

## **Child rights, care and protection of children in India: A contemporary Social Work perspective**

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### **Abstract**

Family is important for the holistic development of the child. Deprivation due to the absence or negligence of family care in its formative years will hamper the growth of the child, physically, psychologically, and socially. With the decreasing value of the joint family system and community living, children are falling vulnerable to vagaries of nature. The push towards better alternative care outside institutional care is at the center of policy discussions in the field of child protection. There is national and international legislation, such as UN CRC and J. J. Act existing for the child protection. However, a gap exists between Legislation and Policy. Protection from vulnerability is a cherished goal of all caring professions. Similarly, Social work professionals aim at the inclusion of all the marginalized segments in the mainstream, under the safety-net of the social protection system. In the uncertain times of current pandemic and future challenges, deliberation on an integrated, inclusive, and indigenous foster care policy creation is the need of the hour. This paper will discuss the role of the social work profession in creating a policy framework for foster care of children. With this paper, the author aims to continue the discussion on the need for involving Social work professionals in working

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with foster care families to improve the future of children in India.

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Social sciences study human nature and patterns emerging in society scientifically. Taking an example from the discipline of Psychology, Abraham Maslow, puts the needs of people in the shape of a pyramid. As per his theory of motivation, basic need fulfilment and further, being able to fulfil the needs of safety, security, and social needs of affection and affiliation lead a person to move towards the highest potential and achievement of self-actualization. An individual who successfully achieves the basic cyclic needs can move towards realizing the potentials human beings are gifted with, failing to do so leads to a life of misery and deprivation from the potential human beings are capable of.

Sociology studies society and human interactions. In the words of Robert Morris MacIver, this society is a web of social relationships. When an individual enters this world, the first social interaction it does is with his/her family, the smallest and most vital institution of society. Family not only takes care of the person's basic needs of food, warmth, safety, and security but also strives to make the individual able to contribute productively to society. When combining knowledge from both these disciplines, it is understood without fail that a family is the basic building block of society. Moreover, it also stands at a paramount place for ensuring each child attain its fullest potential.

Family is the basic unit of society that starts shaping the child from the day of its conception. From physical development to psychological and emotional wellbeing, a child is dependent on the family. Family is responsible in first place for the socialization of child and instilling values to become a member of the larger society. It is the principal institution for socialization. It ensures productive and constructive involvement of children in society, providing them with social, economic stability as well as prevention of crime in society. Due to the gradual change in the nature of family care and collective respon-

sibility, children are increasingly falling vulnerable. It has increased the need for professional services directed towards improving the family formations as well as the development of security net for the children in need of protection.

With one of the largest young populations in the world, India can no longer ignore or stay silent on issues pertaining to the care and protection of children. Children being dependent on the family in their formative years are vulnerable to physical, emotional, and sexual exploitation. These insecurities can threaten their development, wellbeing and survival. This paper attempts to discuss the role that trained social work professionals can play from micro to macro levels in Child protection. The present paper discusses one of the very important areas of ensuring childcare and protection- The Foster Care system and the need for increased involvement of social work professionals in contributing at the macro- level. Through this paper, the author aims to continue the discussion on the need for an integrated and indigenous practice by social work professionals in working to provide protection and care to children and families.

This paper is a small attempt in need to get involved at the policy level by the social work professionals. For outlining the gap between policy and legislation in India for foster care, the author has divided this paper into three sections: The existing framework (international) for foster care, contemporary realities of Foster care in India, and Social work practice with children and families.

### **International framework for child care, protection and foster care**

Children are inherently innocent. They fall vulnerable due to either economic reasons or social indifference. These vulnerabilities lead children's safety endangered and the ability to contribute productively in society impaired. The news of children being forced into child prostitution and exploited by adults by illegal trafficking often fall on the deaf ears. Infanticide and sex-selective feticide continue in developing countries for the want of a male child. Children who are abandoned from the safe shelter of parents are denied the

opportunity to receive education and suffer on streets with exploitation and denied access to primary healthcare. Child Abuse and maltreatment in the family itself pose a serious threat to fulfil the dream of a healthy and progressive society.

The list of areas where a children needs care and protection is long. With the changing family and community care systems, the forms of abuse and neglect are taking severe forms and harming the basic rights of children in society. Children's rights including civil, political, economic, social, and cultural, encompassing a wide spectrum of right to security, freedom from inhuman treatment, right to life, express, educate self and healthcare forms the core of a healthy development for children. The task of ensuring rights to children is done by the country's Child protection system, which set out laws, policies, regulations, and services needed across all social sectors, needing conscientious follow-up for ensuring rights fulfilment of children. These systems can prevent family breakdowns and risks of child abandonment.

United Nations since its beginning have made tremendous contributions from remedial, rehabilitative, and now preventive, developmental and right based approaches in social welfare for the children in need of care and protection. The most important contribution being the international framework creation, awaiting proper legislation and policy formulation by sensitive and inclusive governance in India, is United Nations Convention on Rights of Children (UNCRC). This framework not only takes the responsibility of safeguarding the rights of children but also monitors the sustainable practices in the direction of the guidelines by states and nations. United Nations General Assembly adopted UN CRC on 20 November 1989. It stands as a legally binding international instrument to incorporate all the human rights into its framework for child in need of care and protection. It puts the onus of ensuring and protecting child rights on the national governments for creation of a healthy society.

The UN CRC is based on principles of non-discrimination, best interests

of the child, the right to life, survival and development, and respect for the views of the child in decisions that affect them. It works to ensure people below eighteen years of age without discrimination on basis of race, color, national origin, gender or religion and disability with the freedom and right to get good protective family environment and necessary protection measures. The most important articles in UN CRC regarding the provision of Foster care includes the right to family life (articles 20, 21, 22 and 40) which aims to ensure children the right to be looked after by caretakers without any harm to their privacy and get protection in and out of home. It guides the policy decisions to ensure that the best interests of child is attained at first place in the provision of foster care. The existence of this framework is a blessing for the children in need of family care.

### **Contemporary status of foster care in India**

The Child welfare administration in India is mainly focused on education, maternity and child welfare services. In the absence of proper institutional arrangement, neglect and under funding from the Government side, various voluntary agencies shoulder almost all the responsibilities for ensuring welfare and development of children in the country. Non-profit organizations such as, Amnesty International and Human Rights Watch stand with children in need of care and protection to advocate for their rights and provide basic minimum that every child deserves in absence of a family or government care. Agencies such as Foster Care India have even made a huge contribution in the area of providing “Continuum of care” to vulnerable children (Alternative Non-institutional care).

The concept of Foster Care is still an evolving subject in India. The main reason is that the majority of India live in villages where ties of kinship are very strong and joint family system ensure that children are always raised in large family setups. In the Post industrialization and urbanization period, the problems of child protection in India have emerged, with huge populations, and additional socioeconomic constraints. The number of children falling

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vulnerable to global changes are increasing day-by-day. With the increase in population figures, and the drifting population in extreme poverty, the area of child welfare demands greater attention. The increase of street children, who are homeless and out of the secure shelter of a family, is an alarm to improve the system of protection for children of the country.

Foster care for children is critical in the overall scheme of child protection. Family-based care service is the formal service provided as a substitute when their biological family cannot care for the child, for different reasons. The children who are put in the institutional care are shown to have grown up with physical, emotional and behavior problems, which is the result of overcrowding and lack of trained professional at the disposal of caring for children. Foster care is a provision that is under-explored in India. According to the author, a robust system on Alternative Care and specifically, Foster care can help in restoring, protecting and reintegrating children in the country.

The National Policy for Children adopted in 2013 recognizes that all children have the right to grow in a family environment, which is conducive to child's development, and direct to provide children with family-based care facility. In India, Juvenile Justice (Care and Protection of Children) Act, 2015, is the framework for child protection which attained a strong rights-based approach for children, by differentiating provision of measures for the minor who come in conflict with the legal system and children who lose a protective system in their life due to parental abandonment, inability of parent to take care of them and due to sudden disasters and calamities. This act lays down provision for placement of a child in a foster family and also lays down that the selection of the foster family on the basis of the suitability of the family, analyzed by the District Child Protection Unit (DCPU-nodal authority for the implementation of a foster care program at district level). It also lays down the guidelines for Group foster care, which helps to provide personalized care and fostering a sense of belonging and identity, through family like, and community based solutions. It is an arrangement for children on street before individual placements with foster families are done.

## **Social Work with children and families**

When the task of looking after the newborn baby comes at hand, parents and the family are put to question if there is a lack of care. But when the same task is seen from a right based approach, it is the responsibility of the whole society to provide children with their rights. The responsibility of social work professionals is of even more importance because their primary role is Preventive social services such as social security and social protection's safety-net for every member of the society. Social workers reduce uncertainties that make a person get into a trap of vulnerability and exploitation. Social work is a profession that addresses the fear among people of not getting help when in need. This is true for the children in need of care and protection too.

In the developed nations, social work profession has received as vital a place as a doctor has. Social workers are at the helm of affairs to protect every member of the community. With the access to government facilities and regular follow-up, monitoring by the trained professionals ensures the most important asset of the nation, stay healthy and productive. From provision of knowledge regarding life skills, child rights and participation among children to ensuring that each child gets it is the paramount task that social work professionals do. In context of India, Social work practice with children, with special focus on a Right- based foster care is discussed under the following sub-heads: Legislative framework based on the Constitution of India and Social work at micro, mezzo and macro levels (Specifically, Community Development).

### **Legislative framework based on the constitution of India**

The Constitution of India is the prime and most vital document for ensuring its citizens an equal status in the country without any discrimination. When the constitution was enacted in India, the task of providing children of India with protection was divided between central and state governments. After the Planning Commission was constituted in 1951, the welfare of children in the country started to get reflected with utmost force in the Five Year Plans and budget allocation. Establishment of Central Social Welfare Board

made the planning, and implementation of child welfare programs even more systematic.

Social work practice for protection of children needs to be focused on moving the policy makers to form legislation based on overarching framework of the constitutional provisions for all. An Adequate Legislative framework and their consistent implementation & enforcement are very important for the rights to be met by children. The Indian Constitution provides safeguards for children in Articles 15, 24, 39, 55 of the Constitution. Article 15(3) makes it mandatory for the state to provide with provision to children whenever they need it. As per Article 39(f), the State must frame policies to secure children of the country to get opportunities for healthy development and life of freedom and dignity and protection against exploitation or moral and material abandonment. A Comprehensive and inclusive legislative framework for Children based on these enshrined values of the constitution will make the holistic development of India's young possible.

In France, foster care services are extended from minor to an elderly person, which shows that foster system is enforced with full force and meticulously drafted legislation that provides for an intensive monitoring and assessment. In India, this stands at a much distant place as the foster care for children only is not yet well established. The social work professionals can join hands to create a legislation and policy mechanism, which does not let any individual fall out of the safety net. Whatever the condition, the person get the rights met from the government, by the virtue of being the citizen of this country.

### **Social work at micro, mezzo, macro levels: Community development**

Social work practice range from micro to macro levels. At all levels, the intervention can be given with the purposes of prevention and development. Foster care social workers work at a foster care agency. Social workers generally working as case manager requires involvement above micro levels. From working with parents, schoolteachers, doctors, neighborhood, and



community persons social workers need to engage at the policy formulations for the care and protection of children. At the macro level, social work professionals can work with the people making policies and at the implementing end. Child Budgeting is one of the important area, which relates to analyzing the budgetary provisions on social sector, identifying the magnitude of budgetary allocations made by the Centre or state and the actual expenditure in this direction.

In India, there is a limited data on the cases of child victimization to exploitation. A well-established network of the social work professionals both at the grassroots levels and at policy levels is needed to keep a check on the children needing foster care services. In most countries, as well as in India, there is limited data on need for child protection. Without understanding the severity of the problems, no concrete actions are possible. There is a need of monitoring, data collection, research and evaluation of children in need of care and protection. In addition, a need for sensitive researchers, educators and evaluators of the changing trends in society and their impact on children. The assessment, which is periodic and comprehensive with optimal participation of the child can help through this process. This can help with the social work intervention plan to be developed with the help of evidence base.

The responsibility to protect children cannot be just limited to the government. Trained social work professionals can work towards making the government plan child inclusive policies, which can benefit the children in short, and long run. The professionals, all educated persons must help in child protection and child welfare. There is a need for change in the attitude that the government and civil society holds. Social security and social protection-are to be provided to every citizen. Effective child protection system needs to be ensured to every child. Sustainable change and intervention from child to family, from family to community, from community to policyis needed. Social work professionals need to work at building cohesive, responsible and inclusive communities. A better understanding of norms and attitudes, which drives the people to resist from working for child protection,are needed to

promote social change in the best interest of the child.

In Japan, the people consider becoming a foster parent as an honor. Foster care in India, and even adoption, both the concepts remain a stigma and a private matter for the people. Leading children to get deprived of a family. Advocacy efforts, which aims to change policy and legislation (Social Security is the need of the hour, without which the rights will suffer), are needed by the social work professionals so that they will have a positive effect on Children's life. Only then, the decision-making can be made more inclusive. This can start with creating opportunities for civil society groups to take part in decision making, to address society's norms and attitudes relating to children.

### **Conclusion**

Children are the biggest asset of the society. They are the future. As the trained community, Social work practitioners and educators need to come together for removing the stigma attached with foster care in India and work towards creating a robust system for children in need of care. A system, which will not only help child in its formative years but will prepare a ground for its future involvement making society a better place to be in. Social workers needs to be at the forefront in ensuring every child equal status and rights they deserves. This can only be possible with an integrated and indigenous social work practice. Until then hopes can be kept with the civil society working and absorbing social workers for child protection.

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