UNIT 4 SPECIAL INSTITUTIONS

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4.1 INTRODUCTION

There are several institutional which are functional to provide support to trafficking victims. The enactment of Juvenile Justice Act also provided with few institutions such as children home, after care home, observation home, special home for protection of the victims. Under the Juvenile Justice Act institute like Child Welfare Committee was established to provide all support to the Child-in-Need-of Care and Protection (CNCP). As most of the trafficking taken place against minor children, all those victims are qualify as CNCP, it is the duty of CWC work for their rehabilitation, reintegration etc.

In order to investigate trafficking cases effectively and to prosecute the traffickers, special Anti-Human Trafficking Cell of police departments have been established in several part of the country. There are different advisory body, nodal agencies created in different places in India for overseeing the progress with regard to anti-trafficking measures.

4.2 OBJECTIVES

After going through this unit, you should be able to:

1. describe the special institutions relating to combat human trafficking;
2. explain the role of Ministry of women and child development in eradicating human trafficking, and
3. describe the significant role played by various Shelter Homes and Welfare Committees while addressing the issue of human trafficking.
4.3 ROLE OF MINISTRY OF WOMEN AND CHILD DEVELOPMENT

The Ministry of Women and Child Development deals with the issues concerning women and children. In the year 1998, it drew up a National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children. The main objective of this plan is to mainstream and to reintegrate the women and child victims of commercial sexual exploitation in society. Several guidelines have been issued for the implementation of National Plan of Action. A Central Advisory Committee under the chairpersonship of Secretary, Ministry of Women and Child Development has also been constituted with members from Central Ministries like the Ministry of Home Affairs, Ministry of External Affairs, Ministry of Tourism, Ministry of Health, Ministry of Social Justice and Empowerment, Ministry of Information Technology and Ministry of Law and Justice to combat trafficking in women and children and commercial sexual exploitation as well as rehabilitate victims of trafficking and Commercial Sexual Exploitation and improve legal and law enforcement systems. It holds meetings at three months intervals.

There is also a Protocol which talks about Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation. For prevention of trafficking the Ministry of Home Affairs has also set up a dedicated nodal cell. The main function of such a nodal cell would be to coordinate, network and provide feedback to the State Governments and other concerned agencies as well as share data inputs, best practices, innovations etc. on a sustained and continuous basis to enable better outcomes. Efforts have been taken in imparting training to Police personnel on issues of trafficking. As per the advice of the National Human Rights Commission and the Government of India, the State Governments have earmarked two Nodal Officers on Anti Human Trafficking, one representing the Police Department and the other representing the Departments of Women and Child/Welfare/Labour etc. They may be called as the ‘Police Nodal Officer’ (PNO) and the ‘Government Nodal Officer’ (GNO).

4.4 INSTITUTIONAL SERVICES

There are various institutions which provide many facilities to victims of human trafficking especially women and children who are in need of care and protection, for ensuring their all-round development, with the view of facilitating their reintegration and rehabilitation into the mainstream society. Mention can be made of the following institutional services:

4.4.1 Shelter Homes

There are a large number of children, which includes children without parental care, run away children, migrant children, etc., who require residential care for a temporary period for various reasons. Section 37, of The Juvenile Justice (Care and Protection of Children) Act, 2000, empowers State Governments to recognize reputed and competent voluntary organizations, which cater to the needs of such children. It specifically provides that the financial assistance to set up and administer Shelter Homes for such children shall be provided by the State Government.

Section 37 Clause (1) provides that the State Government may recognize reputed and capable voluntary organizations and provide them assistance to set up and administer
as many shelter homes for juveniles or children as may be required. Clause (2) provides that the shelter homes referred in subsection-(1) shall function as drop-in centers for the children in the need of urgent support who have been brought to such homes through such persons as are referred to in subsection (1) of section 32. Clause (3) provides that as far as possible, the shelter homes shall have such facilities as may be prescribed by the rules.

These Shelter Home many a time provides shelter to trafficking victims. Several trafficking who are minor qualify as CNCP and are entitled to the protection of the home.

**Self Assessment Question**

1) Write a note on Shelter Homes?

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**4.4.2 Children’s Homes**

The Juvenile Justice (Care and Protection of Children) Act, 2000 empowers the State Government either by itself or in collaboration with voluntary organizations to set up Children’s Homes in every district or group of districts for the reception and residential care of a large number of children in need of care and protection. These Homes shall provide comprehensive child care facilities to children for ensuring their all-round development, with the view of facilitating their reintegration and rehabilitation into the mainstream society.

However, Sec. 40 of the J.J. Act provides that the rehabilitation and social reintegration of a child shall begin during the stay of the child in children’s home or special home, but as the family is the best option to provide care and protection for children, adoption is the first alternative for rehabilitation and social reintegration of orphan, abandoned or surrendered children.

**4.4.3 Observation Homes**

Children in conflict with law are in need of adequate residential care and protection during the pendency of any inquiry regarding them under the Juvenile Justice (Care and Protection of Children) Act 2000. The Act empowers the State Governments to establish and maintain either by itself or under an agreement with voluntary organizations, observation homes in every district or group of districts for the temporary reception of such children.
4.4.4 Special Homes

The State Governments are empowered to establish and maintain either by itself or under an agreement with voluntary organisations, special homes in every district or group of districts for the reception and rehabilitation of juveniles in conflict with law.

4.4.5 Child Welfare Committee (CWC)

Sec. 29 of the Juvenile Justice Act, 2000 provides for the Child Welfare Committee. The Committee has the sole authority to declare the child in need of care and protection who are orphan, abandoned or surrendered free for adoption.

CWC shall determine legal status of all orphan, abandoned and surrendered children. Functions and Powers of the Committee, procedure in relation to the Committee, production of child before committee, procedure for inquiry, procedure related to orphan and abandoned children and procedure related to surrendered children shall be governed as laid down in the Juvenile Justice Amendment Act 2006 and its Rules. On clearance from CWC that a particular child is free for adoption, there will be termination of parental right.

The enactment of the Juvenile Justice (Care and Protection of Children) Act, 2000 and its subsequent amendment in 2006 is definitely a significant effort of the legislature towards recognition of adoption of orphan, abandoned and surrendered children by people irrespective of their religious status. It can’t be denied that it is a secular legislation only under which any person can adopt a child of orphan, abandoned and surrendered child irrespective of his/her religion. It is more children oriented unlike other legislations.

Section 31 of the Act has given enormous power to CWC to deal with the CNCP. Clause (1) of the Act provides that the Committee shall have the final authority to dispose of cases for the care, protection, treatment, development and rehabilitation of the children as well as to provide for their basic needs and protection of human rights. Thus CWC has been created as supreme body to determine about the rehabilitation, reintegration of the victims.

4.4.6 Specialised Services for Children with Special Needs

A significant number of children affected by HIV and AIDS and substance abuse, as well as mentally or physically challenged children are in need of long term care. A separate home for such children shall only be set up in a situation where there are a large number of children with special needs in a district or group of districts.

4.4.7 General Grant-in-aid for Need Based/Innovative Interventions

Such programmes shall depend on the specific needs of a district/city and may be initiated as pilot projects: for example, special programmes for children of prisoners, children of sex workers, etc.

4.4.8 Anti-Human Trafficking Unit (AHTU)

the different police departments in the country have established Anti-Human Trafficking Unit to deal with trafficking cases. The prosecution of offender is one of the prime objectives of criminal justice system. AHTU helps in proper investigation of the cases and to prepare material for effective prosecution.
Self Assessment Question

2) What is Anti-Human Trafficking Unit?

There are several institutions which can provide support to the victims.

1 The body like CWC has final authority to decide about the CNCP.

1 The different kinds of Home can also provide support to the victims for their custody, rehabilitation and reintegration.

1 The AHTU established by different police department is working for proper investigation and effective prosecution of trafficking cases.

4.5 SUMMARY

1 There are several institutions which can provide support to the victims.

1 The body like CWC has final authority to decide about the CNCP.

1 The different kinds of Home can also provide support to the victims for their custody, rehabilitation and reintegration.

1 The AHTU established by different police department is working for proper investigation and effective prosecution of trafficking cases.

4.6 TERMINAL QUESTIONS

1 What is the role of Child Welfare Committee with respect to the child in need of care and protection?

2 What is the main objective of National Plan of Action?

3 What kind of support different Home provides to victims?

4 What will be the role of AHTU?

4.7 ANSWERS AND HINTS

Self Assessment Questions

1 Refer to Sub-section 4.4.1

2 Refer to Sub-section 4.4.8

Terminal Questions

1 Refer to Sub-section 4.4.5

2 Refer to Section 4.4

3 Refer to Section 4.3

4 Refer to Sub-section 4.4.8