

REPORT

ON THE STATE LEVEL MEETING ON FOCUS ON

FOSTER CARE UNDER JUVENILE JUSTICE

CARE AND PROTECTION OF CHILDREN

ACT, 2015

AT

CHANDIGARH JUDICIAL ACADEMY,

CHANDIGARH

ON 21-SEPTEMBER 2019

JUVENILE JUSTICE MONITORING COMMITTEE

PUNJAB AND HARYANA HIGH COURT

CHANDIGARH.

Report on the State Level Meet on Foster Care under Juvenile Justice Act, 2015 held on 21.09.2019

Back ground of the Meet

Pursuant to the directions of Hon'ble Supreme Court vide D.O. Letter dated 6th August, 2019 of Hon'ble Mr. Justice Deepak Gupta, Judge, Hon'ble the Supreme Court of India and Chairperson Juvenile Justice Committee to hold a meeting at State level in September 2019 on the issue of Foster Care, the then Hon'ble the Chief Justice, Hon'ble Mr. Justice Krishna Murari of Punjab and Haryana High Court, Chandigarh has been pleased to approve to conduct the State Level Meeting to discuss all the relevant issues relating to this subject. Accordingly, a State Level Meeting in respect of issue relating to Foster care was convened on 21st September, 2019 at Chandigarh Judicial Academy under the patronage of **Hon'ble Mr. Justice Jaswant Singh**, Judge, Hon'ble High Court of Punjab & Haryana and Chairperson of Hon'ble Juvenile Justice Monitoring Committee, Hon'ble Ms. Justice Jaishree Thakur and Hon'ble Mr. Justice Gurvinder Singh Gill, Members, Hon'ble Juvenile Justice Monitoring Committee in collaboration with the Chandigarh Judicial Academy organised **STATE LEVEL MEETING : FOCUS ON FOSTER CARE AND JUVENILE JUSTICE ACT, 2015** at Chandigarh Judicial Academy. The meet was co-ordinated by Mr. Rajnish Kumar Sharma, ADJ-cum-OSD (JJMC), Mr. Baljinder Singh Sra (ADJ-cum-Member Faculty, CJA) and Mr. Ish Kumar (Joint Registrar, JJMC). The State Level Meet was participated and attended by key persons of Women and Child Development Departments, Chairpersons of Child Welfare Committees, District Child Protection Officers and Member Secretaries, State Legal Services Authorities from the States of Punjab, Haryana and U.T. Chandigarh.

Participants:

<u>Participants Summary</u>				
Sr no	Designation/Department	Punjab	Haryana	Chandigarh
1	Chairpersons/Member, State Commission for Protection of Child Rights	-	1	-
2	Principal Secretary to the Department of Women and child Dev	1	1	-
3	Director/Deputy Director/Joint Director to the Department of Women and Child Dev	1	1	2
4	Member Secretary/Secretary/Law officer, State Legal Services Authority.	-	1	3
5	PO/PM/Superintendent to Department of Women and Child Dev.	3	9	2
6	District Child Protection officers to Department of Women and Child Dev.	21	18	1
7	Chairperson/Member, Child Welfare Committee	18	22	-

Welcome Address and Overview of the Meet:

The meet commenced with a welcome address delivered by **Dr. Balram K. Gupta**, Director (Academics), Chandigarh Judicial Academy. He, while welcoming the dignitaries and participants, apprised them the objective of the meet highlighting the constitutional provision aimed at ensuring the welfare and wellbeing of the Children. He traced the genesis of the meet to Article 39(f) of the Constitution of India which provides that opportunities must be provided to every child to grow up and develop in a healthy environment and children

need to be protected from exploitation. He further emphasised that the Juvenile Justice Act is in furtherance of the mandate of Directive Principles of Indian Constitution. He highlighted that the meet specifically focuses on foster care and need for quality of services provided under the Act. The meet was segregated into two sessions. In the first session the challenge of foster care from institutional care was examined. He stated that it was easy to think that a parent like care could be provided to children who were deprived of their natural and biological parents. Thus foster care had its own challenges and difficulties. He raised a pertinent question: Can it be a substitute effective, practically viable in the upbringing of the children? Referring to the JJ Act, he brought out the important features including the fact that the Act caters to two categories of children – Children in Need of Care and Protection and Children in Conflict with Law. He stated that in the two sessions all different aspects of foster care and quality of services have to be examined. He egged on the participants and stakeholders who are actively engaged in the entire process to pool in their mind and work out the challenges and bring out a road map to grapple with the problem. He concluded by urging the participants to actively participate in the meet.

Key Note Address:

While opening the meet **Hon'ble Mr. Justice Jaswant Singh**, Chairman Juvenile Justice Monitoring Committee, Punjab and Haryana High Court in his keynote address, highlighted the purpose of the meet which is to fulfill one's constitutional, statutory and moral obligation to protect the rights of the children. While laying emphasis on the main points of the meet, he pointed out that children being the future of a Nation need to be nurtured in an environment of love and care of the parents which is extremely crucial in their overall development, adjustment to society and in making them responsible law abiding citizens.

His Lordship observed that over the last 30 years, India has seen a lot of urbanization. India being a rural society, the problem with regard to Children in Need of Care and Protection (In short 'CNCP') is not acute in rural areas as they can be looked after by their near relatives. The urbanization has led to a shift from the rural areas to the cities. The source of major chunk of children requiring foster

care comes from under privileged class settled in the cities. He gleaned three categories of children which are the source of foster care namely:

1. The Orphans, surrendered and runaways.
2. The children who are neglected or come from poverty stricken homes.
3. The last portion of the children is victims of physical, emotional and sexual abuse.

Highlighting the key provisions of Act in this regard, His Lordship stated that **Section 44** defines foster care, generally as an extended family which is provided. He beautifully pointed out the difference between Kinship care and Foster care. Then elaborating further his view pointed, he impressed upon that in Indian context as we have originated from the joint family system so we have an overpowering and underlying principle of kinship. Hence, foster care with variations such as restoring the children to extended families or kinship is one of the features which are envisaged in the Act. Another aspect is group foster care apart from the individual.

Furthermore, His lordship stressed upon the need to make a shift from institutional based care to non-institutional based care for the children in need of care and protection. He referred to the basic principles to be kept in mind while making the shift which are:

1. Principle of institutionalization as a measure of last resort
2. Principle of Restoration and Repatriation
3. Principle of Primary responsibility

In the Indian scenario, the circumstances prevalent are inclined towards the Institutional care which is an actual challenge with the members of the CWC while placing the custody of the CNCP's with foster care families. Even the Model Guidelines for Foster Care 2016 framed by the Central Government the suggested ways which we may term them as are hoarded towards de-institutionalized care which are contrary to the provisions of the JJ Act.

His Lordship summed up by stating that a beginning has to be made how so ever modest or humble it may be and set up the road map to be followed by

the participants who are engaged in the implementation of the provisions of the Juvenile Justice Act, 2015 in the context of Foster care.

SESSION 1- Key Role of Foster Care under Juvenile Justice Act, 2015

The first session was chaired by **Hon'ble Mr. Justice Jaswant Singh, Chairperson, Hon'ble Juvenile Justice Monitoring Committee** accompanied by Hon'ble Ms. Justice Jaishree Thakur and Hon'ble Mr. Justice G.S Gill, Members, Hon'ble Juvenile Justice Monitoring Committee, Punjab & Haryana High Court.

The first Speaker who addressed the issue of foster care was **Dr. K.P. Singh, IPS, Director General, State Vigilance Bureau, Haryana**. He emphasized that the scheme of Rehabilitation and Integration of Children in need of Care and Protection must be revolved around three concepts which are:

1. Non institutionalization
2. Institutionalization
3. De- institutionalization

These three concepts are to be read in totality with the scheme of the Juvenile Justice Act. He mentioned that institutionalization must not be the first resort but the last; however the people engaged in the implementation rush to put the child in institutional care. We need to change the present mind set of the people. He stated that there is a need to be shifted from institutionalization to non-institutionalization due to the following reasons:

1. There being inadequate support.
2. There is a right to independent living.
3. To help in integration of children back to the homes.
4. To improve standard of living.
5. Lastly, to develop parental ties rather than professional.

He summed up by stating the findings of the research in 19th and 20th century which stated that the children in institutionalized set ups are more prone to prostitutions, criminal activities and even suicide. Hence it's the need of the hour

for a shift towards non-institutionalised set ups such as foster care or kinship.

The second speaker **Dr. Vageshwari Dewal**, Faculty of Law, **University of Delhi**, focused her session towards the Model Guidelines for Foster care, 2016. She highlighted some concerns upon the implementation of foster care namely:

1. Lack of awareness.
2. Too many rules, too many stakeholders; Co-ordination between them is a lengthy process.
3. Too formalistic, which is de-motivational for potential foster parents.
4. Children aging out of the system.
5. Well laid out support system to foster parents. Incentivize their efforts. Encourage community support for people volunteering to be foster parents.
6. More emphasis on matching of child with the foster parents.
7. Understanding that the child already has a family and this is a temporary arrangement to provide a nurturing family environment when biological parents are incapable of doing so.

The last speaker **Ms. Vasundhara Sachdeva**, **Managing Director**, **Centre of excellence in Alternative Care**, aimed her interaction towards the difficulties she faced during the actual implementation of the concept of Foster Care. She through her experience formulated five steps in promoting Foster Care namely:

1. Step 1- DCPU to assess the need in the District
2. Step 2- Set clear Goals and Strategy for attracting families.
3. Step 3- Provide resources to carry out the plan e.g. staff, finances, training, policies etc.
4. Step 4- Make detailed plans for specific tasks.
5. Step 5- Review the plan using SWOT analysis.

Lastly, she summed up her lecture by proving ways as to how Foster

Care can be made a success; which are:

1. Mapping of Districts and Child Care Institutions.
2. Identify the children who are eligible for Foster care.
3. Check Individual Care Plan, Rehabilitation Card and Social Investigation Report.
4. Analyze all the reports together with Multi-disciplinary Team.
5. Identify the Foster family.

SESSION 2 - Need of Quality Service for Children to protect their well-being

Ms. Vasundhara Sachdeva, the first speaker highlighted that the quality of services for children should not be confined to good physical infrastructure but also the emotional needs of the child and the persons engaged in this task should be specially trained to communicate with the child for his overall development. She mentioned that it is crucial to look into the need of the child and to ensure that wherever the child is placed in foster care or in adoption the environment provided to him should be of paramount consideration. She emphasized on the fact that, if the services are not of good quality, we would create a fragmented society which would not be productive for any country as the whole economy would be doomed. She articulately summed up the four basic dimensions of quality service which are:

1. Child centric care and support.
2. Effective care and support.
3. Safe care and support.
4. Health well-being and development.

Furthermore, she mentioned that quality service depends upon four main parameters which are i.e

1. Leadership, Governance and Management.
2. Responsive Workforce.
3. Use of Resources.
4. Use of Information.

The second speaker Mr. Amod K. Kanth, General Secretary, Prayas, quoted the official facts and figures which highlighted the huge chasm

between the number of Children in need of Care and Protection and resources available at present. Hence, making it nearly impossible to provide quality service.

Furthermore, he shared with the gathering a documentary on **Prayas**, demonstrating how the organization is doing its bit in shaping the future of the country. He mentioned that Prayas works for those children who are deprived of their basic needs and amenities.

Lastly, He shared his rich experience and the challenges he faced in providing good quality service and how he deduced solutions for the same.

Mr. Neil Robert, Co-ordinator, Chandigarh, Legal Services Authority, aimed at a futuristic approach regarding the need for quality care. He mentioned that no matter how good an institution is, it cannot be equated to the care and love a child gets in his family. He mentioned that, if foster care isn't materialized we would never be able to move the children out of the institutional care making no room for more children. The theme of the meet is very closely linked between the concept of foster care and good quality service for children. The quality that we provide in institutions should be on the basis that we are looking to achieve through Foster Care.

Session 3- Closing Observation Road Map

Hon'ble Mr. Justice Jaswant Singh, Chairperson, Hon'ble Juvenile Justice Monitoring Committee during the concluding session added that through such workshop, we have evolved an opportunity to deliberate as to how to promote the concept of Foster Care with the sole aim of reducing the period of stay of child in institutions and increasing and promoting family-based care for children. His Lordship also answered the queries raised by the participants. He allayed some of the apprehensions which potential foster care families entertain, which were raised by the participants.

His Lordship further asked all the distinguished personalities present in the workshop to take a pledge today about conscious efforts to reduce the period of stay of children in the institutions and find families for all children keeping the principles of best interest and well-being of the Child in mind.


Vote of Thanks:


After the conclusion of the State Level Meeting, worthy Director (Administration) Ms. Shalini Nagpal expressed her gratitude for the contribution made by Hon'ble Mr. Justice Jaswant Singh, Chairman, Juvenile Justice Monitoring Committee, Hon'ble Ms. Justice Jaishree Thakur and Hon'ble Mr. Justice Gurvinder Singh Gill, Members, Hon'ble Juvenile Justice Monitoring Committee. She expressed that the State Level Meeting has been organized with the object of interaction with all the stakeholders, the key persons of Women and Child Development Department, Chairpersons of Child Welfare Committees, District Child Protection Officers and Member Secretaries, State Legal Services Authorities from the States of Punjab, Haryana and U.T. Chandigarh to identify the issues and challenges relating to children in foster care or kinship care vis-à-vis children in institutional care and find solutions to overcome these issues and challenges.

She thanked all the dignitaries including resource persons, panelists, presenters and participants for their active participation. She emphasized the participants to imbibe the tips given by the panelists and the resource persons.

The meet ended successfully.

Submitted by:


(Rajnish Kumar Sharma)
ADJ-cum-OSD (JJMC)
Coordinator


(Baljinder Singh Sra)
ADJ-cum-Faculty Member, CJA
Coordinator