risk.

Category of Risk	Magnitude	Source of Information
Number of people living with HIV/AIDS at the end of 2001	Children 0-14 years, 1,70,000 Adults & children 0-49 years, 39,70,000	UNICEF, <i>The state of the world's children 2003</i>
Disability	3% of the child population are disabled children. The approx. number of disabled children is 12 million	Report on Disabled Persons, 47th Round July-December, 1991
Orphans	30 million	Statistics on Children, NIPCCD, 1992
Child labourers	100 million	Statistics on Children, NIPCCD, 1992
Street children	5 lakh estimated in seven cities	Statistics on Children, NIPCCD, 1992
Juvenile delinquents sent to: a) Fit institutions	2,012	<i>Crime in India</i> , 2000, Ministry of Home Affairs, Govt. of India, p. 299
Juvenile delinquents sent to: b) Special Homes	1,864	<i>Crime in India</i> , 2000, Ministry of Home Affairs, Govt. Of India, p. 299

Statistical profile of children placed in inter-country and in-country adoption.

Year	Inter-country Adoption	In-country Adoption	Total
1997	1,026	1,330	2,356
1998	1,406	1,746	3,152
1999	1,293	1,558	2,851
2000	1,364	1,870	3,234
2001	1,298	1,799	3,097

Source: Central Adoption Resource Agency (CARA), Government of India