

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO.1702
TO BE ANSWERED ON 27.07.2018

OBSERVATION AND SPECIAL HOMES

1702. SHRI DEVUSINH CHAUHAN:

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

- (a) the funds provided to the States/UTs for construction of Observation and Special Homes for children in conflict with law during each of the last three years, State/UT-wise, including Gujarat;
- (b) whether vacant posts exist in such homes, if so, the details thereof and the reasons therefor along with the time by which these vacant posts are likely to be filled up;
- (c) whether the Government has set up separate homes for juveniles who attain eighteen years of age during the period of trial, if so, the details thereof and if not, the reasons therefor; and
- (d) the other steps taken/being taken by the Government to improve the overall functioning of the said homes and to fill up the vacancies therein?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT
(DR. VIRENDRA KUMAR)

- (a): Central Government is managing “Child Protection Services” (CPS) (erstwhile Integrated Child Protection Scheme) under umbrella Integrated Child Development Services, and providing financial assistance, as Grant-in-Aid, to the States/UTs on sharing pattern for execution of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act), which includes for setting up and maintenance of various types of Homes including Homes for children in conflict with law. The funding of proposed new Homes, either on rent basis or construction basis, is decided in the inter-ministerial Project Approval Board (PAB) constituted under the Scheme to consider and approve the financial proposals received from the State Governments/UT Administrations. The details of funds released and utilized by the State Governments/UTs including Gujarat under CPS including funds for observation Homes/Special Homes during each of the last three years and the current year, State/Union Territory-wise is at **Annexure-I**.
- (b): The Ministry of Women and Child Development has set up a monitoring system to ensure effective implementation of the scheme. A PAB under the Chairpersonship of Secretary (WCD) has been constituted in the Ministry to scrutinize and approve implementation plans, annual Plans and financial proposals from States/ UTs for release of grants under the scheme. The board also monitors and reviews the progress of implementation of the scheme from time to time. The PAB regularly directs the States/UTs to fill up the vacant positions in service delivery structures under the scheme i.e. State Child Protection Society, District Child Protection Units, State Adoption Resource Agency, Specialised Adoption Agencies, etc.
- (c): Under Section 49 (1) of the JJ Act, state Government shall set up atleast one place of safety in

a State registered under section 41, so as to place a person above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offence. Under Section 19 of the JJ Act when the Children's Court finds the child has committed the offence, it will make an order for placing the child in a "place of safety", which is not a jail, till the child attains the age of 21 years. Under Section 19(4), the Children's Court shall ensure that there is a periodic follow up report every year by the probation officer or the District Child Protection Unit or a social worker, to evaluate the progress of the child in the place of safety and to ensure that there is no ill-treatment to the child in any form. These reports shall also be forwarded to the Children's Court for record and follow up. Under Section 20 (1), when the child attains the age of 21 years and is yet to complete the term of stay, the Children's Court shall provide for a follow up by the probation officer or the District Child Protection Unit or a social worker or by itself, to evaluate if such child has undergone reformatory changes and if the child can be a contributing member of the society. For this purpose the progress reports of the child along with the evaluation of relevant experts shall be taken into consideration. After the completion of the procedure under Section 20(1), the Children's Court may either release the child or send the child to jail for the remainder of the term. The details of number of observation homes, special homes including place of safety for children in conflict with law and being funded under CPS, State/UT wise is at **Annexure-II**.

- (d): Section 8 (3) (j) of the JJ Act, states that conducting at least one inspection visit every month of residential facilities for children in conflict with law and recommend action for improvement in quality of services to the District Child Protection Unit and the State Government. Section 30 (viii) provides for conducting at least two inspection visits per month of residential facilities for children in need of care and protection and recommending action for improvement in quality of services to the District Child Protection Unit and the State Government. Section 41 of the Act also requires that all CCIs meant for covering children in need of care and protection (CNCP) or conflict with law (CCL) and shall be registered under this Act by the State Governments/UTs and Section 54 of the JJ Act, all State Governments/UTs appoint Inspection Committee for the State and district. Further, as per Section 54 (2) such inspection committees shall mandatorily conduct visits to all facilities housing children in the area allocated, at least once in three months in a team of not less than three members, of whom at least one shall be a woman and one shall be a medical officer, and submit reports of the findings of such visits within a week of their visit, to the District Child Protection Units or State Government, as the case may be, for further action. And as per Section 54 (3), on the submission of the report by the inspection committee, appropriate action shall be taken within a month by the District Child Protection Unit or the State Government and a compliance report shall be submitted to the State Government. The primary responsibility of execution of the Act, as such, lies with the State/UTs. Under the scheme "Child Protection Services" (CPS), institutional care is provided through CCIs, as a rehabilitative measure. In these CCIs, children are provided age appropriate education either within the institution or outside in a formal education system through convergence with other schemes and programs of the Government or civil society. Under the non-institutional care component, support is extended for adoption, foster care and sponsorship.

Annexure referred to in reply to part (a) of the Lok Sabha Unstarred Question No.1702 for 27.06.2018 raised by Shri Devusinh Chauhan regarding 'Observation and Special Homes'.

State/UT-wise details of funds released to the State Governments/UT administration under CPS alongwith the utilization of fund reported by State/UTs during each of the last three years is as follows:

Sl. No.	Name of the State	Status of grant released and utilized under CPS (Rs. in lakhs)					
		2015-16		2016-17		2017-18	
		Amount released	Amount Utilized	Amount released	Amount Utilized	Amount released	Amount Utilized
1	Andhra Pradesh	238.58	500.52	110.74	586.32	1469.88	1537.11
2	Arunachal Pradesh	571.68	92.02	52.29	179.54	643.71	180.00
3	Assam	597.90	1025.07	413.64	1112.98	2932.68	1787.53
4	Bihar	2687.89	1896.52	2787.92	1923.33	541.56	1633.69
5	Chattisgarh	3955.55	2086.26	527.77	1683.25	3181.97	2486.27
6	Goa	235.25	39.68	36.83	98.27	728.53	54.44
7	Gujarat	2328.90	1510.37	769.95	1526.53	590.11	1767.24
8	Haryana	496.44	350.89	0.00	1224.85	1858.22	2500.00
9	Himachal Pradesh	604.04	1255.12	2345.48	2390.26	1835.01	1833.11
10	Jammu & Kashmir	113.35	0.00	43.12	114.71	807.48	374.62
11	Jharkhand	369.88	387.42	840.11	842.14	1714.57	1641.76
12	Karnataka	1845.24	2193.66	3720.80	3709.53	3272.45	1364.04
13	Kerala	944.39	660.25	260.50	216.96	1849.45	1275.72
14	Madhya Pradesh	1116.03	2373.81	2503.88	2535.83	3262.77	2582.87
15	Maharashtra	3138.75	1975.29	2272.33	1569.37	608.15	1308.75
16	Manipur	3082.18	1163.81	241.34	709.47	1886.33	2103.00
17	Meghalaya	1469.55	1497.88	2060.33	2060.33	1846.60	1846.60
18	Mizoram	2079.44	2079.44	1949.55	1949.55	1917.51	1917.51
19	Nagaland	2257.65	1473.21	1350.37	1447.50	1457.45	1457.45
20	Orissa	3309.07	2669.74	1089.22	2580.78	2599.30	2773.86
21	Punjab	820.81	515.57	581.67	718.31	143.24	875.43
22	Rajasthan	3258.92	2929.43	0.00	2267.52	4752.30	1295.98
23	Sikkim	562.00	303.74	601.18	365.87	662.76	125.43
24	Tamil Nadu	825.04	4282.78	13039.37	3648.55	2013.12	5512.50
25	Telangana	354.88	93.94	195.64	1823.98	894.82	633.08
26	Tripura	710.63	680.20	676.04	415.30	446.81	499.00
27	Uttar Pradesh	2884.18	3293.57	3207.19	3109.82	1830.67	4222.98
28	Uttarakhand	66.88	3.89	15.54	187.54	907.57	731.40
29	West Bengal	508.67	1067.29	6763.87	3522.60	5073.56	4232.67
30	Andaman & Nicobar Island	36.03	36.03	36.88	36.76	31.66	93.36
31	Chandigarh	357.82	324.15	245.44	278.53	194.32	172.73
32	Dadra & Nagar Haveli	58.66	5.84	177.59	59.11	24.82	69.90
33	Daman & Diu	82.82	57.69	126.42	80.33	21.89	83.00
34	Delhi	1363.40	931.53	978.64	1024.94	354.33	1295.68
35	Lakshadweep	0.00	0.00	0.00	0.00	-	-
36	Puducherry	559.60	622.75	826.33	768.69	114.35	426.20
Total		43892.10	40379.36	50847.97	46769.35	52469.95	52694.91

Annexure referred to in reply to part (c) of the Lok Sabha Unstarred Question No.1702 for 27.06.2018 raised by Shri Devusinh Chauhan regarding 'Observation and Special Homes'.

State/UT-wise details of Homes for children in conflict with law and supported under ICPS as on date

S. No.	State	Observation Home	Special Home	Observation cum Special Home	Place of Safety
1	Andhra Pradesh	12	2	2	0
2	Arunachal Pradesh	0	0	1	0
3	Assam	5	0	0	1
4	Bihar	12	1	0	0
5	Chhattisgarh	12	1	0	3
6	Goa	0	0	0	0
7	Gujarat	3	0	3	0
8	Haryana	4	0	0	0
9	Himachal Pradesh	0	0	2	0
10	Jammu and Kashmir	6	2	0	0
11	Jharkhand	10	1	0	0
12	Karnataka	16	1	0	0
13	Kerala	14	2	0	1
14	Madhya Pradesh	18	3	0	0
15	Maharashtra	53	0	0	0
16	Manipur	4	0	1	0
17	Meghalaya	3	0	0	0
18	Mizoram	8	2	0	0
19	Nagaland	11	2	0	0
20	Orissa	0	0	4	0
21	Punjab	4	2	0	0
22	Rajasthan	34	0	0	0
23	Sikkim	2	1	0	0
24	Tamil Nadu	8	2	0	0
25	Tripura	4	1	0	0
26	Uttar Pradesh	26	2	0	1
27	Uttarakhand	9	2	0	2
28	West Bengal	7	0	7	0
29	Telangana	9	1	1	0
30	Andaman & Nicobar	0	0	0	0
31	Chandigarh	1	0	0	0
32	Dadra & Nagar Haveli	0	0	0	0
33	Daman and Diu	0	0	0	0
34	Lakshadweep	0	0	0	0
35	NCT of Delhi	4	1	0	1
36	Puducherry	2	2	0	0
		301	31	21	9