

## CHILD CARE FACILITIES AND LEGAL RIGHTS FOR ORPHANS/ CHILDREN

**Author's Name:** Mrs.Greeshma P.V1, Prof. Dr.Theyamma Joseph2

**Affiliation:**

1. Research scholar, Dept. of Nursing, JJT University, Rajasthan, India
2. Guide, Dept.of Nursing, JJT University, Rajasthan, India

**Corresponding Author Name & E-Mail:** Mrs. Salini Sasikumar , [saliniajay2013@gmail.com](mailto:saliniajay2013@gmail.com).

### INTRODUCTION

India, being the second most populous country in the world, is home to a large number of orphaned children. According to UNICEF, there are 25 million orphaned children in India in 2007. With the onset of Covid-19 pandemic in 2020, the number of orphans in India has rapidly increased. The Hindu bureau NewDelhi reports that,19 lakh children experienced orphanhood due to Covid-19 in India during the first 20 months of the pandemic. The 'National Policy for Children' (1974) affirmed the constitutional provisions and declared that the policy of the state is to provide adequate services to children to ensure their full physical, mental and social development. The factors affecting Development of children includes their family influences, stimulation to live and learn, social/cultural exposure, parent-child interaction, parenting etc.

### TYPES OF SERVICES AVAILABLE FOR CHILDREN

- [1] Institutional care
- [2] Sponsorship programme
- [3] Day care centers
- [4] Adoption agencies
- [5] Foster care etc.

### INSTITUTIONAL CARE:

Institutional care provided within a clustered living environment designed to meet the functional, medical, personal, social and housing needs of individuals who have physical, mental and developmental disabilities. And of these, only a fraction finds its way into a family care because adoption rates in India are abysmally low.

## **SPONSORSHIP PROGRAMME**

It is one of the most effective services in the country which is preserving a number of poor families. It has bilateral and International funding agencies such as Save the children fund, Child Relief and You, Plan International, Christain Children Fund, Action Aid etc, which has began providing sponsorship support to children either directly or in partnership with local non-governmental organizations.

## **DAY CARE CENTERS**

Day care centers for the two plus age group almost always include a preschool component. The Anganwadis run through the Government of India's, ICDS serves as a major day –care scheme covering over 18.5 million children below the age of 6 years.

## **ADOPTION AGENCIES**

Adoption would be the best rehabilitation option as it offers permanency of relationships- a family for a child and a child for a family. It is a legal and social process by which the child of one set of parents becomes the child of another set of parents. Adoption is best arranged through a licensed adoption placement agency which cares for adoptable children and offers professional support to families seeking a child in terms of preparing them for adoption.

## **FOSTER CARE**

Foster care is a system in which a minor has been placed into a ward, group home or private home of a state-certified caregiver, referred to as a “foster parent” or with a family member approved by the state. The placement of the child is normally arranged through the government or a social service agency.

## **LEGAL RIGHTS OF ORPHANS**

According to Article 39(f) of the Indian Constitution, the state can make policies to ensure that children are provided with adequate opportunities and resources, which are essential to their growth and to protect them from exploitation and abandonment.

### **Right to live**

Article 21 of Indian Constitution guarantees the protection of the life and liberty of every person. This would protect orphans as they are vulnerable.

### **Right to health**

An interpretation of article 21 also included the right to health. All orphan children has the right to good physical and mental health.

### **Right to citizenship**

Part II of Indian Constitution elaborates on the right to citizenship. All orphans has the right to have a name, that is legally recorded and citizenship to any country.

### **Protection from exploitation**

Article 23 and 24 of the Indian Constitution ensure to protect the orphans from trafficking, forced labour and employment in hazardous places if they are below 14 years of age.

### **Right to education**

Article 21-A promises all children between the age of 6-14 years, shall receive free education. Its the responsibility of the state to ensure the same like other children.

### **The Juvenile Justice Act -2015**

It prescribes institutional care for children through shelter homes, children homes etc and Non-Institutional care through foster care, adoption, sponsorship and after care organizations

### **The Immoral Traffic (Prevention) Act, 1956**

This Act is relevant as it protects orphans from trafficking and prostitution.

### **The Child Labour Prohibition Act, 1986**

According to Article-24, every child below the age of 14 years has the right to be protected from any sort of hazardous employment. It was enacted on the basis of Article 39(e) and it empowers the state to make policies that protect the children from forced labour.

### **The POCSO Act, 2012**

The Protection of Children from Sexual Offences (POCSO) Act was enacted to protect children from all forms of sexual abuse regardless of their gender. This act protects orphans who are vulnerable to exploitation.

## The Orphanages and Other Charitable Homes (Supervision & Control) Act-1960

This act empowers the state governments to monitor and supervise orphanages or child care institutions and create a Board of control for this purpose.

### CONCLUSION

In this article, reviewing and analyzing the services available for orphan children and their legal rights. Now a days incidence reports shows numbers of orphan children are increasing and also reporting high rate of child abuse cases. So the people must be aware of the available services and protection laws available for them. The harassments and abuses will affect the children in all aspects of thier development especially physically, mentally and socially. So orphanages and institutions must follow and respects the legal rights and care for children.

### REFERENCES

- [1] *Child Help Foundation*. (2021, July 3). Retrieved July 6, 2022, from Role of Child Care Institutions: <https://childhelpfoundation.in>
- [2] Arif, A. M. (2021, November 23). Retrieved July 6, 2022, from Orphanages laws in India: Protection of orphan Children: <https://blog.ipleaders.in/orphanage-laws-in-india-protection-of-children/?amp=1>
- [3] Dasgupta, S. (2013, February 15). *Family and Community based services for children*. Retrieved July 5, 2022, from Slideshare.net: <https://www.slideshare.net/SudarshanDasgupta/family>
- [4] Malik, R. (2021, July 15). Retrieved July 8, 2022, from Legal Rights of Orphan Children: <https://www.crcnl.org/amp/legal-rights-of-orphan-children-in-india-ranjul-malik>