

“An Overview on Observation Homes under Integrated Child Protection Scheme”

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ABSTRACT: India is home to almost 19% of the world's children. More than one third of the country's population, around 440 million, is below 18 years. India's children are India's future as strength of the nation lies in a healthy, protected, educated and well-developed child population that will grow up to be productive citizens of the country. All Children have a right to protection against abuse, neglect, exploitation or any kind of suffering.

KEY WORDS: *Observation homes, Integrated Child Protection Scheme (ICPS) and JJ act.*

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I INTRODUCTION

The Observation Home is a facility for juveniles in conflict with the law. The juveniles in the home are in for various crimes such as robbery, murder and rape etc. Many of these children come from dysfunctional families and take to a life of crime because of unfavorable influences.

The juveniles who need only a short-term custody during inquiry or trial are kept in an Observation Home. This institution is also used for the custody of under trial children and juveniles in conflict with law about whom inquiry is pending or who are awaiting trial or removal to an appropriate Home or Borstal. India is home to almost 19% of the world's children. More than one third of the country's population, around 440 million, is below 18 years. India's children are India's future as strength of the nation lies in a healthy, protected, educated and well-developed child population that will grow up to be productive citizens of the country.

II OBJECTIVES OF THE STUDY

1. To study the significance of observation homes
2. To understand the Integrated Child Protection Scheme (ICPS)

III REVIEW OF LITERATURE

Kavita Sahmey (2013) This study was aimed at understanding the causes behind juvenile delinquency, and the measures that are being taken for the positive development of the children in conflict with law. The socio-economic profile, factors behind the delinquency, the rehabilitative mechanisms and its effectiveness were analyzed by using the primary data collected by interviewing 50 inmates of the Government Observation Home of Rourkela Sub Jail, Odisha.

Mark Soler et al (2009) this is a time of both great concern and great opportunity in the juvenile justice field. State and local leaders, faced with severe budget shortfalls in a slowed economy, have begun cutting juvenile justice programs and sending more youthful offenders to juvenile prisons in order to close budget gaps.

In the year 1914, first juvenile court was established at Calcutta.. Around 1920, the Children Acts were enacted in Madras, Bengal and Bombay on the basis of Reformatory schools Act. Under this act, residential care and rehabilitation services were provided to neglected, abandoned, destitute and delinquent children. In 1927, Children's Aid Society, a first voluntary agency in Maharashtra, established first remand home at Umarkhadi.

Rane (1986) this study reviewed on children in difficult circumstances states that in India, the traditional joint family, which has been in existence from many generations used to provide it's in built social security system. The responsibility of protecting and upbringing the disadvantaged child into potential adult personality and integrating to social mainstream of the society was given due emphasis. Recently due to rapid

social changes, the age old joint family system is vanishing especially in urban areas due to changing lifestyle and social needs. Further, industrialization has created widespread growth of slums and juveniles are exposed to adverse environmental settings leading to problems like orphaned, destitution, exploitation victimization and delinquency.

Singh, H., (2001) the main focus of the early form of Juvenile Justice was the child in conflict with Law. With the introduction of the idea of Juvenile Justice, yet another kind of State intervention emerged, which wider care and protection potential but had also led to great stigmatization. It may be interesting to note here, that unlike America and some European countries, Juvenile Justice Intervention was initiated in India without child labor exclusion, child abuse prohibition and child education measures. That is why, Juvenile Justice or juvenile delinquency regime happens to be more dominant and stronger, in term of legislative and administrative set-up (between 1920 and 1985, as many as 14-Children Acts were enacted in various States and Union Territories), than in the child labor or child education regimes (Singh, H., 2001). By 1986, all States except Nagaland, had enacted their Children Acts, however, it was soon realized that there was a lack of uniformity in the provisions thereof. No minimum standards for basic needs, working conditions, therapeutic services, etc., were being maintained.

IV METHOD OF RESEARCH

The present study is based on secondary data which is collected from the report of Crime in India, Ministry of women and child development, Government of India and other published articles.

Observation Homes (Section 8 of the Juvenile Justice)

Legal provisions regarding observation Homes under Section 8 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

- (1) Any State Government may establish and maintain either by itself or under an agreement with voluntary organizations, observation homes in every district or a group of districts, as may be required for the temporary reception of any juvenile in conflict with law during the pendency of any inquiry regarding them “under this Act.
- (2) Where the State Government is of opinion that any institution other than a home established or maintained under sub-section (1), is fit for the temporary reception of juvenile in conflict with law during the pendency of any inquiry regarding them under this Act, it may certify such institution as an observation home for the purposes of this Act.
- (3) The State Government may, by rules made under this Act, provide for the management of observation homes, including the standards and various types of services to be provided by them for rehabilitation and social integration of a juvenile, and the circumstances under which, and the manner in which, the certification of an observation home may be granted or withdrawn.
- (4) Every juvenile who is not placed under the charge of parent or guardian and is sent to an observation home shall be initially kept in a reception unit of the observation home for preliminary inquiries, care and classification for juveniles according to his age group, such as seven to twelve years, twelve to sixteen years and sixteen to eighteen years, giving due consideration to physical and mental status and degree of the offence committed, for further induction into observation home.

The number of observation homes, being funded under ICPS, in India. The top 10 States/UTs in terms of the number of observation homes were: Maharashtra, Rajasthan, Uttar Pradesh, Madhya Pradesh, Karnataka, Kerala, Chhattisgarh, Bihar, Jharkhand and Nagaland.

The number of observation homes in Maharashtra was 53 as on 31.03.2016. It accounted for 18.15% of the number of observation homes in India. The number of observation homes in Rajasthan was 36 ,It accounted for 12.33%, Uttar Pradesh was 30 ,It accounted for 10.27% Madhya Pradesh was 18, It accounted for 6.16%, Karnataka was 16, It accounted for 5.48% of all India, Kerala was 14 (4.79% of All India), Chhattisgarh was 13 (4.45% of All India), Bihar was 12 (4.11% of All India), Jharkhand was 10 (3.42% of All India), Nagaland was 10 (3.42% of All India).

The above mentioned top 10 states accounted for 72.58% of the total number of observation homes in India as a whole as on 31.03.2016.

Role of Observation Home

Observation Home is an institution, where neglected and delinquent juveniles are kept for a few weeks or pending decision of the cases. Children are brought by the police or probation officers or parents voluntarily admit them. During their stay in the institutions, all services are provided including food, clothing and shelter. In the institution, children may be disposed off either by committing them to a Juvenile Home for long term treatment or may be handed over to their parents based on the nature of the case. In Observation Home, Juvenile

Justice Board decides juvenile’s cases and handover to the parents on conditions of attending to Juvenile Justice Board sittings.

Only children in conflict with law brought under the purview of the Indian Penal Code and other legislations are produced before the Juvenile Justice Board constituted as per the section 4 of the Juvenile Justice (Care and Protection of Children) Act, 2000 and Amendment Act 2015.

Integrated Child Protection Scheme (ICPS)

The Integrated Child Protection Scheme (ICPS) is a governmental program implemented by the Government of India to help secure the safety of children, with a special emphasis on children in need of care and protection, juveniles in conflict or contact with the law and other vulnerable children. Its primary purpose is to create a central structure to provide oversight and standardization for pre-existing and evolving child protection schemes in India. Proposed in 2006 and implemented in 2009, the ICPS is administered at the state level by state child protection committees and societies and at the district level by district child protection societies, among other institutions.

Structures of Integrated Child Protection Scheme

Government of India Level

1. Ministry of Women and Child Development (India)
2. **Central Adoption Resource Authority:** CARA functions as an autonomous body under the Ministry of WCD, GOI and as a regulatory body for in-country and intercountry adoption.
3. **Central Project Support Unit:** Central Project Support Unit, MWCD, GOI- has been set up to ensure effective implementation of the ICPS in States/ UT’s. The CPSU based in Delhi functions as the Mission Directorate headed by a Mission Director.
4. **National Institute of Public Cooperation and Child Development (NIPCCD):** ICPS envisages establishing of an exclusive cadre of skilled child protection personnel across the country. NIPCCD has the responsibility of carrying out all child protection training activities in the country.
5. **Child line:** This is a 24x7 emergency outreach service for children in crisis which links them to emergency and long term care and rehabilitation. Childline Foundation, a voluntary organisation established by the Govt. of India. Under ICPS, it is the nodal agency for running operations in India.

State Government Level

1. **State Child Protection Society (SCPS):** It is the fundamental unit for implementation of the scheme in every State/U.T. and is under the Secretary of Child Welfare/Development in the state.
2. **State Adoption Resource Agency (SARA):** It is a unit of the State Child Protection Society. It coordinates and monitors adoption in the State and provides support to CARA.
3. State Project Support Unit
4. State Adoption Recommendation Committee

District Level

1. **District Child Protection Unit:** ICPS envisages setting up a District Child Protection Unit (DCPU) in each district as a fundamental unit for the implementation of the scheme.
2. Child Welfare Committee
3. Juvenile Justice Board
4. Special Juvenile Police Unit
5. Sponsorship Foster Care Approval Committee
6. District Inspection Committee

Sub-District Level

1. Block Level Child Protection Committee
2. Village Level Child Protection Committee

V CONCLUSION

The Observation Home has to be the place for changing attitudes and behavior of the inmates. It has a major role to play in rehabilitating the delinquent children, by turning their mind set up to become a worthy citizen of the country. Children living in Observation Homes shall be provided a better social environment for their growth in the absence of parental care and affection. A Programme for Juvenile Justice for children in need of care and protection and children in conflict with law. The Government of India provides financial assistance to the State Governments/UT Administrations for establishment and maintenance of various homes, salary of staff, food, clothing, etc. for children in need of care and protection and juveniles in conflict with law.

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