

Govt tightens norms for children's shelter homes

NEW RULES Judicial magistrate will probe cases of sexual abuse, escape or death, complete inquiry within 4 weeks

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NEW DELHI: The government has tightened the norms for conducting inquiry into cases of escape, sexual abuse or death of any child living in child care homes, following the incidents of large scale abuse of girls reported from Child Care Institution (CCI) in Bihar's Muzaffarpur and Uttar Pradesh's Deoria.

According to the new standard operating procedure (SOP) framed by the child rights body National Commission for Protection of Child Rights (NCPCR) in consultation with the National Human Rights Commission (NHRC), from now on a judicial magistrate will have to probe cases of escape, sexual abuse or death of any child inside a CCI and complete the inquiry within four weeks of receiving the information.

Besides, in case of death of a child in custody of CCI or in the course of police action, the magistrate will have to follow the guidelines for conducting of magisterial inquiry as laid down by the NHRC.

The SOP is the first of its kind dealing with escape, runaway or missing child, sexual abuse and death of a child.

"Though the Juvenile Justice (Care and Protection of Children) Act, 2015 and its rules provides for inquiry in such cases but they do not specify any strict timeline that person-in-charge along with other stakeholders need to comply. The law is also silent about the duty of CCI's to address issues such as escape, runaway or sexual abuse of children living in the institutions," said Stuti Kacker, NCPCR chairperson.

Kacker added that NCPCR decided to frame SOPs so as to fix responsibility in such cases.

"In the JJ rules there were gaps. We wanted to fix the gap and also bring uniformity on what CCIs should do in such cases," the NCPCR chairperson

LAYING IT IN BLACK & WHITE

- Judicial magistrate will have to probe cases of escape, sexual abuse or death of any child inside a Child Care Institution and complete the inquiry within four weeks of complaint
- Irrespective of the cause and circumstance of the death of the child in CCI, police shall investigate it
- the CCI will have to ensure that an inquest and post-mortem examination of the child is held within 24 hours in the presence of parents/guardians/judicial magistrate of first class
- During investigation, signs of sexual abuse, if any, should invariably be noted

said.

The SOPs also spell out the procedure that authorities have to follow to investigate incidents of sexual abuse and death in CCI.

For instance, every death of the child, irrespective of the cause and circumstance of death, in CCI shall be investigated by the police.

In the event of death, the CCI will have to ensure that an inquest and post-mortem examination of the child is held within 24 hours in the presence of parents/guardians/judicial magistrate of first class.

"In cases of death of child in CCI, while conducting post mortem, signs of sexual abuse, if any, should invariably be noted/recorded," the SOP states.

In an affidavit filed before the Supreme Court on Wednesday, NCPCR had said that the preliminary report of a social audit that it is conducting across 9000 CCI's across India has revealed a "frightening scenario." Of the 2,874 children home inspected so far by NCPCR, just 54 have got positive reviews.