

**GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:2964

ANSWERED ON:30.03.2012

CHILDREN HOMES/ORPHANAGES

Gandhi Shri Feroze Varun;Katoch Smt. Chandresh Kumari;Naranbhai Shri Kachhadia;Panda Shri Prabodh;Pandurang Shri Munde Gopinathrao;Ramasubbu Shri S.;Tewari Shri Manish

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) the details of both unregistered and registered children homes and orphanages which are running in the country alongwith the funds allocated and utilized by them during each of the last three years and the current year, State-wise, category-wise;
- (b) whether the Government has taken note of the alleged atrocities the inmates of such institutions are being subjected to by the management;
- (c) if so, the details thereof indicating number of such cases reported and persons convicted during the said period, State-wise including Delhi;
- (d) the details of the study or enquiry, if any, which has ever been commissioned by the Government pertaining to functioning, funding and operations of children's homes and orphanages in the country;
- (e) whether the Government proposes to amend the Juvenile Justice (Care and Protection of Children) Act, 2000 to bring these children homes or orphanages under the ambit of the said Act and include penal provisions to protect the children from exploitation and set up a mechanism to monitor the functioning of these children homes and orphanages; and
- (f) if so, the details thereof alongwith the time by which the said amendment(s) is likely to be made in this regard?

Answer

MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI KRISHNA TIRATH)

(a): Orphanages can be set up under one of the three Acts, namely, Women's and Children Institution (Licensing) Act, 1956 or Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960, as may be applicable in the State/UT and Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act). License/recognition/registrations under these legislations is given by the State Government/UT Administrations. Data on number of unregistered children's Homes and orphanages running in the country is, therefore, not maintained in the Ministry of Women and Child Development.

The Government, in the Ministry of Women and Child Development is administering the Juvenile Justice (care and Protection of children) Act, 2000 and is providing financial assistance, under the Integrated Child Protection Scheme (ICPS), to State Governments/UT Administrations for setting up and maintenance of Homes and Specialised Adoption Agencies (SAAs) under the JJ Act for children in difficult circumstances. The State-wise and year-wise, details of number of various types of Homes including children's Home and SAAs financially assisted during each of the last two years and the current year so far and details of funds sanctioned under ICPS, is at Annex. The funds released to the State Governments/UT Administration are generally utilised by them. However, the unspent balance, if any, is adjusted from the eligible grant for the subsequent year.

(b) & (c): Yes, Madam. The information is being collected and will be laid on the Table of the House.

(d): Prior to 2009-10, the Ministry of Women and Child Development was providing financial assistance to State Governments/UT Administrations for setting up and management of Homes of various types and Shishu Grehs for children in difficult circumstances, including orphans, under the schemes 'A Programme for Juvenile Justice' and 'Scheme for Assistance to Homes (Shishu Greh) to Promote In-Country Adoptions'. An evaluation study of these Schemes was carried out in the year 2007. Findings of the studies indicated that in many cases the infrastructure and staff, as well as their salaries, were inadequate; quality of care was not up to the desired standards; facilities for formal education need to be appropriately developed in the children's homes; special needs of differently-abled children have to be given greater attention and capacity building programmes are required for enabling and equipping the staff to handle the children's needs. In case of the 'Scheme for Assistance to Homes (Shishu Greh) to Promote In-Country Adoptions', lack of coordination between adoption agencies and Voluntary Coordinating Agency (VCA) was also a problem. These Schemes have been merged into ICPS with enhanced financial support and better procedures.

(e) & (f): Section 34(3) of the JJ Act already provides that all institutions for children in need of care and protection shall be registered under the Act. However, at present there is no penal provision of the institutions which do not register under the Act, for which an amendment is under consideration.

Further, Section 23 of the JJ Act provides for imprisonment, or fine, or both, for such persons having actual charge of, or control over the child who assaults, abandons, exposes or willfully neglects the child, or procures him/her for the purpose, in a manner likely to cause mental or physical suffering to the child.

Monitoring of Homes under the Act is prescribed through inspection committees at State and district levels set up under Section 35. Besides, Section 36 also provides for social audits to monitor the functioning of the Homes.

No time frame can be indicated for amendments to the Act as this requires approval of the Cabinet and thereafter the Parliament.