

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
STARRED QUESTION NO. 242
TO BE ANSWERED ON 28.12.2018

HOSTELS FOR CHILDREN

242. SHRI ANANDRAO ADSUL:
SHRI ASHOK SHANKARRAO CHAVAN:

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

- (a) whether hostels for children including those attached to schools are as vulnerable as those at any other facilities like Child Care Institutions (CCIs) and day care centres and if so, the details thereof;
- (b) whether there is a lack of guidelines for children's hostels/CCIs and if so, the facts in this regard;
- (c) whether the Government proposes to formulate guidelines to ensure adequate safety, minimum standard of living conditions and periodic inspection of hostels and if so, the details including the aims and objectives thereof along with the steps taken by the Government in this regard and the time by which these guidelines are likely to come into force;
- (d) whether many CCIs/said hostels are functioning without registration as mandated under Section 41 of the Juvenile Justice Act, 2015 and if so, the details thereof; and
- (e) whether the Government has directed States and UTs to undertake inspection of all such hostels for children, CCIs and related facilities and ensure their registration and if so, the response of the States/UTs thereto along with the other steps taken by the Government to ensure safety and well being of children at hostels/CCIs?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI MANEKA SANJAY GANDHI)

- (a) to (e): A Statement is laid on the Table of the House.

Statement referred to in reply to part (a) to (e) of the Lok Sabha Starred Question No.*242 for answer on 28.12.2018 raised by Shri Anandarao Adsul and Shri Ashok Shankarrao Chavan regarding 'Hostels for Children'.

- (a): Ministry of Women and Child Development has enacted Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act). As per Section 2 (14) (i), (ix) and (x) of JJ Act, a child who is found without any home or settled place of abode and without any ostensible means of subsistence, who is found vulnerable and is likely to be inducted into drug abuse or trafficking and who is being or is likely to be abused for unconscionable gains is included as a "child in need of care and protection", among others. Hon'ble Supreme Court has opined in their Judgment dated 5th May, 2017 that "the definition of the expression "child in need of care and protection" under Section 2(14) of the JJ Act should not be interpreted as an exhaustive definition. The definition is illustrative and the benefits envisaged for children in need of care and protection should be extended to all such children in fact requiring State care and protection." As per Section 2 (21) of JJ Act, "child care institution" means Children Home, open shelter, observation home, special home, place of safety, Specialised Adoption Agency and a fit facility recognised under this Act for providing care and protection to children, who are in need of such services. The children in need of care and protection (CNCP) are mandated to get Institutional care or Non-Institutional care as prescribed by Child Welfare Committee (CWC) on case to case basis under the powers and responsibility vested in CWC vide section 29 and 30 of the JJ Act, 2015. The primary responsibility of execution of the Act, lies with the State/UTs.
- (b) & (c): The Juvenile Justice (Care and Protection of Children) Model Rules, 2016 framed under JJ Act provide detailed guidelines for setting up and monitoring of CCIs.
- (d) & (e): The Hon'ble Supreme Court of India vide its Order dated 5th May, 2017 on Writ Petition (C) No.102 of 2007 had directed that all unregistered CCIs be registered by 31st December, 2017. Accordingly, the Ministry asked all the State Governments/UTs to ensure registration of all CCIs either run by State Government or by voluntary or non-governmental organizations. The Ministry has also asked the States/UTs to close down those Institutions which have declined to register. Resultantly more than 7700 CCIs were reported to have been registered by 31.12.2017. The Ministry has been pursuing with all the States/UTs to regularly monitor all the CCIs as mandated under the Section 41 of the JJ Act, 2015 and the JJ Rule framed thereunder.
