

Assimilation of Sponsorship Schemes and Integrated Child Protection Services (ICPS) : A need for a Paradigm Shift

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Abstract

The present study aims to evaluate the functioning of various child care schemes and to provide some suggestions for the adoption of the efficient mechanism to cater effectively to the needs of the needy children. The researchers feel that there should be a proper watchdog for monitoring the dispensations through these schemes properly. The integration of Sponsorships Schemes and ICPS will prove effective to augment the schemes' functioning, besides the proper follow-ups by District Child Protection Unit (DCPU) will also check that the sponsorships are properly utilized.

Keywords

Children, Sponsorship, Child Welfare Committee, Schemes

Introduction

Every society has some sort of the underprivileged sections, the most vulnerable of them are children and women. The phenomenon of being underprivileged is the outcome of various social problems and institutional instability. States, across the globe, have one or the other mechanism to combat this vulnerability, as to provide social security and dignified life to those sections that fall prey to various kinds of social problems. The earliest known form of service to the needy children began with orphanages attached to early monasteries in Catholic or Islamic countries, the oldest of which may probably have been the 9th orphanage in the Iranian Mosque of Holy Shrine at Meshad (Baig, 1979).

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There were no crèches, nursery schools or children's hospitals and everything related to children was considered to be the responsibility of the mother and the family. The concept of childcare began to develop in France probably due to the French Revolution in 1789. On realizing that children needed special provisions, France developed progressive 'minor rights by enacting laws to protect children at their work place in 1841 and subsequently, a right to education in 1881(Ibid.).

Movements to save the child from exploitation and abuse at work places and development of child protection legislation, juvenile courts started in France and other parts of Europe in the beginning of the 20th as an outcome of the Industrial Revolution.

Declarations and Legislations on Child welfare: An International Scenario:

In order to protect the child rights, various international organizations have ensured the child protections through various declarations and legislations some important declarations and legislations made by key international organizations are as follows:

League of Nations: An English lady Dorothy Buxton found Save the Children Fund at London in 1919 to provide assistance and protection to children who had experienced war or were victims of war. In 1920 it was organized as 'International Save the Children Union' with the support of International Committee of the Red Cross and the 'Geneva Declaration 1924.' Recognition of the Rights of the Child led to an understanding that childhood is an integral part of a child's life and child welfare is the responsibility of the whole world community and not the parents alone.

United Nations: The UN General Assembly adopted the Universal Declaration of Human Rights. On December 10, 1959, and recognize the Rights of the Child a legally binding International Treaty whereby the child by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection before and after the birth. UNICEF was setup with the objective to care for the children of the world affected by not only war but even the economic and political upheavals.

International Legislations: The legislations enacted by the world community are required to be incorporated and integrated by the member states while making laws, rules, policies and schemes for child welfare. Main legislations include: United Nations Convention on the Rights of the Child, 1989; UN Rules for the Protection of Juveniles deprived of their Liberty, 1990; UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985; United Nations Guidelines for the Protection of Juvenile Delinquency (Riyadh

Guidelines), 1990; Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption, 1993.

Declarations and Legislations on Child welfare: An Indian Scenario:

India is home of the largest child population in the world (19%), where more than one third of the country's population, (around 440 million), is below 18 years. The Constitution of India guarantees Fundamental Rights to its children, empowers the State to make special provisions for them, and through the Directive Principles of State Policy specifically guides the State in securing the children from abuse exploitation and ensuring that children are given opportunities and facilities to develop in a healthy manner. The constitution in this regard clearly states that 'The State must make special provisions for women and children' (Article 15 (3)).

Declaring its children as the nation's "supremely important asset" in the National Policy for Children, 1974, the Government of India reiterated its commitment to secure the rights of its children by ratifying related international conventions and treaties.

The National Policy for Children, 1974 recognized that programmes for children should find prominent place in national plans for the development of human resources, so that children grow up to become robust citizens, and an asset to the society.

The Constitution of India provides that the State shall direct its policy towards ensuring "that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment." (Constitution of India; Article 39)

The adoption of the National Policy for Children (NPC) in 1974 was the first such major comprehensive initiative taken by the Government. The policy had set out action commitments to address and honour the national standards and obligations enshrined in the Constitution. It focused on:

- Provision of care and protection to all children before and after birth and throughout their period of childhood.
- Comprehensive health and nutrition programmes for all children.
- Right to free and compulsory elementary education for all children in the 6-14 year age group (Article 21 A) Inserted after 86th Amendment in 2006.
- Special attention to children from marginalized backgrounds or children with social handicap.
- Constitution of a National Children's Board for planning and upholding the rights of children.

- Protection of children against abuse, neglect, cruelty and exploitation.
- Existing laws should be amended so that in all legal disputes whether between parents or institutions, the interests of children are given paramount consideration.

The Constitution of India guarantees the fundamental rights to the Children in this regard its directions to the state are: 'The State shall take to special protection measures to secure the rights of children in need of special protection, e.g. children affected by migration, communal violence, civil unrest, disasters, street children, children of sex workers, children forced into begging, children in conflict and contact with the law, children, children of prisoners, children infected/affected by HIV/AIDS, children with disabilities, children affected by alcohol and substance abuse, children from any other socially excluded group, etc. The State shall promote child friendly jurisprudence; enact progressive legislation, to address issues related to child protection.'

The state of India, in this regard, has launched various schemes for the protection of its child population. Solid evidence on the positive effects of social protection, combined with political support and financial capacity in developing countries like India, have led to its expansion. Most schemes improve the material well-being of disadvantaged groups and many can help to break the intergenerational cycle of poverty. Some schemes, however, can reinforce feelings of inferiority among those who benefit from them. The limited evidence available indicates that some social groups are better covered by social protection than others. Indian Government, at all levels, announces Welfare Schemes for a cross section of the society from time to time. These schemes could be either Central, State specific or a joint collaboration between the Centre and the States. These schemes cover the vital components of the life of an individual like, employment, education, gender equality and health etc.

Statement of Problem

Approximately 19% of the world's children reside in India, where more than one third of the country's population, (around 440 million), is below 18 years. Welfare of the child was largely neglected and was not high on the agenda of erstwhile governments for a long period of time due to the fact that children had no voice; were under the control of their parents; and were not treated as individuals having rights of their own. As per a study done by the Ministry of Women and Child Development, there are more than 9,500 institutions hosting over 3, 70,000 children in the country. The valley of Kashmir has faced tremendous problems related to the children issues because this part of the globe remains boiling due to the ongoing turmoil. Consequently, children and women have remained

the immediate prey of the conflict situations. There are almost 65 institutions and hosting 1914 children. Institutionalization is last resort for any child that falls in definition of section 2 of Juvenile Justice Act 2015. Different studies have revealed that the children living in CCIs are having physiological pressure. Children in CCIs are restricted and have to follow the rules or guidelines that are formulated by CCI. Studies on children of CCIs who went back to their families after attaining the age of 18 years reveal that they find it difficult to adjust to their home environment. This phenomenon of maladjustment derails the child from living a normal way of life. There is, therefore, a dire need to make a sociological assessment in this context. The present study aims to identify and evaluate various development / protection schemes pertaining to children in Kashmir.

Objectives

- To enumerate the existing child development/protection schemes.
- To examine the benefits of these schemes, if any, to children residing in child care institution.
- To evaluate role of ICPS vis-à-vis child development schemes.
- To provide suggestions for effective utilization of sponsorships.

Methodology

There are numerous schemes for welfare of children sponsored by both central and state and UT governments. In order to make the present study more reliable and authenticate, the major schemes pertaining to child care and protection will be evaluated. Data related to these schemes will be collected through secondary sources like, government Gazettes, Journals, Newspapers books, research work; e-resource etc. content analysis method will be applied to present the facts and figures.

Findings

In the present study the researchers have come across the following important findings:

- The state of India has time and again launched various Schemes for the child protection.
- The implementation of schemes launched for the welfare and protection of the children are being impeded by various bottlenecks.

Thus the researchers feel that there must be a watchdog to ensure the effective implementation on ground zero level. The discussion on these key finding goes as follows:

Schemes launched by Government.

As we know that India falls under the category of developing nations. The large masses of people live below the poverty line. So we can understand how harsh the childhood of these families. The Government is taking steps to empower, educate and uplift its child population. The government in there every five-year plan keeps a portion of budgets for schemes that are for the welfare and protection of the children. The schemes that government launches or sponsors have fixed aim and target that is why every scheme that is launched for child development is given a particular name and target. Here are some of the schemes that has been launched or sponsored by government. They are: Integrated Programme for Street Children; Scheme of Assistance to Voluntary Organizations for Homes (Shishugreh) for Infants and Young Children for Promoting in-Country Adoption; Programme of Assistance for Innovations in Child Development and Welfare-National Children's Fund; National Creche Fund Scheme 1994; Scheme for Assistance to Voluntary Agencies for Non-formal Education for elementary age group Children under The Programme for Universalization of Elementary Education; Scheme for Assistance for Experimental and Innovative Programmes for Education at The Elementary Stage Including Non-Formal Education; Beti Bachao, Beti Padhao; Sukanya Samridhi Yojna; Balika Samridhi Yojna and CBSE Scholarship Scheme/Policy For Girl Education

The above schemes cover almost all age groups of children. It also covers both formal and non-formal types of education. Some of these schemes are launched particular for girl child. But it has come to our observation that a large portion of children does not benefit out of these schemes. The following data substantiates this view.

Table 1: No of cases registered in CSCs of Kashmir Division

S. No.	District	No. of registered cases
1.	Anantnag	648
2.	Bandipora	117
3.	Barmulla	378
4.	Budgam	174
5.	Ganderbal	93
6.	Kulgam	349
7.	Kupwara	326
8.	Pulwama	300
9.	Shopian	520
10.	Srinagar	214
Total		3119

Source: Annual Report on Implementation of JJL in the state of J&K, 2018-19.

Table 2: No. of cases registered in the JJBs of Kashmir Division

S. No	District	No. of Cases Registered
1.	Anantnag	343
2.	Bandipora	176
3.	Barmulla	385
4.	Budgam	247
5.	Ganderbal	145
6.	Kulgam	218
7.	Kupwara	194
8.	Pulwama	97
9.	Shopian	153
10.	Srinagar	597
Total		2555

Sources: Annual Report on Implementation of JJL in the state of J&K, 2018-19

The tables 1 and 2 show the number of cases that are registered in the both the Child Welfare Committees and the Juvenile Justice Boards of Kashmir Division under Juvenile Justice Act 2015. There are cases of both Child in Need of Care and Protection (CNCP) and Child in Conflict with Law (CCL) as per Juvenile Justice Act 2015 but to a large extent we can prevent or stop or can provide an alternative source to fall in the above mentioned categorizers (CNCP / CCL). Two of the main reason why these children fall in these two categorizes is Dropout / Domestic labour both are due to poverty and parents not aware regarding the different schemes launched state for children.

The malfunctioning of the schemes gives rise to two crucial issues upon which the policy makers, concerned administration and academicians must rethink.

The Problem of Dropouts: The dropouts represent a significant human cost to children and then at ion since they will most likely be permanently illiterate (Desai, 1991). Illiteracy, poverty, in adequate earnings and poor living conditions of parents force them not only to withdraw their wards from schools but also put them in various types of jobs for contribution to the family income (Rao, 2000). According to the United Nations Educational, Scientific and Cultural Organization (UNESCO, 1989 and 2007), India has the lowest public expenditure on higher education per student in the world. India spends just 3.5 percent to fits gross domestic product on education, way below China's 8 percent, and the public expenditure on education has actually declined from around 3.23 percent of GDP in 2000-01 to 2.88 percent in recent times.

The case regarding dropout of a child are mainly because of the above mentioned reasons. The percentage of these cases are 22% overall cases that the Committees of Kashmir Division have received. The most important reason, as stated by the household members for the school dropout. For 29 percent of the cases, the important reason cited were child not interested in studies. This reason was given for 36 percent of boys and 21 percent of girls who dropping out of school. For 19 percent of children, the reason mentioned was Cost was too much. The two other important reasons mentioned by the households were (a) required for household work (12 percent) and (b) required for outside work for payment in cash or kind (6 percent). Other reasons reported for dropping out of school includes repeated failures, required for work on form/family business, school too far away and further education was not considered as necessary. Interestingly, 3 percent of the cases reported marriage was the important reason for discontinuing education.

Children in Domestic labour: Despite constitutional provisions and legislations in India, prohibiting child labor under the following acts - The Child Labour (Prohibition and Regulation) Act 1986 and Juvenile Justice Act 2015 no concrete action was possible against trafficking and child domestic labour. Only after a series of public interest litigations led by Bachpan Bachao Andolan and a number of judicial orders by the various High Courts and the Supreme Court of India, was concrete action for rescue, recovery and rehabilitation of child domestic labourers and prosecutions of employers and traffickers, and illegal placement agencies initiated. A landmark change was made in the Indian Penal Code in February 2013, with trafficking and exploitation of children being prohibited with stringent punishments in the Penal Code, on the basis of recommendation of the Justice Verma Committee.

The case regarding domestic helper either kept by parents or trafficked or child opted themselves in order to earn for themselves or the child those are involved in some types of using drugs or have some personal problems the percentage of these cases are 20% overall that the Committees of Kashmir Division have received. It is obvious some these children may be dropout or not attended school at all. If the teachers at school level have identified these children and make them and their parents aware regarding different schemes that government have sanctioned or launched for them. Even the school authority or parents can come themselves before the committees and discuss their problems. As even under definition of Section 2 (14) of Juvenile Justice Act 2015, defines that such child whose are parents or guardians are incapacitated are Child In Need and Care of Protection (CNCP).

While Government of India has given sponsorship scheme direct to Child Protection Service (CPS) department but the number is very less or is not enough for all. As the number of such children increase day by day but the number in sponsorship, remain same. Therefore, there is imbalance in the equation though committees use the several other options in order that every child get rehabilitate.

The rise in dropouts and many other crimes against the destitute children puts a question mark on the efficacy of these schemes. If the state of affair remains the same, not only the progress of these children shall hamper but also the nation and it is development will get face great challenges. Therefore, there must be proper follow ups after the sanction of the funds to the beneficiaries.

Conclusion

The above findings give rise to a few pertinent questions- what constitutes "Best interest of the child"? If the schemes are allotted to different government department that serves regarding the development of child and safe guard its interest. Though the government has policies for child development and in this regard it has launched several schemes that encompass child as a whole. But still loop holes remains there. The child that has to be encompassed in any schemes has to submit several documents and bring clarifications from departments. But if the children of Child Care Institutions or the cases that come before the Child Welfare Committees or Juvenile Justice Boards are considered at first preference or a ration of these schemes are merged in Child Protection Services throughout all states, a large number of children would be saved. Besides it will bring down crime rate in and against children and save them from been exploited by family or other people. Saving future of these children, means save coming generation and help in build happy and prosperous nation. To sum up, if the integrations of Sponsorship Schemes and ICPS happens, the children in general and the children in Institutional Care particular will be better served and the objectives of these Schemes will be actually met. Besides this, the proper follow-ups by District Child Protection Unit (DCPU) will also check that the sponsorships are properly utilized, in this way there will be a watchdog to ensure the effective implementation of these schemes on ground zero level.

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