

Humans failed, not laws



By Meenakshi Lekhi | Issue Date: August 26, 2018 | Updated: August 19, 2018 01:04 IST

Recently, we came across two disturbing cases of abuse of small girls in shelter homes in Muzaffarpur (Bihar) and Deoria (Uttar Pradesh). Such things bring the crude realisation that no matter what administrative and legal measures have been adopted, a lot still needs to be done on the execution front to safeguard the children. It will be naive to believe that the two institutions are the only ones that indulged in such horrific crimes. Many more shelter homes in different parts of the country might be flouting the norms, but we know nothing of them yet.

On the institutional level, we have a robust mechanism in place to safeguard the fundamental rights of children in need of care and protection, or those found in conflict with law. The National Commission for Protection of Child Rights (NCPCR) is the nodal organisation that frames guidelines for child care institutions (CCIs). The main law governing CCIs is the Juvenile Justice (Care and Protection of Children) Act, 2015. The NCPCR has, in accordance with the provisions of the act and Model Rules, 2016, prepared a comprehensive do's and don'ts list to be followed by all CCIs across the country. The act also makes it mandatory for all CCIs to get themselves registered, and requires all state governments to constitute a Juvenile Justice Board in each district.



Illustration: Bhaskaran

The board inspects CCIs, issues directions in case of lapses, suggests improvements and recommends suitable action, including against any employee found in dereliction of duty, to the district child protection unit. A comprehensive standard operating procedure (SOP) governs the administration of such shelter homes. Despite the brilliant institutional mechanism in place, we are still not able to achieve the goals these acts and SOPs mandate. There is still instances of blatant abuse of children in need of care. The problem is

not the absence of laws, but the lapses of law enforcement agencies. The reason is human. It is the human element that has failed, not the laws.

Any form of abuse is detrimental to the upbringing of children as it leaves deep emotional scars. However, sexual abuse affects them on a deeper level. Various global studies have suggested that sexual abuse results in guilt, shame, self-blame, flashbacks, nightmares, insomnia, loss of self-esteem, various forms of sexual dysfunction, depression and other forms of mental and personality disorders. It also exposes them to the risk of sexually transmitted infections, including HIV. As lawmakers, we remain proactive in responding to situations of criminality and moral crises like this. We bring new laws and strengthen existing ones, as we did to address issues like human trafficking and the right of children to compulsory education, and passed the scheduled caste/scheduled tribe amendment bill. The incidents in the shelter homes throw us a challenge as to how to strengthen the law implementation apparatus and address the issue of human failure.

These two incidents are symptomatic of a deeper malaise in society, rooted in a regressive sociopolitical structure. Moral corruption, a general inclination to disregard the rule of law and a culture of tolerance by those who matter, whether because of fear or apathy, nullify our efforts to create a society where everyone is conscious of the rights of children, women and other vulnerable sections of society, and respects them. It is time to focus on the human element in law enforcement.

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