

Safeguarding Children

Sameera Saurabh

India is one of the youngest countries in the world— it is projected that till 2050, half of the world's population growth will come from nine countries including India. For any country, children are the future capital, an asset that needs to be nurtured if the demographic dividend is to be truly reaped. Since the pandemic struck in 2020, thousands of children have been orphaned. Policies may be reviewed for the 30 million orphaned and abandoned children, and bring them into focus by urgently realigning its childcare policies.

A major part of India's population— around 158 million consists of children in the age group of 0-6 years.¹ India is home to 472 million children upto the age of 18 years and comprising 39 per cent of the country's population. There are roughly 30 million orphaned and abandoned children in India— that's almost 4% of the youth population.

According to the United Nations Children's Fund (UNICEF), India has 29.6 million orphaned and abandoned children. However, figures provided by private organisations showed that in 2017, of these 30 million children, there were only 470,000 children in the institutionalised care. And, of these, roughly half a million children, only a fraction finds their way into family care

because adoption rates in India are abysmally low. This means that there needs to be a huge readjustment in the Government's focus on child development, as currently, millions of children are being denied opportunities to live a life of safety and good health.

Adoption rates in India have always been low, but they have been dropping in the past few years. The Government's Central Adoption Resource Authority (CARA) statistics show that in 2010, there were 5,693 in-country adoptions, while in 2017-2018, there were only 3,276 in-country adoptions. This fall occurred because out of approximately 30 million children abandoned, only 261,000 are under institutionalised care, accounting for a meagre 0.87%.

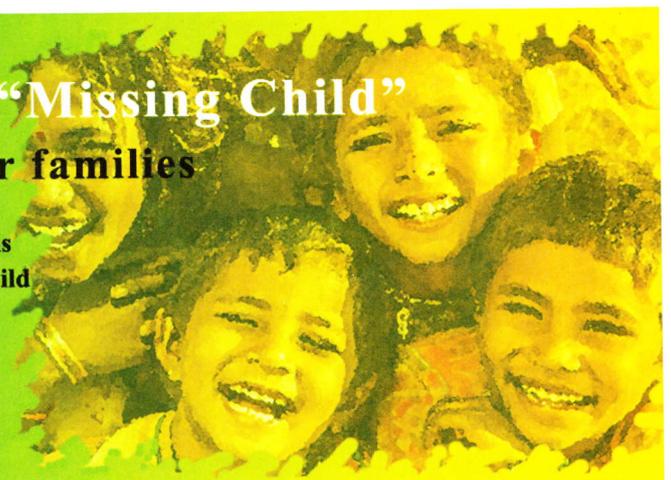
Let's reintegrate every **“Missing Child”**
of the country with their families

There is no greater burden or torture in this life than for parents to live without their child

In Emergency, dial

☎ 1098 for Childline

☎ 100 for Police



The author is Joint Secretary, Ministry of MSME, GoI. She has worked for Social Sector and Development Agenda of G20 and specialises in Developmental Economics. Email: sameera.saurabh@gmail.com.

Data shows that while more than 29,000 prospective parents are willing to adopt, just 2,317 to 3,000 children are available for adoption. Adoption laws in India are strict, leading to exceptionally low numbers of adoptions taking place. From March 2019-2020, only 3,351 children were adopted. This suggests a wide gap between adoptable children and prospective parents, which may increase the length of the whole process. The reasons for low levels of adoption in India are manifold.

Firstly, there aren't enough children available for adoption because the ratio of abandoned children to children in institutionalised care is lopsided. Seeing children on the streets is the most common sight in India. The District Child Protection Officer should be taking the street children to a Child Care Institution (CCI), and if their parents aren't found, then they should be placed for adoption.

The National Commission for Protection of Child Rights (NCPCR) data shows that there are 5,850 registered CCIs in India. But if unregistered ones are included in the basket, there are more than 8,000 such functioning institutions, and as per regulations, only registered CCIs can be linked to adoption agencies. Further, it says that there are 2,32,937 children in all registered and unregistered CCIs. However, not all CCIs in India are registered under the law. Including unregistered ones, there are a total of 8,000 CCIs. Children in unregistered institutions are vulnerable to poor care, physical violence, sexual abuse, and trafficking. The Government should also devote greater resources on setting up more CCIs along with a strategy to move millions of children off the

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streets to institutionalised care and a supportive family. This can happen if the Government pushes its focus, money, and resources towards shutting down unregistered CCIs, holding district-level childcare officers accountable, and running a country-wide campaign on adoption as another means of having a child.

Disability and Adoption

In January 2020, CARA held a national consensus to discuss the possibility of improving and streamlining the adoption process.

Among other points of discussion, it stated that the institution prepared a classification of children with special needs, spanning 14 sub-categories.

The categorisation would enable prospective adoptive parents to understand the children's needs better and enhance their chances of adoption. However, according to the latest available data shared by CARA, only 40 children with disabilities were adopted between 2018 and 2019, accounting for approximately 1% of the total number of children adopted in the year.

Annual trends reveal that domestic adoptions of children with special needs are dwindling with each passing year. At the same time, foreigners adopting children with special needs is steadily rising since prospective adoptive Indian parents faced with a long waiting period for a 'healthy' baby, end up adopting children with disabilities as a last resort. The cultural aversion towards children with special needs results in most of them being referred to overseas prospective adoptive parents.



The year 2015 saw a moment of transition in the adoption process with the introduction of the Central Adoption Resource Authority (CARA). CARA is an autonomous and statutory body of MoWCD under the Government of India. The system acts as a centralised digital database of adoptable children and prospective parents. It functions as the nodal body for the adoption of Indian children and is mandated to monitor and regulate




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New Initiatives for Making Women 'Aatmanirbhar'

-  Mission POSHAN 2.0
-  Mission Shakti
-  Mission Vatsalya
-  50% YoY growth in Budget allocation under Mission Shakti
-  2 Lakh Anganwadis to be upgraded to Saksham Anganwadis



in-country and inter-country adoptions. CARA is designated as the Central Authority to deal with inter-country adoptions in accordance with the provisions of the 1993 Hague Convention on Inter-country Adoption, ratified by the Government of India in 2003. It primarily deals with the adoption of “orphaned, abandoned and surrendered” children through recognised adoption agencies. In 2018, CARA allowed individuals in a live-in relationship to adopt children from and within India. Although the main focus of the CARA mechanism is to quicken the process of adoption, the waiting period is growing longer.

Adoption practices in India are primarily governed by the Hindu Adoptions and Maintenance Act, 1956 (HAMA) and Juvenile Justice (Care and Protection of Children) Act, 2000 (JJ Act). Both legislations have different provisions and objectives. HAMA is the statute that governs the adoption of and by Hindus. The definition of ‘Hindus’ here includes Buddhists, Jains, and Sikhs. It gives an adoptive child all the rights of a naturally-born child, including the right to inheritance.

Until the JJ Act, the Guardians and Wards Act (GWA), 1980, was the only means for non-Hindu individuals to become guardians of children. However, since the GWA appoints individuals as legal guardians and not natural parents, guardianship is terminated once the ward turns 21 and the ward assumes individual identity.

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Stakeholders in Adoption Process

1. Central Adoption Resource Authority (CARA)— CARA ensures smooth functioning of the adoption process from time to time, issues Adoption Guidelines laying down procedures and processes to be followed by different stakeholders of the adoption programme.
2. State Adoption Resource Agency (SARA)— SARA acts as a nodal body within the State to promote and monitor adoption and non-institutional care in coordination with CARA.
3. Specialised Adoption Agency (SAA)— SAA is recognised by the State government under sub-Section 4 of Section 41 of the Act for the purpose of placing children in adoption.
4. Authorised Foreign Adoption Agency (AFAA)— AFAA is recognised as a foreign social or child welfare agency that is authorised by CARA on the recommendation of the concerned Central Authority or Government Department of that country for coordinating all matters relating to adoption of an Indian child by a citizen of that country.
5. District Child Protection Unit (DCPU)— DCPU is a unit set up by the State government at district level under Section 61A of the Act. It identifies orphan, abandoned, and surrendered children in the district and gets them declared legally-free for adoption by Child Welfare Committee.

Of the 30 million children without a legal guardian or care, less than half a million are actually in institutionalised care. The rest are left wandering on the streets, vulnerable to abuse and trafficking. With so few children actually in care homes, most orphans are not ‘available’ for legal adoption. Even then, prospective parents are choosy, with most wanting a child without a disability and between the age of 0-2 years old. There are several threats facing

orphans in India, especially for those who live on the streets. One of the biggest risks is exploitation. As per the Juvenile Justice (Care and Protection of Children) Act, 2015, orphan and destitute children in the country are “Children in need of care and protection” (CNCP). The primary responsibility of execution of the Act lies with the States/UTs. The MoWCD is implementing a centrally sponsored Child Protection Services (CPS) Scheme (erstwhile Integrated Child Protection Scheme) for supporting the children in difficult circumstances. The primary responsibility of

implementation of the Scheme lies with the State Governments/UT Administrations. Under the provisions of the CPS, the Central Government is providing financial assistance to the States/UTs for undertaking a situational analysis of children in difficult circumstances, inter-alia. Under the Scheme, institutional care to “Children in need of care and protection” and “Children in Conflict with Law” is provided in CCIs. The Scheme also provides for non-institutional care wherein support is extended for adoption, foster care and sponsorship.

The financial norms for various components under ICPS (now, CPS) were revised wef from 1 April 2014. The key features of the revised Scheme included increased maintenance grant for children in homes, from Rs 750 to Rs 2,000 per child per month. The ICPS was renamed as CPS as sub-scheme under Umbrella Integrated Child Development Services wef 1 April 2017. Following modifications have come into effect pursuant to the said order:

1. Maintenance grant for children in homes was enhanced to Rs 2,160 per child per month,
2. Sitting allowance of Child Welfare Committee and Juvenile Justice Board’s members has been enhanced from Rs 1,000 to Rs 1,500 in accordance with new JJ Model Rules, 2016, and
3. Programmatic allocation for CHILDLINE India Foundation was increased by Rs 9.70 crore to address expansion and emerging protection needs.

The Ministry of Women and Child Development has submitted that Hindu adoption (under HAMA) which happens directly between relatives does not get to CARA and thus data regarding such adoptions is not available. In this backdrop, the committee has recommended that the process of adoption needs to be simplified by taking a close relook at the various regulations guiding the procedure of adoption and the Ministry can engage with concerned experts working in this field to get feedback on the practical difficulties which prospective parents are facing.

The panel recommends that the issue of children with special needs requires special focus in terms of highlighting and advocacy at various

Mission Shakti envisages a unified citizen-centric lifecycle support for women through integrated care, safety, protection, rehabilitation, and empowerment to unshackle women as they progress through various stages of their life.

platforms, besides regular sensitising of prospective parents for adoption of such children. In 2018, a social audit report by NCPCR on shelter homes had revealed that out of the 2,874 children’s homes, only 54 were found to be complying with the JJ Act, and out of 185 shelter homes which were audited, only 19 had records of children residing there.

The Ministry is administering various schemes for the welfare, development and protection of children. To achieve the above objectives, the Union Cabinet has recently approved 3 important Umbrella Schemes to be implemented in mission mode. i.e., Mission Vatsalya, Mission Poshan 2.0, and Mission Shakti.

Mission Vatsalya: In this Mission, Children have been recognised by policy makers as one of the supreme national assets. The objective is to secure a healthy and happy childhood for every child in India; foster a sensitive, supportive and synchronised ecosystem for development of children; assist States/UTs in delivering the mandate of the JJ Act 2015; and achieve the SDG goals.

The prime objective is to address gaps in State action for women and children and to promote inter-ministerial and inter-sectoral convergence to create gender equitable and child-centered legislation, policies, and programmes.

Mission POSHAN 2.0: It is an Integrated Nutrition Support Programme which seeks to address the challenges of malnutrition in children, adolescent girls, pregnant women, and lactating mothers through a strategic shift in nutrition content and delivery, and by creation of a convergent ecosystem to develop and promote practices that nurture health, wellness and immunity. It seeks to optimise the quality and delivery of food under the Supplementary Nutrition Programme.

Under the programme, nutritional norms, standards, quality, and testing of THR will be improved and greater stakeholder and beneficiary participation will be promoted besides traditional community food habits. POSHAN 2.0 will bring three important programmes/schemes under its ambit, viz., Anganwadi Services, Scheme for Adolescent Girls and Poshan Abhiyaan.

Mission Shakti: This Scheme envisages a unified citizen-centric

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lifecycle support for women through integrated care, safety, protection, rehabilitation, and empowerment to unshackle women as they progress through various stages of their life. Mission Shakti has two sub-schemes 'Sambal' and 'Samarthya'.

The Sambal sub-scheme consists of the existing scheme of One Stop Centre (OSC), 181 Women Helplines (WHL), and Beti Bachao Beti Padhao (BBBP). Besides, a new component of Nari Adalats has been added as women's collectives to promote and facilitate alternative dispute resolution and gender justice in society and within families. The "Samarthya" sub scheme is for empowerment of women, consisting of existing schemes of Ujjwala, Swadhar Greh, and Working Women Hostel. In addition, the National Creche Scheme for Children of Working Mothers and the Pradhan Mantri Matru Vandana Yojana (PMMVY), which have been under the Umbrella ICDS Scheme till now, are also subsumed in 'Samarthya'.

All the three Missions will be implemented during the 15th Finance Commission period 2021-22 to 2025-26.

The PM CARES for Children Scheme was launched on 29 May 2021 to support children who have lost both the parents or legal guardian or adoptive parents or surviving parent to Covid-19 during the period starting from 11 March 2020. The objective of the Scheme is to

ensure comprehensive care and protection of children in a sustained manner, and enable their well-being through health insurance, empower them through education, and equip them for self-sufficient existence with financial support. The PM CARES for Children Scheme inter-alia provides support to these children through convergent approach, gap funding for ensuring education, health, monthly stipend from the age of 18 years, and lumpsum amount of Rs 10 lakh on attaining 23 years of age.

Ayushman Bharat Pradhan Mantri-Jan Arogya Yojana (PM-JAY)

PM-JAY provides a cover of Rs 5 lakhs per family per year for secondary and tertiary care hospitalisation, across public and private empanelled hospitals in India.

In case of child identified for support under PM CARES for Children, he/she shall be entitled to the cover of Rs 5 lakh.

The Government strives to ensure well-nourished and happy children and self-reliant women by providing them with an environment which is accessible, affordable, reliable and free from all forms of discrimination and violence. □

Reference

1. 2011 Census Data.

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