

## 9 RMLNLUJ (2017) 70

### Social Audit of Child Care Institutions (CCIS): Experiences from Uttar Pradesh

by  
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#### I. BACKGROUND

Of late, the case for social audits has gained wider recognition and a social audit report is often mandatory for releasing funds for the organizations.<sup>1</sup> Social audit (or social auditing) is the term used to describe the process of examining, measuring and reporting on an organization's social and ethical performance. In other words, it is a means of assessing the social impact and ethical behaviour of an organization in relation to its aims and those of its stakeholders.<sup>2</sup> Conducting Social Audit<sup>3</sup> was a statutory requirement under the Juvenile Justice Act, 2000<sup>4</sup> and Juvenile Justice Rules, 2007<sup>5</sup>. However, the said provision remained unimplemented until in



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Exploitation of Children in Orphanages, In re<sup>6</sup>, various orders were passed by the Supreme Court to ensure that the provisions for the rights of children as well as provisions for proper facilities to children in education as also health are implemented. In its order dated 20 March 2015, the Hon'ble Supreme Court highlighted the need for a social audit in terms of Section 36 of the Juvenile Justice (Care and Protection of Children) Act 2000 and Rule 64 of the Juvenile Justice (Care and Protection of Children) Rules, 2007 and the utilization of funds given to the States and Union Territories under the Integrated Child Protection Scheme. It was widely felt by the Supreme Court that the CCIs run by the NGOs are not utilizing the funds to the optimum and the child care programmes are being run by unskilled or semi-skilled personnel. Thereafter, in its order dated 31 July 2015, the apex court ordered Compulsory Social Audit of all CCIs under the Juvenile Justice Act, 2000 to Ministry of Women and Child and thereto to all State and Union Territories.

#### II. SOCIAL AUDIT OF NGO-RUN CCIs IN UTTAR PRADESH (UP)

The issue of Social Audit was discussed in the meeting, dated 19 September 2015, of the Juvenile Justice Committee, Hon'ble High Court of Allahabad. In the light of the special resolution of the Hon'ble Juvenile Justice Committee, the Department of Women and Child Development, Govt. of UP was directed to immediately undertake Social Audit of all Governmental and Non-Governmental Child Care Institutions in the State immediately as per the direction in the aforementioned orders of Hon'ble Supreme Court.

By letter dated 24 November 2015, it was informed to Dr. Ram Manohar Lohiya National Law University (RMLNLU), Lucknow that it has to conduct Social Audit of child care institutions<sup>7</sup> across the state in two phases. The University also received a list of CCIs in existence across the State. The University was further asked to submit the report of the Social Audit of all the NGO-run child care institutions before the next meeting of Hon'ble Juvenile Justice Committee of Allahabad High Court.

The Social Audit of NGO-run CCIs was accordingly done in concert with the civil society groups. These CCIs include, but were not limited to:

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Children's Homes, Special Homes, Specialized Adoption Agencies, and Open Shelters.

### **A. Method and Methodology**

A team comprising of experienced faculty members and students was created to conduct the country's first ever Social Audit of CCIs. The team pre-devised questionnaire<sup>8</sup> shared by Ministry of Women and Child Development, Government of India for assessing the factual and legal compliance with the law in running of the CCIs managed by the NGOs and funded by the Government of Uttar Pradesh.

Physical verification of all the parameters was done by the social audit team with the coordination from respective District Probationary Officers.

### **B. Parameters**

Each CCI has been judged on basis of certain parameters<sup>9</sup> laid down in the formats shared by Government of India.

For Children's Home and Open Shelter Homes, the following 8 parameters have been used:

1. Easy Accessibility & Registration<sup>10</sup> (represented in the graphs as 'P1')
2. Constitution of Committees (Management Committee (MC)/Governing Body, Home Management Committee (HMC), Child Committee (CC)/Adoption Committee (AC), and related details)<sup>11</sup> (represented as 'P2')
3. Staff<sup>12</sup> ('P3')
4. Physical Infrastructure<sup>13</sup> ('P4')

5. Standard of Care<sup>14</sup> ('P5')
6. Adherence to Juvenile Justice (Act & Rules) Procedure<sup>15</sup> ('P6')
7. Financial Transparency<sup>16</sup> ('P7')
8. Inspection & Coordination<sup>17</sup> ('P8')

For judging Specialized Adoption Agency (SAA), an additional 9<sup>th</sup> Parameter "Adoption Performance"<sup>18</sup> (represented as 'P9') has been also used.

### **C. Overall Rating**

For the purpose of rating, each parameter carried a weightage of '10' points. The overall rating of each CCI was the weighted average of the grade points. If the grade points of the letter grades granted to the CCI are denoted by g1, g2, g3, g4, g5, and the weights of the parameters by w1, w2, w3, w4, w5 respectively, the Overall Rating will be computed as follows:

$$\text{Overall Rating} = \frac{w_1g_1 + w_2g_2 + w_3g_3 + w_4g_4 + w_5g_5 + \dots}{w_1 + w_2 + w_3 + w_4 + w_5 + \dots}$$

### **D. Evaluation**


The following evaluation criteria were developed by the Social Audit team for grading the CCIs:

<b>Points (Out Of 10)</b>	<b>Grade</b>
Above 9-10	A (Excellent)
Above 7-9	B (Very Good)

Above 5-7	C (Good)
0-5	D (Unfit)

### E. Social Audit Test

- Letter grade 'A' means that the CCI has passed the test of social audit and has fulfilled all the requirements of the social audit.
- Letter grade 'B' means that the CCI has passed the test of social audit and has fulfilled almost all the requirements of the social audit.
- The grade 'C' means that the CCI has passed the test of social audit. However, it needs improvement in its facilities.

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- The 'D' grade denotes poor performance, i.e., failing in the test and deemed unfit.
- The same grading has been applied here to present the rating of each parameter as well.

### F. Findings of Social Audit — Phase 1

During phase 1, a total of 61 CCIs were covered. This figure also included certain other NGO run CCIs not receiving funds from the Government.

Out of the total, 8 CCIs were found yet to be functional. The CCIs covered, across 31 districts of the State, can be divided into following heads:

- 21 Children's Homes ('CH')
- 27 Open Shelters ('OS')
- 13 Specialized Adoption Agencies ('SAA')

Towards the end of the first phase, a report-card of NGO-run CCIs was prepared and was submitted to the Government of Uttar Pradesh. In the final Report titled "Report on Social Audit of Child Care Institutions (CCIs) in Uttar Pradesh (Phase-1)", the individual performance of each CCI has also been presented through graphs. Out of total CCIs covered, seven of them received 'D' grade and thereby failed the Social Audit test.

The average performance of NGO-run CCIs can be depicted in form of graph as follows:

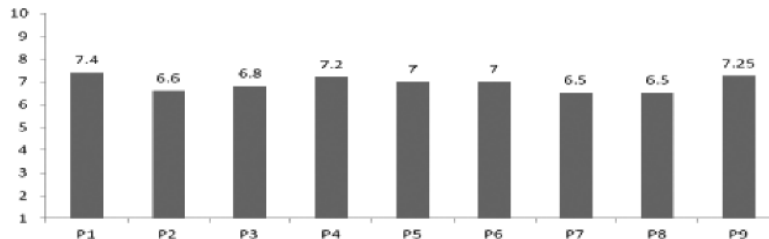


Figure 1: Overall Performance of NGO-run CCIs during Social Audit — Phase 1

Figure 1 clearly shows that all the parameters' ratings, though more than 5 but is less than 7.5, which implies that almost all the parameters lie in 'C' grade. Therefore, it can be stated that the NGO run CCIs need improvement in all the parameters.

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The following general observations were made in phase 1:

1. Only one Specialized Adoption Agency was found to be exceeding its capacity of sanctioned strength. 16 students were present against the sanctioned strength of 10. All the other CCIs had children less than/equal to their sanctioned strength.
2. The frequency of Inspection by Child Welfare Committee (CWC)/Inspection Committee/WCD Department/High Court Juvenile Justice Committee has been found to be low.
3. Most of the CCI staff is undertrained. Regular training of the staff is crucial for the effective implementation of the Juvenile Justice Act and Rules.
4. Many parameters used for social audit under the Juvenile Justice Act/Rules are unrealistic and therefore many CCIs scored less than what they deserved. For example, the infrastructural requirements are difficult to meet in many cities/towns by the NGOs.
5. Juvenile Justice Rules require fine tuning and amendments to make them implementable and realistic.

Further, the performance of NGO-run Children's Homes, Open Shelters and Special Adoption Agencies can be represented separately in Figures 2, 3 and 4 respectively.

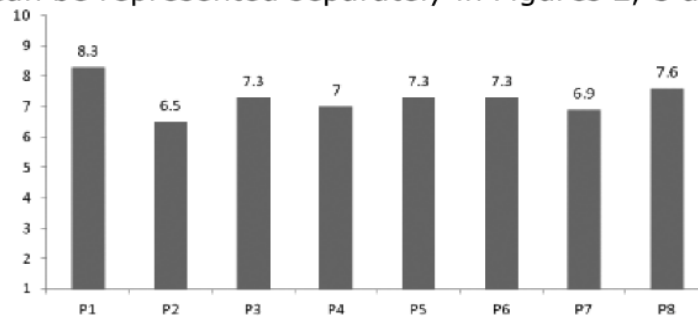


Figure 2: Overall Performance of NGO-run Children's Homes during Social Audit – Phase 1

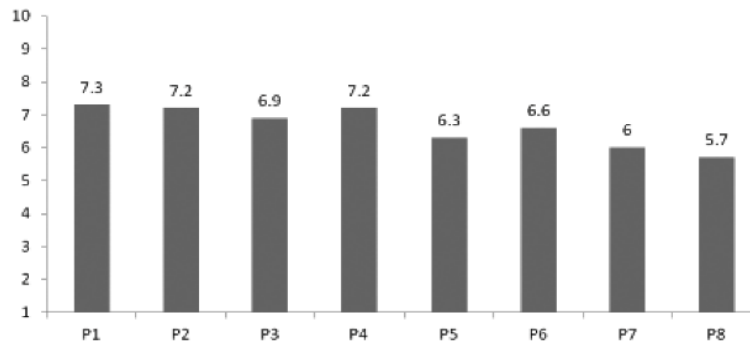


Figure 3: Overall Performance of NGO-run Open Shelters during Social Audit – Phase 1

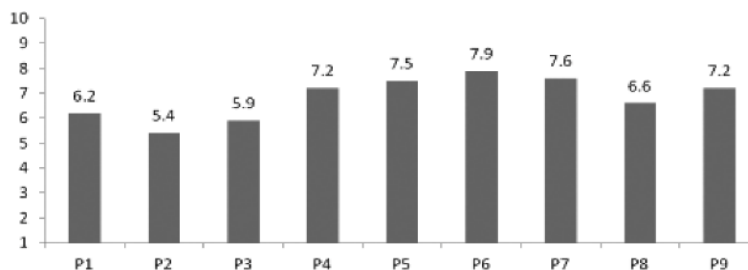


Figure 4: Overall Performance of NGO-run Special Adoption Agencies during Social Audit — Phase 1

It can be deduced from the graphs that though all the CCIs need a lot of improvement, Children's Home have a slightly better ratings as compared to Open Shelters and Special Adoption Agencies. Further, for the purpose of assessment, if the formula, which was applied to calculate overall marking of each CCI, is applied to generate overall ratings of CH, OS and SAA, then CH will have 7.3/10, OS have 6.7/10 and SAA have 6.8/10. Therefore, OS and SAA need to have focus on their facilities, particularly on constitution of committees, training of adequate staffs, financial transparency, and inspection/coordination with monitoring authorities.



### III. RAPID ASSESSMENT OF GOVERNMENT CONTROLLED CCIs

The Department of Women and Child Development (DWCD), Government of Uttar Pradesh took necessary actions on the basis of the Social Audit Report of Phase 1.

Vide its letter 28<sup>th</sup> April, 2016, the DWCD requested the University to conduct a Rapid Assessment of CCIs being run and managed directly by the government of Uttar Pradesh in Lucknow, Kanpur and Meerut Divisions and also in Barabanki district which is the nearest neighbouring district of Lucknow.

It is important to note that under the new Juvenile Justice (Care and Protection of Children) Act, 2015, which came into force with effect from January 15, 2016, Social Audit is not a statutory mandate unlike under the Juvenile Justice (JJ) Act 2000. However, the JJ Act 2015 in Section 55, requires the state governments to conduct independent periodic evaluation of functioning of CCIs through persons or institutions including universities, to make them meet the standard of care and protection required by the law. The decision of the government of Uttar Pradesh to conduct a rapid assessment of CCIs managed directly by the government was only a small step in the right direction to make the CCIs JJ Act 2015 compliant.

The rapid assessment was conducted on the same parameters and using the same tools that were used for conducting the Social Audit of CCIs. However, certain parameters such as registration and affiliation details are not much relevant as all the CCIs included in the rapid assessment are government institutions. Succinctly, the following 6 parameters have been used:

1. Accessibility (represented as 'RA1')
2. Constitution of Committees (Management Committee (MC)/, Home Management Committee (HMC), Children's Committee (CC) ('RA2')
3. Staff ('RA3')
4. Physical Infrastructure ('RA4')
5. Standard of Care ('RA5')

## 6. Adherence to Juvenile Justice (Act & Rules) Procedure ('RA6')

On the basis of physical verification, a final report titled as "Report on Rapid Assessment of Government Run Child Care Institutions (CCIs) in Lucknow, Kanpur and Meerut Divisions" was submitted to the Government

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of UP on 20<sup>th</sup> May 2016. The Rapid Assessment Report is based on first-hand field observations at the selected CCIs of U.P. The University conducted this rapid assessment in a short span of 15 days. During the course of rapid assessment, 11 CCIs across the following 6 districts were covered: Barabanki, Hardoi, Kanpur, Lucknow, Meerut and Noida.

The following general observations regarding the parameters were made out in the Report:

1. The Juvenile Justice (Care and Protection of Children) Rules, 2007 prescribed that every child care institution needs to have certain committees like Management Committee<sup>19</sup>, Children's Committee<sup>20</sup>, etc. Though in most of the CCIs, these committees were found to be created, these committees have only been created on paper. It was found that no regular meetings of these committees take place. It was also found that there is a lack of coordination between District Probation Officers, Superintendents of CCIs, DCPU (District Child Protection Unit), Basic Education Officers, and other stakeholders.
2. It was found that in all the CCIs, the shortage of regular and adequate number of staff is a major problem. In some places, it was found that the staff was being outsourced or was being provided by an NGO. No permanent teacher is attached to a CCI. Mostly, a teacher is being provided by local Basic Education Officer, but on a temporary basis. The number of cooks per CCI is also found to be inadequate. The staff, especially caretakers, has been found to be lacking in training to effectively deal with rehabilitation of children. In some CCIs, the staff was not able to tell about the sanctioned strength and actual strength of the CCI. In one district, it was found that Superintendent of Special Home (Girls) and Observation Home (Girls) was the same. Further, the strength of paramedical staff is also found to be inadequate. In some districts, it has been found that only one nurse has been attached to all the CCIs of the district.
3. Most of the CCIs have inadequate infrastructure. Open space was lacking in most of the CCIs especially the Observation Homes. It was found that the CCIs seemed to be more of virtual prison-houses than being rehabilitation centers. Further, all the districts do not have Observation Homes. Therefore, in the absence of adequate infrastructure in all districts, there is overcrowding in existing homes. The Special Home (Girls) and Observation Home (Girls) in a district was found to be in the same building with no separate facility for the two institutions.



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4. It has been found that counsellors are not attached to CCIs. Most Homes neither meet the basic needs of children nor the specialized needs. In most of the

Homes, juveniles were found to be doing daily chores of the Homes, like cooking, washing bed-sheets, etc. The CCIs have been found as joyless places from where no actual rehabilitation seems possible. There is no facility for playing/sports in open spaces, no special training or other initiatives. There is no effort to educate children/juveniles outside of the CCIs. Only in one Children's Home (Girls), 11 girls regularly go to schools. Though the main purpose and object of Juvenile Justice Act 2015 is rehabilitation, it has, however, been found that there is least concern about rehabilitation of children. The main concern seemed to be preventing children from running away from CCIs. Also, privacy of children/juveniles is of least concern for CCIs. For instance, in one district, the photographs of juveniles in Observation Home were published in local edition of newspapers. No special care is provided to differently able children in the CCIs. In one Children's Home (Girls), it has been found that the Child Welfare Committee (CWC) is not cooperative. The Home receives children without medical check-up, as no such check-up is conducted by CWC. Further, two girls above the age of 18 years are living in the Home on the recommendation of the CWC.

5. In most of the CCIs, age-wise segregation is not made and children of all ages are living together in the same rooms. In one Observation Home (Boys), children are segregated on the basis of domicile and not age.
6. ICP (Individual Child Plan) are not being prepared. Further, the Homes are being guarded by police personnel in uniform, which is against the spirit of the Juvenile Justice Act, 2015. At the entrance of one Children's Home (Boys), a police post has been established with presence of uniformed police men round the clock.

The performance of Govt. run CCIs can be represented through graph as follows:

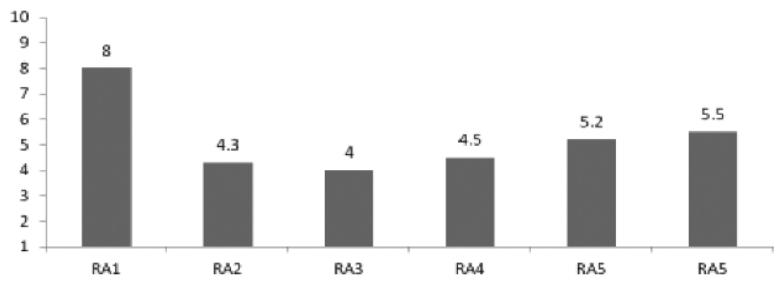


Figure 5: Overall Performance of Govt-run CCIs during Rapid Assessment

Based on the general observations and ratings in the graph, it is stated that no government-run CCIs has been found to be up to mark and therefore, a lot of improvement needs to be done in working of these CCIs. Further, the performance of Govt. run Children's Homes, Observation Homes and Special Homes has been in represented in Figures 6, 7 and 8 respectively. Moreover, for the purpose of assessment, if the formula applied before during Social Audit is applied here, then, Govt. run Children's Homes get 6/10, Observation Homes get 4.9/10 and one Special Home gets 3.7/10. It implies that if the Social Audit test were to be applied to Govt. run CCIs, then Observation Homes and the Special Home would fail in the assessment, and can be said to be deemed unfit for children.

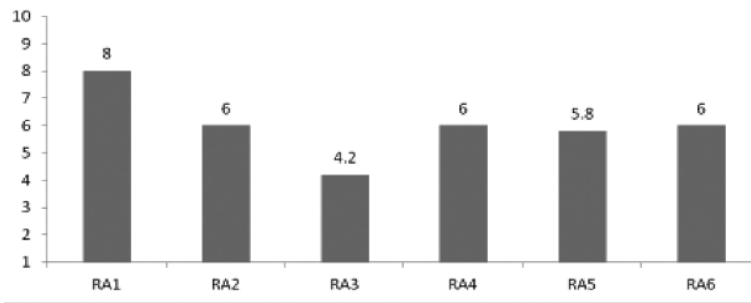


Figure 6: Overall Performance of Govt. run Children's Homes during Rapid Assessment



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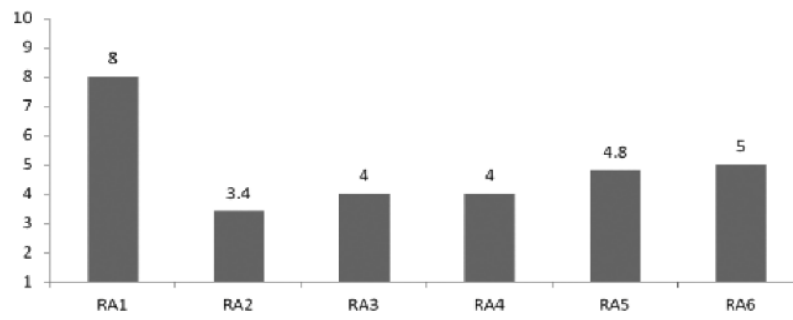


Figure 7: Overall Performance of Govt. run Open Shelters during Rapid Assessment

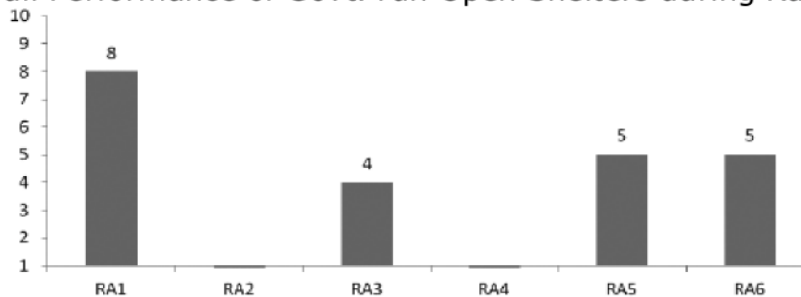


Figure 8: Overall Performance of Govt. run Special Homes during Rapid Assessment

Only one Special Home is in existence in Uttar Pradesh, which has been represented in Figure 8. In the graphs, the Special Home has been given zero in the Physical infrastructure ('RA4') parameter, because there was no separate for the Home. It was being run in the space as that of Observation Home.

#### IV. SOCIAL AUDIT 2

Vide its letter No. 1612/60-1-16-1/13(02)/16 dated 27 July 2016, the DWCD requested the RMLNLU to conduct again a Social Audit of the CCIs which had attained 'C' and 'D' grades during the first Social Audit.

The second Social Audit was conducted on the same parameters and using the same tools that were used for conducting the first Social Audit of



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CCIs. Out of 27 total CCIs which had earlier attained 'C' and 'D' grades, 9 were found



to be non-functional. In the rest of CCIs, it was apparently found that the overall performance has improved. Figure 9 represents this new overall performance. If an average of all parameters of these 18 CCIs is calculated, then it comes 7.3/10, while during the Phase 1 of Social Audit, the average of parameters of these CCIs came out to be 4.7/10.

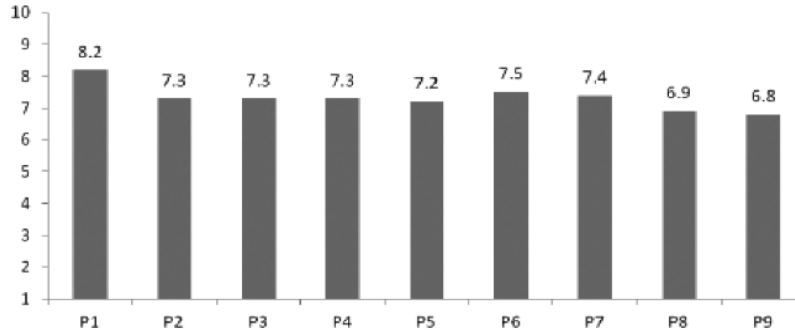


Figure 9: Overall Improved Performance of NGO-run CCIs which had earlier received 'C' and 'D' Grades

It should also be noted that out of these 18 working CCIs, 15 improved their grade to B, while 3 CCIs have again received 'C' grade. The overall performance of Open Shelters, Children's Homes and Special Adoption Agencies has been presented separately in figures 10, 11 and 12 respectively.

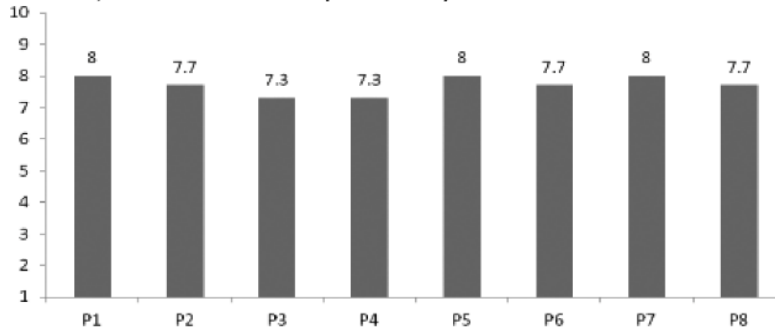


Figure 10: Overall Improved Performance of NGO-run Open Shelters which had received 'C' and 'D' Grades during Social Audit — Phase 1

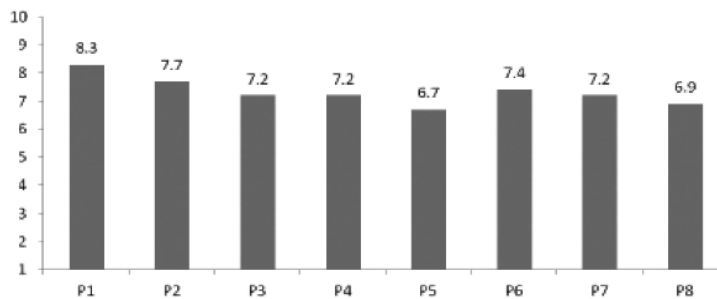


Figure 11: Overall Improved Performance of NGO-run Children's Homes which had received 'C' and 'D' Grades during Social Audit — Phase 1

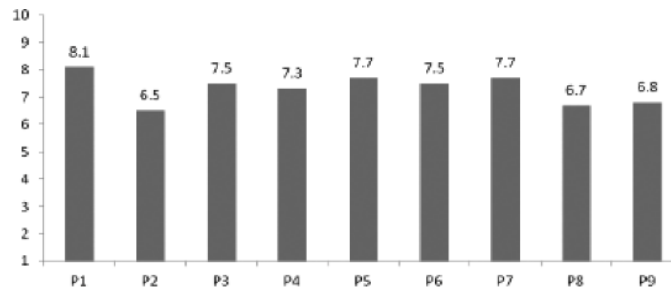


Figure 12: Overall Improved Performance of NGO-run Special Adoption Agencies which had received 'C' and 'D' Grades during Social Audit — Phase 1

### V. SUGGESTIONS & RECOMMENDATION

Child Care Institutions play the most important role under any Juvenile Justice legislation. The Supreme Court in *Bachpan Bachao Andolan v. Union of India*<sup>21</sup> reaffirmed the submission that “rehabilitation will be the measure of success of the Juvenile Justice Act”. Therefore, rehabilitation of children<sup>22</sup> has to be a priority for all CCIs whether managed by the State Government or by NGOs or other voluntary organizations. A certain minimum standards of care need to be followed and monitored.<sup>23</sup>



For the improvement in the functioning of the CCIs, we wish to make separate recommendations and suggestions for NGO-run CCIs and Govt. controlled CCIs respectively, as follows:

#### NGO-run CCIs

1. Infrastructural norms mentioned in Juvenile Justice (Care and Protection of Children) Model Rules, 2016 are unrealistic. As per the Rules<sup>24</sup>, the sufficient area for building or accommodation for an institution with 50 juveniles or children is 8495 Sq. ft. To find around 8500 Sq. ft. area for the purpose of running of a CCI is a difficult task. Therefore, it is our recommendation that the purpose of running a CCI, both the sanctioned strength of 50 plus the required area should be reduced. Instead of having a CCI with strength of 50 and area of 8500 sq. ft., recognition should be granted to more CCIs within a district of lesser strength (not more than 10) with sufficient lesser required area.
2. It has been found that emphasis appears to be more on paper-work than on real action. The Social auditors as well as the other stake-holders need to be given proper orientation regarding actual working of a CCI than focusing on paper documents.
3. Training of staff of a CCI is mandatory under the Rules. It has been found that most of the CCI staff is undertrained. It is the responsibility of the State government to provide regular training to CCIs' staff.
4. Moreover, staff requirements under the Rules and Social Audit format are unrealistic. Someone willing to run a CCI with 5 children, without required staff, should be allowed. The ultimate objective of Juvenile Justice Act is care and protection, and not norms.

#### Government — Controlled CCIs

1. The Juvenile Justice Act, 2015 sets an obligation on child-care institutions to cater the basic needs of “children in conflict with law” and “children in need of

care and protection” through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation.<sup>25</sup> The main object is to help them to re-integrate into the mainstream of the society. However, as observed in most of CCIs, no segregation between juveniles on basis of age can have adverse impact on psychological wellbeing of children. Therefore, as one of the primary recommendations, it should be ensured that younger juveniles, who are sensitive

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and bear receptive minds, are not mishandled and are stayed away from older juveniles, and further there should be strict segregation of children of different age groups.

2. As stated earlier, rehabilitation is the main objective of the Juvenile Justice Act. However, it has been found that there is no special activity/initiative being undertaken at CCIs to rehabilitate the juveniles. Therefore, it is recommended that a state-level framework should be developed with the aim of reforming juveniles by providing facilities for skill development in CCIs.
3. As most of the Observation Homes seemed to be prison houses, it is recommended that open spaces should be made available in every CCI, so that juveniles do not get feeling of being held as captive. Further, facilities for children with special needs should be present in all CCIs.
4. As evident from the observations, children in CCIs were engaged in daily chores. It is due to lack of adequate staff. For example, a single cook cannot prepare food for around 100 juveniles four times a day. Therefore, it is recommended that adequate number of staff such as cooks and helpers etc. should be attached to each CCI.
5. Overcrowding is a major problem in Observation Homes. It is recommended that Observation Homes with adequate infrastructure should be established in each district. Further, more than one Observation Home may be established in a district. In any case, an Observation Home should not have more than fifty children at a time.
6. The Juvenile Justice Act mandates that the police officers of the Special Juvenile Police Units<sup>26</sup>/security personnel who deal with juveniles shall be provided special training, especially at induction as Child Welfare Police Officer, to enable them to perform their functions more effectively. However, the security personnel at Observation Homes were found to be in police uniform. It is therefore recommended that such police deployed for the security of CCIs should be in plain clothes so that the spirit of the Act is not defeated.
7. The Right of Children to Free and Compulsory Education Act, 2009 mandates that every child in the age group of six to fourteen years shall have a right to free and compulsory education. It is recommended that education of juveniles should be of prime importance in CCIs. For this, the care takers should be specially trained as teachers and their work profile should include teaching children in the CCIs.



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8. The Justice J.S. Verma Committee had stated that “it is the duty of the State to provide education free of charge up to undergraduate level for all children in need of care and protection and also with those who are in conflict with law”. It also said that “women in protective homes be given therapy and they must also be made to lead a useful life and there must be new projects which should be devised so that their self-worth and self-esteem can grow and they can be again mainstreamed into society”.<sup>27</sup> The said opinions should be taken into consideration by the State government.

It must be noted that the State government is yet to initiate the framing of Rules under the Juvenile Justice Act 2015. It is, therefore, recommended that the state of Uttar Pradesh should draft its own Juvenile Justice Rules in such a manner that it addresses the loopholes in the Act of 2015 and facilitates its implementation. For instance, there are some archaic nomenclatures, like caretakers, found in staffs of CCIs. The Rules can be used to set an obligation to provide special teachers’ training to these staff, so that the problem of shortage of teachers in CCIs can be appropriately addressed.

From the experiences of Social Audits, it has been found that the performance of CCIs got improved during consecutive inspection and assessment. Therefore, it is recommended that Social Audits need to be carried all over the country after regular time intervals. The concern has also been highlighted by the Supreme Court in the following words:

“For the purposes of ensuring that the implementation of the JJ Act is proceeding in the right direction, it is necessary that a social audit be conducted every year. Social audits give reasons for introspection as well as for improvement in the services.

The requirement of a social audit is necessary not only for purposes of introspection but also transparency and accountability in the effective implementation of the JJ Act.”<sup>28</sup>

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<sup>1</sup> Social Audits have been encouraged by the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, Integrated Child Protection Scheme, by the Comptroller and Auditor General of India and the National Food Security Act, 2013.

<sup>2</sup> Stakeholders include all individuals and groups who are affected by, or can affect the organization and in case of CCIs, it shall include both children and the state government.

<sup>3</sup> ‘The social objectives and legal standards of the Act, the aims of juvenile justice as per the Beijing Rules and the rights enshrined in the Indian Constitution as well as the UNCRC (United Nations Convention on the Rights of the Child) provide a strong foundation for Social Audit.’ See Arlene Manoharan, *Recommendations on Social Audit Under the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006*, Centre for Child and Law (NLSIU), available at <https://www.nls.ac.in/ccl/jjdocuments/socialaudit.pdf>.

<sup>4</sup> Section 36, Juvenile Justice Act, 2000 states:

“Social auditing.— The Central Government or State Government may monitor and evaluate the functioning of the Children's homes at such period and through such persons and institutions as may be specified by that Government.”

<sup>5</sup> Rule 64 (1) of Juvenile Justice Rules, 2007 states:

“Social Audit.— (1) The Central Government or the State Government shall monitor and evaluate the implementation of the Act annually by reviewing matters concerning establishment of Board or Committee or

Special Juvenile Police Unit where required, functioning of Board or Committee or Special Juvenile Police Unit, functioning of institutions and staff, functioning of adoption agencies, child friendly administration of juvenile justice and any other matter concerning effective implementation of the Act in the State.”

<sup>6</sup> (2017) 7 SCC 578, at p. 594.

<sup>7</sup> Rule 2 (i) of JJ Rules, 2007 states: “institution” means an observation home, or a special home, or a children's home or a shelter home set up, certified or recognized and registered under sections 8, 9, 34, sub-section (3) of section 34 and section 37 of the Act respectively.

<sup>8</sup> The model proforma (questionnaire) for various CCIs are available on the website of Ministry of WCD at <http://wcd.nic.in/acts/comments-model-social-audit-formats>.

<sup>9</sup> Chapter VI of the Model Rules particularly the series of rules starting from Rule 26 onwards. Amongst other things, these Rules deal with the staffing pattern of child care institutions, physical infrastructure, clothing, bedding, toiletries and other articles, sanitation and hygiene, daily routine, nutrition and diet scale, medical health, mental health, education, vocational and recreational facilities and genuine efforts in the rehabilitation and re-integration of such children into society. All these requirements are rendered unenforceable in the absence of registration of child care institutions.

<sup>10</sup> See Part 3A and 3B of the Questionnaire.

<sup>11</sup> See Part 3C of the Questionnaire.

<sup>12</sup> See part 4 of the Questionnaire.

<sup>13</sup> See Part 5 of the Questionnaire.

<sup>14</sup> See Part 6 of the Questionnaire.

<sup>15</sup> See Part 7 of the Questionnaire.

<sup>16</sup> See Part 8 of the Questionnaire.

<sup>17</sup> See Part 9 of the Questionnaire.

<sup>18</sup> See Part 8 of the SAA Questionnaire.

<sup>19</sup> Rule 55, Juvenile Justice (Care and Protection of Children) Rules, 2007.

<sup>20</sup> Rule 56, Juvenile Justice (Care and Protection of Children) Rules, 2007.

<sup>21</sup> (2011) 5 SCC 1.

<sup>22</sup> Children in need of care and protection and juvenile in conflict with law.

<sup>23</sup> ‘Faithful implementation of the laws is of the essence under the rule of law for good governance. In the absence of faithful implementation of the laws by efficient machinery, the laws remain mere rhetoric and a dead letter.’ See J.S. Verma Committee Report on Amendments in Criminal Law (2012), *Government of India*, Page 4.

<sup>24</sup> Rule 29, Juvenile Justice (Care and Protection of Children) Model Rules, 2016.

<sup>25</sup> Preamble, The Juvenile Justice (Care And Protection Of Children) Act, 2015.

<sup>26</sup> Section 107, Juvenile Justice (Care and Protection of Children) Act, 2015.

<sup>27</sup> J.S. Verma Committee Report on Amendments in Criminal Law (2012), *Government of India*, pp. 196-197.

<sup>28</sup> Exploitation of Children in Orphanages, In re, (2017) 7 SCC 578, at p. 594.

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